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FEDERAL HOUSING FINANCE AGENCY

12 CFR Part 1202

RIN 2590–AA86

Freedom of Information Act Implementation

AGENCY: Federal Housing Finance Agency.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Agency (FHFA) is finalizing its interim final rule that amended its Freedom of Information Act (FOIA) regulation. The amendments to FHFA's regulation incorporate the requirements of the FOIA Improvement Act of 2016 by giving notice of the circumstances under which FHFA may extend the time limit for responding to a FOIA request due to unusual circumstance; notifying a requester of their right to seek dispute resolution services; affording a requester a minimum of 90 days to file an administrative appeal; and clarifying and updating the existing regulation. The interim final rule became effective on March 15, 2017. This final rule finalizes the interim final rule with minor revisions for consistency and clarification.

DATES: The final regulation is effective on February 9, 2018. For additional information, see **SUPPLEMENTARY INFORMATION.**

FOR FURTHER INFORMATION CONTACT: David A. Lee, Chief FOIA Officer, (202) 649–3803, or Stacy J. Easter, FOIA Officer (202) 649–3803, (not toll free numbers), Federal Housing Finance Agency, 400 Seventh Street SW, Eighth Floor, Washington, DC 20219, or *FOIA@fhfa.gov*. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION:

I. Background and the Interim Final Rule

The FOIA Improvement Act of 2016, Public Law 114–185, 130 Stat. 538 (June 30, 2016) (Act), amended the FOIA, 5 U.S.C. 552, and required agencies to review their FOIA regulations and issue certain amendments by December 27, 2016. On March 15, 2017, FHFA published an interim final rule to revise its FOIA regulation at 12 CFR part 1202 to incorporate changes made to the FOIA by the Act, and to make general updates to the regulation. *See* 82 FR 13743 (Mar. 15, 2017). The primary changes to the FOIA made by the Act include codifying the foreseeable harm standard when making a determination whether to release agency records under Exemption 5; notifying requesters of the availability of dispute resolutions services at various times throughout the FOIA process; providing a minimum of 90 days for requesters to file an administrative appeal; incorporating the new statutory restrictions on charging fees in certain circumstances, and reflecting recent developments in the case law.

The interim final rule also made general updates to the regulation to remove the FHFA–OIG individual component procedures from the body of FHFA's regulation, adding them to the newly created appendices, as well as to make clarifying technical revisions to the regulation.

The interim final rule became effective on March 15, 2017. FHFA accepted public comments, however, until May 15, 2017. This final rule finalizes the interim final rule with minor revisions for consistency and clarification.

II. Summary of Public Comments and Final Rule

The Federal Housing Finance Agency received four public comments on the interim final rule, including comments from two Federal agencies, the National Archives and Records Administration (NARA) and the Department of Justice. FHFA has given consideration to each of the comments received and has made several modifications that will be adopted in the final rule. Discussion of each of the comments and FHFA's response follows.

General Comments

One commenter suggested that FHFA's interim final rule is ''fairly vague'' without providing further comments. FHFA disagrees. FHFA's interim final rule incorporates the requirements of the FOIA Improvement Act of 2016 as well as clarifies and updates its existing FOIA regulation. As such, no changes will be made in the final rule other than those described below.

One commenter asked, ''who declares an 'unusual circumstance,' and how does he/she do so?'' The commenter also stated that, ''every agency is busy, and we cannot simply allow for such an extension with the potential for abuse.'' Because the circumstance in which an agency can invoke ''unusual circumstance'' is adequately covered in § 1202.7(g) and is in line with the FOIA, FHFA declines to address this comment.

Section 1202.2—What do the terms in this regulation mean?

One commenter suggested that the ''discretionary release'' definition is not necessary and that it could create confusion with the foreseeable harm standard. FHFA agrees and has removed this definition from the final rule.

One commenter suggested that, under the definition of ''Direct costs,'' the words ''federal records center'' or ''records center'' should be added to the NARA reference to prevent confusion in regards to the two types of records handled by NARA. FHFA has determined that including ''federal records center'' would be helpful. As such, FHFA has included this reference in the definition in the final rule.

Section 1202.4—What information is exempt from disclosure?

One commenter suggested that § 1202.4(b) should be removed because the FOIA exemptions are inherently discretionary. FHFA agrees and has removed this section from the final rule.

One commenter suggested that § 1202.4(d) should be removed or revised to include a statement on how a Vaughn index is not required during the administrative stage of processing a request. FHFA agrees and has revised this section in the final rule to state that a Vaughn index will not be provided during the administrative stage.

One commenter stated that § 1202.4(e) is ''not necessary because it simply

restates the statutory provision.'' FHFA agrees and has removed this section from the final rule.

Section 1202.5—How do I request information from FHFA under the FOIA?

One commenter suggested that § 1202.5(f) should be revised to ''may state in what form or format . . .'' because requiring a requester to state a format is unnecessary. FHFA agrees and has revised this section in the final rule.

One commenter raised concern with § 1202.5(g), which provides that all requesters agree to pay fees up to $100.00. The commenter suggested that this section should be revised to ask the requester to specify an amount, if any, that they are willing to pay but not require them to agree to pay fees up front. The commenter also suggested that FHFA add language to this section indicating that the Agency will notify requesters of any fees above $25. To conform to OMB Guidelines, FHFA agrees and has revised this section in the final rule to include the suggested language. FHFA has also revised the regulation text for clarity.

Section 1202.6—What if my request does not have all the information FHFA requires?

One commenter suggested that ''overly broad, unduly burdensome to process'' should be removed. The commenter states that both are covered under ''does not reasonably describe the records you seek.'' The commenter also suggested that ''tolling'' should be removed because it suggests that the clock has started when in fact it has not started for unperfected request. FHFA agrees and has removed ''overly broad, unduly burdensome to process'' from the final rule. FHFA has also revised the regulation text for clarity.

One commenter suggested that the deadline for clarification is short and should be extended from 15 calendar days to 30 days. Given the fact that most clarification requests are transmitted electronically, FHFA believes that 15 calendar days gives a requester sufficient time to respond. Therefore, FHFA declines to make the suggested change in the final rule.

One commenter raised concern that the wording in § 1202.6(b) could confuse a requester. The commenter suggested removing ''or if the additional information you provide is still incomplete or insufficient'' as not to confuse the requester that their request was withdrawn when in fact the request was closed. FHFA understands how this may be confusing and has revised this section in the final rule to replace ''withdrawn'' with ''closed.''

Section 1202.7—How will FHFA respond to my FOIA request?

One commenter suggested changing the search cut-off date in § 1202.7(b) from the ''date of the FOIA request'' to ''date of the search.'' FHFA declines to make the suggested change in the final rule. Using the date of the FOIA request as the cut-off date provides clarity to requesters. Further, since FHFA receives a small number of FOIA request in a given year, the timeframe from when a request is received and when a search is conducted is, in most cases, within days apart and therefore there is little to no impact on the search results.

One commenter suggested revising § 1202.7(d) to reference ''records'' that are being referred instead of ''requests.'' FHFA agrees and has revised this section in the final rule to indicate that records are being referred not the FOIA request.

One commenter suggested that language should be added addressing consultations with other agencies. FHFA agrees and has included a provision with the suggested language under § 1202.7 in the final rule.

One commenter suggested that the specific tracks in § 1202.7(g) should be deleted and that unusual circumstances should only be discussed in general terms, noting that the requirement of unusual circumstances applies regardless of the track. FHFA agrees and has removed the specific track reference from this section in the final rule.

Two commenters suggested that a reference should be added about notifying a requester of the availability of the Office of Government Information Services (OGIS) for dispute resolutions services when notice is given that a request will take longer than 30 days. FHFA agrees and has included an OGIS reference in this section in the final rule.

Section 1202.8—If the requested records contain confidential commercial information, what procedures will FHA follow?

One commenter suggested revising § 1202.8(d)(1) to remove ''confidential'' since at this point it may not be clear whether the information is confidential. FHFA agrees and has revised this section in the final rule to remove ''confidential.''

One commenter suggested that language from Executive Order 12600 is missing at § 1202.8(e)(4). FHFA agrees and has revised this section in the final rule to include ''unless the agency has substantial reason to believe that disclosure of the information would result in competitive harm.''

Section 1202.9—How do I appeal a response denying my FOIA request?

One commenter suggested that the last sentence of § 1202.9(e) be removed because there is no legal grounds to prevent a requester from filing a lawsuit. FHFA agrees and has removed the last sentence of this section in the final rule.

One commenter suggested that, in § 1202.9(g), in order to help clarify for requesters that they may engage in various types of dispute resolution approaches to resolve disputes, that the description of OGIS services should be changed from ''mediation services to resolve FOIA disputes'' to ''services to resolve FOIA disputes.'' FHFA agrees and has revised this section in the final rule.

It has also been suggested that the last sentence in § 1202.9(g) be removed because the phrase ''mediation decision'' may confuse a requesters on the role of OGIS. FHFA agrees and has removed the last sentence of this section in the final rule.

Section 1202.10—Will FHFA expedite my request or appeal?

One commenter suggested revising § 1202.10(c) by changing ''10 days'' to ''10 calendar days.'' FHFA agrees with the commenter. Ten calendar days conforms to OMB guidelines; therefore, FHFA has revised this section in the final rule.

Section 1202.11—What will it cost to get the records I requested?

One commenter suggested revising § 1202.11(d) to include notification to requesters if fees exceed $25. To conform to OMB guidelines, FHFA agrees and has included a statement regarding fee notifications in this section in the final rule. This statement has also be included in § 1202.5(g).

Section 1202.11(e) would allow FHFA to request advance payment if fees are likely to exceed a certain amount and if a requester has a history of not paying. One commenter suggested that this section was unclear. FHFA agrees and has revised the final rule to make clear in what instance it would require advance payment.

Finally, in keeping in line with OMB's most recent guidelines, FHFA has updated § 1202.11(h) and (j) of the final rule.

III. Regulatory Impacts

Paperwork Reduction Act

This final regulation does not contain any information collection requirement that requires the approval of OMB under

the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires that a regulation that has a significant economic impact on a substantial number of small entities, small businesses, or small organizations must include an initial regulatory flexibility analysis describing the regulation's impact on small entities. Such an analysis need not be undertaken if the agency has certified that the regulation does not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(b)). FHFA has considered the impact of this final regulation under the Regulatory Flexibility Act. FHFA certifies that the regulation is not likely to have a significant economic impact on a substantial number of small business entities because the regulation is applicable only to the internal operations and legal obligations of FHFA.

List of Subjects in 12 CFR Part 1202

Appeals, Confidential commercial information, Disclosure, Exemptions, Fees, Final action, Freedom of Information Act, Judicial review, Records, Requests.

Authority and Issuance

Accordingly, for the reasons stated in the Preamble, the Interim Final Rule published at 82 FR 13743 on March 15, 2017 is adopted as a final rule with the following changes:

PART 1202—FREEDOM OF INFORMATION ACT

■ 1. The authority citation for part 1202 continues to read as follows:

Authority: Pub. L. 110–289, 122 Stat. 2654; 5 U.S.C. 301, 552; 12 U.S.C. 4526; E.O. 12600, 52 FR 23781, 3 CFR, 1987 Comp., p. 235; E.O. 13392, 70 FR 75373–75377, 3 CFR, 2006 Comp., p. 216–200.

§ 1202.2 [Amended]

■ 2. Amend § 1202.2 by:
■ a. Removing the definition of ''Discretionary release'';
■ b. Adding the words ''at a Federal records center operated by the'' before the word ''National'' in the definition of ''Direct costs''; and
c. Adding a definition for ''Vaughn index'' in alphabetical order.

The addition reads as follows:

§ 1202.2 What do the terms in this regulation mean?

* * * * *

Vaughn index means an itemized index, used in litigation, correlating each withheld document (or portion) with a specific FOIA exemption and the relevant part of the agency's nondisclosure justification.

§ 1202.4 [Amended]

■ 3. Amend § 1202.4 by:
■ a. Removing paragraph (b);
■ b. Redesignating paragraphs (c) and (d) as paragraphs (b) and (c) respectively;
■ c. Revising newly redesignated paragraphs (b) and (c); and
■ d. Removing paragraph (e).

The revisions read as follows:

§ 1202.4 What information is exempt from disclosure?

* * * * *

(b) *Redacted portion.* If a requested record contains exempt information and information that can be disclosed and the portions can reasonably be segregated from each other, the disclosable portion of the record will be released to the requester after FHFA redacts the exempt portions. If it is technically feasible, FHFA will indicate the amount of the information redacted at the place in the record where the redaction is made and include a notation identifying the exemption that was applied, unless including that indication would harm an interest protected by an exemption.

(c) *Exempt and redacted material.* FHFA is not required to and will not provide a Vaughn index during the administrative stage of processing your FOIA request.

■ 4. Amend § 1202.5 by revising paragraphs (f) and (g) to read as follows:

§ 1202.5 How do I request information from FHFA under the FOIA?

* * * * *

(f) *How you want the records produced to you.* Your request may state in what form or format you want FHFA to furnish the releasable records, *e.g.,* hardcopy, or electronic.

(g) *Agreement to pay fees.* In your FOIA request you must acknowledge that you are aware of the applicable fees charged under § 1202.11, and specify an amount, if any, you are willing to pay without consultation. Your inability to pay a fee does not justify granting a fee waiver. The fact that FHFA withholds all responsive documents or does not locate any documents responsive to your request, does not mean that you are not responsible for paying applicable fees. Your FOIA request will not be considered received by FHFA until your acknowledgement of the applicable fees, in writing, is received. FHFA will notify a requester of any fees above $25.00.

* * * * *

■ 5. Amend § 1202.6 by revising the introductory text and paragraph (b) to read as follows:

§ 1202.6 What if my request does not have all the information FHFA requires?

If FHFA determines that your request does not reasonably describe the records you seek, cannot be processed for reasons related to fees, or lacks required information, you will be informed in writing why your request cannot be processed. You will be given 15 calendar days to meet all requirements. If you are notified that your request cannot be processed for the reasons cited herein, your request will be placed on hold and will not be considered as being received by FHFA for the purpose of processing your request under this part.

* * * * *

(b) If you do not respond or provide additional information within the time period allowed, or if the additional information you provide is still incomplete or insufficient, FHFA will consider your request closed and will notify you that it will not be processed.

§ 1202.7 [Amended]

■ 6. Amend § 1202.7 by:
■ a. Removing the reference ''paragraph (g)'' and adding in its place the reference ''paragraph (h)'' in paragraphs (c) introductory text and (c)(1);
■ b. Revising paragraph (d);
■ c. Redesignating paragraphs (e), (f), and (g) as paragraphs (f), (g), and (h) respectively;
■ d. Adding new paragraph (e);
■ e. Removing the words ''Standard Track'' and adding in their place the word ''statutory'' in newly redesignated paragraph (h)(1) introductory text; and
■ f. Revising newly redesignated paragraphs (f)(2) and (h)(2).

The revisions and addition read as follows:

§ 1202.7 How will FHFA respond to my FOIA request?

* * * * *

(d) *Referrals to other agencies.* If you submit a FOIA request that seeks records originating in another Federal Government agency, FHFA will refer those records, as applicable, to the other agency for a direct response. FHFA will provide you notice of the referral, what records were referred, and the name of the other agency and relevant contact information.

(e) *Consultation with other agencies.* When records originate with FHFA, but contain within them information of

interest to another agency, FHFA will consult with the other agency(ies) prior to making a determination on your request.

(f) * * *

(2) *Requests that are denied, or granted and denied in part.* If FHFA denies your request in whole or in part because a requested record does not exist or cannot be located, is not readily reproducible in the form or format you sought, is not subject to the FOIA, or is exempt from disclosure, the written response will include the requested releasable records, if any, the amount of any fees charged, the reasons for denial, and a notice and description of your right to file an administrative appeal under § 1202.9. FHFA will not provide you with a Vaughn index during the administrative stage of processing your request.

* * * * *

(h) * * *

(2) When a request requires more than 30 days to process, FHFA will make available its FOIA Public Liaison or other FOIA contact to assist you in modifying or reformulating your request. If the request cannot be modified or reformulated, FHFA will notify you regarding an alternative time period for processing the request. FHFA will also notify you of the availability of the Office of Government Information Services to provide dispute resolution service.

* * * * *

■ 7. Amend § 1202.8 by revising paragraphs (d)(1) and (e)(4) to read as follows:

§ 1202.8 If the requested records contain confidential commercial information, what procedures will FHFA follow?

* * * * *

(d) * * *

(1) A description of the commercial information requested or copies of the records or portions thereof containing the business information; and

* * * * *

(e) * * *

(4) The information requested is not designated by the submitter as confidential commercial information pursuant to this section, unless the agency has substantial reason to believe that disclosure of the information would result in competitive harm; or

* * * * *

■ 8. Amend § 1202.9 by revising paragraphs (e) and (g) to read as follows:

§ 1202.9 How do I appeal a response denying my FOIA request?

* * * * *

(e) *Notice of delayed determinations on appeal.* If FHFA cannot send a final determination on your appeal within the 20-day time limit, the designated component Appeals Officer will continue to process the appeal and upon expiration of the time limit, will inform you of the reason(s) for the delay and the date on which a determination may be expected.

* * * * *

(g) *Additional resource.* To aid the requester, the FOIA Public Liaison is available and will assist in the resolution of any disputes. Also, the National Archives and Records Administration (NARA), Office of Government Information Services (OGIS) offers non-compulsory, non-binding services to resolve FOIA disputes. If you need information regarding the OGIS and/or the services it offers, please contact OGIS directly at Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740–6001; email: *ogis@nara.gov;* phone: (202) 741–5770; toll-free: 1 (877) 684–6448; or facsimile at (202) 741–5769. This information is provided as a public service only.

§ 1202.10 [Amended]

■ 9. Amend § 1202.10 in paragraph (c) by adding the word ''calendar'' after the number ''10''.

■ 10. Amend § 1202.11 by revising paragraphs (d), (e), (h), (i), (j), and (k) to read as follows:

§ 1202.11 What will it cost to get the records I requested?

* * * * *

(d) *Notice of anticipated fees in excess of $25.00.* When FHFA determines or estimates that the fees chargeable to you will exceed $25.00, you will be notified of the actual or estimated amount of fees you will incur, unless you earlier indicated your willingness to pay fees as high as those anticipated. When you are notified that the actual or estimated fees exceed $25.00, your request will be tolled until you agree to pay, in writing, the anticipated total fee.

(e) *Advance payment of fees.* FHFA may request that you pay estimated fees or a deposit in advance of responding to your request. If FHFA requests advance payment or a deposit, your request will be tolled by FHFA until the advance payment or deposit is received. FHFA may request advance payment or a deposit if—

(1) The fees are likely to exceed $250.00;

(2) You do not have a history of payment;

(3) You previously failed to pay a FOIA fee to FHFA in a timely fashion, *i.e.,* within 30 calendar days of the date of a billing; or

(4) You have an outstanding balance due from a prior request. FHFA will require you to pay the full amount owed plus any applicable interest, as provided in paragraph (f) of this section, or demonstrate that the fee owed has been paid, as well as payment of the full amount of anticipated fees before processing your request.

* * * * *

(h) *Fee waiver requests.* You may request a fee waiver in accordance with the FOIA and this regulation. Requests for a waiver of fees must be made in writing and should be made at the time you submit your FOIA request. However, your fee waiver may be submitted at a later time so long as the underlying record request is pending or on administrative appeal. FHFA may grant your fee waiver request or a reduction of fees if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Federal Government and is not primarily in your commercial interest. In submitting a fee waiver request, you must address the following six factors—

(1) Whether the subject of the requested records concerns the operations or activities of the Federal Government. The subject of the request must concern identifiable operations or activities of the Federal Government with a connection that is direct and clear, not remote or attenuated;

(2) Whether the disclosure is likely to contribute significantly to the public understanding of Federal Government operations or activities. This factor is satisfied when the following criteria are met:

(i) Disclosure of the requested information must be meaningfully informative about government operations or activities. The disclosure of information that already is in the public domain, in either the same or a substantially identical form, would not be meaningfully informative if nothing new would be added to the public's understanding; and

(ii) The disclosure must contribute to the understanding of a reasonably broad audience of persons interested in the subject, as opposed to your individual understanding. Your expertise in the subject area as well as your ability and intention to effectively convey information to the public must be considered. FHFA will presume that a representative of the news media will satisfy this consideration.

(3) The disclosure must not be primarily in your commercial interest.

To determine whether disclosure of the requested information is primarily in your commercial interest FHFA will consider the following criteria:

(i) FHFA will determine whether you have any commercial interest that would be furthered by the requested disclosure. A commercial interest includes any commercial, trade, or profit interest. You will be given an opportunity to provide explanatory information regarding this consideration; and

(ii) If there is an identified commercial interest, FHFA will determine whether that is the primary interest furthered by the request.

(i) *Fee Waiver determination.* FHFA will notify you within 20 days of receipt of your request whether the fee waiver has been granted. Where only some of the records to be released satisfy the requirements for a waiver of fees, a waiver will be granted for those records. For those records that do not satisfy the requirements for a waiver of fees, you may be charged for those records. When you have committed to pay fees and subsequently ask for a waiver of those fees and that waiver is denied, you must pay any costs incurred up to the date the fee waiver request was received. A request for fee waiver that is denied may only be appealed when a final decision has been made on the initial FOIA request.

(j) *Restrictions on charging fees.* (1) When FHFA determines that you are an educational institution, non-commercial scientific institution, or representative of the news media, and the records are not sought for commercial use, FHFA will not charge search fees.

(2)(i) If FHFA fails to comply with the FOIA's time limits in which to respond to your request, FHFA will not charge search fees, or, in the instances of requests from requesters described in paragraph (j)(1) of this section, will not charge duplication fees, except as described in paragraphs (j)(2)(ii) through (iv) of this section.

(ii) If FHFA has determined that unusual circumstances as defined by the FOIA apply and FHFA has provided timely written notice to you in accordance with the FOIA, FHFA's failure to comply with the time limit will be excused for an additional 10 days.

(iii) If FHFA determines that unusual circumstances, as defined by the FOIA, apply and more than 5,000 pages are necessary to respond to your request, FHFA may charge search fees, or, in the case of a requester described in paragraph (j)(1) of this section, may charge duplication fees, if the following steps are taken. FHFA must have provided timely written notice of unusual circumstances to you in accordance with the FOIA and FHFA must have discussed with you via written mail, email, or telephone (or made not less than three good-faith attempts to do so) how you could effectively limit the scope of your request in accordance with 5 U.S.C. 552(a)(6)(B)(ii). If this exception is satisfied, FHFA may charge all applicable fees incurred in the processing of the request.

(iv) If a court has determined that exceptional circumstances exist, as defined by the FOIA, a failure to comply with the time limits shall be excused for the length of time provided by the court order.

(3) No search or review fees will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(4) If you seek records for a commercial use, FHFA will provide without charge:

(i) The first 100 pages of duplication (or the cost equivalent for other media); and

(ii) The first two hours of search.

(5) No fee will be charged when the total fee, after deducting the 100 free pages (or its cost equivalent) and the first two hours of search, is equal to or less than $25.00.

(k) *Additional resource.* The FOIA Public Liaison or other FOIA contact is available to assist you in modifying or reformulating a request to meet your needs at a lower cost. FHFA will also notify you of the availability of OGIS to provide dispute resolution service.

* * * * *

Appendix A to Part 1202 [Amended]

■ 11. Amend Appendix A to Part 1202:

■ a. In paragraph 2 by adding the word ''only'' after the word ''Headquarters'' and adding the language ''on FHFA's public website'' after the word ''located''; and

■ b. In paragraphs 3 and 4 by removing the comma before the website hyperlink text and adding in its place ''. You can find additional information on FHFA's FOIA program at''.

Dated: January 30, 2018.

Melvin L. Watt,

Director, Federal Housing Finance Agency.

[FR Doc. 2018–02338 Filed 2–8–18; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0630; Product Identifier 2017–NM–058–AD; Amendment 39–19173; AD 2018–02–20]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for certain The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. This AD was prompted by reports of corrosion in the aft fuselage. This AD requires a one-time review of the operator's maintenance procedures, repetitive detailed internal and external inspections for corrosion or cracking, and applicable on-condition actions. This AD also includes an optional terminating action for the inspections. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 16, 2018.

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

ADDRESSES: For service information identified in this final rule, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone: 562–797–1717; internet: *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0630.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0630; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The address for the

Docket Office (phone: 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Eric Lin, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW, Renton, WA 98057–3356; phone: 425–917–6412; fax: 425–917–6590; email: *eric.lin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. The NPRM published in the **Federal Register** on July 14, 2017 (82 FR 32507). The NPRM was prompted by reports of corrosion in the aft fuselage. The NPRM proposed to require a one-time review of the operator's maintenance procedures, repetitive detailed internal and external inspections for corrosion or cracking, and applicable on-condition actions. The NPRM also included an optional terminating action for the inspections.

We are issuing this AD to detect and correct untreated vacuum waste system spills or leaks, which could cause corrosion of the airplane structure, which could lead to fatigue cracks, and could ultimately result in rapid decompression and loss of structural integrity.

Comments

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

Support for the NPRM

Boeing expressed its support for the NPRM.

Request To Extend the Inspection Compliance Time

Cathay Pacific expressed concern that it would not be able to demonstrate that it has performed an acceptable records review, which is required to demonstrate that all prior vacuum waste system spills or leaks were cleaned and neutralized using the acceptable procedure. Cathay Pacific noted that some airplanes in its fleet have been in service for more than 20 years, so an older record could easily be missed when doing this review. Cathay Pacific stated that because of this concern, it has opted to treat all airplanes as having inadequate records and perform inspections on them. Cathay Pacific stated that the applicable inspection compliance times do not allow waiting for the next scheduled maintenance check, leading to additional downtime.

We infer that Cathay Pacific is requesting that we extend the compliance time for the initial and repetitive inspections. We disagree with the commenter's request. We have determined that the compliance times specified in this AD are necessary to address the identified unsafe condition. However, under the provisions of paragraph (j) of this AD, we will consider requests for approval of an alternative method of compliance (AMOC), including extension of the compliance times, if sufficient data is submitted to substantiate that a different compliance time will provide an acceptable level of safety. We have not changed this AD in this regard.

Request To Extend the Compliance Times for Certain Airplanes

United Airlines (UAL) and Air France (AF) requested that we revise the compliance times for airplanes on which certain inspections have been done. UAL requested that the compliance time be extended for airplanes on which corrosion prevention and control program (CPCP) inspections have already been done. UAL noted that many operators have proven corrosion control programs that do not have corrosion findings greater than CPCP level 1, which mitigates the corrosion risk factor. UAL suggested that the initial inspection compliance time be extended for airplanes on which maintenance records show that no corrosion findings greater than CPCP level 1 have occurred in the inspection area in the 10 years prior to the effective date of the AD.

AF requested that the compliance times be extended for airplanes on which maintenance planning document (MPD) inspections have been done. AF noted that existing MPD items require general visual inspections of certain areas below the aft and bulk cargo compartment floor panels. AF stated that because the majority of its fleet has already been inspected under the MPD items, the compliance times in the NPRM are too restrictive. AF noted that the initial compliance times cannot be accommodated into its 777 C or heavy checks interval. AF suggested compliance times based on the number of days since the date of issuance of the original airworthiness certificate or date of issuance of the original export certificate of airworthiness instead of days after the effective date of the AD as specified in the proposed AD.

We disagree with the commenters' requests to extend the compliance times. The CPCP has three different levels of corrosion damage, as defined within the MPD, based on the severity and frequency of corrosion findings and requires operators to adjust their individual programs to limit corrosion findings to level 1 if they have level 2 or higher findings. However, operators have reported finding recurring corrosion damage in-between scheduled CPCP or MPD inspections that was due to untreated vacuum waste system residue. Additionally, we have reviewed the existing MPD inspections and have determined that the MPD inspections do not repeat at adequate intervals to address the unsafe condition. The determinations of the unsafe condition, mitigating actions, and compliance times were coordinated with the manufacturer. Under the provisions of paragraph (j) of this AD, we will consider requests for approval of AMOCs, including extensions of the compliance times, if sufficient data, such as an operator's individual CPCP and practices for treating vacuum waste system residue, is submitted to substantiate that a different compliance time will provide an acceptable level of safety. We have not changed this AD in this regard.

Request To Allow the Use of a Different Sodium Bicarbonate Compound

Japan Airlines (JAL) and AF requested that we revise the NPRM to allow the use of a different sodium bicarbonate compound than the ASTM D928 specified in Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017. JAL noted it had difficulty finding the specified sodium bicarbonate compound, but could find an equivalent product. AF noted that is has a corresponding product.

We partially agree with the commenters' request. We agree that an equivalent sodium bicarbonate compound is acceptable. Boeing has issued Boeing Information Notice 777–53A0083 IN 01, dated September 1, 2017, to clarify that a commercially available sodium bicarbonate compound is acceptable for compliance. However, we do not agree to revise this AD because it does not require the use of ASTM D928 sodium bicarbonate compound. As indicated in the Accomplishment Instructions and Figure 2 of Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, sodium bicarbonate must be used, but a specific compound type is not identified.

Request To Define a Neutral pH

American Airlines (AAL) requested that we revise the NPRM to define a neutral pH as one that has a value between 6.5 and 8.5, to account for natural variations in tap water. AAL stated that the NPRM does not define a tolerance from the common definition of neutral pH, which is a pH of 7.

We disagree with the commenter's request. Paragraph 3.A., General Information, Note 19, of Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, defines neutralization as making the vacuum waste system spill or leak contents non-acidic or non-corrosive. No specific pH value is defined in the service information or required by this AD. Therefore, operators can include tolerances for a neutral pH. One way for operators to account for pH variances of their local clean water supply is to measure the pH level of their clean water supply in order to establish a baseline pH level, that can then be used to compare against samples taken from the fuselage structure. We have not changed this AD in this regard.

Request To Define a Standard Litmus Paper

AAL and Cathay Pacific requested that we revise the NPRM to define a standard part number for the litmus paper to use in determining if the acid is neutralized. AAL noted that the NPRM does not specify a resolution or range for the litmus paper. Cathay Pacific claimed that because Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, does not list a specific litmus paper, the instruction to ''use litmus paper'' is ambiguous and operators would not be able to determine if an acceptable litmus paper is used.

We disagree with the commenters' request. Litmus paper is a commonly available tool. Accomplishing the cleaning and neutralization steps in Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, does not specify the use of a specific brand or type of litmus paper. We have not changed this AD in this regard.

Request To Define the Location and Quantity of Litmus Paper Testing Points

AAL and Cathay Pacific requested that we revise the NPRM to define the locations where litmus paper testing must be done, as well as the number of samples that must be taken. AAL pointed out that the structural features that must be chemically neutralized are specified in Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, while the litmus paper testing spots are not. Cathay Pacific suggested that Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, implies that operators should do litmus paper testing on all the structural features in the inspection and neutralization area, but stated it does not believe this is the intent.

We agree to provide clarification on the number and location of litmus paper testing spots and confirm that paragraph (i) of this AD does not require testing with litmus paper at all structural features in the neutralization area. However, we do not agree that it is necessary to provide a specific number of samples or testing locations. The objective of the litmus paper testing is to verify that there are no remaining acidic or corrosive substances on the structure. The appropriate level of testing may vary between airplanes depending on factors such as maintenance records, previous spills or leaks, or repairs that obstruct access. Samples should be tested at enough locations within the affected area of the structure for the operator to determine that there are no residual acidic or corrosive contents on primary structural elements in the inspection area, including any locations where the sodium bicarbonate solution visibly reacted when applied, which indicates the presence of acidic or corrosive substances, and any locations where there are signs of corrosion damage. We have not changed this AD in this regard.

Request To Allow the Use of Alternative Corrosion Inhibiting Compounds

AAL requested that we allow the use of alternative corrosion inhibiting compounds (which are applied to the cleaned and neutralized areas as part of the required restoration) as specified in Boeing Aircraft Maintenance Manual (AMM) Task 51–05–01–210–803. AAL noted that Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, specifies BMS3–29 compound and does not allow the use of alternative compounds.

We agree with the commenter's request. Boeing AMM Task 51–05–01–210–803 specifies the application of a single coat of water displacing/anti-corrosion compound BMS3–29 or BMS3–35 at a minimum, with an option to layer different compounds in areas with high potential for severe corrosion. We have added paragraph (h)(3) of this AD to specify acceptable alternative corrosion inhibiting compounds.

Request To Update the Costs of Compliance

Cathay Pacific requested that we update the work-hours estimate for cleaning and neutralization in the NPRM. Cathay Pacific stated that the area to be neutralized covers 13 frames and 15 stringers, so it will require more work-hours to complete this task.

We disagree with the commenter's request. The work-hours estimate is determined by Boeing and provided for informational and planning purposes only. In addition, Cathay Pacific did not provide any alternative estimates for the work-hours. We have not changed this AD in this regard.

Conclusion

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

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

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

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017. The service information describes procedures for a one-time review of the operator's maintenance procedures, repetitive detailed internal and external inspections for corrosion or cracking, cleaning and neutralization of the internal inspection area (an optional terminating action), and applicable on-condition actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

We estimate that this AD affects 161 airplanes of U.S. registry. The cost to review an operator's maintenance procedures varies depending on the operator's recordkeeping system and fleet size so we did not include a specific estimate for that action. We estimate the following costs to comply with the remaining actions of this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	75 work-hours × $85 per hour = $6,375 per inspection cycle.	$0	$6,375 per inspection cycle	$1,026,375 per inspection cycle.

ESTIMATED COSTS FOR OPTIONAL TERMINATING ACTIONS

Action	Labor cost	Parts cost	Cost per product
Cleaning and neutralization	30 work-hours × $85 per hour = $2,550	$0	$2,550

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–02–20 The Boeing Company: Amendment 39–19173; Docket No. FAA–2017–0630; Product Identifier 2017–NM–058–AD.

(a) Effective Date

This AD is effective March 16, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes, certificated in any category, as identified in Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of corrosion in the aft fuselage. We are issuing this AD to detect and correct untreated vacuum waste system spills or leaks, which could cause corrosion of the airplane structure, which could lead to fatigue cracks, and could ultimately result in rapid decompression and loss of structural integrity.

(f) Compliance

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

(g) Required Actions

Except as required by paragraphs (h)(1) through (h)(3) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017.

(h) Exceptions To Service Information Specifications

(1) Where Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, uses the phrase ''after the original issue date of this service bulletin,'' for purposes of determining compliance with the requirements of this AD, the phrase ''after the effective date of this AD'' must be used.

(2) Where Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, specifies contacting Boeing, and specifies that action as RC: This AD requires using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(3) Where Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, specifies to apply corrosion inhibiting compound BMS3–29 to the cleaned and neutralized area, and specifies that action as RC: This AD allows operators to apply BMS3–29, BMS3–35, or a base coat of BMS3–29 or BMS3–35 with a top coat of BMS3–26.

(i) Optional Terminating Action for Repetitive Inspections

Accomplishment of ''PART 5: CLEANING AND NEUTRALIZATION,'' as specified in the Accomplishment Instructions of Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017, terminates the repetitive inspections required by paragraph (g) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraphs (h)(2) and (h)(3) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

For more information about this AD, contact Eric Lin, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW, Renton, WA 98057–3356; phone: 425–917–6412; fax: 425–917–6590; email: *eric.lin@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Service Bulletin 777–53A0083, dated April 20, 2017.

(ii) Reserved.

(3) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone: 562–797–1717; internet: *https://www.myboeingfleet.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on January 19, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–01807 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–0713; Product Identifier 2016–NM–199–AD; Amendment 39–19170; AD 2018–02–17]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: We are superseding Airworthiness Directive (AD) 2012–12–12 and AD 2013–16–26, which applied to all Airbus Model A330–200, A330–200 Freighter, A330–300, A340–200, and A340–300 series airplanes. AD 2012–12–12 required repetitive inspections of the outer skin rivets of the cargo doors, repair if necessary, and other repetitive inspections. AD 2013–16–26 required repetitive inspections of certain cargo doors, and repair if necessary. This new AD continues to require repetitive inspections, and repair if necessary. This new AD revises the applicability; adds a one-time inspection and adjustment of certain hook gaps; reinforcement of the door frame structure; related investigative and corrective actions if necessary; and a modification, which allows deferring reinforcement of the cargo door structure. This AD was prompted by a determination that a new inspection procedure is necessary to address the unsafe condition. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 16, 2018. The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 16, 2018.

ADDRESSES: For service information identified in this final rule, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0713.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0713; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The address for the Docket Office (telephone 800–647–5527) is Docket Management Facility, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2012–12–12, Amendment 39–17092 (77 FR 37797, June 25, 2012) (''AD 2012–12–12''); and AD 2013–16–26, Amendment 39–17564 (78 FR 53640, August 30, 2013) (''AD 2013–16–26''). AD 2012–12–12 and AD 2013–16–26 applied to all Airbus Model A330–200 series airplanes, Model A330–200 Freighter series airplanes, Model A330–300 series airplanes, Model A340–200 series airplanes, and Model A340–300 series airplanes. The NPRM published in the **Federal Register** on August 10, 2017 (82 FR 37360). The NPRM was prompted by a determination that a new inspection procedure is necessary to address the unsafe condition. The NPRM proposed to continue to require repetitive inspections, and repair if necessary. The NPRM also proposed to add a one-time inspection and adjustment of certain hook gaps; reinforcement of the door frame structure; related investigative and corrective actions if necessary; and a modification, which would allow deferring reinforcement of the cargo door structure. We are issuing this AD to detect and correct cracked or ruptured cargo door frames, which could result in reduced structural integrity of the forward or aft cargo door.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2016–0188, dated September 21, 2016; corrected September 22, 2016 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''); to correct an unsafe condition for certain Airbus Model A330–200 and –300 series airplanes; Model A330–200 Freighter series airplanes; and Model A340–200, –300, –500, and –600 series airplanes. The MCAI states:

> Several cases of cracked forward (FWD) and aft (AFT) cargo door frames, as well as loose, lost, or sheared rivets, have been reported by operators. Investigation showed that these findings are due to the low margins with respect to fatigue requirements for the AFT/FWD cargo door internal structure. Further analysis determined that the cargo door hook adjustment is a contributing factor to this issue. In case of a cracked or ruptured (FWD or AFT) cargo door frame, the loads will be transferred to the remaining structural elements. However, the secondary load path is able to sustain those loads only for a limited number of flight cycles (FC).
>
> This condition, if not detected and corrected, could lead to rupture of adjacent vertical frames and consequent reduced structural integrity of the FWD or AFT cargo door, possibly resulting in a cargo door failure, decompression of the aeroplane and injury to occupants.
>
> To initially address this potential unsafe condition, Airbus issued Service Bulletin (SB) A330–52–3043 and SB A340–52–4053 and, consequently, DGAC [Direction Générale de l'Aviation Civile] France issued AD 2001–124(B) and AD 2001–126(B), requiring a special detailed inspection of A330 and A340 AFT cargo doors. Since those [DGAC] ADs were issued, prompted by new occurrences, Airbus issued Alert Operators Transmission (AOT) A330–52A3085, AOT A340–52A4092, AOT A330–52A3084, AOT A340–52A4091, AOT A330–A52L003–12, AOT 340–A52L004–12, AOT A330–A52L001–12 and AOT A340–A52L002–12, providing instructions to inspect the affected areas of both FWD and AFT cargo doors.
>
> Consequently, EASA issued AD 2011–0007 (later revised) [which corresponds to FAA AD 2012–12–12], and AD 2012–0274 [which corresponds to FAA AD 2013–16–26], to require repetitive detailed visual inspections of AFT and FWD cargo doors at specific frames and outer skin at all frame fork ends. Since these EASA ADs were issued, Airbus published SB A330–52–3087, SB A330–52–3095, SB A340–52–4095, SB A340–52–4101, SB A340–52–5020 and SB A340–52–5023, which took over the instructions of the above mentioned AOTs, and introduced revised thresholds and intervals. In addition, the inspection program was expanded to A340–500/–600 aeroplanes. Taking into account experience from inspections accomplished in accordance with the applicable Airbus SBs at original issue (listed above), Airbus issued Revision 01 of these SBs.
>
> Consequently, EASA issued AD 2015–0192, which superseded EASA AD 2011–0007R1 and EASA AD 2012–0274, to require for each FWD and AFT cargo door, a one-time inspection/adjustment of the hook gaps ''U'' and ''V'', repetitive detailed inspections (DET) of all frame fork areas, frame head areas and outer skin areas to detect cracks or loose/sheared/missing fasteners, and, depending on findings, accomplishment of applicable corrective action(s). In addition, EASA AD 2015–0192 expanded the Applicability to Airbus A340–500/–600 aeroplanes.
>
> Since EASA AD 2015–0192 was issued, Airbus published Revision 02 of the inspection SBs, introducing high-frequency eddy-current inspection method for the frame forks structure. Airbus also determined that the interval for these repetitive inspections could be increased. In addition, Airbus released some modifications (mod) introducing reinforcements to the cargo door structure improving the fatigue characteristics. These modifications and associated SBs constitute terminating action for the required repetitive inspections. Furthermore, Airbus also published other SBs, introducing cold working after oversizing of the fastener holes as a means for structural reinforcement. Accomplishment of these SBs allows postponement of the required Point of Embodiment (Structural Modification Point) for the structural reinforcement modification SBs which terminate the repetitive inspection requirement.
>
> For the reasons described above, this [EASA] AD partially retains the requirements of EASA AD 2015–0192, which is superseded, and requires for each FWD and AFT cargo door initial and repetitive special detailed inspections (SDI) of all frame fork areas and detailed inspections (DET) of frame head areas and outer skin areas, and a one-time inspection/adjustment of the hook gaps ''U'' and ''V'' and, depending on findings, the accomplishment of applicable corrective action(s). Additionally, this [EASA] AD requires reinforcement of the cargo door frame structure, while accomplishment of a cold working modification allows to defer the reinforcement of the cargo door structure.
>
> It should be noted that additional inspections exist for the cargo doors, as specified in Airbus A330 ALS [Airworthiness Limitation Section] Part 2 task 523211–02–01 and task 523211–02–02, and in Airbus A340 ALS Part 2 Task 523211–02–01.
>
> This [EASA] AD is re-published to correct typographical errors when referencing Airbus SB A340–52–4118.

Related investigative actions include detailed inspections and high frequency non-destructive test inspections. Corrective actions include reaming holes, bushing holes, replacing affected parts, and repairing cracks. Additional work includes a one-time inspection of the ''U'' and ''V'' hook gaps, and, if necessary, an adjustment of the hook gaps.

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0713.

Comments

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

Request To Allow Alternative Fastener

American Airlines (AAL) asked that we allow use of an alternative fastener when doing repairs of the cargo doors. AAL stated that paragraph (l) of the proposed AD allows credit for aft cargo doors inspected in accordance with Airbus Service Bulletin A330–52–3095, Revision 01, dated July 28, 2014. AAL noted that this service information could not be accomplished due to the non-availability of fasteners having part number ''ANSA2657'' that are necessary to repair findings in the door beam 1 and 4 areas of the aft cargo door. AAL added that, as a result of this parts issue, Airbus provided Technical Advisory (TA) Reference 80016786/003/2014, Issue 03, for all affected A330 operators, which allows using an alternative HST11 series fastener; Airbus also issued Operators Information Transmission SBIT–15–0085, dated

October 9, 2015, to identify this substitution and AALs compliance paperwork was written with this deviation added. AAL asked that this deviation to Airbus Service Bulletin A330–52–3095, Revision 01, dated July 28, 2014, be acceptable for compliance with the proposed AD.

We agree with the commenter's request for the reasons provided. However, AAL transposed the part number in their comment, the correct part number is ASNA2657. We have added paragraph (s)(5) to this AD to include this exception.

Request To Revise Terminating Action Requirements

Delta Airlines (DAL) asked that the terminating actions specified in paragraphs (j), (n), and (o) of the proposed AD be revised. DAL stated that the actions in those paragraphs specify that doing the modification constitutes terminating action for the repetitive inspections. DAL noted that this implies that an operator must do the initial inspection prior to or concurrently with the initial requirements; and if the modification is done prior to the repetitive requirements that action would not comply with the requirements. DAL added that the terminating action should be for both the initial and repetitive inspections.

We agree with the commenter's request because the intent of the terminating modification is to terminate all inspections. Although the EASA AD also specifies that the terminating action is for repetitive inspections, EASA confirmed that it applies to all inspections. Therefore, we have revised paragraphs (j), (n), and (o) of this AD to include the initial inspection as terminated actions.

Request To Include a No-Reporting Provision

DAL asked that a paragraph that specifically addresses that there are no reporting requirements for the inspections be included in the proposed AD. DAL stated that there are reporting instructions within the ''RC'' (Required for Compliance) Accomplishment Instructions in Airbus Service Bulletin A330–52–3087, Revision 02, including Appendix 01, dated February 18, 2016; and Airbus Service Bulletin A330–52–3095, Revision 02, including Appendices 01 and 02, dated February 19, 2016. DAL noted that operators must request an alternative method of compliance if they deviate from an RC task, so a no-reporting paragraph in the proposed AD would clarify that reporting would not be required by the proposed AD.

We agree with the commenter's request because the terminating action will eliminate the unsafe condition, so reporting areas of difficulty during accomplishment of the required inspections is not necessary. We have added paragraph (r) to this AD to include a no-reporting requirement, and re-redesignated subsequent paragraphs accordingly.

Request To Revise Heading

Delta requested that we revise the heading for paragraph (m) of the proposed AD by removing ''For Pre-modified airplanes.'' Delta stated that paragraph (m) specifies it pertains to the modification of pre-modified airplanes. Paragraph (n) of the proposed AD specifies that accomplishing (m)(1) or (m)(3) serves as terminating action for pre-modified airplanes. However, for post-modified airplanes, paragraph (o) of the proposed AD states that paragraphs (m)(1)(i) thru (m)(1)(vi) of the proposed AD serve as terminating action—therefore, paragraph (m) serves as terminating for both pre- and modified airplanes. Delta therefore requested that we revise the heading to remove ''for pre-modified airplanes''

We agree to clarify the heading to paragraph (m) of this AD. We acknowledge that the actions for the modification accomplished by the service information in paragraph (m)(l)(i) through (m)(1)(iv) of this AD are terminating actions to the inspections required by paragraph (l)(1) and (l)(2) of this AD when accomplished on a pre- or post-modified airplane. However, the actions for the modification accomplished by the service information in paragraph (m)(1)(i) through (m)(1)(iv) of this AD are optional for post-modified airplanes, whereas, these actions are required for pre-modified airplanes. Furthermore, the requirements of paragraph (m)(2) and (m)(3) of this AD are not applicable to post-modified airplanes. For these reasons, the heading of paragraph (m) of this AD is stated as ''Modification for Pre-Modification Airplanes.'' We have not changed this AD in this regard.

Request To Specify Modification Locations

DAL asked that the word ''aft'' be included in the header for paragraph (k) of the proposed AD. DAL stated that this would clarify that the actions in that paragraph apply only to the aft cargo door modification. DAL added that it would also align with the headers for paragraphs (k) and (l) of the proposed AD.

DAL also asked that the word ''aft'' be added to the first sentence in paragraph (n) of the proposed AD. DAL stated that this would clarify that the actions in that paragraph apply only to pre-modified aft cargo doors.

In addition, DAL asked that the header for paragraph (n) of the proposed AD be revised from ''Aft Cargo Door Terminating Action'' to include ''pre-modified airplanes'' in the header. DAL stated that this would clarify that the requirements in that paragraph apply only to pre-modified aft cargo doors.

We agree with the commenter's requests to include the word ''aft'' in the header for paragraph (k) and the first sentence of paragraph (n) of this AD for the reasons provided. We have included the word ''aft'' in the subject language for clarification.

We agree to change the header for paragraph (n) of this AD. That header for that paragraph merely gives information about the content of the paragraph. We have changed the header for paragraph (n) of this AD accordingly.

Request To Provide Credit for Certain Actions

AAL asked that paragraphs (h)(2) and (l)(2) of the proposed AD be revised to provide credit for previously accomplishing the check of the forward and aft cargo door hook gaps, in accordance with Airbus Service Bulletin A330–52–3087, Revision 01, dated July 9, 2014; or Airbus Service Bulletin A330–52–3095, Revision 01, dated July 28, 2014. AAL stated that it accomplished the check in accordance with the referenced service information.

We agree with the commenter's request. However, paragraphs (s)(2) and (s)(4) of this AD already provide the requested credit. Therefore, we have not changed this AD in this regard.

Conclusion

We reviewed the available data, including the comments received, and determined that air safety and the public interest require adopting this AD with the changes described previously, and minor editorial changes. We have determined that these changes:

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

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

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information.

The following service information describes procedures for inspecting and repairing the frame fork area at beam 4 and frame head area at beam 1 from frame 20B to frame 25 of the forward cargo door, and adjusting the hook gaps ''U'' and ''V.'' This service information is distinct since it applies to different airplane models.

- Service Bulletin A330–52–3087, Revision 02, including Appendix 01, dated February 18, 2016.
- Service Bulletin A340–52–4095, Revision 02, including Appendix 01, dated November 29, 2015.
- Service Bulletin A340–52–5020, Revision 02, including Appendices 01 and 02, dated November 27, 2015.

The following service information describes procedures for modifying the frame fork area at beam 4 and frame head area at beam 1 from frame 20B to frame 25 of the forward cargo door frame. This service information is distinct since it applies to different airplane models and configurations.

- Service Bulletin A330–52–3105, dated February 24, 2016.
- Service Bulletin A330–52–3110, dated February 15, 2016.
- Service Bulletin A330–52–3111, dated February 15, 2016.
- Service Bulletin A340–52–4108, dated February 15, 2016.
- Service Bulletin A340–52–4113, dated February 15, 2016.
- Service Bulletin A340–52–4114, dated February 15, 2016.

The following service information describes procedures for modifying the fastener holes in the forward cargo door frame structure by cold working and changing the fastener type and size. This service information is distinct since it applies to different airplane models and configurations.

- Service Bulletin A330–52–3116, dated April 20, 2016.
- Service Bulletin A330–52–3117, dated April 20, 2016.
- Service Bulletin A330–52–3118, dated April 20, 2016.
- Service Bulletin A340–52–4119, dated April 20, 2016.
- Service Bulletin A340–52–4120, dated April 20, 2016.
- Service Bulletin A340–52–4121, dated April 20, 2016.

The following service information describes procedures for inspecting the frame fork area at beam 4 and frame head area at beam 1 of the aft cargo door from frame 60 to frame 64A, adjusting the hook gaps ''U'' and ''V,'' and doing corrective actions. This service information is distinct since it applies to different airplane models and configurations.

- Service Bulletin A330–52–3095, Revision 02, including Appendices 01 and 02, dated February 19, 2016.
- Service Bulletin A340–52–4101, Revision 02, including Appendices 01 and 02, dated November 27, 2015.
- Service Bulletin A340–52–5023, Revision 02, including Appendices 01 and 02, dated November 27, 2015.

The following service information describes procedures for modifying the frame fork and head of the aft cargo door frame from frame 59A to frame 65. This service information is distinct since it applies to different airplane models and configurations.

- Service Bulletin A330–52–3106, dated February 24, 2016.
- Service Bulletin A330–52–3112, dated February 24, 2016.
- Service Bulletin A330–52–3113, dated February 15, 2016.
- Service Bulletin A330–52–3114, dated February 15, 2016.
- Service Bulletin A340–52–4109, dated February 25, 2016.
- Service Bulletin A340–52–4115, dated February 19, 2016.

The following service information describes procedures for modifying the fastener holes in the aft cargo door frame structure by cold working and changing the fastener type and size. This service information is distinct since it applies to different airplane models.

- Service Bulletin A330–52–3115, dated April 20, 2016.
- Service Bulletin A340–52–4118, dated April 20, 2016.

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

Costs of Compliance

We estimate that this AD affects 73 airplanes of U.S. registry.

We estimate that it takes up to 888 work-hours per product to comply with the basic requirements of this AD. The average labor rate is $85 per work-hour. Required parts will cost up to $126,420 per product. Based on these figures, we estimate the cost of this AD on U.S. operators to be up to $14,738,700, or up to $201,900 per product.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator,

the FAA amends 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:
■ a. Removing Airworthiness Directive (AD) 2012–12–12, Amendment 39–17092 (77 FR 37797, June 25, 2012); and AD 2013–16–26, Amendment 39–17564 (78 FR 53640, August 30, 2013); and
■ b. Adding the following new AD:

2018–02–17 Airbus: Amendment 39–19170; Docket No. FAA–2017–0713; Product Identifier 2016–NM–199–AD.

(a) Effective Date

This AD is effective March 16, 2018.

(b) Affected ADs

This AD replaces AD 2012–12–12, Amendment 39–17092 (77 FR 37797, June 25, 2012); and AD 2013–16–26, Amendment 39–17564 (78 FR 53640, August 30, 2013).

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) and (c)(2) of this AD, certified in any category, all manufacturer serial numbers, except those on which Airbus Modification 202702 and Modification 202790 have been embodied in production; and the Airbus airplanes identified in paragraphs (c)(3) through (c)(5) of this AD, certified in any category, all manufacturer serial numbers.

(1) Model A330–201, –202, –203, –223, –223F, –243, and –243F airplanes.

(2) Model A330–301, –302, –303, –321, –322, –323, –341, –342, and –343 airplanes.

(3) Model A340–211, –212, and –213 airplanes.

(4) Model A340–311, –312, and –313 airplanes.

(5) Model A340–541 and –642 airplanes.

(d) Subject

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

(e) Reason

This AD was prompted by reports of cracked forward and aft cargo door frames, and loose, missing, or sheared rivets. We are issuing this AD to detect and correct cracked or ruptured cargo door frames, which could result in reduced structural integrity of the forward or aft cargo door.

(f) Compliance

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

(g) Affected Cargo Doors

For the purpose of this AD, the affected cargo doors are pre-modification 202702 (forward cargo door) and pre-modification 202790 (aft cargo door), and are listed by part number (P/N) in the applicable service information identified in paragraph (h)(1) or (l)(1) of this AD. For post-modification doors, which are not affected by this AD, the P/Ns are identified as F52370900XXX (forward cargo door) and F52372315XXX (aft cargo door), where ''XXX'' can be a combination of any three numerical digits.

(h) Forward Cargo Door Repetitive Inspections

(1) Before exceeding 5,300 total flight cycles since first installation of the forward cargo door on an airplane, or within the applicable compliance time specified in table 1 to paragraph (h)(1) of this AD, whichever occurs later, except as specified in paragraph (q) of this AD: Do all applicable detailed and high frequency eddy current (HFEC) inspections of all frame fork areas, frame head areas, and outer skin areas of each affected forward cargo door, as applicable; in accordance with the Accomplishment Instructions of the applicable service information specified in paragraph (h)(1)(i), (h)(1)(ii), or (h)(1)(iii) of this AD. Do all applicable related investigative actions and corrective actions before further flight in accordance with the Accomplishment Instructions of the applicable service information specified in paragraph (h)(1)(i), (h)(1)(ii), or (h)(1)(iii) of this AD, except as required by paragraph (p) of this AD. Repeat the applicable inspections of the frame fork areas, frame head areas, and outer skin areas of each affected forward cargo door thereafter at intervals not to exceed 1,400 flight cycles.

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Table 1 to paragraph (h)(1) of this AD – *Forward Cargo Door Inspection Compliance Time*

Airplane Condition (on the effective date of this AD)	Compliance Time
Inspected only as specified in Airbus Alert Operator Transmission (AOT) A330-52A3085 or AOT A340-52A4092, as applicable	Within 1,100 flight cycles after the last inspection, but without exceeding 10,600 flight cycles since first installation of the forward cargo door on an airplane
Inspected as specified in Airbus AOT A330-52A3085 and as specified in AOT A330-A52L003-12, and the last inspection was accomplished as specified in AOT A330-A52L003-12	Within 1,100 flight cycles after the last inspection as specified in AOT A330-52A3085
Inspected as specified in Airbus AOT A330-52A3085 and as specified in AOT A330-A52L003-12, and the last inspection was accomplished as specified in AOT A330-52A3085	Within 1,100 flight cycles after the last inspection as specified in AOT A330-A52L003-12
Inspected as specified in Airbus AOT A340-52A4092 and as specified in AOT A340-A52L004-12, and the last inspection was accomplished as specified in AOT A340-A52L004-12	Within 1,100 flight cycles after the last inspection as specified in AOT A340-52A4092
Inspected as specified in Airbus AOT A340-52A4092 and as specified in AOT A340-A52L004-12, and the last inspection was accomplished as specified in AOT A340-52A4092	Within 1,100 flight cycles after the last inspection as specified in AOT A340-A52L004-12
Inspected as specified in the original issue of Airbus Service Bulletin (SB) A330-52-3087, or SB A340-52-4095, or SB A340-52-5020, as applicable	There is no compliance time for the initial inspection in paragraph (h)(1) of this AD for these airplanes, provided these airplanes comply with the actions specified paragraph (r)(1) of this AD.
Inspected as specified in Revision 01 of Airbus SB A330-52-3087, or SB A340-52-4095, or SB A340-52-5020, as applicable	There is no compliance time for the initial inspection in paragraph (h)(1) of this AD for these airplanes, provided these airplanes comply with the actions specified in paragraph (r)(2) of this AD.

Airplane Condition (on the effective date of this AD)	Compliance Time
Inspected as specified in Revision 02 of Airbus SB A330-52-3087, or SB A340-52-4095, or SB A340-52-5020, as applicable	Within 1,400 flight cycles after the last inspection, but without exceeding 5,300 total flight cycles since first installation of the forward cargo door on an airplane
Never inspected	Within 1,100 flight cycles after the effective date of this AD, but without exceeding 6,400 flight cycles since first installation of the forward cargo door on an airplane

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(i) Airbus Service Bulletin A330–52–3087, Revision 02, including Appendix 01, dated February 18, 2016 (''SB A330–52–3087, R02'').

(ii) Airbus Service Bulletin A340–52–4095, Revision 02, including Appendix 01, dated November 29, 2015 (''SB A340–52–4095, R02'').

(iii) Airbus Service Bulletin A340–52–5020, Revision 02, including Appendices 01 and 02, dated November 27, 2015 (''SB A340–52–5020, R02'').

(2) Concurrently with the first inspection required by paragraph (h)(1) of this AD: Do a one-time detailed inspection of the hook gaps ''U'' and ''V'' of each affected forward cargo door for proper adjustment, and, depending on findings, adjust the hook(s), in accordance with the Accomplishment Instructions of the applicable service information specified in paragraph (h)(2)(i), (h)(2)(ii), or (h)(2)(iii) of this AD. Do all the required hook gap adjustments before further flight.

(i) SB A330–52–3087, R02.

(ii) SB A340–52–4095, R02.

(iii) SB A340–52–5020, R02.

(i) Forward Cargo Door Modification

(1) Except as specified in paragraph (i)(2) of this AD, before exceeding 18,500 total flight cycles since first installation of the forward cargo door on an airplane, or within 12 months after the effective date of this AD, whichever occurs later: Do reinforcement modifications on the frame structure of each affected forward cargo door, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (i)(1)(i) through (i)(1)(vi) of this AD, except as required by paragraph (p) of this AD.

(i) Airbus Service Bulletin A330–52–3105, dated February 24, 2016 (for certain Model A330–202, –223, and –243 airplanes; and Model A330–301, –321, –322, –341, and –342 airplanes).

(ii) Airbus Service Bulletin A330–52–3110, dated February 15, 2016 (for certain Model A330–202, –203, –223, and –243 airplanes; and Model A330–303, –323, and –343 airplanes).

(iii) Airbus Service Bulletin A330–52–3111, dated February 15, 2016 (for certain Model A330–202, –203, –223, –223F, –243, and –243F airplanes; and Model A330–302, –303, –323, –342, and –343 airplanes).

(iv) Airbus Service Bulletin A340–52–4108, dated February 15, 2016 (for certain Model A340–211, –212, and –213 airplanes; and Model A340–311, –312, and –313 airplanes).

(v) Airbus Service Bulletin A340–52–4113, dated February 15, 2016 (for certain Model A340–312 and –313 airplanes).

(vi) Airbus Service Bulletin A340–52–4114, dated February 15, 2016 (for certain Model A340–313 airplanes).

(2) Accomplishment of the reinforcement modifications required by paragraph (i)(1) of this AD may be deferred, provided that, before exceeding 18,500 total flight cycles since first installation of the forward cargo door on an airplane, or within 12 months after the effective date of this AD, whichever occurs later, but not earlier than 14,500 total flight cycles for Model A330 airplanes, or 12,500 total flight cycles for Model A340 airplanes, cold working is accomplished on the frame structure of each affected forward cargo door, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (i)(2)(i) through (i)(2)(vi) of this AD, except as required by paragraph (p) of this AD. Modification of an airplane by accomplishment of the cold working specified in this paragraph does not constitute terminating action for the repetitive inspections required by paragraph (h)(1) of this AD.

(i) Airbus Service Bulletin A330–52–3116, dated April 20, 2016 (for certain Model A330–202, –223, and –243 airplanes; and Model A330–301, –321, –322, –341, and –342 airplanes).

(ii) Airbus Service Bulletin A330–52–3117, dated April 20, 2016 (for certain Model A330–202, –203, –223, and –243 airplanes; and Model A330–303, –323, and –343 airplanes).

(iii) Airbus Service Bulletin A330–52–3118, dated April 20, 2016 (for certain Model A330–202, –203, –223, –223F, –243, and –243F airplanes; and Model A330–302, –303, –323, –342, and –343 airplanes).

(iv) Airbus Service Bulletin A340–52–4119, dated April 20, 2016 (for certain Model A340–211, –212, and –213 airplanes; and Model A340–311, –312, and –313 airplanes).

(v) Airbus Service Bulletin A340–52–4120, dated April 20, 2016 (for certain Model A340–312 and –313 airplanes).

(vi) Airbus Service Bulletin A340–52–4121, dated April 20, 2016 (for certain Model A340–313 airplanes).

(3) Within 18,500 flight cycles after cold working is accomplished on the frame structure of each affected forward cargo door as specified in paragraph (i)(2) of this AD: Do the reinforcement modifications on the frame structure of each affected forward cargo door, using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Forward Cargo Door Terminating Action

Modification of an airplane by reinforcement of the forward cargo door frame structure required by paragraph (i)(1) or (i)(3) of this AD constitutes terminating action for the inspections required by paragraph (h)(1) and (h)(2) of this AD for that airplane.

(k) Definitions of Pre-Modified and Post-Modified Airplanes of Aft Cargo Door

(1) For the purpose of this AD, pre-modified Model A330–200 series airplanes, Model A330–200 Freighter series airplanes, Model A330–300 series airplanes, Model A340–200 series airplanes, and Model A340–300 series airplanes are defined as those not having Airbus Modification 44852, or Modification 44854 applied in production, or being in pre-Airbus Service Bulletin A330–52–3044 or pre-Airbus Service Bulletin A340–52–4054 configuration, as applicable.

(2) For the purpose of this AD, post-modification Model A330–200 series airplanes, Model A330–200 Freighter series airplanes, Model A330–300 series airplanes, Model A340–200 series airplanes, and Model A340–300 series airplanes are defined as those having Airbus Modification 44852 or Modification 44854 applied in production, or modified in service as specified in Airbus Service Bulletin A330–52–3044 or Airbus

Service Bulletin A340–52–4054, as applicable.

(l) Aft Cargo Door Repetitive Inspections

(1) Before exceeding 4,000 total flight cycles for pre-modified airplanes, or 12,000 total flight cycles for post-modified airplanes, since first installation of the aft cargo door on an airplane, as applicable, or within the compliance time specified in table 2 to paragraph (l)(1) of this AD or table 3 to paragraph (l)(1) of this AD, as applicable, whichever occurs later, except as specified in paragraph (q) of this AD: Do all applicable inspections of all frame fork areas, frame head areas, and outer skin area of each affected aft cargo door, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraph (l)(1)(i), (l)(1)(ii), or (l)(1)(iii) of this AD. Do all applicable related investigative actions and corrective actions before further flight in accordance with the Accomplishment Instructions of the applicable service information specified in paragraph (l)(1)(i), (l)(1)(ii), or (l)(1)(iii) of this AD, except as required by paragraph (p) of this AD. Repeat the applicable inspections thereafter at intervals not to exceed 1,400 flight cycles.

BILLING CODE 4910–13–P

Table 2 to paragraph (l)(1) of this AD – *Aft Cargo Door Inspection Compliance Times for Pre-Modified Airplanes*

Airplane Condition (on the effective date of this AD)	Compliance Time
Inspected only as specified in Airbus AOT A330-52A3084, or AOT A340-52A4091, as applicable	Within 550 flight cycles after the last inspection, but without exceeding 15,800 flight cycles since first installation of the aft cargo door on an airplane
Inspected as specified in Airbus AOT A330-52A3084 and as specified in AOT A330-A52L001-12, and the last inspection was accomplished as specified in AOT A330-A52L001-12	Within 550 flight cycles after the last inspection as specified in AOT A330-52A3084
Inspected as specified in Airbus AOT A330-52A3084 and as specified in AOT A330-A52L001-12, and the last inspection was accomplished as specified in AOT A330-52A3084	Within 550 flight cycles after the last inspection as specified in AOT A330-A52L001-12
Inspected as specified in Airbus AOT A340-52A4091 and as specified in AOT A340-A52L002-12, and the last inspection was accomplished as specified in AOT A340-A52L002-12	Within 550 flight cycles after the last inspection as specified in AOT A340-52A4091
Inspected as specified in Airbus AOT A340-52A4091 and as specified in AOT A340-A52L002-12, and the last inspection was accomplished as specified in AOT A340-52A4091	Within 550 flight cycles after the last inspection as specified in AOT A340-A52L002-12
Inspected as specified in the original issue of Airbus SB A330-52-3095, or SB A340-52-4101, as applicable	There is no compliance time for the initial inspection in paragraph (l)(1) of this AD for these airplanes, provided these airplanes comply with the actions specified in paragraph (r)(3) of this AD.
Inspected as specified in Revision 01 of Airbus SB A330-52-3095, or SB A340-52-4101, as applicable	There is no compliance time for the initial inspection in paragraph (l)(1) of this AD for these airplanes, provided these airplanes comply with the actions specified in paragraph (r)(4) of this AD.

Airplane Condition (on the effective date of this AD)	Compliance Time
Inspected as specified in Revision 02 of Airbus SB A330-52-3095, or SB A340-52-4101, as applicable	Within 1,400 flight cycles after the last inspection as specified in Revision 02 of Airbus SB A330-52-3095, or SB A340-52-4101, as applicable but without exceeding 4,000 flight cycles since first installation of the aft cargo door on an airplane, as applicable.
Never inspected	Within 550 flight cycles after the effective date of this AD, but without exceeding 4,550 flight cycles since first installation of the aft cargo door on an airplane

Table 3 to paragraph (l)(1) of this AD – *Aft Cargo Door Inspection Compliance Times for Post-Modified Airplanes and Model A340-500 and -600 Airplanes*

Airplane Condition (on the effective date of this AD)	Compliance Time
Never inspected	Within 550 flight cycles after the effective date of this AD, but without exceeding 12,550 flight cycles since first installation of the aft cargo door on an airplane
Inspected as specified in the original issue of Airbus SB A330-52-3095 or SB A340-52-4101, or SB A340-5023, as applicable	There is no compliance time for paragraph (l)(1) of this AD for these airplanes, provided these airplanes comply with the actions specified in paragraph (r)(3) of this AD.
Inspected as specified in Revision 01 of Airbus SB A330-52-3095, or SB A340-52-4101, or SB A340-5023, as applicable	There is no compliance time for paragraph (l)(1) of this AD for these airplanes, provided these airplanes comply with the actions specified in paragraph (r)(4) of this AD.
Inspected as specified in Revision 02 of Airbus SB A330-52-3095, or SB A340-52-4101, or SB A340-5023, as applicable	Within 1,400 flight cycles after the last inspection as specified in Revision 02 of Airbus SB A330-52-3095, or SB A340-52-4101, or SB A340-5023, as applicable, but without exceeding 12,000 flight cycles since first installation of the aft cargo door on an airplane

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(i) Airbus Service Bulletin A330–52–3095, Revision 02, including Appendices 01 and 02, dated February 19, 2016 (''SB A330–52–3095, R02'').

(ii) Airbus Service Bulletin A340–52–4101, Revision 02, including Appendices 01 and 02, dated November 27, 2015 (''SB A340–52–4101, R02'').

(iii) Airbus Service Bulletin A340–52–5023, Revision 02, including Appendices 01 and 02, dated November 27, 2015 (''SB A340–52–5023, R02'').

(2) Concurrently with the first inspection required by paragraph (l)(1) of this AD: Do a one-time detailed inspection of the hook gaps ''U'' and ''V'' of each affected aft cargo door for proper adjustment and, depending on findings, adjust the hook(s) in accordance with the Accomplishment Instructions of the applicable service information specified in paragraph (l)(2)(i), (l)(2)(ii), or (l)(2)(iii) of this AD. Do all the required hook gap adjustments before further flight.

(i) SB A330–52–3095, R02.

(ii) SB A340–52–4101, R02.

(iii) SB A340–52–5023, R02.

(m) Modification for Pre-Modified Airplanes

(1) For pre-modified airplanes, except as specified in paragraph (m)(2) of this AD: Before exceeding 18,500 total flight cycles since first installation of the aft cargo door on an airplane, or within 12 months after the effective date of this AD, whichever occurs later, do reinforcement modifications, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (m)(1)(i) through (m)(1)(vi) of this AD, except as required by paragraph (p) of this AD.

(i) Airbus Service Bulletin A330–52–3106, dated February 24, 2016 (for certain Model A330–301, –321, –322, –341, and –342 airplanes).

(ii) Airbus Service Bulletin A330–52–3112, dated February 24, 2016 (for certain Model A330–202 and –223 airplanes; and Model A330–301, –322, –341, and –342 airplanes).

(iii) Airbus Service Bulletin A330–52–3113, dated February 15, 2016 (for certain Model A330–223 and –243 airplanes; and Model A330–322 and –342 airplanes).

(iv) Airbus Service Bulletin A330–52–3114, dated February 15, 2016 (for certain Model A330–202, –203, –223, –223F, –243, and –243F airplanes; and Model A330–302, –303, –323, –342, and –343 airplanes).

(v) Airbus Service Bulletin A340–52–4109, dated February 25, 2016 (for certain Model A340–211, –212, and –213 airplanes; and Model A340–311, –312, and –313 airplanes).

(vi) Airbus Service Bulletin A340–52–4115, dated February 19, 2016 (for certain Model A340–212, –213, and –313 airplanes).

(2) Accomplishment of the reinforcement modifications required by paragraph (m)(1) of this AD may be deferred provided that before exceeding 18,500 total flight cycles since first installation of the aft cargo door on an airplane, or within 12 months after the effective date of this AD, whichever occurs later, but not earlier than 14,500 total flight cycles, cold working is accomplished on the frame structure of each affected aft cargo door, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–52–3115, dated April 20, 2016; or Airbus Service Bulletin A340–52–4118, dated April 20, 2016; as applicable. Modification of an airplane by accomplishment of the cold working specified in this paragraph does not constitute terminating action for the repetitive inspections required by paragraph (l)(1) of this AD.

(3) For an airplane on which the cold working on the cargo door frame structure is accomplished, as specified in paragraph (m)(2) of this AD: Within 18,500 flight cycles after the application of cold working, do reinforcement modifications, in accordance with the Accomplishment Instructions of the service information specified in paragraphs (m)(1)(i) through (m)(1)(vi) of this AD, as applicable, or using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(n) Terminating Action Aft Cargo Doors for Pre-Modified Airplanes

Modification of an airplane by reinforcement of the aft cargo door frame structure required by paragraph (m)(1) or (m)(3) of this AD constitutes terminating action for the inspections required by paragraph (l)(1) and (l)(2) of this AD for that airplane.

(o) Optional Terminating Action Modification for Post-Modified Airplanes

For post-modified airplanes, modification of an airplane by reinforcement of the aft cargo door frame structure, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraphs (m)(1)(i) through (m)(1)(vi) of this AD, or using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA, constitutes terminating action for the inspections required by paragraph (l)(1) and (l)(2) of this AD for that airplane. If approved by the DOA, the approval must include the DOA-authorized signature.

(p) Exceptions to Service Information

Where the service information specified in paragraphs (h)(1), (i)(1), (i)(2), (l)(1), and (m) of this AD specifies to contact Airbus for instructions or repair, before further flight, accomplish corrective actions in accordance with the procedures specified in paragraph (t)(2) of this AD.

(q) Exception to Initial Inspection Compliance Time

For the purposes of table 1 to paragraph (h)(1) of this AD, table 2 to paragraph (l)(1) of this AD, and table 3 to paragraph (l)(1) of this AD: As soon as a cargo door is inspected using any applicable service information specified in this AD, the previous inspections accomplished in accordance with any alert operator transmission can be disregarded for the determination of the compliance time for the initial inspection required by this AD.

(r) Exception to Reporting in the Service Information

Although the Airbus service bulletins specified in paragraphs (r)(1) through (r)(6) of this AD specify to submit certain information to the manufacturer, and specify that action as ''RC'' (Required for Compliance), this AD does not include that requirement.

(1) SB A330–52–3087, R02.

(2) SB A330–52–3095, R02.

(3) SB A340–52–4095, R02.

(4) SB A340–52–4101, R02.

(5) SB A340–52–5020, R02.

(6) SB A340–52–5023, R02.

(s) Credit for Previous Actions

(1) This paragraph provides credit for the initial inspection required by paragraph (h) of this AD, if that inspection was performed before the effective date of this AD using Airbus Service Bulletin A330–52–3087, dated August 29, 2013; Airbus Service Bulletin A340–52–4095, dated August 29, 2013; or Airbus Service Bulletin A340–52–5020, dated August 29, 2013; as applicable; provided that the actions identified as ''additional work'' in the Accomplishment Instructions of Airbus Service Bulletin A330–52–3087, Revision 01, dated July 9, 2014; Airbus Service Bulletin A340–52–4095, Revision 01, dated July 28, 2014; or Airbus Service Bulletin A340–52–5020, Revision 01, dated July 9, 2014; as applicable; are accomplished within 1,100 flight cycles after that inspection; and provided the next inspection of all frame fork areas, frame head areas, and outer skin area of each affected forward cargo door is accomplished within 1,100 flight cycles after that inspection, in accordance with the Accomplishment Instructions of SB A330–52–3087, R02; SB A340–52–4095, R02; or SB A340–52–5020, R02, as applicable.

(2) This paragraph provides credit for the initial inspection required by paragraph (h) of this AD, if that inspection was performed before the effective date of this AD using Airbus Service Bulletin A330–52–3087, Revision 01, dated July 9, 2014; Airbus Service Bulletin A340–52–4095, Revision 01, dated July 28, 2014; or Airbus Service Bulletin A340–52–5020, Revision 01, dated July 9, 2014; as applicable; provided that the next inspection of all frame fork areas, frame head areas, and outer skin area of each affected forward cargo door, is accomplished within 1,100 flight cycles after that inspection in accordance with the Accomplishment Instructions of SB A330–52–3087, R02; SB A340–52–4095, R02; or SB A340–52–5020, R02, as applicable.

(3) This paragraph provides credit for the initial inspection required by paragraph (l) of this AD, if that inspection was performed before the effective date of this AD using Airbus Service Bulletin A330–52–3095, dated August 29, 2013; Airbus Service Bulletin A340–52–4101, dated August 29, 2013; or Airbus Service Bulletin A340–52–5023, dated August 29, 2013; provided that the actions identified as ''additional work'' in the Accomplishment Instructions of Airbus Service Bulletin A330–52–3095, Revision 01, dated July 28, 2014; Airbus Service Bulletin A340–52–4101, Revision 01, dated July 28, 2014; or Airbus Service Bulletin A340–52–5023, Revision 01, dated July 28, 2014; as applicable; are accomplished within 550 flight cycles after that inspection, and provided the next inspection of all frame fork areas, frame head areas, and outer skin area of each affected aft cargo door is accomplished within 550 flight cycles after that inspection in accordance with the Accomplishment Instructions of SB A330–52–3095, R02; SB A340–52–4101, R02; or SB A340–52–5023, R02, as applicable.

(4) This paragraph provides credit for the initial inspection required by paragraph (l) of this AD, if that inspection was performed before the effective date of this AD using

Airbus Service Bulletin A330–52–3095, Revision 01, dated July 28, 2014; Airbus Service Bulletin A340–52–4101, Revision 01, dated July 28, 2014; or Airbus Service Bulletin A340–52–5023, Revision 01, dated July 28, 2014; as applicable; provided that the next inspection of all frame fork areas, frame head areas, and outer skin area of each affected aft cargo door is accomplished within 550 flight cycles after that inspection in accordance with the Accomplishment Instructions of SB A330–52–3095, R02; SB A340–52–4101, R02; or SB A340–52–5023, R02, as applicable.

(5) Where Airbus Service Bulletins A330–52–3095, Revision 01, dated July 28, 2014; A340–52–4101, Revision 01, dated July 28, 2014; A340–52–5020, Revision 01, dated July 9, 2014; and A340–52–5023, Revision 01, dated July 28, 2014; refers to using fasteners having P/N ASNA2657, this AD also allows the use of alternative HST11 series fasteners.

(t) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

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

(u) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2016–0188, dated September 21, 2016; corrected September 22, 2016, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–0713.

(2) For more information about this AD, contact Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone 425–227–1138; fax 425–227–1149.

(3) Service information identified in this AD that is not incorporated by reference is available at the addresses specified in paragraphs (v)(4) and (v)(5) of this AD.

(v) Material Incorporated by Reference

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

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

(i) Airbus Service Bulletin A330–52–3087, Revision 02, including Appendix 01, dated February 18, 2016.

(ii) Airbus Service Bulletin A330–52–3095, Revision 02, including Appendices 01 and 02, dated February 19, 2016.

(iii) Airbus Service Bulletin A330–52–3105, dated February 15, 2016.

(iv) Airbus Service Bulletin A330–52–3106, dated February 24, 2016.

(v) Airbus Service Bulletin A330–52–3110, dated February 15, 2016.

(vi) Airbus Service Bulletin A330–52–3111, dated February 15, 2016.

(vii) Airbus Service Bulletin A330–52–3112, dated February 24, 2016.

(viii) Airbus Service Bulletin A330–52–3113, dated February 15, 2016.

(ix) Airbus Service Bulletin A330–52–3114, dated February 15, 2016.

(x) Airbus Service Bulletin A330–52–3115, dated April 20, 2016.

(xi) Airbus Service Bulletin A330–52–3116, dated April 20, 2016.

(xii) Airbus Service Bulletin A330–52–3117, dated April 20, 2016.

(xiii) Airbus Service Bulletin A330–52–3118, dated April 20, 2016.

(xiv) Airbus Service Bulletin A340–52–4095, Revision 02, including Appendix 01, dated November 27, 2015.

(xv) Airbus Service Bulletin A340–52–4101, Revision 02, including Appendices 01 and 02, dated November 27, 2015.

(xvi) Airbus Service Bulletin A340–52–4108, dated February 15, 2016.

(xvii) Airbus Service Bulletin A340–52–4109, dated February 25, 2016.

(xviii) Airbus Service Bulletin A340–52–4113, dated February 15, 2016.

(xix) Airbus Service Bulletin A340–52–4114, dated February 15, 2016.

(xx) Airbus Service Bulletin A340–52–4115, dated February 19, 2016.

(xxi) Airbus Service Bulletin A340–52–4118, dated April 20, 2016.

(xxii) Airbus Service Bulletin A340–52–4119, dated April 20, 2016.

(xxiii) Airbus Service Bulletin A340–52–4120, dated April 20, 2016.

(xxiv) Airbus Service Bulletin A340–52–4121, dated April 20, 2016.

(xxv) Airbus Service Bulletin A340–52–5020, Revision 02, including Appendices 01 and 02, dated November 27, 2015.

(xxvi) Airbus Service Bulletin A340–52–5023, Revision 02, including Appendices 01 and 02, dated November 27, 2015.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* internet: *http://www.airbus.com.*

(4) You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

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

Issued in Renton, Washington, on January 11, 2018.

John P. Piccola, Jr.,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–01803 Filed 2–8–18; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2016–6616; Product Identifier 2016–CE–004–AD; Amendment 39–19177; AD 2018–03–04]

RIN 2120–AA64

Airworthiness Directives; Rosemount Aerospace, Inc. Pitot Probes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are adopting a new airworthiness directive (AD) for Rosemount Aerospace Model 851AK pitot probes that were repaired by CSI Aerospace, Inc. between January 2013 and July 2014 that are installed on airplanes. This AD was prompted by a report that certain pitot probes are indicating the wrong airspeed during flight. This AD requires inspecting the airplane to determine the number of affected pitot probes installed and replacing the affected pitot probes. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 16, 2018.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2016–6616; or in person at the Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

The AD docket contains this final rule, the regulatory evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT:

Jonathan Kim, Aerospace Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Parkway, Fort Worth, Texas 76177–1524; telephone: (817) 222–5131; fax: (817) 222–5245; email: *jonathan.kim@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Rosemount Aerospace Model 851AK pitot probes that were repaired by CSI Aerospace, Inc. between January 2013 and July 2014 that are installed on airplanes. The NPRM was published in the **Federal Register** on May 11, 2016 (81 FR 29193). The NPRM was prompted by a report that certain pitot probes are indicating the wrong airspeed during flight. The NPRM proposed to require inspecting the airplane to determine the number of affected pitot probes installed and replacing the affected pitot probes. We are issuing this AD to prevent incorrect airspeed indications during flight, which could lead to loss of control. Due to design redundancy, this is only applicable if more than one deficient probe is installed.

Comments

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

Support for the AD

Air Line Pilots Association, International (ALPA) supported the proposed AD as written.

We have not changed this AD action based on this comment.

Request To Revise the Description of the Unsafe Condition

Andy Feely of CSI Aerospace, Inc. (CSI) stated that they do not have any data which confirms that the inaccurate airspeed occurred during flight ''in icing conditions.''

The commenter also stated that in the proposed AD, in the Summary, Discussion, and paragraph (e) Unsafe Condition sections, several references are made to the reported problem occurring ''in icing conditions.'' CSI does not have any data to support this statement. This statement is inconsistent with the field data that CSI has been able to collect. CSI has communicated with affected operators and has been unable to confirm experiences of inaccurate airspeed reporting during flight ''in icing conditions.'' CSI has a service difficulty report (SDR) where the airplane had varying airspeed indications from the airspeed indication systems (pitot probes), however, it does not contain a report of icing conditions.

The commenter requested removing all references to ''icing conditions'' throughout the final rule AD action.

We partially agree with the commenter. We agree to remove the language ''icing conditions'' from the Summary, Discussion, and paragraph (e) of the AD because the SDR report that prompted the AD action does not provide meteorological conditions. However, we disagree that icing conditions do not contribute to the unsafe condition. There is evidence that the migrated braze material may present a non-conforming, forward facing surface inside the pitot throat on which ice crystals may accumulate when they make contact and could lead to the incorrect airspeed indications.

We have changed the AD as indicated above.

Request To Clarify Summary

Andy Feely of CSI stated that there is a specific time period that the affected pitot probes were repaired by CSI.

The commenter requested that the specific time period of between January 2013 and July 2014 be added in the Summary section of the final rule AD action to clarify the applicability of the affected pitot probes and to be consistent with the dates in the Discussion section of the proposed AD.

We agree with the commenter. We have changed this AD action based on this comment.

Request To Revise the FAA's Determination Section

Andy Feely of CSI stated that the FAA's Determination section in the proposed AD does not accurately reflect the scope of the unsafe condition. It implies a more widespread problem. Through CSI's immediate actions taken, once notified of the initial report (March 2014), all suspect serial numbers of the affected pitot probes were identified and located. All affected customers were notified and were provided instructions to inspect, scrap, return and/or replace the suspect probes. The commenter also stated that it is his opinion that this condition is not ''likely to exist or develop in other products of the same type design'' because the probes were located, contained, and monitored.

The commenter requested a revision to this section to more accurately indicate the scope of the unsafe condition.

We do not agree with the commenter. In 14 CFR, section 39.5, the FAA is required to issue an AD when we find that an unsafe condition exists in a product and the condition is likely to exist or develop in other products of the same type design. We have determined that this AD meets these requirements.

We have not changed this AD action based on this comment.

Request To Revise the Applicability Section

Andy Feely of CSI stated that the Applicability section should include a statement to clarify the time period to narrow the actual scope of the problem and to be consistent with the dates stated in the Discussion section of the proposed AD. The commenter also stated that pitot probes re-repaired after August 1, 2014, are no longer part of the affected probes.

The commenter requested that paragraph (c) of the final rule AD be revised to add the specific time period the affected probes were repaired by CSI and to specify the serial numbers of pitot probes repaired after August 1, 2014, which are no longer part of the affected probes.

We partially agree with the commenter. We agree with including a statement in the Applicability section that suspect probes that were re-repaired by CSI Aerospace, Inc. after August 1, 2014, are not at risk because corrective actions have been taken to address the unsafe condition. We have changed the final rule AD action to add the serial numbers of the re-repaired probes to the Applicability section. Because we are relaxing the requirement to allow probes to be re-repaired after August 2014 and CSI is confident that these probes were re-repaired after August 2014, this does not add any additional burden to operators.

We disagree with removing the serial numbers of re-repaired pitot probes from the Applicability section because we do not want to omit serial numbers from the final rule AD action based on claims that affected parts are already in compliance with the actions of the proposed AD. The original list of serial numbers provided in the proposed AD did not include serial numbers of re-repaired probes, but we have added them to the final rule AD action. Again, adding these serial numbers does not impose a burden on the public and this AD only documents those serial numbers that originally had the unsafe condition. All airplanes that had probes previously repaired would not be subject to any actions of this AD other than the requirement to assure that no suspect probe is installed in the future.

We have not changed this AD action based on this part of the comment.

Request To Correct Serial Number of Affect Pitot Probe

Andy Feely of CSI stated that the serial number of pitot probe 88912 in the proposed AD is incorrect.

The commenter requested the serial number be corrected to 88192 in the final rule AD action.

We agree with the commenter and have changed this AD action based on this comment.

Request To Allow Maintenance Records Review

Andy Feely of CSI and Ryan Hall of Delta Air Lines stated that operators who have serial number traceability of the affected pitot probes fully documented in their maintenance records should be permitted to do a records review in order to determine location and number of affected probes installed on their airplane(s).

The commenters requested that paragraph (g) of the final rule AD action be changed to include a review of the maintenance records in lieu of a physical inspection of the airplane if the serial number and repair date of the pitot probe can be positively identified.

We agree with the commenter. Many operators keep thorough maintenance records that make it possible to positively identify the serial number of the affected probe and the repair date from a review their maintenance records.

We have changed this AD action based on this comment.

Request To Clarify Compliance

Andy Feely of CSI stated it is not initially clear to owners/operators who have determined, either through inspection of the airplane, through maintenance records review, or that action was already taken before the effective date of this AD to assure that no more than one affected probe remains on the airplane and that two out of the three pitot probes installed on their airplane are not affected are in compliance with certain portions of the proposed AD.

The commenter requested an additional statement be added to paragraph (g) of the final rule AD action to clarify that no further action is required except for the ongoing requirement in paragraph (h)(2) of this final rule AD action if airplane inspection or maintenance records review reveals that no more than one affected probe remains on the airplane.

We agree with the commenter and have changed this AD action based on this comment.

Request To Clarify Replacement Requirement

Andy Feely of CSI stated that in the proposed AD it is unclear when the replacement of the affected pitot probes is required.

The commenter requested to have the words ''after the effective date of this AD'' removed from paragraph (h)(1) of the final rule AD action.

We do not agree with the commenter. If it is determined that the pitot probes are required to be replaced, as specified in paragraph (h)(1) of the proposed AD, the operator will have two months after the effective date of the final rule AD action to do so.

We have not changed this AD action based on this comment.

Request To Remove Certain Pitot Probes From the Applicability

Andy Feely of CSI stated that as a result of the aggressive voluntary corrective action plan by CSI and the airlines, the serial number listing of the affected pitot probes has been greatly reduced.

The commenter stated that robust traceability by serial number, delivery date, and customer, have allowed CSI and its customers the ability to proactively remove the affected probes for re-repair or scrap. CSI maintains very tight coordination with the affected customers and is aware of the status of all affected pitot probes.

The commenter has requested that many of the pitot probes listed in the Applicability section be removed from the final rule AD action.

We do not agree with the commenter. We disagree with removing the serial numbers of re-repaired or scrapped pitot probes from the Applicability section of the final rule AD action because we do not want to omit serial numbers based on claims that affected parts are already in compliance. We acknowledge that CSI has made significant efforts to remove all affected pitot probes from the fleet and to communicate their efforts to the FAA; however, after their effort was complete, approximately 100 pitot probes could not be accounted for.

We have not changed this AD action based on this comment.

Request To Extend Compliance Time for Replacement

Robert Holcomb of American Airlines stated that the final rule AD should take into account the burden of costs associated with acquiring additional spares to meet the two-month replacement compliance time.

The commenter stated that American Airlines owns 197 of the affected pitot probes. Of the 197 affected pitot probes, 83 are on active airplanes and 21 of those have been re-repaired. The commenter also stated that American Airlines has not had any failures of the affected pitot probes and currently has 87 active airplanes with potential to have an affected pitot probe installed.

The commenter requested increasing the replacement compliance time to 6 months based on lack of failures on the MD80 fleet, current spare constraints, and turnaround time of re-repaired pitot probes.

We do not agree with the commenter. We received a report about erroneous airspeed data being transmitted from multiple Rosemount Aerospace Model 851AK pitot probes repaired by CSI when installed on a Boeing Aircraft Company Model B717 airplane. Because we cannot say with certainty when or where this unsafe condition will manifest in the pitot probe, we are unable to increase the replacement compliance time to six months without additional justification. If operators have substantiating data to demonstrate that an acceptable level of safety has been met with a change in compliance time or other changes to this AD, we will consider an alternative method of compliance (AMOC) to the final rule AD action on a case by case basis. We do not provide costs beyond initial work hours and parts costs. Therefore, accounting for costs associated with acquiring spares is beyond the scope of our policy.

We have not changed this AD action based on this comment.

Request To Clarify Exclusion of Certain Pitot Probes From the Applicability

Ryan Hall of Delta Air Lines stated that it is not clear in the Applicability section of the proposed AD that pitot

probes repaired by CSI on or after August 1, 2014, are not part of the applicability.

The commenter stated that paragraph (c) of proposed rule AD applies to pitot probes that were repaired by CSI and have a serial number listed in paragraph (c)(1) of this AD that are known to be installed on aircraft. However, paragraph (h)(3) of the proposed AD contains the phrase, 'unless it has been repaired by CSI and has a date of August 1, 2014, or later.

The commenter requested that the Applicability section of the final rule AD action be revised to include the statement excluding pitot probes repaired by CSI Aerospace, Inc. after August 1, 2014, from the applicability.

We agree with the commenter and have changed this AD action based on this comment.

Request To Add Removal Requirement

Ralph Isaacson stated that the laser etching, which identifies the manufacturer and serial number, is eventually worn off by environmental conditions, usage, and age.

The commenter stated that in some instances the pitot probes will require removal from the fuselage to clearly identify the mechanically stamped serial number at the inner base of the probe.

The commenter requested that a requirement for removing the pitot probes in order to identify the overhauled pitot probes serial numbers should be added to the final rule AD action.

We partially agree with the commenter. We agree with the possibility that the serial number may not be legible on the outside of the pitot probe because of environmental conditions, usage, age, etc. However, we disagree with adding a requirement to remove the pitot probe during every inspection. If the serial number is legible from the outside of the pitot probe, this may add an unnecessary burden to the operators. Also, some operators are capable of positively identifying the serial number of the affected pitot probe and the repair date from a review of maintenance records. We have not changed this AD action based on this comment.

Conclusion

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

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

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

Costs of Compliance

We estimate that this AD affects 679 products installed on airplanes of U.S. registry.

We estimate the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspect to determine the number of defective pitot probes installed on the airplane.	1 work-hour × $85 per hour = $85	N/A	N/A	$57,715

We estimate the following costs to do any necessary replacements that will be required based on the results of the inspection. We have no way of determining the number of airplanes that might need these replacements:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace defective pitot probe	1 work-hour × $85 per hour = $85	$6,750	$6,835

Authority for This Rulemaking

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

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

This AD is issued in accordance with authority delegated by the Executive Director, Aircraft Certification Service, as authorized by FAA Order 8000.51C. In accordance with that order, issuance of ADs is normally a function of the Compliance and Airworthiness Division, but during this transition period, the Executive Director has delegated the authority to issue ADs applicable to small airplanes, gliders, balloons, airships, domestic business jet transport airplanes, and associated appliances to the Director of the Policy and Innovation Division.

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

Adoption of the Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2018–03–04 Rosemount Aerospace, Inc.: Amendment 39–19177; Docket No. FAA–2016–6616; Product Identifier 2016–CE–004–AD.

(a) Effective Date

This AD is effective March 16, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rosemount Aerospace, Inc. Model 851AK pitot probes that were repaired by CSI Aerospace Inc. and have a serial number listed in paragraph (c)(1) of this AD that are known to be installed on but not limited to the airplanes listed in paragraph (c)(2) of this AD. Pitot probes that were repaired by CSI Aerospace Inc. that have a repair date of August 1, 2014, or later, are excluded from the applicability.

(1) 24352, 53257, 61568, 68168, 69913, 69953, 71007, 71802, 71820, 73010, 73406, 75549, 75555, 80489, 80491, 83809, 84200, 84495, 84911, 84922, 85317, 85731, 87225, 87234, 87235, 87241, 87272, 87512, 87551, 87909, 88192, 88622, 90538, 91606, 93291, 93292, 93293, 93305, 93941, 93948, 93960, 94258, 94304, 94559, 94814, 94819, 95150, 95849, 97405, 98194, 99498, 99509, 100105, 100111, 100127, 100313, 100741, 101374, 101500, 102037, 102054, 102309, 102502, 104604, 106134, 106139, 106381, 106905, 107251, 107405, 107406, 107450, 107887, 108174, 108302, 108858, 108859, 108967, 108970, 109119, 109122, 109124, 109128, 109383, 109393, 109394, 109467, 109474, 109488, 109521, 109524, 109537, 109577, 109795, 109798, 109799, 109808, 109810, 109946, 109954, 109958, 109962, 109996, 110323, 110324, 110327, 110338, 110611, 110626, 110880, 110895, 110956, 111061, 111066, 111315, 111320, 111432, 111561, 111571, 111578, 111802, 111807, 112229, 112280, 112343, 112497, 112646, 112657, 112677, 112779, 112781, 112783, 112979, 112993, 113025, 113026, 113129, 113151, 113382, 113721, 113758, 113837, 113838, 113843, 113845, 113920, 113934, 114130, 114147, 114152, 114157, 114223, 114239, 114376, 114572, 114813, 114869, 114872, 114959, 114962A, 114966, 115428, 115713, 116046, 116249, 116253, 116255, 116271, 116424, 116557, 116734, 116792, 116994, 117022, 117144, 117164, 117310, 117412, 117414, 117426, 117427, 117428, 117587, 117961, 118111, 118119, 118234, 118331, 118637, 118639, 118770, 118938, 119115, 119281, 119290, 119414, 119441, 119496, 119587, 119593, 119694, 119695, 119737, 119852, 120456, 120461, 120728, 120823, 120825, 120826, 120829, 121040, 121041, 121110, 121116, 121145, 121172, 121320, 121322, 121524, 121661, 121834, 121852, 122286, 122662, 122843,122934, 122935, 123286, 123289, 123330, 123745, 123746, 123753, 123767, 124144, 124385, 124390, 124396, 124890, 125016, 125021, 125077, 125163, 125174, 126785, 127449, 127894, 127899, 128302, 128307, 129503, 130371, 130377, 130688, 131422, 131423, 131752, 132065, 132067, 132297, 132825, 133103, 133161, 133220, 133291, 133310, 133313, 133394, 133396, 133512, 133521, 134100, 134102, 134403, 134535, 134537, 134639, 134675, 134681, 135136, 135234, 135246, 135250, 135554, 135561, 135568, 135735, 135743, 136075, 136208, 137049, 137398, 137543, 137544, 137642, 139076, 139081, 139433, 139444, 139691, 139694, 139759, 139763, 139971, 139976, 140188, 140563, 140565, 140643, 140649, 140650, 141161, 141356, 141362, 141497, 141501, 141605, 141607, 142426, 142765, 142774, 142775, 143070, 143405, 143409, 143411, 143418, 143816, 143818, 143988, 143992, 143999, 144591, 144814, 144816, 144976, 144977, 146116, 146835, 147421, 148524, 148765, 148777, 149460, 149464, 149510, 149941, 150196, 150206, 150211, 150212, 150214, 150542, 150725, 151077, 151086, 151095, 151493, 152097, 152819, 152922, 152969, 152974, 152981, 153232, 153233, 153453, 153454, 153625, 153628, 153635, 153641, 153956, 153962, 153966, 153984, 154007, 154156, 154704, 154721, 154738, 154741, 155003, 155042, 155045, 155238, 155278, 155517, 156022, 156025, 156222, 156526, 156529, 156672, 157023, 157137, 157143, 158393, 158790, 158797, 159033, 159036, 159413, 159440, 159891, 160000, 160002, 160006, 160456, 160459, 160463, 160466, 160468, 161137, 161139, 161159, 161177, 161184, 161185, 161363, 161364, 161366, 162376, 162384, 162674, 162682, 162685, 162688, 163176, 163178, 163181, 163557, 163559, 163602, 164217, 164279, 164746, 164750, 164907, 164908, 165135, 165259, 165459, 165805, 166235, 166324, 166325, 166326, 166331, 166477, 166481, 166608, 166671, 166673, 166892, 167029, 167030, 167035, 167037, 167182, 167341, 167556, 167559, 167705, 167707, 167709, 167763, 167764, 167765, 167766, 167811, 195627, 195628, 195706, 195707, 195710, 195796, 195833, 195876, 196041, 196042, 196045, 196137, 196234, 196397, 196400, 196401, 196403, 196498, 196500, 196761, 197097, 197137, 197140, 197143, 197238, 197657, 197874, 198528, 198687, 198775, 198780, 198788, 198872, 198878, 199034, 199042, 199187, 199441, 199613, 199616, 199669, 200293, 200324, 200534, 200535, 200538, 200556, 200737, 200738, 200739, 200793, 200830, 200834, 200872, 201576, 201685, 201733, 201892, 201893, 201964, 202053, 202305, 202306, 202469, 202471, 202472, 202596, 202625, 202633, 202760, 202381, 202879, 202901, 203010, 203016, 203147, 204629, 204665, 204714, 204820, 204821, 204822, 205249, 205253, 205329, 205335, 205526, 205527, 205529, 205700, 205882, 205967, 206273, 206406, 206436, 206441, 206646, 207019, 207020, 207021, 207364, 207369, 207683, 207684, 207837, 207849, 207850, 208206, 208381, 208394, 208396, 208543, 209148, 209698, 209704, 209707, 212176, 212525, 212697, 212700, 213952, 213953, 214085, 214089, 214144, 214795, 214803, 215392, 215476, 216214, 216509, 216515, 216951, 216955, 216957, 217368, 217369, 217382, 217441, 217708, 217805, 218112, 218610, 218613, 218757, 218761, 218958, 218965, 218967, 218970, 218976, 219226, 219228, 219233, 219236, 219411, 219418, 219832, 219840, 219842, 219915, 220990, 220991, 221197, 221286, 221635, 224540, 224700, 224701, 224704, 224707, 224876, 225257, 225262, 225586, 225907, 225910, 225974, 226133, 226136, 226465, 226466, 226467, 227159, 227174, 227836, 227837, 229277, 230190, 230191, 230192, 230193, 231082, 232015, 232681, 232684, 234534, 235621, 235628, 238097, 238179, 239755, 239760, 239956, 239964, 242109, 242998, 243347, 243350, 243351, 245230, 246442, 246792, 246851, 247007, 247302, 250747, 253132, 256326, 256327, 258614, 258861, 258865, 260508, 262743, 262744, 263643, 263644, 263645, 263651, 263700, 264117, 264119, 264122, 264123, 264125, 264193, 264738, 265208, 265210, 265655, 265656, 265657, 265658, 268055, 268562, 268564, 268565, 268566, 272372, 272592, 273833, 273835, 275276, 275658, 275663, 277554, 280433, 280435, 296902, 298059, and 298843.

(2) DC–9–11, DC–9–12, DC–9–13, DC–9–14, DC–9–15, DC–9–15F, DC–9–21, DC–9–31, DC–9–32, DC–9–32 (VC–9C), DC–9–32F, DC–9–32F (C–9A, C–9B), DC–9–33F, DC–9–34, DC–9–34F, DC–9–41, DC–9–51, DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), MD–88, MD–90–30, and 717–200.

(d) Subject

Joint Aircraft System Component (JASC)/ Air Transport Association (ATA) of America Code 3414, Airspeed/Mach Indicator.

(e) Unsafe Condition

This AD was prompted by a report that the pitot probes are indicating the wrong airspeed during flight. We are issuing this AD to prevent incorrect airspeed indications during flight, which could lead to loss of control. Due to design redundancy, this is only applicable if more than one deficient probe is installed.

(f) Compliance

Comply with this AD within the compliance times specified. If the actions required in paragraphs (g) and (h)(1) of this AD have already been done before March 16,

2018 (the effective date of this AD), then only paragraph (h)(2) of this AD applies.

(g) Determine Number of Affected Pitot Probes Installed

Within 30 days after March 16, 2018 (the effective date of this AD), inspect the airplane to determine the number of pitot probes identified in paragraph (c)(1) of this AD that are installed on the airplane. This inspection can be performed through a review of maintenance records in lieu of a physical inspection of the product if the serial number and repair date can be positively identified from the review. If the serial number cannot be positively identified from a review of the aircraft's maintenance records or from the outside of the airplane, this may require the pitot probe to be removed from the fuselage to view the serial number at the inner base of the probe. If it is determined that no more than one pitot probe identified in paragraph (c)(1) of this AD is installed on the airplane, no further action is required except for the ongoing requirement in paragraph (h)(2) of this AD.

(h) Replace Affected Pitot Probes

(1) If it is determined that more than one pitot probe identified in paragraph (c)(1) of this AD is installed on the airplane during the inspection required in paragraph (g) of this AD, within the next 2 months after March 16, 2018 (the effective date of this AD), do one of the following so that no more than one pitot probe identified in paragraph (c)(1) of this AD is installed on any aircraft simultaneously.

(i) Replace the pitot probes that are listed with pitot probes that do not have a serial number listed in paragraph (c)(1) of this AD; or

(ii) Replace the pitot probes that are listed with one that has been properly repaired, and if repaired by CSI, has a repair date of August 1, 2014, or later. This can be done by having the existing pitot probe repaired by CSI Aerospace, Inc.

(2) As of March 16, 2018 (the effective date of this AD), do not install on any airplane a pitot probe having a serial number listed in paragraph (c)(1) of this AD, unless it has been properly repaired, and if repaired by CSI Aerospace, Inc., has a repair date of August 1, 2014, or later.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Fort Worth ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the ACO Branch, send it to the attention of the person identified in paragraph (j) of this AD.

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

(j) Related Information

For more information about this AD, contact Jonathan Kim, Aerospace Engineer, Fort Worth ACO Branch, FAA, 10101 Hillwood Parkway, Fort Worth, Texas 76177–1524; telephone: (817) 222–5131; fax: (817) 222–5245; email: *jonathan.kim@faa.gov.*

Issued in Kansas City, Missouri, on February 2, 2018.

Melvin J. Johnson,

Deputy Director, Policy & Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–02550 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0279; Airspace Docket No. 17–ASO–10]

Establishment of Class E Airspace; Johnson City, TN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Johnson City, TN, to accommodate new area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures (SIAPs) serving Johnson City Medical Center Heliport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the heliport.

DATES: Effective 0901 UTC, March 29, 2018. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Johnson City Medical Center Heliport, Johnson City, TN, to support IFR operations under standard instrument approach procedures at the heliport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (82 FR 24268, May 26, 2017) for Docket No. FAA–2017–0279 to establish Class E airspace extending upward from 700 feet above the surface at Johnson City Medical Center Heliport, Johnson City, TN, due to the new RNAV (GPS) standard instrument approach procedures for IFR operations at the heliport. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA Order 7400.11B dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class 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 proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order 7400.11B is publicly available as listed in the **ADDRESSES** section of this

document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This action amends Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Johnson City Medical Center Heliport, Johnson City, TN. This action provides the controlled airspace required to support the new RNAV (GPS) standard instrument approach procedures for IFR operations at Johnson City Medical Center Heliport.

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. Therefore, this regulation: (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 FAA 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 Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, effective September 15, 2017, is amended as follows:

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

* * * * *

ASO KY E5 Johnson City, TN [New]

Johnson City Medical Center Heliport, TN
(Lat. 36°18′26″ N, long. 82°23′10″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Johnson City Medical Center Heliport.

Issued in College Park, Georgia, on January 30, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–02324 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0897; Airspace Docket No. 17–ANM–22]

Establishment of Class E Airspace, Spanish Fork, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface, at Spanish Fork Airport Springville-Woodhouse Field, Spanish Fork, UT, to accommodate new area navigation (RNAV) procedures at the airport. This action ensures the safety and management of Instrument Flight Rules (IFR) operations within the National Airspace System.

DATES: Effective 0901 UTC, March 29, 2018. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S 216th Street, Des Moines, WA 98198–6547; telephone (206) 223–2253.

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 establishes Class E airspace extending upward from 700 feet above the surface at Spanish Fork Airport Springville-Woodhouse Field, Spanish Fork, UT, to support standard instrument approach procedures for IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (82 FR 55965; November 27, 2017) for Docket No. FAA–2017–0897 to establish Class E airspace extending upward from 700 feet above the surface at Spanish Fork Airport Springville-Woodhouse Field, Spanish Fork, UT. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Class E airspace designations are published in paragraph 6005 of FAA

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 establishes Class E airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Spanish Fork Airport Springville-Woodhouse Field.

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, will 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, and effective September 15, 2017, is amended as follows:

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

* * * * *

ANM UT E5 Spanish Fork, UT [New]

Spanish Fork Airport Springville-Woodhouse Field, UT
(Lat. 40°08′42″ N, long. 111°40′04″ W)

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Spanish Fork Airport Springville-Woodhouse Field.

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

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–02325 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2016–9559; Airspace Docket No. 16–ACE–11]

Amendment of Class D and E Airspace for the Following Missouri Towns; Cape Girardeau, MO; St. Louis, MO; and Macon, MO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies Class D airspace at Spirit of St. Louis Airport, St. Louis, MO; Class E airspace designated as a surface area at Cape Girardeau Regional Airport, Cape Girardeau, MO, and Spirit of St. Louis Airport; Class E airspace designated as an extension at Cape Girardeau Regional Airport; and Class E airspace extending upward from 700 feet above the surface at Cape Girardeau Regional Airport, Spirit of St. Louis Airport, and Macon-Fower Memorial Airport, Macon, MO. Cancellation of standard instrument approach procedures at these airports prompted the FAA to conduct a review of the airspace. Additionally, the name of Cape Girardeau Regional Airport (formerly Cape Girardeau Municipal Airport) and the geographic coordinates of St. Louis Regional Airport; Alton/St. Louis, IL; the OBLIO Locator Outer Marker (LOM); and the Macon-Fower Memorial Airport are being adjusted to coincide with the FAA's aeronautical database. The airspace designation for Macon-Fower, MO, in Class E airspace extending upward from 700 feet above the surface is being removed as it is a duplicate entry of the Macon, MO, airspace designation.

DATES: Effective 0901 UTC, May 24, 2018. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

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 Class D airspace at Spirit of St. Louis Airport, St. Louis, MO; Class E airspace designated as a surface area at Cape Girardeau Regional Airport and Spirit of St. Louis Airport; Class E airspace designated as an extension at Cape Girardeau Regional Airport; and Class E airspace extending upward from 700 feet above the surface at Cape Girardeau Regional Airport, Spirit of St. Louis Airport, and Macon-Fower Memorial Airport, Macon, MO, to support IFR operations at these airports.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (82 FR 28426; June 22, 2017) for Docket No. FAA–2016–9559 to modify Class D airspace at Spirit of St. Louis Airport, St. Louis, MO; Class E airspace designated as a surface area at Cape Girardeau Regional Airport and Spirit of St. Louis Airport; Class E airspace designated as an extension at Cape Girardeau Regional Airport; and Class E airspace extending upward from 700 feet above the surface at Cape Girardeau Regional Airport, Spirit of St. Louis Airport, and Macon-Fower Memorial Airport, Macon, MO. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Subsequent to publication, the FAA discovered that the geographic coordinates for the St. Louis Lambert International runway 24, 12R, and 30L localizers were omitted in the Class E airspace extending upward from 700 feet above the surface at St. Louis, MO. These facilities and geographic coordinates have been included in the airspace description in this action. The Spirit of St. Louis localizer has also been correctly named the Spirit of St. Louis Runway 26L Localizer to correspond with the FAA's aeronautical database. Additionally, in the airspace description of Class E airspace extending upward from 700 feet or more above the surface for Lambert-St. Louis International Airport, the reciprocal bearing (259° vice 079°) from the Spirit of St. Louis localizer was listed incorrectly and has been corrected in this action. Also, the state referencing St Louis Regional Airport is corrected from MO to IL.

Finally, to comply with a recent change to FAA Order 7400, 2L, Procedures for Handling Airspace Matters, this action amends the headers to the city and state only and removes the names of the cities that precede the airport name.

Except for the changes noted above, this rule is the same as published in the NPRM.

Class D and E airspace designations are published in paragraph 5000, 6002, 6004 and 6005, respectively, of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class D and E airspace designations listed in this document will be published subsequently in the Order.

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 modifies:

Class D airspace at Cape Girardeau Regional Airport (formerly Cape Girardeau Municipal Airport) by updating the name of the airport to coincide with the FAA's aeronautical database;

Class D airspace to within a 4.4-mile radius (increased from a 4.3-mile radius) at Spirit of St. Louis Airport, St. Louis, MO, adding an extension within 1 mile each side of the 079° bearing from the airport extending from the 4.4-mile radius to 4.6 miles east of the airport, adjusts the extension west of the airport to within 1 mile each side of the 259° bearing (previously 258°) from the airport extending from the 4.4-mile radius to 4.6 miles west of the airport, and updates the header of the airspace description to St. Louis, MO (previously St. Louis, Spirit of St. Louis Airport, MO) to comply with FAA Order 7400.2L;

Class E airspace designated as a surface area at Cape Girardeau Regional Airport (formerly Cape Girardeau Municipal Airport) by adding the vertical limits from the surface to and including 2,800 feet, adding the part time language to the description, and updating the name of the airport to coincide with the FAA's aeronautical database;

Class E airspace designated as a surface area to within a 4.4-mile radius (increased from a 4.3-mile radius) at Spirit of St. Louis Airport, St. Louis, MO, adding an extension to within 1 mile each side of the 079° bearing from the airport extending from the 4.4-mile radius to 4.6 miles east of the airport, adding an extension within 1 mile each side of the 259° bearing from the airport extending from the 4.4-mile radius to 4.6 miles west of the airport, and updating the header of the airspace description to St. Louis, MO (previously St. Louis, Spirit of St. Louis Airport, MO) to comply with FAA Order 7400.2L;

Class E airspace designated as an extension to Class E surface area at Cape Girardeau Regional Airport (formerly Cape Girardeau Municipal Airport), Cape Girardeau, MO, by adding an extension 1 mile each side of the 023° bearing from the airport from the 4.1-mile radius of the airport to 4.4 miles to the north of the airport, adjusting the extension to the east of the airport to within 1 mile (decreased from 2.6 miles) each side of the 108° bearing from the Cape Girardeau Regional Localizer (previously the Cape Girardeau VOR/DME) from the 4.1-mile radius to 4.4 miles east of the airport, adjusting the extension to the south of the airport to within 2.4 miles (previously 2.6 miles) each side of the 196° (previously 194°) radial of the Cape Girardeau VOR/DME from the 4.1-mile radius of the airport extending to 7.2 miles (increased from 5.7 miles), adjusting the extension west of the airport to within 1 mile (decreased from 2.6 miles) each side of the 287° (previously 279°) radial from the Cape Girardeau VOR/DME from the 4.1-mile radius to 4.4 miles (decreased from 7.4 miles) west of the airport, and updating the name of the airport to coincide with the FAA's aeronautical database;

Class E airspace areas extending upward from 700 feet above the surface:

At Cape Girardeau Regional Airport, Cape Girardeau, MO, by adding an extension to the north of the airport within 2 miles each side of the 203°

bearing from the airport from the 6.6-mile radius of the airport to 7.3 miles, adjusting the extension to the east to within 3.8 miles (increased from 2.5 miles) each side of the 108° bearing from the Cape Girardeau Localizer (previously from the Cape Girardeau VOR/DME) extending from the 6.6-mile radius to 14 miles (increased from 8.7 miles), adjusting the extension to the south of the airport to within 2.4 miles (reduced from 3 miles) each side of the 196° radial (previously 194°) from the Cape Girardeau VOR/DME from the 6.6-mile radius to 7.2 miles (decreased from 10 miles) south of the airport, adding an extension within 1.9 miles each side of the 023° bearing from the airport from the 6.6-mile radius of the airport to 7.5 miles south of the airport, adjusting the extension to the west of the airport to within 2 miles (reduced from 3 miles) each side of the 280° (previously 279°) bearing from the airport (previously the Cape Girardeau VOR/DME) extending from the 6.6-mile radius to 7.4 miles (decreased from 8.7 miles) west of the airport, and updating the name of the airport to coincide with the FAA's aeronautical database;

By removing the Class E airspace areas extending upward from 700 feet above the surface at Macon-Fower, MO, as it is a duplicate entry of the Macon, MO, Class E airspace areas extending upward from 700 feet above the surface;

Within a 6.7-mile radius (increased from a 6.5-mile radius) of Macon-Fower Memorial Airport, Macon, MO, and updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database.

And within a 6.9-mile radius (increased from a 6.8-mile radius) of the Spirit of St. Louis Airport, St. Louis, MO, adding an extension 4.2 miles north and 6.4 miles south of the 079° bearing from the Spirit of St. Louis Runway 26L Localizer extending from the 6.6-mile radius of the airport to 11.3 miles east of the Spirit of St. Louis Runway 26L Localizer, adding an extension within 2.5 miles each side of the 079° bearing from the airport from the 6.9-mile radius to 8.1 miles east of the airport, adjusting the extension to the west of the airport to within 3.9 miles each side of the 259° (previously 258°) bearing from the airport extending from the 6.9-mile radius to 10.6 miles west of the airport, removing an extension west of the airport referencing the Foristell VORTAC, removing the Foristell VORTAC from the description, and updating the geographic coordinates for St. Louis Regional Airport, Alton/St. Louis, IL, and the OBLIO LOM to coincide with the FAA's aeronautical database.

This action also makes an editorial change in the airspace description for Class D and Class E airspace designated as a surface area replacing Airport/Facility Directory with the current term Chart Supplement.

Lastly, to comply with recent changes to FAA Order 7400.2L, this action removes the city name from the airport name in the airspace designations for Spirit of St. Louis Airport, St. Louis Regional Airport, Lambert-St. Louis International Airport, and St. Charles County Smartt Airport to comply with FAA Order 7400.2L.

Airspace reconfiguration is necessary due to the cancellation of standard instrument approach procedures at these airports, and for the safety and the management of IFR operations.

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 5–6.5.a. 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, and effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

ACE MO D Cape Girardeau, MO [Amended]

Cape Girardeau Regional Airport, MO
(Lat. 37°13′31″ N, long. 89°34′15″ W)

That airspace extending upward from the surface to and including 2,800 feet within a 4.1-mile radius of Cape Girardeau Regional Airport. 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.

* * * * *

ACE MO D St. Louis, MO [Amended]

Spirit of St. Louis Airport, MO
(Lat. 38°39′44″ N, long. 90°39′07″ W)

That airspace extending upward from the surface to and including 3,000 feet within a 4.4-mile radius of Spirit of St. Louis Airport, and within 1 mile each side of the 079° bearing from the airport extending from the 4.4-mile radius to 4.6 miles east of the airport, and within 1 mile each side of the 259° bearing from the airport extending from the 4.4-mile radius to 4.6 miles west of the airport, excluding that airspace within the St. Louis, MO Class B airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Airspace.

* * * * *

ACE MO E2 Cape Girardeau, MO [Amended]

Cape Girardeau Regional Airport, MO
(Lat. 37°13′31″ N, long. 89°34′15″ W)

That airspace extending upward from the surface to and including 2,800 feet within a 4.1-mile radius of the Cape Girardeau Regional Airport. 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 the Chart Supplement.

* * * * *

ACE MO E2 St. Louis, MO [Amended]

Spirit of St. Louis Airport, MO
(Lat. 38°39′44″ N, long. 90°39′07″ W)

That airspace extending upward from the surface to and including 3,000 feet within a 4.4-mile radius of Spirit of St. Louis Airport, and within 1 mile each side of the 079° bearing from the airport extending from the 4.4-mile radius to 4.6 miles east of the airport, and within 1 mile each side of the 259° bearing from the airport extending from the 4.4-mile radius to 4.6 miles west of the airport, excluding that airspace within the St. Louis, MO Class B airspace area. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective dates and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Designated as an Extension to Class E Surface Area.

* * * * *

ACE MO E4 Cape Girardeau, MO [Amended]

Cape Girardeau Regional Airport, MO
(Lat. 37°13′31″ N, long. 89°34′15″ W)
Cape Girardeau Regional Localizer
(Lat. 37°13′18″ N, long. 89°33′25″ W)
Cape Girardeau VOR/DME
(Lat. 37°13′39″ N, long. 89°34′21″ W)

That airspace extending upward from the surface within 1 mile each side of the 023° bearing from the airport extending from the 4.1-mile radius to 4.4 miles north of the airport, and within 1 mile each side of the 108° bearing from the Cape Girardeau Localizer extending from the 4.1-mile radius to 4.4 miles east of the airport, and within 2.4 miles each side of the 196° radial of the Cape Girardeau VOR/DME extending from the 4.1-mile radius of the airport to 7.2 miles south of the airport, and within 1 mile each side of the 287° radial of the Cape Girardeau VOR/DME extending from the 4.1-mile radius of the airport to 4.4 miles west of the airport.

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

* * * * *

ACE MO E5 Cape Girardeau, MO [Amended]

Cape Girardeau Regional Airport, MO
(Lat. 37°13′31″ N, long. 89°34′15″ W)
Cape Girardeau Regional Localizer
(Lat. 37°13′18″ N, long. 89°33′25″ W)
Cape Girardeau VOR/DME
(Lat. 37°13′39″ N, long. 89°34′21″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of the airport, and within 1.9 miles each side of the 023° bearing from the airport extending from the 6.6-mile radius to 7.3 miles north of the airport, and within 3.8 miles each side of the 108° bearing from the Cape Girardeau Localizer extending from the 6.6-mile radius to 14 miles east of the airport, and within 2.4 miles each side of the 196° radial of the Cape Girardeau VOR/DME extending from the 6.6-mile radius to 7.2 miles south of the airport, and within 2 miles each side of the 203° bearing from the airport from the 6.6-mile radius to 7.5 miles south of the airport, and within 2 miles each side of the 280° bearing from the airport extending from the 6.6-mile radius to 7.4 miles west of the airport.

* * * * *

ACE MO E5 Macon-Fower, MO [Removed]

* * * * *

ACE MO E5 Macon, MO [Amended]

Macon-Fower Memorial Airport, MO
(Lat. 39°43′47″ N, long. 92°27′24″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Macon-Fower Memorial Airport.

* * * * *

ACE MO E5 St. Louis, MO [Amended]

Lambert-St. Louis International Airport, MO
(Lat. 38°44′55″ N, long. 90°22′12″ W)
Spirit of St. Louis Airport, MO
(Lat. 38°39′44″ N, long. 90°39′07″ W)
St. Louis Regional Airport, IL
(Lat. 38°53′24″ N, long. 90°02′46″ W)
St. Charles County Smartt Airport, MO
(Lat. 38°55′47″ N, long. 90°25′48″ W)
St. Louis Lambert International Runway 24 Localizer
(Lat. 38°44′44″ N, long. 90°23′04″ W)
St. Louis Lambert International Runway 12R Localizer
(Lat. 38°44′10″ N, long. 90°20′36″ W)
St. Louis Lambert International Runway 30L Localizer
(Lat. 38°45′44″ N, long. 90°22′56″ W)
St. Louis VORTAC
(Lat. 38°51′38″ N, long. 90°28′57″ W)
ZUMAY LOM
(Lat. 38°47′17″ N, long. 90°16′44″ W)
OBLIO LOM
(Lat. 38°48′01″ N, long. 90°28′29″ W)
Spirit of St. Louis Runway 26L Localizer
(Lat. 38°39′26″ N, long. 90°39′48″ W)
Civic Memorial NDB
(Lat. 38°53′32″ N, long. 90°03′23″ W)

That airspace extending upward from 700 feet above the surface within a 7.1-mile radius of Lambert-St. Louis International Airport, and within 4 miles southeast and 7 miles northwest of the Lambert-St. Louis International Airport Runway 24 ILS Localizer course extending from the airport to 10.5 miles northeast of the ZUMAY LOM, and within 4 miles southwest and 7.9 miles northeast of the Lambert-St. Louis International Airport Runway 12R ILS Localizer course extending from the airport to 10.5 miles northwest of the OBLIO LOM, and within 4 miles southwest and 7.9 miles northeast of the Lambert-St. Louis International Airport Runway 30L ILS localizer course extending from the airport to 8.7 miles southeast of the airport, and within a 6.9-mile radius of Spirit of St. Louis Airport, and within 2.5 miles each side of the 079° bearing from the Spirit of St. Louis Airport extending from the 6.9-mile radius of the airport to 8.1 miles east of the airport, and within 4.2 miles north and 6.4 miles south of the 079° bearing from the Spirit of St. Louis Runway 26L Localizer extending from the 6.9-mile radius of the Spirit of St. Louis Airport to 11.3 miles east of the Spirit of St. Louis Runway 26L Localizer, and within 3.9 miles each side of the 259° bearing from the Spirit of St. Louis Airport extending from the 6.9-mile radius of the airport to 10.6 miles west of the airport, and within a 6.4-mile radius of St. Charles County Smartt Airport, and within a 6.9-mile radius of St. Louis Regional Airport, and within 4 miles each side of the 014° bearing from the Civic Memorial NDB extending from the 6.9-mile radius of St. Louis Regional Airport to 7 miles north of the airport, and within 4.4 miles each side of the 190° radial of the St. Louis VORTAC extending from 2 miles south of the VORTAC to 22.1 miles south of the VORTAC.

Issued in Fort Worth, Texas, on January 29, 2018.

Christopher L. Southerland,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–02139 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0818; Airspace Docket No. 17–AGL–19]

Revocation of Class E Airspace; Pulaski, WI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action removes Class E airspace extending upward from 700 feet above the surface at Carter Airport, Pulaski, WI. The FAA is proposing this action due to the cancellation of the instrument procedures into the airport, resulting in the airport no longer qualifying for controlled airspace.

DATES: Effective 0901 UTC, May 24, 2018. The Director of the Federal Register approves this incorporation by reference action under Title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

ADDRESSES: FAA Order 7400.11B, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *http://www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783. The Order is

also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of FAA Order 7400.11B at NARA, call (202) 741–6030, or go to *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

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

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX, 76177; telephone (817) 222–5711.

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 supports the removal of Class E airspace extending upward from 700 feet above the surface at Carter Airport, Pulaski, WI.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (82 FR 45749; October 2, 2017) for Docket No. FAA–2017–0818 to remove Class E airspace extending upward from 700 feet above the surface at Carter Airport, Pulaski, WI. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to title 14, Code of Federal Regulations (14 CFR) part 71 removes the Class E airspace area extending upward from 700 feet above the surface within a 6.9-mile radius of Carter Airport, Pulaski, WI.

This action is necessary due to the cancellation of the instrument procedures at Carter Airport. The removal of these procedures results in the airport no longer qualifying for controlled airspace.

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 5–6.5.a. 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, and effective September 15, 2017, is amended as follows:

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

* * * * *

AGL WI E5 Pulaski, WI [Removed]

Issued in Fort Worth, Texas, on January 29, 2018.

Christopher L. Southerland,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2018–02137 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0649; FRL–9972–61]

Cyflufenamid; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of cyflufenamid in or on cherry crop subgroup 12–12A, hops dried cones, and fruiting vegetable crop group 8–10; and amends the tolerance for cucurbit vegetable crop group 9. Nisso America, on behalf of Nippon Soda Co., Ltd. requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 9, 2018. Objections and requests for hearings must be received on or before April 10, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0649, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs

Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael Goodis, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0649 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 10, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0649, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of March 23, 2017 (82 FR 14846) (FRL–9957–99), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6F8512) by Nisso America on behalf of Nippon Soda Co., Ltd., 88 Pine Street, 14th Floor, New York, NY 10005. The petition requested that 40 CFR 180.667 be amended by establishing tolerances for residues of the fungicide cyflufenamid, in or on cherry crop subgroup 12–12A at 0.6 parts per million (ppm), hops at 5.0 ppm, and fruiting vegetable crop group 8–10 at 0.2 ppm. Then in the **Federal Register** of September 15, 2017 (82 FR 43352) (FRL–9965–43), EPA issued another document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing that this petition also requested the amendment of the existing tolerance for residues of cyflufenamid in or on cucurbit vegetable group 9, increasing the tolerance level from 0.07 ppm to 0.10 ppm. Those documents referenced a summary of the petition prepared by Nisso America on behalf of Nippon Soda Co., Ltd., the registrant, which is available in the docket, *http://www.regulations.gov*. Comments were received on the notices of filing. EPA's response to these comments is discussed in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for cyflufenamid including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with cyflufenamid follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Cyflufenamid has low acute toxicity via the oral, dermal, and inhalation routes of exposure. Though slightly irritating to the eye, cyflufenamid is not

a skin irritant or sensitizer. In the mammalian toxicology database, the liver was the primary target organ for cyflufenamid toxicity. Across species, duration and gender, changes in weight, clinical chemistry, and pathology indicated treatment-related perturbations in and adverse effects on liver function.

Thyroid effects due to treatment with cyflufenamid, seen only in the rat, included increased follicular cell hypertrophy (as well as increased organ weight) and neoplastic thyroid follicular adenomas. Kidney effects related to treatment included increased kidney weight accompanied by tubular vacuolation and slight decreases in sodium and chloride concentrations.

Treatment-related cardiotoxicity was noted in the rat and mouse feeding studies. Observed myocardial vacuolation and lipidosis may be attributed to decreased lipid metabolism; cyflufenamid caused an approximately 50% inhibition of carnitine palmitoyltransferase in both rat and mouse heart microsomal fractions in a non-guideline mechanistic study. Carnitine palmitoyltransferase is involved in the transport of long chain fatty acids into the mitochondrial matrix for oxidation. Fatty acid oxidation is an important source of energy for adenosine triphosphate (ATP) production in the mitochondria.

Cyflufenamid-induced brain vacuolation was specific to the dog and not associated with any apparent clinical sign of neurotoxicity. Supplementary studies investigating this phenomenon determined that vacuolation was due to myelin edema affecting the white matter of the cerebrum and thalamus. Furthermore, this brain lesion was partially reversed after a 13-week recovery period (following 90-day exposure) and fully reversed after a 26-week recovery period. This effect was not observed in any other species. A subchronic neurotoxicity study in rats showed no evidence of neurotoxicity.

Effects on reproductive organs and/or parameters have been previously noted in several subchronic studies; however, the effects occurred at doses above the respective lowest observed adverse effect level (LOAELs) from the studies used to derive the point of departures (POD)s. The PODs are protective of these effects. The developmental studies in rats and rabbits do not indicate any concern for increased susceptibility to offspring. Although offspring effects of decreased body weight and incomplete ossification were observed in rabbits, those effects occurred at doses higher than doses resulting in maternal effects and are believed to be related to maternal toxicity. Furthermore, the current PODs are protective of the effects seen on reproductive parameters in offspring. In addition, mating performance and fertility in the Parent/Filial $(P/F)_0$ generation were both unaffected by treatment with cyflufenamid in the 2-generation reproductive toxicity study in rats. Sex ratio, sexual maturation, estrous cyclicity, sperm quantity and quality, mating performance and fertility, gestation and viability indices in the filial 1 (F_1) generation were all unaffected by treatment.

When tolerances were last established for cyflufenamid (77 FR 38204, June 27, 2012), EPA had classified cyflufenamid as ''likely to be carcinogenic to humans'' based on the presence of thyroid follicular cell tumors in male rats and liver tumors in male mice. Since that time, EPA has reevaluated the carcinogenic potential of cyflufenamid and based on available data has reclassified cyflufenamid as having ''suggestive evidence of carcinogenicity.'' A well-established non-mutagenic mode of action (MOA) for thyroid follicular cell tumors in male rats was tested and found acceptable. In summary, EPA has determined that because of the thyroid hormone imbalance, thyroid follicular cell tumors in male rats are likely to occur. That lead to an increase in the size (hypertrophy) and number (hyperplasia) of the thyroid follicular cells and eventually to thyroid neoplasia (or tumors). Because of marked quantitative differences between rats and humans in their inherent susceptibility for thyroid tumors in response to an imbalance in thyroid hormones, EPA concludes that cyflufenamid is not likely to pose a risk for thyroid follicular cell tumors in humans. As a result, the database contains the following data concerning carcinogenicity: (1) There is no evidence of carcinogenicity in female rats and mice; (2) the MOA data indicates that thyroid follicular cell tumors may not be relevant to humans; (3) tumors were only found in the liver in one gender of one species, *i.e.,* male mice; and (4) there is no concern for mutagenicity or clastogenicity based on the results of the battery of genotoxicity studies. Therefore, EPA concludes that the chronic reference dose (cRfD) (0.044 mg/kg/day) will adequately account for all chronic toxicity, including carcinogenicity (which occurred only at a dose over 5000x higher than the cRfD) that could result from exposure to cyflufenamid.

Specific information on the studies received and the nature of the adverse effects caused by cyflufenamid as well as the no-observed-adverse-effect-level (NOAEL) and the LOAEL from the toxicity studies can be found at *http://www.regulations.gov* in document: ''Cyflufenamid. Human Health Risk Assessment for Proposed Uses on Fruiting Vegetable Group 8–10, Cherry crop Subgroup 12–12A, and Hops; and a Revised Tolerance on Cucurbit Vegetable Group 9'' on page 16 in docket ID number EPA–HQ–OPP–2016–0649.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological POD and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are based on a careful analysis of each toxicological study to determine the values of the NOAEL and the LOAEL. Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides.*

A summary of the toxicological endpoints for cyflufenamid used for human risk assessment is shown in the Table of this unit.

Table Summary of Points of Departure and Toxicity Endpoints Used in Human Risk Assessment

TABLE—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR CYFLUFENAMID FOR USE IN DIETARY, NON-OCCUPATIONAL AND OCCUPATIONAL HUMAN HEALTH RISK ASSESSMENTS

Exposure/ scenario	Point of departure	Uncertainty/FQPA safety factors	RfD, PAD, level of concern for risk dssessment	Study and toxicological effects
Acute Dietary (All Populations).	There were no appropriate toxicological effects attributable to a single exposure (dose) observed in appropriate toxicity studies. Therefore, a dose and endpoint were not identified for this risk assessment.			
Chronic Dietary (All Populations).	NOAEL = 4.4 mg/kg/day	UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.044 mg/kg/day cPAD = 0.044 mg/kg/day	Combined Chronic Toxicity/Carcinogenicity Study in Rats. LOAEL = 22 mg/kg/day based on increased thyroid/parathyroid weight, increased liver weight and centrilobular hepatocytic hypertrophy.
Dermal Short-Term (1–30 days) and Intermediate-Term (1–6 months).	No adverse effects were observed in the dermal toxicity study and there are no concerns for developmental or neurological toxicities; therefore, no hazards are expected from these exposure scenarios.			
Inhalation Short-Term (1–30 days) and Intermediate-Term (1–6 months).	NOAEL = 5 mg/kg/day	UF_A = 10x UF_H = 10x FQPA SF = 1x	Residential/Occupational LOC for MOE = 100	Prenatal Developmental Study in Rabbits. Maternal LOAEL = 10 mg/kg/day based on decreased body weight, body weight gains and food consumption.
Cancer (oral, dermal, inhalation).	Classification: ''Suggestive evidence of carcinogenic potential'' and quantification of risk using a non-linear approach (*i.e.,* RfD approach) is appropriate.			

Point of Departure (POD) = A data point or an estimated point that is derived from observed dose-response data and used to mark the beginning of extrapolation to determine risk associated with lower environmentally relevant human exposures. NOAEL = no observed adverse effect level. LOAEL = lowest observed adverse effect level. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies). FQPA SF = FQPA Safety Factor. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. MOE = margin of exposure. LOC = level of concern.

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to cyflufenamid, EPA considered exposure under the petitioned-for tolerances as well as all existing cyflufenamid tolerances in 40 CFR 180.667. EPA assessed dietary exposures from cyflufenamid in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure.

No such effects were identified in the toxicological studies for cyflufenamid; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the U.S. Department of Agriculture's National Health and Nutrition Examination Survey, What We Eat in America (USDA's NHANES/WWEIA). As to residue levels in food, EPA assumed tolerance-level residues and 100% crop treated (100% CT) for all commodities.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that a nonlinear RfD approach is appropriate for assessing cancer risk to cyflufenamid. Cancer risk was assessed using the same exposure estimates as discussed in Unit III.C.1.ii., *chronic exposure.*

iv. *Anticipated residue and percent crop treated (PCT) information.* EPA did not use anticipated residue and PCT information in the dietary assessment for cyflufenamid. Tolerance-level residues and 100% CT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening-level water exposure models in the dietary exposure analysis and risk assessment for cyflufenamid in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of cyflufenamid. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/about-water-exposure-models-used-pesticide.*

The Agency used Tier II surface water and Tier I ground water simulations for all proposed cyflufenamid uses and label modifications. The estimated drinking water concentrations (EDWCs) of cyflufenamid for chronic exposures are 1.15 parts per billion (ppb) for surface water and 29.6 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, no toxic effects attributable to a single exposure to cyflufenamid have been identified; therefore, an acute reference dose (aRfD) has not been established and an acute dietary exposure assessment was not conducted. For chronic and cancer dietary risk assessments, the ground water concentration value of 29.6 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (*e.g.,* for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets).

Although the Agency previously assessed residential handler exposure and risk estimates from the use of cyflufenamid on ornamental use sites, the Agency now assumes that cyflufenamid is only used by commercial applicators based on labeling requiring handlers to use personal protective equipment (PPE). Therefore, the Agency concludes that there are no residential handler exposures to assess.

The Agency has also determined that there are no post-application residential exposures to assess. Although there is a potential for residential dermal post-application exposure from the existing uses of cyflufenamid, there is no adverse systemic hazard via the dermal route of exposure. Moreover, there is no

incidental oral exposure expected from cyflufenamid use on ornamental plants.

Therefore, the Agency has concluded that there are no residential exposure scenarios to aggregate with dietary exposures for cyflufenamid.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/standard-operating-procedures-residential-pesticide.*

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.''

EPA has not found cyflufenamid to share a common mechanism of toxicity with any other substances, and cyflufenamid does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that cyflufenamid does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at *http://www2.epa.gov/pesticide-science-and-assessing-pesticide-risks/cumulative-assessment-risk-pesticides.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There is no evidence of susceptibility following *in utero* and/or postnatal exposure in the developmental toxicity studies in rats or rabbits, and in the 2-generation rat reproduction study. Neither the rat nor rabbit developmental studies identified teratogenic effects. The marginally higher incidence of incompletely ossified epiphyses and metacarpals/phalanges seen in rabbits may be associated with low fetal weight and are indicative of delayed embryo-fetal development. The combined offspring effects of decreased body weight and incomplete ossification are believed to be related to the observed maternal toxicity. Furthermore, the PODs selected for all exposure scenarios are lower than those doses causing adverse effects in offspring.

There are no residual uncertainties concerning pre- and postnatal toxicity and no neurotoxicity concerns.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for cyflufenamid is complete.

ii. There is no indication that cyflufenamid is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that cyflufenamid results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessments were performed based on 100% CT and tolerance-level residues. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to cyflufenamid in drinking water. These assessments will not underestimate the exposure and risks posed by cyflufenamid.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population adjusted dose (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, cyflufenamid is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to cyflufenamid from food and water will utilize 2.8% of the cPAD for the general U.S. population and 6.1% for children 1–2 years old, the population group receiving the greatest exposure. Based on the explanation in Unit III.C.3., regarding the lack of residential use patterns, chronic residential exposure to residues of cyflufenamid is not expected.

3. *Short-term risk.* A short-term adverse effect was identified for inhalation and oral exposures; however, cyflufenamid is not registered for any use patterns that would result in short-term residential exposure. Short-term risk is assessed based on short-term residential exposure plus chronic dietary exposure. Because there is no short-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short-term risk for cyflufenamid.

4. *Intermediate-term risk.* An intermediate-term adverse effect was identified; however, cyflufenamid is not registered for any use patterns that would result in intermediate-term residential exposure. Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Because there is no intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess intermediate-term risk), no further assessment of intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating intermediate-term risk for cyflufenamid.

5. *Aggregate cancer risk for U.S. population.* EPA has determined that quantification of risk using the RfD approach is appropriate and will adequately account for all chronic toxicity, including carcinogenicity, that could result from exposure to

cyflufenamid. Based on the conclusions of the chronic dietary assessment, EPA concludes that exposure to cyflufenamid is unlikely to pose an aggregate cancer risk.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to cyflufenamid residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology (High-Performance Liquid Chromatography Method with tandem mass spectrometry detection (LC/MS/MS), Method No. RD–01307) is available to enforce the tolerance expression. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level. The Codex has not established a MRL for cyflufenamid.

C. Response to Comments

Several comments were received on the publication. While some comments raised issues outside the scope of the FFDCA analysis, the remaining comments primarily expressed general concerns about the potential health effects of pesticides residues in or on food and one comment asked that the combined effects of multiple pesticides be considered on food commodities. None of the comments specifically mentioned any particular safety concerns with cyflufenamid nor did any commenters provide supporting information for the Agency to evaluate or on which the Agency could rely to support a finding on the petitioned-for tolerances.

EPA recognizes that some individuals believe that pesticides should be banned on agricultural crops. The existing legal framework provided by section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), however, states that tolerances may be set when persons seeking such tolerances or exemptions have demonstrated that the pesticide meets the safety standard imposed by that statute. EPA has assessed the effects of cyflufenamid on human health and determined that aggregate exposure to it will be safe. These comments provide no information to support an alternative conclusion.

As noted in Unit III.C.4., Congress has directed EPA to consider the cumulative risk of pesticide residues with residues of ''other substances that have a common mechanism of toxicity.'' FFDCA section 408(b)(2)(D)(v). At this time, EPA has not concluded that cyflufenamid has a common mechanism of toxicity with any other pesticides. The petitioner has not provided any other information to support a different conclusion.

D. Revisions to Petitioned-for Tolerances

EPA is establishing tolerances that vary slightly from requests in the petition by adding another significant figure to the tolerance levels for subgroup 12–12A and group 8–10 and revising commodity term for hops to match the Agency's commodity vocabulary.

V. Conclusion

Therefore, tolerances are established for residues of cyflufenamid, in or on cherry crop subgroup 12–12A at 0.60 ppm; hop, dried cones at 5.0 ppm; and fruiting vegetable group 8–10 at 0.20 ppm; and the tolerance for residues in or on cucurbit vegetable group 9 is increased to 0.10 ppm.

VI. Statutory and Executive Order Reviews

This action establishes and amends tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997)), or Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 24, 2018.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.667, amend the table in paragraph (a) by:

■ i. Adding alphabetically the commodities ''Cherry subgroup 12–12A'', ''Hop, dried cones'', and ''Vegetable, fruiting, group 8–10'', and

■ ii. Revising the commodity ''Vegetable, cucurbit, group 9''.

The additions and revisions read as follows:

§ 180.667 Cyflufenamid; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Cherry subgroup 12–12A	0.60
* * * * *	
Hop, dried cones	5.0
Vegetable, cucurbit, group 9	0.10
Vegetable, fruiting, group 8–10	0.20

* * * * *

[FR Doc. 2018–02670 Filed 2–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2016–0681; FRL–9972–69]

Zoxamide; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of zoxamide in or on banana. Gowan Company, LLC requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective February 9, 2018. Objections and requests for hearings must be received on or before April 10, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2016–0681, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Michael L. Goodis, P.E., Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2016–0681 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 10, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2016–0681, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.
- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or

delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html*. Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets*.

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of June 8, 2017 (82 FR 26641) (FRL–9661–14), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 6E8524) by Gowan Company, LLC, P.O. Box 556, Yuma, AZ 85366. The petition requested that 40 CFR 180.567 be amended by establishing a tolerance for residues of the fungicide zoxamide (3, 5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxo propyl)-4-methylbenzamide), in or on banana at 0.3 parts per million (ppm). That document referenced a summary of the petition prepared by Gowan Company, LLC, the registrant, which is available in the docket, *http://www.regulations.gov*. One comment was received on the notice of filing. EPA's response is discussed in Unit IV.C. Based upon review of the data supporting the petition, EPA has determined that a tolerance of 0.20 ppm on banana is appropriate rather than the petitioned-for 0.3 ppm tolerance. The reason for this change is explained in Unit IV.D.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for zoxamide including exposure resulting from the import tolerance established by this action.

A. Risk Assessment

In the **Federal Register** of March 8, 2016 (81 FR 12011) (FRL–9942–18), EPA established tolerances for residues of zoxamide in or on several commodities. Because much of the safety assessment of zoxamide for the current action remains the same, EPA is incorporating several aspects of that previous rule and relying in part upon the findings made in the March 8, 2016 final rule in support of this action.

A summary of the toxicological profile and endpoints used for human risk assessment is discussed in Units III.A. and III.B of the March 8, 2016 final rule. In evaluating dietary exposure for this action, EPA considered exposure under the petitioned-for tolerances as well as all existing zoxamide tolerances in 40 CFR 180.567. The residue data used for the acute and chronic dietary exposure assessments have not changed since the assessment supporting the March 8, 2016 final rule, except to incorporate the exposure associated with the tolerance on banana, for which the Agency assumed tolerance-level residues, default processing factors, and 100 percent crop treated. For a summary of how EPA assessed these dietary exposures, see Unit III.C.1 of the March 8, 2016 final rule. In addition, because there is no U.S. registration associated with the use of zoxamide on banana, the estimated drinking water exposures reported in the 2016 final rule remain the same for this rule. A summary of EPA's assessment of drinking water exposure is discussed in Unit III.C.2. of the March 8, 2016 final rule. Similarly, the Agency's assessment of cumulative risks remains the same as in the March 8, 2016 final rule.

Because there have been no changes to the potential for prenatal and postnatal toxicity or in the completeness of data with respect to toxicity and exposure, EPA has determined that reliable data show the safety of infants and children would be adequately protected if the additional tenfold (10X) margin of safety required under section 408(b)(2)(C) (''FQPA safety factor'') were reduced to 1X. A summary of EPA's rationale for this determination is discussed in Unit III.D. of the March 8, 2016 final rule.

B. Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute population-adjusted dose (aPAD) and chronic population-adjusted dose (cPAD). Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate points of departure to ensure that an adequate margin of exposure exists.

No acute effects were identified in the toxicological studies for zoxamide; therefore, a quantitative acute dietary exposure assessment is unnecessary. The chronic dietary risk is 1.8% of the chronic population adjusted dose (cPAD) for the general U.S. population and 6.4% of the cPAD for children 1 to 2 years old, the population subgroup with the highest estimated chronic dietary exposure to zoxamide. The Agency level of concern are percentage numbers greater than 100% of the cPAD. Because there are no existing or proposed residential uses for zoxamide, there are no exposures expected via the residential exposure pathway. Therefore, all aggregate risk estimates are expected to be equivalent only to dietary (food and drinking water) risk estimates mentioned above.

Therefore, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to zoxamide residues.

For a detailed discussion of the aggregate risk assessments and determination of safety for these tolerances, please refer both to the March 8, 2016 final rule and its supporting documents, available at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2014–0922, and to the risk assessment for this current action ''*Zoxamide: Human Health Risk Assessment for the Petition for a Tolerance Without U.S. Registration for Residues in/on Banana*.'' in docket ID number EPA–HQ–OPP–2016–0681.

IV. Other Considerations

A. Analytical Enforcement Methodology

A gas chromatography/mass selective detection (GC/MSD) method, modified Rohm and Haas Method #34–99–85, was previously submitted and concurrently revalidated with the submission of the current petition for the determination of residues of zoxamide in/on samples of banana. The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–

2905; email address: *residuemethods@epa.gov*.

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has not established a MRL for zoxamide.

C. Response to Comments

One comment was received from an anonymous respondent. The comment is general to all pesticides and is against tolerances being approved for any chemical on any commodity. Although the Agency recognizes that some individuals believe that no residue of pesticides should be allowed in or on food, the existing legal framework provided by section 408 of the Federal Food, Drug and Cosmetic Act (FFDCA) authorizes the establishment of pesticide tolerances or exemptions where the Agency determines that tolerance or exemption meets the safety standard imposed by the statute. EPA has sufficient data to support a safety determination for the tolerance for residues of zoxamide in or on banana. The commenter provided no additional information supporting a determination that the exemption is not safe.

D. Revisions to Petitioned-For Tolerances

The Agency is establishing a tolerance for residues of zoxamide in or on banana at 0.20 ppm, which is lower than the 0.30 ppm tolerance requested. This is because there is a difference between how the petitioner calculated the proposed tolerance and how the Agency calculates the tolerance. The 0.20 ppm tolerance being set on banana was calculated using the Organization for Economic Cooperation and Development (OECD) tolerance calculation procedures and available field-trial residue data. The field-trial data on unbagged, whole fruit banana residues with a 0-day pre-harvest interval (PHI) were used from each field trial to calculate the tolerance.

V. Conclusion

Therefore, a tolerance is established for residues of zoxamide, (3, 5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide), in or on banana at 0.20 ppm.

VI. Statutory and Executive Order Reviews

This action establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this action has been exempted from review under Executive Order 12866, this action is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001); Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997); or Executive Order 13771, entitled ''Reducing Regulations and Controlling Regulatory Costs'' (82 FR 9339, February 3, 2017). This action does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: January 23, 2018.

Michael Goodis,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.567, add alphabetically the entry ''Banana'' to the table in paragraph (a) and add footnote 1 to the table to read as follows:

§ 180.567 Zoxamide; tolerances for residues.

(a) * * *

(1) * * *

Commodity	Parts per million
Banana [1]	0.20
* * * * *	

[1] There are no U.S. registrations allowing use of zoxamide on banana as of February 9, 2018.

* * * * *

[FR Doc. 2018–02668 Filed 2–8–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R2–ES–2016–0077; 4500030113]

RIN 1018–BB34

Endangered and Threatened Wildlife and Plants; Endangered Species Status for Texas Hornshell

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), determine endangered species status under the Endangered Species Act of 1973 (Act), as amended, for the Texas hornshell (*Popenaias popeii*), a freshwater mussel species from New Mexico, Texas, and Mexico. The effect of this regulation will be to add this species to the List of Endangered and Threatened Wildlife.

DATES: This rule becomes effective March 12, 2018.

ADDRESSES: This final rule is available on the internet at *http://www.regulations.gov* in Docket No. FWS–R2–ES–2016–0077 and in *https://www.fws.gov/southwest/es/TexasCoastal/.* Comments and materials we received, as well as supporting documentation we used in preparing this rule, are available for public inspection at *http://www.regulations.gov.* Comments, materials, and documentation that we considered in this rulemaking will be available by appointment, during normal business hours at the address shown in **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Charles Ardizzone, U.S. Fish and Wildlife Service, Texas Coastal Ecological Services Field Office, 17629 El Camino Real #211, Houston, TX 77058; or by telephone 281–286–8282. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service at 800–877–8339. Website: *https://www.fws.gov/southwest/es/TexasCoastal/.*

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Endangered Species Act, a species is added to the Federal List of Endangered and Threatened Wildlife if it is endangered or threatened throughout all or a significant portion of its range. Listing a species as an endangered or threatened species can only be completed by issuing a rule. The Lists of Endangered and Threatened Wildlife and Plants are located in title 50 of the Code of Federal Regulations (CFR) in part 17.

What this rule does. This rule finalizes the listing of the Texas hornshell (*Popenaias popeii*) as an endangered species. The species will be added to the List of Endangered and Threatened Wildlife at 50 CFR 17.11(h).

The basis for our action. Under the Endangered Species Act, we can determine that a species is an endangered or threatened species based on any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence.

The Texas hornshell is an endangered species based on impairment of water quality, loss of flowing water, and accumulation of fine sediment (Factor A), predation (Factor C), and barriers to host fish movement and the effects of climate change (Factor E).

Peer review and public comment. We prepared a species status assessment report (SSA report) for the Texas hornshell. The SSA report documents the results of the comprehensive biological status review for the Texas hornshell and provides an account of the species' overall viability through forecasting of the species' condition in the future (Service 2018, entire). We sought comments on the SSA report from independent specialists to ensure that our analysis was based on scientifically sound data, assumptions, and analyses. We received feedback from four scientists with expertise in freshwater mussel biology, ecology, and genetics. During the comment period for the proposed rule, we reached out to an additional five peer reviewers, and we received responses from three. We incorporated peer review suggestions and comments into the SSA report and the final listing rule. The SSA report and other materials relating to this proposal can be found at *http://www.regulations.gov* under Docket No. FWS–R2–ES–2016–0077.

Previous Federal Actions

On August 10, 2016, we published a proposed rule (81 FR 52796) to list the Texas hornshell as an endangered species under the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*). The publication of this proposed rule complied with a deadline established in a court-approved settlement agreement (Endangered Species Act Section 4 Deadline Litigation, No. 10–377 (EGS), MDL Docket No. 2165 (D.D.C. May 10, 2011)). That proposal had a 60-day comment period, ending October 11, 2016. We reopened the comment period for 30 days on May 30, 2017 (82 FR 24654), in order to hold two public hearings on the proposed rule. We then extended the final listing determination for 6 months due to substantial scientific disagreement about the species' status in Mexico and reopened the comment period for an additional 30 days (82 FR 37397). For a description of previous Federal actions concerning the Texas hornshell, please refer to the August 10, 2016, proposed listing rule (81 FR 52796).

Background

A thorough review of the taxonomy, life history, and ecology of Texas hornshell (*Popenaias popeii*) is presented in the SSA report (Service 2018, entire).

Species Description

The Texas hornshell is a medium-sized (3 to 4 inches long) freshwater mussel with a dark brown to green, elongate, laterally compressed shell (Howells *et al.* 1996, p. 93; Carman 2007, p. 2). The Texas hornshell was described by Lea (1857, p. 102) from the Devils River in Texas and Rio Salado in Mexico. Currently, the Texas hornshell is classified in the unionid subfamily Ambleminae (Campbell *et al.* 2005, pp. 140, 144) and is considered a valid taxon by the scientific community (Williams *et al.* 2017, p. 42).

Freshwater mussels, including the Texas hornshell, have a complex life history. Males release sperm into the water column, which are taken in by the female through the incurrent siphon (the tubular structure used to draw water into the body of the mussel). The sperm fertilize the eggs, which are held during maturation in an area of the gills called the marsupial chamber. The

developing larvae remain in the gill chamber until they mature and are ready for release. These mature larvae, called glochidia, are obligate parasites (cannot live independently of their hosts) on the gills, head, or fins of fishes (Vaughn and Taylor 1999, p. 913). Glochidia die if they fail to find a host fish, attach to a fish that has developed immunity from prior infestations, or attach to the wrong location on a host fish (Neves 1991, p. 254; Bogan 1993, p. 599). Glochidia encyst (enclose in a cyst-like structure) on the host's tissue, draw nutrients from the fish, and develop into juvenile mussels weeks or months after attachment (Arey 1932, pp. 214–215).

For the Texas hornshell, spawning generally occurs from March through August (Smith *et al.* 2003, p. 335), and fertilized eggs are held in the marsupial chambers of females for 4 to 6 weeks (Smith *et al.* 2003, p. 337). Glochidia are released in a sticky mucous net or string (Carman 2007, p. 9); the host fish likely swim into the nets, and the glochidia generally attach to the face or gills of the fish and become encysted in its tissue (Levine *et al.* 2012, p. 1858). The glochidia will remain encysted for about a month through transformation to the juvenile stage. Once transformed, the juveniles will excyst from the fish and drop to the substrate. The known primary host fishes for the Texas hornshell are river carpsucker (*Carpiodes carpio*), grey redhorse (*Moxostoma congestum*), and red shiner (*Cyprinella lutrensis*) (Levine *et al.* 2012, pp. 1857–1858).

Mussels are generally immobile but experience their primary opportunity for dispersal and movement within the stream as glochidia attached to a mobile host fish (Smith 1985, p. 105). Upon release from the host, newly transformed juveniles drop to the substrate on the bottom of the stream. Those juveniles that drop in unsuitable substrates die because their immobility prevents them from relocating to more favorable habitat. Juvenile freshwater mussels burrow into interstitial substrates and grow to a larger size that is less susceptible to predation and displacement from high-flow events (Yeager *et al.* 1994, p. 220). Throughout the rest of their life cycle, mussels generally remain within the same small area where they excysted from the host fish.

The actual lifespan is not known for the Texas hornshell, although two adult individuals were captured and marked in the Black River in New Mexico in 1997 and were recaptured 15 years later (Inoue *et al.* 2014, p. 5). Species in the subfamily Ambleminae, which includes Texas hornshell, commonly live more than 20 years (Carman 2007, p. 9), so we believe the Texas hornshell can live at least 20 years.

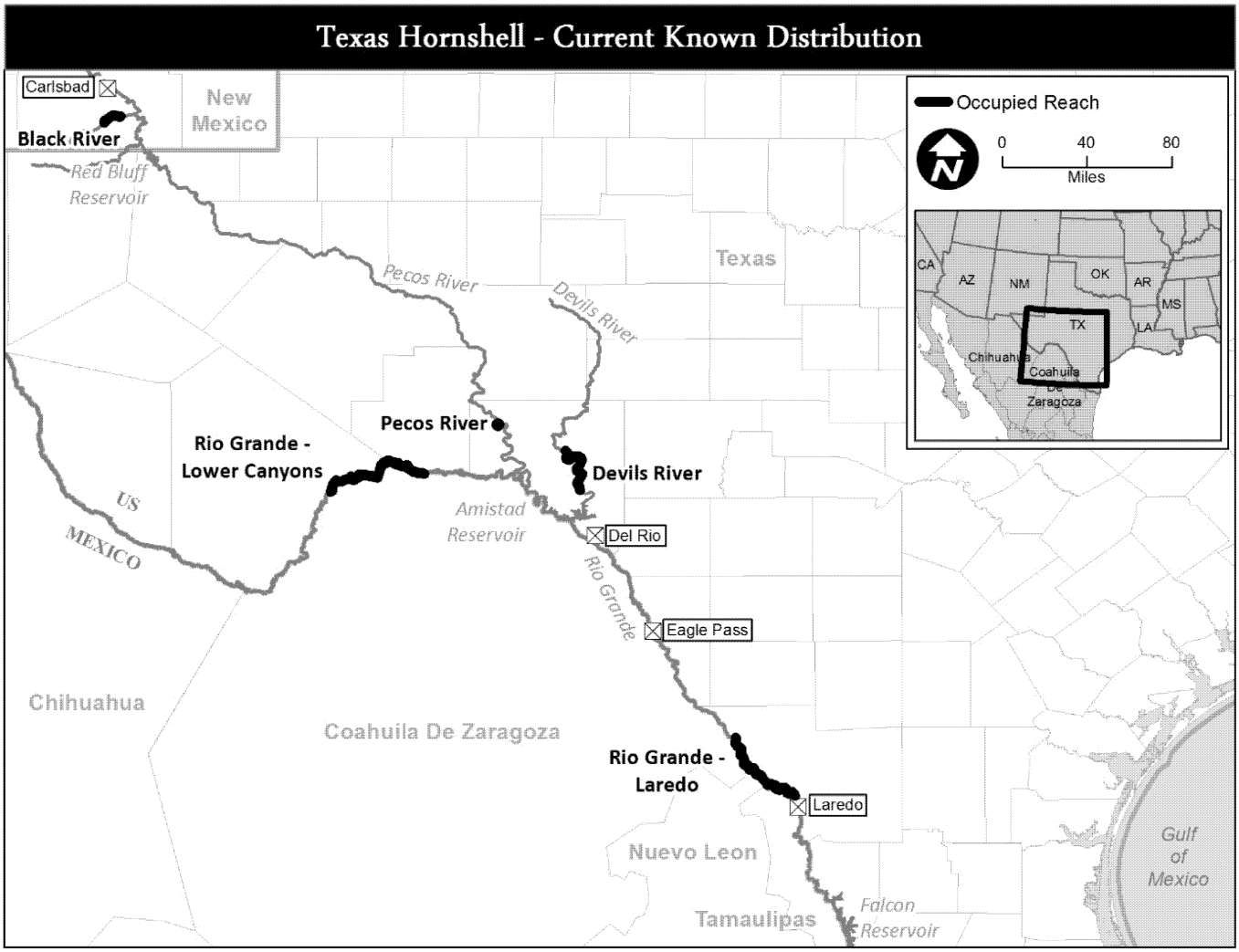
Little is known about the specific feeding habits of Texas hornshell. Like all adult freshwater mussels, Texas hornshell are filter feeders, siphoning suspended phytoplankton and detritus from the water column (Yeager *et al.* 1994, p. 221; Carman 2007, p. 8).

Habitat and Range

Adult Texas hornshell occur in medium to large rivers, in habitat not typical for most mussel species: In crevices, undercut riverbanks, travertine shelves, and under large boulders adjacent to runs (Carman 2007, p. 6; Randklev *et al.* 2015, p. 8), although in the Devils River, the species is found in gravel beds at the heads of riffles and rapids (Randklev *et al.* 2015, p. 8). Small-grained material, such as clay, silt, or sand, gathers in these crevices and provides suitable anchoring substrate. These crevices are considered to be flow refuges from the large flood events that occur regularly in the rivers this species occupies. Texas hornshell are able to use these flow refuges to avoid being swept away as large volumes of water move through the system, as there is relatively little particle movement in the flow refuges, even during flooding (Strayer 1999, p. 472). Texas hornshell are not known to occur in lakes, ponds, or reservoirs.

The Texas hornshell historically ranged throughout the Rio Grande drainage in the United States (New Mexico and Texas) and Mexico. Individuals that had previously been identified as Texas hornshell in Mexican Gulf Coastal streams (Johnson 1999, p. 23), including in our proposed rule to list the species, have recently been determined to belong to a different, undescribed species (Inoue 2017, p. 1). Currently, five known populations of Texas hornshell remain in the United States: Black River (Eddy County, New Mexico), Pecos River (Val Verde County, Texas), Devils River (Val Verde County, Texas), Lower Canyons of the Rio Grande (Brewster and Terrell Counties, Texas), and Lower Rio Grande near Laredo (Webb County, Texas) (Map 1). They are described briefly below.

Map 1. Known Current Distribution of Texas Hornshell



Black River: The Black River, in Eddy County, New Mexico, originates from several groundwater-fed springs and flows approximately 30 miles (mi) (48 kilometers (km)) through the Chihuahuan Desert until its confluence with the Pecos River (Inoue *et al.* 2014, p. 3) near Malaga, New Mexico. Extensive population monitoring (Lang 2001, entire; 2006, entire; 2010, entire; 2011, entire) and a long-term mark-recapture study (Inoue *et al.* 2014, entire) have yielded significant information about the population size and extent. Texas hornshell occur in approximately 8.7 mi (14.0 km) of the middle Black River, between two low-head (small) dams (Lang 2001, p. 20). The total population size has been estimated at approximately 48,000 individuals (95 percent confidence interval: 28,849–74,127) (Inoue *et al.* 2014, p. 7), with a diversity of size classes, primarily aggregated in flow refuges within narrow riffles. The population remained relatively stable over the 15-year study period from 1997 to 2012 (Inoue *et al.* 2014, p. 6).

Pecos River: In the Pecos River, inundation from Amistad Reservoir has resulted in the extirpation of Texas hornshell from the lower reaches of the river. Additionally, salinity levels are too high for freshwater mussel habitation in much of the Pecos River from the confluence with the Black River in New Mexico, downstream to the confluence with Independence Creek. However, in 2016, researchers collected three old, live Texas hornshell and 37 shells from a small section of the Pecos River downstream of the confluence with Independence Creek and upstream of Amistad Reservoir near Pandale in Val Verde County, Texas (Bosman *et al.* 2016, p. 6; Randklev *et al.* 2016, p. 9). Numerous dead shells were found farther downstream in the Pecos River in 2016 (Bosman *et al.* 2016, p. 6; Randklev *et al.* 2016, p. 9). Prior to this collection, live individuals had not been collected in the Pecos River since 1973 (Randklev *et al.* 2016, p. 4).

Because the number of live individuals detected is so small (three live individuals found in 2016), it is difficult to draw many conclusions about the overall abundance and health of the population. The population appears to be extremely small, the live individuals were old, and no evidence of reproduction such as young individuals or gravid females (females with mature larvae within the gills) was noted.

Devils River: Texas hornshell were historically found in the Devils River and were known to occupy only the lower reaches of the river, which are currently inundated by Amistad Reservoir (Neck 1984, p. 11; Johnson 1999, p. 23; Burlakova and Karatayev

2014, p. 19). Between 2008 and 2014, researchers collected 11 individuals from upstream in the Devils River (Burlakova and Karatayev 2014, p. 16; Karatayev *et al.* 2015, p. 4). More intensive surveys conducted in 2014, 2015, and 2017, including 20 sites, have yielded more than 150 individuals in approximately 29 mi (47 km) of the river—all from The Nature Conservancy's Dolan Falls Preserve and the Devils River State Natural Area's Dan A. Hughes Unit (formerly known as the Big Satan Unit) (Randklev *et al.* 2015, pp. 6–7; Diaz 2017, p. 1). Because of the increased number of individuals collected since 2014, it is likely that the Devils River population is more numerous than previously thought, although we do not expect that this population is particularly large based on the limited number of collections to date. Interestingly, Texas hornshell in the Devils River occupy different habitats than those in the rest of the range; instead of being found under rock slabs and in travertine shelves, they occupy gravel beds at the heads of riffles or in clean-swept pools with bedrock (Randklev *et al.* 2015, p. 8). Even though the number of collected individuals is small, several young individuals were found, as well as gravid females (Randklev *et al.* 2015, p. 8), indicating reproduction and recruitment (offspring survive to join the reproducing population) are occurring in the Devils River population.

Rio Grande-Lower Canyons: One of two remaining populations of Texas hornshell in the Rio Grande is found in the Lower Canyons, just downstream of Big Bend National Park, in Terrell County, Texas. The species is found in low density (approximately 40 individuals per km) in this region of the Rio Grande (Burlakova and Karatayev 2014, p. 16). Subsequent surveys confirmed the presence of Texas hornshell in approximately 18.5 mi (30 km) of the Lower Canyons in two sections, finding that the species occupies approximately 63 percent of sites with suitable (rocky) habitat (Randklev *et al.* 2015, entire). For purposes of this analysis, we believe the species is present in the entire section between these collections, approximately 62 mi (100 km). Sites in the Rio Grande-Lower Canyons reach vary in density, with the densest sites near Sanderson Canyon, Terrell County, Texas, and decreasing downstream (Randklev *et al.* 2015, p. 13); the average density of Texas hornshell at each site is lower compared to the Black River and Rio Grande-Laredo (5 ± 14 individuals per site). We expect Texas hornshell to occur between the known occupied sections where we have documented presence of the species, near the confluence with San Francisco Creek (Howells 2001a, p. 6), but limited access has prevented recent surveys for the species. Young individuals and gravid females have been found throughout the Lower Canyons reach, indicating recruitment is occurring (Randklev *et al.* 2015, p. 8). Scientific modeling reveals that Texas hornshell are found in areas near spring inflows in rocky habitats in the Lower Canyons reach (Randklev *et al.* 2017, pp. 5–6).

Rio Grande-Laredo: The largest Texas hornshell population occurs from Laredo, Texas (near La Bota Ranch just northwest of Laredo), upstream approximately 56 mi (90 km) (Randklev *et al.* 2015, p. 7). The density in this reach is high, with some habitat patches containing more than 8,000 individuals (Karatayev *et al.* 2015, p. 4) and 100 percent of surveyed patches of suitable habitat containing Texas hornshell (Randklev *et al.* 2015, p. 7). Throughout this reach, the density of Texas hornshell was estimated 170 ± 131 individuals per suitable (rocky) habitat site (Randklev *et al.* 2015, p. 7). Young individuals and gravid females have been found throughout the Laredo reach, indicating reproduction and recruitment are occurring (Randklev *et al.* 2015, p. 8). Within this reach, Texas hornshell are found in rocky habitats in areas with appropriate water quality (Randklev *et al.* 2017, pp. 5–6). No live Texas hornshell have been found downstream of the city of Laredo in recent years.

Mexico: The species historically occurred in the Rio Salado basin, which is a tributary to the Rio Grande in Mexico. Rio Salado and several tributaries were surveyed in the early 2000s, with several recently dead shells collected in 2001 and 2002 in a tributary to Rio Salado, the Rio Sabinas (Strenth *et al.* 2004, p. 225). The surveyed portions of riverbed were reported to be dry with no evidence of recent water flow, so it is unlikely these shells represent an abundant Texas hornshell population.

In the mainstem Rio Salado, several old shells and one recently dead shell were collected at two sites in 2002 (Strenth *et al.* 2004, p. 227). As with the Rio Sabinas, the river exhibited no flow; at one site, household waste was reported. These rivers, and many others in this region of Mexico, have been noted as losing flow and becoming dry or intermittent since the mid-1990s (Contreras-B. and Lozano-V. 1994, p. 381).

In 2017, eight sites in four rivers in the Rio Salado basin were surveyed for Texas hornshell. No live individuals were found at any site, and three long dead shells were found at one site in the Rio Nadadores (Hein *et al.* 2017, p. 3), further indicating that the species may be extirpated from the Rio Salado basin.

Separately, Texas hornshell were thought to occur in approximately 15 rivers that flow into the Gulf of Mexico and are not tributaries to the Rio Grande. Recent genetic analysis of museum samples indicates that individuals that had previously been identified as Texas hornshell in these Mexican Gulf Coastal streams belong to a different, undescribed species (Inoue 2017, p. 1). Therefore, we conclude that the Texas hornshell was never native to Gulf Coastal rivers outside of the Rio Grande basin, and it is endemic to the Rio Grande basin in the United States and Mexico.

Species Needs

Texas hornshell need seams of fine sediment in crevices, undercut riverbanks, travertine shelves, and large boulders in riverine ecosystems with flowing water and periodic cleansing flows to keep the substrate free of excess fine sediment accumulation. They need water quality parameters to be within a suitable range (Randklev *et al.* 2017, p. 5) (*i.e.,* dissolved oxygen above 3 milligrams/liter (mg/L), salinity below 0.9 parts per thousand, and ammonia below 0.7 mg/L (Sparks and Strayer 1998, p. 132; Augspurger *et al.* 2003, p. 2574; Augspurger *et al.* 2007, p. 2025; Carman 2007, p. 6)), and phytoplankton and bacteria as food. Finally, Texas hornshell need host fish to be present during times of spawning.

We describe the Texas hornshell's viability by characterizing the status of the species in terms of its resiliency (ability of the populations to withstand stochastic events), redundancy (ability of the species to withstand large-scale, catastrophic events), and representation (the ability of the species to adapt to changing environmental conditions). Using various timeframes and the current and projected resiliency, redundancy, and representation, we describe the species' level of viability over time. For the Texas hornshell to maintain viability, its populations or some portion thereof must be resilient. A number of factors influence the resiliency of Texas hornshell populations, including occupied stream length, abundance, and recruitment. Elements of Texas hornshell habitat that determine whether Texas hornshell populations can grow to maximize habitat occupancy influence those

factors, thereby increasing the resiliency of populations. These resiliency factors and habitat elements are discussed here.

Occupied Stream Length: Most freshwater mussels, including Texas hornshell, are found in aggregations, called mussel beds, that vary in size from about 50 to greater than 5,000 square meters (m^2) (540 to greater than 53,800 square feet (ft^2)), separated by stream reaches in which mussels are absent or rare (Vaughn 2012, p. 983). Resilient Texas hornshell populations must occupy stream reaches sufficient in length such that stochastic events that affect individual mussel beds do not eliminate the entire population. Repopulation by fish infested with Texas hornshell glochidia from other mussel beds within the reach, if present and hydrologically connected, can allow the population to recover from these events.

Abundance: Mussel abundance in a given stream reach is a product of the number of mussel beds and the density of mussels within those beds. For populations of Texas hornshell to be resilient, there must be many mussel beds of sufficient density (~200 individuals per 150 m^2 (1,614 ft^2); see SSA report for more discussion) such that local stochastic events do not necessarily eliminate the bed(s), allowing the mussel bed and the overall population in the stream reach to recover from any single event. We measure Texas hornshell abundance by the number of beds within the population, and the estimated density of Texas hornshell within each.

Reproduction: Resilient Texas hornshell populations must also be reproducing and successfully recruiting young individuals into the reproducing population. Population size and abundance reflects previous influences on the population and habitat, while reproduction and recruitment indicate population trends that may be stable, increasing, or decreasing. Detection of very young juvenile mussels during routine abundance and distribution surveys happens extremely rarely due to sampling bias; sampling for this species involves tactile searches, and mussels below about 35 millimeters (mm) (1.4 inches (in)) are very hard to detect. Therefore, reproduction is verified by repeatedly capturing small-sized individuals near the low end of the detectable size range (about 35 mm (1.4 in)) over time and by capturing gravid females during the reproductively active time of year (generally, March through August (Smith *et al.* 2003, p. 335)).

Substrate: Texas hornshell occur in flow refuges such as crevices, undercut riverbanks, travertine shelves, and large boulders. These refuges must have seams of clay or other fine sediments within which the mussels may anchor, but not so much excess sediment that the mussels are smothered. Those areas with clean-swept substrate with seams of fine sediments are considered to have suitable substrate, and those with copious fine sediment both in crevices and on the stream bottom are considered less suitable.

Flowing Water: Texas hornshell need flowing water for survival. They are not found in lakes or in pools without flow, or in areas that are regularly dewatered. River reaches with continuous flow are considered suitable habitat, while those with little or no flow are considered not suitable.

Water Quality: Freshwater mussels, as a taxonomic group, are sensitive to changes in water quality parameters such as dissolved oxygen, salinity, ammonia, and pollutants (*i.e.,* dissolved oxygen above 3 mg/L, salinity below 0.9 parts per thousand, and ammonia below 0.7 mg/L (Sparks and Strayer 1998, p. 132; Augspurger *et al.* 2003, p. 2574; Augspurger *et al.* 2007, p. 2025; Carman 2007, p. 6)). Habitats with appropriate levels of these parameters are considered suitable, while those habitats with levels outside of the appropriate ranges are considered less suitable.

Maintaining representation in the form of genetic or ecological diversity is important to maintain Texas hornshell's capacity to adapt to future environmental changes. Texas hornshell populations in the Rio Grande and Devils River (and, presumably, the Pecos River, due to its proximity to Rio Grande populations) have distinct variation in allele frequencies from those in the Black River (Inoue *et al.* 2015, p. 1916). Mussels, like Texas hornshell, need to retain populations throughout their range to maintain the overall potential genetic and life-history attributes that can buffer the species' response to environmental changes over time (Jones *et al.* 2006, p. 531). The Texas hornshell has likely lost genetic diversity as populations have been extirpated. As such, maintaining the remaining representation in the form of genetic diversity may be important for the capacity of the Texas hornshell to adapt to future environmental change.

Finally, the Texas hornshell needs to have multiple resilient populations distributed throughout its range to provide for redundancy, the ability of the species to withstand catastrophic events. The more populations, and the wider the distribution of those populations, the more redundancy the species will exhibit. Redundancy reduces the risk that a large portion of the species' range will be negatively affected by a catastrophic natural or anthropogenic event at a given point in time. Species that are well-distributed across their historical range are considered less susceptible to extinction and have higher viability than species confined to a small portion of their range (Carroll *et al.* 2010, entire; Redford *et al.* 2011, entire).

Summary of Biological Status and Threats

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species is an ''endangered species'' or a ''threatened species.'' The Act defines an endangered species as a species that is ''in danger of extinction throughout all or a significant portion of its range,'' and a threatened species as a species that is ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The Act directs us to determine whether any species is an endangered species or a threatened species because of one or more of the following factors affecting its continued existence: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

We completed a comprehensive assessment of the biological status of the Texas hornshell and prepared a report, which provides a thorough account of the species' overall viability. We define viability as the ability of the Texas hornshell to sustain populations in natural river systems over time. In this section, we summarize the conclusions of that assessment, which can be accessed at Docket No. FWS–R2–ES–2016–0077 on *http://www.regulations.gov.* Please refer to Chapter 4 of the SSA report for a more detailed discussion of the factors affecting the Texas hornshell.

Risk Factors

We reviewed the potential risk factors (*i.e.,* threats, stressors) that could be affecting the Texas hornshell now and in the future. In this final rule, we will discuss only those factors in detail that could meaningfully impact the status of the species. Those risks that are not known to have effects on Texas hornshell populations, such as

collection and disease, are not discussed here. The primary risk factors affecting the status of the Texas hornshell are: (1) Increased fine sediment (Factor A), (2) water quality impairment (Factor A), (3) loss of flowing water (Factor A), (4) barriers to fish movement (Factor E), and (5) increased predation (Factor C). These factors are all exacerbated by the effects of climate change (Factor E). We also factored into our analysis the degree to which existing regulatory mechanisms either ameliorate or exacerbate these risk factors (Factor D). We also reviewed the conservation efforts being undertaken for the species.

Increased Fine Sediment

Texas hornshell require seams of fine sediment under boulders and bedrock and in streambanks in order to anchor themselves into place on the stream bottom; however, too much fine sediment can fill in these crevices and smother any mussels inhabiting those spaces. Under natural conditions, fine sediments collect on the streambed and in crevices during low flow events, and they are washed downstream during high flow events (also known as cleansing flows).

However, the increased frequency of low flow events (from groundwater extraction, instream surface flow diversions, and drought), combined with a decrease in cleansing flows (from reservoir management and drought), has caused sediment to accumulate to some degree at all populations. When water velocity decreases, which can occur from reduced streamflow or inundation, water loses its ability to carry sediment in suspension, and sediment falls to the substrate, eventually smothering mussels that cannot adapt to soft substrates (Watters 2000, p. 263). Sediment accumulation can be exacerbated when there is a concurrent increase in the sources of fine sediments in a watershed. In the range of Texas hornshell, these sources include streambank erosion from agricultural activities, livestock grazing, and roads, among others.

Interstitial spaces (small openings between rocks and gravels) in the substrate provide essential habitat for juvenile mussels. Juvenile freshwater mussels burrow into interstitial substrates, making them particularly susceptible to degradation of this habitat feature. When clogged with sand or silt, interstitial flow rates and spaces may become reduced (Brim Box and Mossa 1999, p. 100), thus reducing juvenile habitat availability.

All populations of Texas hornshell face the risk of fine sediment accumulation to varying degrees. Elimination of Texas hornshell from mussel beds due to large amounts of sediment deposition has been documented on the Black River in two locations in recent years. In the future, we expect this deposition may continue to occur sporadically. Fine sediments are also accumulating at the Rio Grande–Laredo population. Low water levels in the Devils River will likely lead to additional sediment accumulation at this population, as well. In the future, we expect lower flows to occur more often at all populations and for longer periods due to the effects of climate change (Nohara et al. 2006, p. 1087; Bren School of Environmental Management 2014, p. 91; Miyazono et al. 2015, p. A–3).

Water Quality Impairment

Water quality can be impaired through contamination or alteration of water chemistry. Chemical contaminants are ubiquitous throughout the environment and are a major reason for the current declining status of freshwater mussel species nationwide (Augspurger *et al.* 2007, p. 2025). Chemicals enter the environment through both point and nonpoint discharges, including spills, industrial sources, municipal effluents, and agricultural runoff. These sources contribute organic compounds, nutrients, heavy metals, pesticides, herbicides, and a wide variety of newly emerging contaminants to the aquatic environment. Ammonia is of particular concern below wastewater treatment plants because freshwater mussels have been shown to be particularly sensitive to increased ammonia levels (Augspurger *et al.* 2003, p. 2569). It is likely for this reason that Texas hornshell are not found for many miles downstream of two wastewater treatment plants that discharge into the Rio Grande at Nuevo Laredo, Mexico, and at Eagle Pass, Texas (Karatayev *et al.* 2015, p. 14; Randklev *et al.* 2017, p. 5).

An additional type of water quality impairment is alteration of water quality parameters such as dissolved oxygen, temperature, and salinity levels. Dissolved oxygen levels may be reduced from increased nutrients in the water column from runoff or wastewater effluent, and juveniles seem to be particularly sensitive to low dissolved oxygen (Sparks and Strayer 1998, pp. 132–133). Increased water temperature from climate change and from low flows during drought can exacerbate low dissolved oxygen levels as well as change the timing of spawning and glochidial release. Finally, salinity appears to be particularly limiting to Texas hornshell. The aquifer near Malaga, New Mexico, contains saline water. As the saline water emerges from the ground, it is diluted by surface flow. As surface flow decreases, however, the concentration of salinity in the river increases. Additionally, aquifers have become increasingly saline due to salinized water recharge (Hoagstrom 2009, p. 35). Irrigation return flows exacerbate salinity levels as salts accumulate on irrigated lands and then are washed into the riverway. The Pecos River from the confluence with the Black River to the confluence with Independence Creek has become particularly saline in the past few decades, with levels at 7 parts per million (ppm) or higher, which is too high for freshwater mussel habitation. Additionally, the Black River downstream of the Texas hornshell population has had salinity levels in the range of 6 ppm, which may be one reason the population has been extirpated from the downstream reach.

Contaminant spills are also a concern. In particular, the Black River population is vulnerable to spills from the high volume of truck traffic crossing the river at low water access points (Bren School of Environmental Management 2014, p. 26). Due to the topography and steep slopes of these areas, spilled contaminants and contaminated soils could directly enter the surface water of the river and negatively impact the species (Boyer 1986, p. 300) and downstream habitat. For the smaller populations (Black, Devils, and Pecos Rivers), a single spill could eliminate the entire population.

In August of 2017, 18,000 barrels of wastewater from oil and gas production and 11 barrels of oil were spilled from a ruptured pipeline into the Delaware River, upstream of the Texas hornshell reintroduction site (Eaton 2017, p. 1), demonstrating a risk of contaminant spills in this area. A boom was deployed to collect some of the oil, but wastewater mixes with river water and cannot be collected (Onsurez 2017, p. 1). An Administrative Order was issued by the Environmental Protection Agency (EPA) on October 16, 2017 (EPA 2017), directing that a pollution prevention plan be created to prevent such spills in the future, but no other regulatory action was taken. Safety concerns due to poor water quality from the spill have prevented surveys to determine if the reintroduced individuals survived the event.

Any reduction in surface flow from drought, instream diversion, or groundwater extraction results in concentrated contaminant and salinity levels, increased water temperatures in

streams, and exacerbated effects to Texas hornshell individuals and populations.

Poor water quality currently affects most Texas hornshell populations to some degree, and future water quality is expected to decrease due to decreasing river flow and increasing temperatures. The Pecos River experiences very high salinity levels upstream of the existing population, and we expect that the observed high mortality of the Pecos River population is due to salinity pulses. Rangewide, as water flow is expected to decrease due to climate change, water quality will decline.

Loss of Flowing Water

Texas hornshell populations need flowing water in order to survive. Low flow events (including stream drying) and inundation can eliminate appropriate habitat for Texas hornshell, and while the species can survive these events if they last for only a short time (days or weeks, depending on the time of year), populations that experience these events regularly will not persist.

Inundation has primarily occurred upstream of dams, both large (such as Amistad, Falcon, and Red Bluff Dams) and small (low water crossings and diversion dams, such as those on the Black River). Inundation causes an increase in sediment deposition, eliminating the crevices this species inhabits. In large reservoirs, deep water is very cold and often devoid of oxygen and necessary nutrients. Cold water (less than 11 degrees Celsius (°C) (52 degrees Fahrenheit (°F))) has been shown to stunt mussel growth (Hanson *et al.* 1988, p. 352). Because glochidial release may be temperature dependent, it is likely that relict individuals living in the constantly cold hypolimnion (deepest portion of the reservoir) in these reservoirs may never reproduce, or reproduce less frequently. Additionally, the effects of these reservoirs extend beyond inundation and fragmentation of populations; the reservoirs are managed for flood control and water delivery, and the resultant downstream releases rarely mimic natural flow regimes, tempering the natural fluctuations in flow that flush fine sediments from the substrate.

At the Rio Grande–Laredo population, a low-water weir has been proposed for construction (Rio Grande Regional Water Planning Group 2016, p. 8–8). The dam would be located just downstream of the La Bota area, which contains the largest known and most dense Texas hornshell bed within the Rio Grande–Laredo population and rangewide. The impounded area would extend approximately 14 mi (22.5 km) upstream, effectively eliminating habitat for Texas hornshell from 25 percent of the currently occupied area and likely leading to extirpation of the densest sites within this population.

Very low water levels are also detrimental to Texas hornshell populations. Effects of climate change have already begun to affect the regions of Texas and New Mexico where the Texas hornshell occurs, resulting in higher air temperatures, increased evaporation, and changing precipitation patterns such that water levels rangewide have already reached historic lows (Dean and Schmidt 2011, p. 336; Bren School of Environmental Management 2014, p. 50). These changes are exacerbated by increased groundwater pumping resulting from increased water demand in response to changes in water availability. The rivers inhabited by Texas hornshell have some resiliency to drought because they are spring-fed (Black and Devils Rivers) or very large (Rio Grande), but drought in combination with increased groundwater pumping and regulated reservoir releases may lead to lower river flows of longer duration than have been recorded in the past.

Streamflow in the Rio Grande downstream of the confluence with the Rio Conchos (near the Rio Grande–Lower Canyons population) has been declining since the 1980s (Miyazono *et al.* 2015, p. A–3), and overall river discharge for the Rio Grande is projected to continue to decline due to increased drought as a result of climate change (Nohara *et al.* 2006, p. 1087). The Rio Conchos contributes more than 90 percent of the flow of the lower Rio Grande (Dean and Schmidt 2011, p. 4). However, during times of drought (such as between 1994 and 2003), the contribution of the Rio Conchos has fallen to as low as 40 percent (Carter *et al.* 2015, p. 15). The Rio Grande–Lower Canyons population is downstream of the confluence with the Rio Conchos and is at risk from these reduced flows. The Rio Grande–Lower Canyons is very incised (in other words, has vertical banks), and the population occurs in crevices along the steep banks. Due to the habitat characteristics of this population, reductions in discharge in this area may lead to a higher proportion of the Texas hornshell population being exposed to desiccation than would be found in other populations experiencing similar flow decreases.

In the Black River, surface water is removed from the river for irrigation, including the Carlsbad Irrigation District's Black River Canal at the diversion dam. Studies have shown that flows in the river are affected by groundwater withdrawals, particularly those from the Black River Valley. Groundwater in the Black River watershed is also being used for hydraulic fracturing for oil and gas activities. Between 4.3 acre-feet (187,308 ft^3 (5,304 m^3)) and 10.7 acre-feet (466,091 ft^3 (13,198 m^3)) of water is used for each hydraulic fracturing job (Bren School of Environmental Management 2014, p. 91). Overall, mean monthly discharge has already declined since the mid-1990s, and mean monthly temperatures have increased over the past 100 years (Inoue *et al.* 2014, p. 7). In the Black River, Texas hornshell survivorship is positively correlated with discharge (Inoue *et al.* 2014, p. 9); as mean monthly discharge decreases, we expect Texas hornshell survivorship to decrease, as well. The Black River is expected to lose streamflow in the future due to air temperature increases, groundwater extraction, and reduced precipitation.

In the Devils River, future water withdrawals from aquifers that support spring flows in the range of the Texas hornshell could result in reduction of critical spring flows and river drying (Toll *et al.* 2017, pp. 46–47). In particular, there have been multiple proposals to withdraw water from the nearby aquifer and deliver the water to municipalities (*e.g.,* Val Verde Water Company 2013, pp. 1–2). To date, however, none have been approved.

As spring flows decline due to drought or groundwater lowering from pumping, habitat for the Texas hornshell is reduced and could eventually cease to exist. While Texas hornshell may survive short periods of low flow, as low flows persist, mussels face oxygen deprivation, increased water temperature, and, ultimately, stranding and death.

Barriers to Fish Movement

Two of the Texas hornshell's primary host fish species (river carpsucker and red shiner) are common, widespread species. We do not expect the distribution of host fish to be a limiting factor in Texas hornshell distribution. However, the barriers that prevent fish movement upstream and downstream affect the viability of Texas hornshell as described below.

Texas hornshell were likely historically distributed throughout the Rio Grande, Pecos River, Devils River, and Black River basins in Texas, New Mexico, and Mexico when few natural barriers existed to prevent migration (via host species) among suitable habitats. The species colonized new areas through movement of infested host fish, and newly metamorphosed

juveniles would excyst from host fish in new locations. The loss of historical range has resulted in remaining populations that are significantly isolated from one another such that recolonization of areas previously extirpated is extremely unlikely if not impossible due to existing contemporary barriers to host fish movement. The primary reason for this isolation is reservoir construction and unsuitable water quality. The Black River is isolated from the rest of the populations by high salinity reaches of the Pecos River, as well as by Red Bluff Reservoir, and is hundreds of river miles from the nearest extant population. Amistad Reservoir separates the three Texas populations from each other, isolating the Rio Grande–Lower Canyons, Devils River, and Rio Grande–Laredo populations. No opportunity for natural interaction currently exists among any of the five extant U.S. populations.

The overall distribution of mussels is, in part, a function of the dispersal of their host fish. Small populations are more affected by this limited immigration potential because they are susceptible to genetic drift (random loss of genetic diversity) and inbreeding depression. At the species level, populations that are eliminated due to stochastic events cannot be recolonized naturally, leading to reduced overall redundancy and representation.

Increased Predation

Predation on freshwater mussels is a natural ecological interaction. Raccoons, snapping turtles, and fish all prey upon Texas hornshell. Under natural conditions, the level of predation occurring within Texas hornshell populations is not likely to pose a significant risk to any given population. However, during periods of low flow, terrestrial predators have increased access to portions of the river that are otherwise too deep under normal flow conditions. High levels of predation during drought have been observed on the Devils River, and muskrat predation has also been reported on the Black River (Lang 2001, p. 26; Robertson 2016, p. 1). As drought and low flow conditions are projected to occur more often and for longer periods due to the effects of climate change, the Devils River in particular is expected to experience additional predation pressure into the future. Predation is expected to be less of a concern for the Rio Grande populations, as the river is significantly larger than the Black and Devils Rivers, and Texas hornshell are less likely to be found in exposed or very shallow portions of the stream.

Effects of Climate Change

Climate change in the form of the change in timing and amount of precipitation and air temperature increase is occurring, and continued greenhouse gas emissions at or above current rates will cause further warming (Intergovernmental Panel on Climate Change (IPCC) 2013, pp. 11–12). Warming in the Southwest is expected to be greatest in the summer (IPCC 2013, pp. 11–12), and annual mean precipitation is very likely to decrease in the Southwest (Ray *et al.* 2008, p. 1; IPCC 2013, pp. 11–12). In Texas, the number of extreme hot days (high temperatures exceeding 95 °F (35 °C) are expected to double by around 2050 (Kinniburgh *et al.* 2015, p. 83), and Texas is projected to be one of the areas most affected by climate change in North America. West Texas is an area expected to show greater responsiveness to the effects of climate change (Diffenbaugh *et al.* 2008, p. 3). Even if precipitation and groundwater recharge remain at current levels, increased groundwater pumping and resultant aquifer shortages due to increased temperatures are nearly certain (Loaiciga *et al.* 2000, p. 193; Mace and Wade 2008, pp. 662, 664–665; Taylor *et al.* 2012, p. 3). Increased water temperature can cause stress to individuals, decrease dissolved oxygen levels, and increase toxicity of contaminants and ammonia. Effects of climate change, such as air temperature increases and an increase in drought frequency and intensity, have been shown to be occurring throughout the range of Texas hornshell (Kinniburgh *et al.* 2015, p. 88), and these effects are expected to exacerbate several of the stressors discussed above, such as increased water temperature and flow loss (Wuebbles *et al.* 2013, p. 16). As we projected the future condition of the Texas hornshell and which stressors are likely to occur, we considered climate change to be an exacerbating factor in the increase of fine sediments, declines in water quality, and loss of flowing water.

Due to the effects of ongoing climate change, we expect the frequency and duration of cleansing flows to decrease, leading to the increase in fine sediments and reduced water levels at all populations. More extreme climate change projections lead to further increases in fine sediment within the populations. Similarly, as lower water levels concentrate contaminants and cause unsuitable temperature and dissolved oxygen levels, we expect water quality to decline to some degree in the future as a result of the effects of climate change.

Conservation Actions and Regulatory Mechanisms

About 7 percent of known occupied habitat for the Texas hornshell is in New Mexico, and the Service collaborated with water users, oil and gas developers, landowners, and other partners to develop candidate conservation agreements (CCAs) and candidate conservation agreements with assurances (CCAAs) for the species on State, Federal, and private lands (Regulations pertaining to these types of agreements are at 50 CFR 17.22 and 17.32.). These agreements provide voluntary conservation that will, if executed properly, reduce threats to the species while improving physical habitat and water quality. The key conservation measures in the agreements are designed to limit oil and gas development to areas outside of the Black and Delaware River floodplains, minimize erosion, and maintain minimum water flows in the rivers. Along with these measures, the partners to the agreement are evaluating alternatives to the multiple low water crossings on the Black River. Partners are considering alternate crossing locations, which could include bridges designed to allow host fishes to pass through in addition to decreasing potential contamination events. These agreements were approved by the Service in October 2017. Enrollment in the agreements is available until this rule becomes effective. Because enrollment under these agreements is just beginning, the conservation measures have not yet become effective at reducing or eliminating threats to the species. As discussed elsewhere in this decision, we do not expect these agreements to modify the overall conservation status of the species because of the relatively small amount of habitat subject to these agreements; however, they will provide good conservation benefits to the hornshell populations within the covered area.

In 2013, the New Mexico Department of Game and Fish (NMDGF) began Texas hornshell reintroduction efforts into the Delaware River, which is within the historical range of the species. Adults and infested host fish were released in suitable habitat in the Delaware River in 2013 and 2015. Many of the released adults have been subsequently located, and success of the reintroduction will be determined in the coming years, as well as the effect of the produced water and oil spill in 2017 on these individuals. Mussel reintroductions take many years to show success, because

the size of the juvenile mussel prevents detecting natural reintroduction for at least 3 years or more. As a positive sign, NMDGF biologists captured two gray redhorse from the Delaware River that appeared to be infested with Texas hornshell glochidia (NMDGF 2017, p. 1). We expect the reintroduction effort to continue over the next several years, but we are not considering the population to have been successfully reestablished until progeny from the reintroduced adults have been found in the river.

In Texas, The Nature Conservancy and Texas Parks and Wildlife Department manage lands under their purview in the Devils River watershed for native fish, wildlife, and plant communities, including Texas hornshell. The large amount (over 200,000 acres) of land in conservation management in the Devils River watershed reduces the risks to Texas hornshell from sediment inputs and contaminants.

In the Rio Grande, we are not aware of any management actions for Texas hornshell. The Texas Comptroller of Public Accounts has established an Endangered Species Task Force and has funded much of the recent research in Texas on Texas hornshell, which has led to greater understanding of the species' distribution in the State.

Summary of Risks to Texas Hornshell

Our analysis of the past, current, and future influences on what the Texas hornshell needs for long-term viability revealed that five influences pose the largest risk to future viability of the species. These risks are primarily related to habitat changes: The accumulation of fine sediments, the loss of flowing water, and impairment of water quality; these are all exacerbated by the effects of climate change. Additionally, predation and barriers to fish movement exacerbate the effects of these risks. We did not assess overutilization for scientific and commercial purposes or disease in detail, because these risks do not appear to be occurring at a level that affects Texas hornshell populations. The accumulation of fine sediments, the loss of flowing water, impairment of water quality, predation, and barriers to fish movement, as well as conservation and management efforts, are acting individually and cumulatively to affect the current and future viability of the Texas hornshell.

Current Condition

Overall, five known populations of Texas hornshell remain, comprising approximately 15 percent of the species' historical range in the United States (see Map 1, above). Historically, most Texas hornshell populations were likely connected by fish migration throughout the Rio Grande, upstream through the Pecos River, and throughout the tributaries, but due to impoundments and river reaches with unsuitable water quality (for example, high salinity) they are currently isolated from one another, and repopulation of extirpated locations is unlikely to occur without human assistance. Here we discuss the current condition of each known population, taking into account the risks to those populations that are currently occurring, as well as management actions that are currently occurring to address those risks. We consider low levels of climate change to be currently occurring, resulting in reduced timing and amount of streamflow, increased stream temperatures, and increased accumulation of fine sediments.

Black River: The Black River population is quite dense and recruitment appears to be high, but the short length (8.7 mi (14.0 km)) of the occupied reach limits this population's resiliency. Accumulation of fine sediment in the substrate has already occurred due to increased sediment input into the river from road crossings, culverts, and cattle grazing, combined with a decreased frequency of cleansing river flows. The current level of climate impacts will continue to reduce flow in the river from groundwater extraction and drought, resulting in fewer cleansing flows and increased fine sediments. The distribution of Texas hornshell in the Black River will remain small, and the risk of a contaminant spill will remain high, resulting in a high likelihood that water quality will become unsuitable and reduce abundance of Texas hornshell significantly.

The CCA/CCAA being implemented for the Black River will help reduce the likelihood of a spill and help maintain water flows, but extended droughts are nevertheless likely, resulting in low water flows. Therefore, taking into account the current threats to the population and its distribution within the river, the Texas hornshell population in the Black River has low to moderate resiliency.

Pecos River: The Pecos River population is extremely small and exhibits no evidence of reproduction. The age, poor condition, and small number of live individuals found among the very high number of dead shells indicates a population in severe decline; this situation is likely due to high salinity levels in the river upstream of the population. There is a high likelihood this population will be extirpated in the near future due to water quality alone. Therefore, the Pecos River population of Texas hornshell has very low resiliency.

Devils River: The Devils River population has low abundance and has exhibited some evidence of reproduction. The current level of climate change impacts will continue to reduce flow in the Devils River due to groundwater extraction and drought. The low flows this population experiences during dry times will continue to become more frequent and prolonged. Because Texas hornshell in the Devils River occur at the heads of riffles, they are vulnerable to complete flow loss when water levels drop. The reduction in cleansing flows will also result in the accumulation of fine sediments, reducing substrate quality. Low flows will also affect water quality parameters such as temperature and dissolved oxygen, causing them to become unsuitable for Texas hornshell. Additionally, the species is already vulnerable to predation from terrestrial predators during times of low flow; predation will occur more frequently as periods of low flow become more common. Overall, because the population is currently small and would be unlikely to grow, the Devils River population has low resiliency.

Rio Grande-Lower Canyons: The Lower Canyons population has relatively high abundance and evidence of recruitment. Drought and groundwater extraction resulting from currently observed levels of climate change will continue to lower water levels in the Rio Grande–Lower Canyons population of Texas hornshell. We expect that the Rio Conchos will continue to be an unreliable source of water. This section of the Rio Grande is relatively deep and incised, and the population of Texas hornshell primarily occurs in crevices along the banks. Water flow reductions would expose a high proportion of the existing population; therefore, this reduction in flow will likely have a larger effect on the population size than in other populations, although at a small to moderate decrease in water flow we still expect abundance to be maintained at moderate levels. Overall, the Rio Grande–Lower Canyons population exhibits moderate resiliency.

Rio Grande-Laredo: Similar to the Lower Canyons population, the Laredo population has numerous mussel beds with high Texas hornshell abundance and evidence of reproduction. However, drought and upstream water management will continue to reduce flows in the Rio Grande. Water quality

will continue to decrease due to lower flows, and fine sediments will accumulate. Declining water flow will cause fine sediments to accumulate and water quality to decline, leading to a decline in population abundance. Overall, the Rio Grande–Laredo population has moderate resiliency.

Mexico: The Rio Salado basin has not yielded any evidence of an existing population despite several surveys since 2000. Texas hornshell is presumed to be extirpated from this basin. There are no other historical locations of Texas hornshell in Mexico.

Future Condition

As part of the SSA, we also developed multiple future condition scenarios to capture the range of uncertainties regarding future threats and the projected responses by the Texas hornshell. Our scenarios included a status quo scenario, which incorporated the current risk factors continuing on the same trajectory that they are on now. We also evaluated four additional future scenarios that incorporated varying levels of increasing risk factors with elevated negative effects on hornshell populations. The additional future scenarios project conditions that are worse for the Texas hornshell than the current condition or status quo projection. Because we determined that the current condition of the Texas hornshell and the associated status quo projections were consistent with an endangered species (see Determination of Species Status, below), we are not presenting the results of the other future scenarios in this final rule. Since the status quo scenario was determined to be endangered, other projected scenarios would also be endangered, as they forecast conditions that are more at risk of extinction than the status quo. Please refer to the SSA report (Service 2018) for the full analysis of future scenarios.

Summary of Changes From the Proposed Rule

We made no changes from the proposed rule to the text of the rule itself. Since the publication of the August 10, 2016, proposed rule to list the Texas hornshell as endangered (81 FR 52796), we have made the following substantive changes in our supporting materials:

(1) Genetic analysis of individuals from the Rio Panuco basin in Mexico (representing the Mexican Gulf Coastal streams) indicates that they are not Texas hornshell; instead, they are a different, as yet undescribed species. The Rio Panuco basin contained the majority of historical records of Texas hornshell in the Mexican Gulf Coastal area. In light of this information, it is unlikely Texas hornshell occurred in the remainder of the Mexican Gulf Coastal streams. We have incorporated this information into the historical, current, and future conditions of the species in our SSA analysis and report.

(2) The Office of the Texas Comptroller of Public Accounts provided additional survey information regarding the Delaware River, which we have incorporated into our SSA report.

Summary of Comments and Recommendations

In the proposed rule published on August 10, 2016 (81 FR 52796), we requested that all interested parties submit written comments on the proposal by October 11, 2016. We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. Newspaper notices inviting general public comment were published in the San Antonio Express News and the Carlsbad Current-Argus. We received requests for public hearings, and we held two public hearings: in Laredo, Texas, on June 13, 2017, and in Carlsbad, New Mexico, on June 15, 2017. The comment period was reopened for 30 days on May 30, 2017 (82 FR 24654), until June 29, 2017, and for another 30 days on August 10, 2017 (82 FR 37397), until September 11, 2017.

During the first comment period, we received 24 comment letters directly addressing the proposal. During the second comment period and at the public hearings, we received 16 comment letters and statements directly addressing the proposal. During the third comment period, we received 697 comment letters—including 685 form letters—directly addressing the proposal. All substantive information provided during the comment periods has either been incorporated directly into this final determination, into the SSA report, or addressed below. We received several comments that clarified various topics within the SSA report or this rule, and we incorporated them as appropriate. Comments received were grouped into 10 general issues specifically relating to the proposed listing status for the Texas hornshell and are addressed in the following summary and incorporated into the final rule as appropriate.

Peer Reviewer Comments

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinion from five knowledgeable individuals with scientific expertise that included familiarity with Texas hornshell and its habitat, biological needs, and threats. During development of the SSA report, we reached out to five peer reviewers and received responses from four; all comments were incorporated into the SSA report prior to the proposed rule. During the comment period for the proposed rule, we reached out to an additional five peer reviewers, and we received responses from three. We reviewed all comments received from the peer reviewers for substantive issues and new information regarding the listing of the Texas hornshell. The reviewers were generally supportive of our approach and made suggestions and comments that strengthened our analysis. Peer reviewer comments are addressed in the following summary and incorporated into the SSA report and this final rule as appropriate.

(1) Comment: One peer reviewer, NMDGF, the New Mexico State Lands Office (NMSLO), and five commenters stated that we should not presume the species has been extirpated from all locations in Mexico, given the lack of surveys particularly from the Gulf Coastal region.

Our Response: We recently learned that the populations in the Gulf Coastal region in Mexico previously identified as Texas hornshell are a different species, and we have updated our analysis accordingly. The remaining historical Texas hornshell populations in Mexico are in the Rio Salado basin in Nuevo Leon. This population was originally reported in 1891 (Mussel Project 2015). When this area was revisited in 2004 (Strenth *et al.* 2004, p. 227), household waste was found throughout the river and no live individuals were found. This basin was visited again in 2017, with surveys at eight sites in four rivers, and no live individuals were found (Hein *et al.* 2017, p. 3). Therefore, we have no evidence that any populations of Texas hornshell persist in Mexico. We have updated the SSA report to reflect the new genetic information and survey findings.

(2) Comment: One peer reviewer suggested we incorporate the effects of population fragmentation and isolation on the species.

Our Response: We discussed population isolation in our analysis of barriers to fish movement. Because the host fish may no longer move between populations of Texas hornshell, there is no immigration of individuals to increase genetic diversity and recolonize after stochastic events. The effect of this isolation is incorporated

into our analysis of the current and future condition of populations.

Comments From States

(3) Comment: We received one comment from the Texas Commission on Environmental Quality (TCEQ) clarifying the surface water rights and treaty obligations in the rivers inhabited by Texas hornshell.

Our Response: In the SSA report, we have clarified water management responsibilities of inland rivers occupied by Texas hornshell, as well as obligations under the 1944 Treaty between the United States and Mexico, which governs water management in the mainstem Rio Grande.

(4) Comment: We received comments from NMDGF, NMSLO, and one commenter expressing concern that listing may affect relationships with landowners along the Black River and that we have not adequately considered the conservation being implemented in the Black and Delaware River watersheds. In particular, NMSLO suggested that the Policy for Evaluation of Conservation Efforts when Making Listing Decisions (PECE) (68 FR 15100, March 28, 2003) requires ''the Service to evaluate the conservation efforts of state and foreign governments or federal agencies, among others.''

Our Response: We share the commenters' desire to maintain relationships with landowners along the Black River. NMDGF has spent considerable time and effort developing relationships with the private landowners on the Black River in order to access the river, survey for Texas hornshell, and implement conservation measures for the species. In the Black and Delaware River watersheds, the Service, NMDGF, NMSLO, Bureau of Land Management (BLM), and private landowners have developed CCAs/CCAAs for Texas hornshell, which will provide voluntary conservation that will reduce threats to the species while improving physical habitat and water quality. A notice of availability on the permit application packages, including the draft CCA, draft CCAAs, and draft environmental assessment was published in the **Federal Register** on July 7, 2017, and was available for public comment for 30 days (82 FR 31625, July 7, 2017). The final agreements were signed by the Service, BLM, the New Mexico Land Commissioner, and the Center of Excellence on October 19, 2017. For private landowners who choose to enroll in these agreements, the agreements support the conservation of Texas hornshell while providing the landowner with a permit for incidental take of the species during the course of otherwise lawful activities. It is our intent that these agreements will help maintain landowner relationships in the Black and Delaware River watersheds.

We have addressed all relevant conservation efforts, as required by the Act, in this decision. Consistent with the PECE we find that the potential reduction in threats resulting from the CCAs/CCAAs in the Black and Delaware River watersheds limited to these watersheds and is not widespread enough to preclude listing the Texas hornshell as an endangered species. The PECE does not set standards for how much conservation is needed to make listing unnecessary. The PECE explains that we evaluate the significance of plans that address only a portion of a species' range in the context of the species' overall status. While a formalized conservation effort may be effective in reducing or removing threats in a portion of the species' range, that effort may or may not be sufficient to remove the need to list the species as threatened or endangered. Although the CCAs/CCAAs are expected to improve the status of the Texas hornshell in the Black and Delaware Rivers, four populations of Texas hornshell will not be affected by the agreements. Therefore, the agreements, even if fully implemented and effective, will not improve the status of Texas hornshell such that it does not meet the Act's definition of a threatened or endangered species. Because of the limited scope of the agreements, it was unnecessary to conduct a PECE analysis.

(5) Comment: TCEQ and four commenters stated that our population survey information is limited and that we need to delay a final determination until more surveys are conducted and more data are collected.

Our Response: The Act requires the Service to publish a final rule within 1 year from the date we propose to list a species. This 1-year timeframe can be extended only if there is substantial disagreement regarding the sufficiency or accuracy of the available data relevant to the determination or revision concerned, but only for 6 months and only for purposes of soliciting additional data. In such a case, under section 4(b)(6)(B)(i) of the Act, the Secretary may extend the 1-year period to make a final determination by up to 6 months for the purposes of soliciting additional data. In light of this comment, due to disagreements about the species' status in the Gulf Coastal region of Mexico, we extended the final determination by 6 months (82 FR 37397, August 10, 2017).

In accordance with section 4 of the Act, we are required to determine whether a species warrants listing on the basis of the best scientific and commercial data available. Further, our Policy on Information Standards under the Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines (*www.fws.gov/informationquality/*), provide criteria and guidance, and establish procedures to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for determining whether a species warrants listing as an endangered or threatened species.

Science is a cumulative process, and the body of knowledge is ever-growing. In light of this fact, the Service will always take new research into consideration. If plausible new research supports amendment or revision of this rule in the future, the Service will modify the rule consistent with the Act and our established work priorities at that time.

(6) Comment: We received two comments from NMDGF regarding our analysis of the current and future influences on Texas hornshell viability. They cautioned us not to presume all sedimentation is detrimental to Texas hornshell; some sedimentation is part of the natural state of the watershed. Additionally, they did not agree that predation is a significant risk to the species, stating that low water levels would cause mortality before predation levels increase.

Our Response: Texas hornshell require seams of fine sediment under boulders and bedrock and in streambanks in order to anchor themselves into place. However, too much sedimentation, which can cause smothering, is a significant risk to the species rangewide. Chapter 4.1 and Appendix B of the SSA report contain more discussion of the risks of sedimentation.

In most of the streams occupied by Texas hornshell, we agree that low water levels would affect populations before predation is a significant factor. This scenario is because the species occupies crevices in streambanks and under boulders, which provide protection from predators. However, in the Devils River, Texas hornshell are found in gravel and cobble substrate in

riffles. These habitats become easily accessible to terrestrial predators, such as raccoons (*Procyon lotor*), when water levels drop, and significant levels of predation on Texas hornshell have been observed during times of low water levels. We have clarified in the SSA report and above in this preamble that this situation is primarily a concern for the population in the Devils River.

Public Comments

(7) Comment: Three commenters stated that existing laws and policies related to oil and gas production and surface water rights, such as the Clean Water Act, Oil Pollution Act, Resource Conservation and Recovery Act, and Pollution Prevention Act, will provide sufficient protection to Texas hornshell populations. According to the commenters, these laws and subsequent regulations provide many protections for freshwater systems including spill prevention measures, stormwater measures, and hazardous waste management, among others, which prevent the Texas hornshell in the Black River from being affected by oil and gas exploration. Further, the commenters state that groundwater use in Texas is governed by the Texas Groundwater Act, and ground and surface water rights in New Mexico are permitted by the Office of the State Engineer, and that these laws and policies provide at least as much protection as listing under the Act.

Our Response: While the laws and regulations related to water quality have reduced the risk of contamination of the Black River in New Mexico from oil and gas production, the risk from the high volume of truck traffic crossing the river at low-water access points remains high. In particular, one highly used crossing occurs at the upper end of the range of Texas hornshell in the Black River; a spill of water that has been collected as a byproduct of oil and gas production at this location could eliminate the entire population. For example, an overturned truck at a road crossing on the Clinch River in Virginia in 1998 resulted in the extirpation of three endangered species of mussels for 6 miles downstream (Jones *et al.* 2001, p. 28). While not from a road crossing, a spill of 18,000 barrels of produced water and 11 barrels of oil from a ruptured pipeline occurred on the Delaware River, which is adjacent to the Black River, in August 2017, demonstrating the high risk of a spill in this area. Produced water mixes with river water and cannot be absorbed by boom lines, and so once a spill has happened, there is little clean up that can occur. In this case, the only regulatory response was the issuance of an Administrative Order by EPA (EPA 2017) directing the development of a pollution prevention plan.

Regarding water law, while extraction of water is regulated by the States of New Mexico and Texas, instream flow is affected by many factors, including local precipitation, high-altitude groundwater recharge, surface water-groundwater interactions, local groundwater table elevation, evapotranspiration, and anthropogenic water use. The Black River is expected to lose streamflow due to increased air temperature and reduced precipitation alone (Bren School of Environmental Management 2014, p. 91). Appropriate water management can help ensure sufficient streamflow, but if the amount of water entering the system decreases and anthropogenic water use remains at the same rate, streamflow levels will decrease. Therefore, although existing water law may mitigate water flow reductions, it is not sufficient to protect Texas hornshell from the effects of reduced streamflow.

(8) Comment: One commenter requested we provide data on water flow, water quality, the risk of spills, and on the Pecos River population of Texas hornshell.

Our Response: This information is provided in the SSA report in the following locations: Water flow (Chapter 4.3 and Appendix B); water quality and spill risk (Chapter 4.2 and Appendix B); and Pecos River population data (Chapter 3.2.2). References cited are available at *www.regulations.gov* in Docket No. FWS–R2–ES–2016–0077.

(9) Comment: Two commenters stated that climate change does not exacerbate the risk factors in our analysis, and that our analysis is based on opinion rather than fact.

Our Response: We recognize that there are scientific differences of opinion on many aspects of climate change, including the role of natural variability in climate and the uncertainties involved with climate change projections and how local ecosystems may respond. We relied on synthesis documents (*e.g.,* IPCC 2013) that present the consensus view of a very large number of experts on climate change from around the world. Additionally, we relied on downscaled climate change projections (*e.g.,* Nohara 2006, CH2MHILL 2008, Mace and Wade 2008, Bren School of Environmental Management 2014) that forecast what is expected to occur to landscapes in New Mexico and Texas. We have found that these reports, as well as the scientific papers used in those reports or resulting from those reports, represent the best available scientific information we can use to inform our decision and have relied upon them and provided citations within our analysis. Climate change impacts are expected to result in lower stream flows, poorer water quality, increased accumulation of fine sediments, and, in the Devils River, increased predation.

(10) Comment: Two commenters expressed that the risks to the Black River from low flows and contamination are high.

Our Response: The Texas hornshell population in the Black River is at risk of reduction or extirpation from low flows or contamination. The CCA/CCAA for the Black and Delaware Rivers with water users, oil and gas developers, landowners, and other partners will be critical to reduce threats to the species in this area while improving physical habitat and water quality.

Determination of Species Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 424) set forth the procedures for determining whether a species meets the definition of ''endangered species'' or ''threatened species.'' The Act defines an ''endangered species'' as a species that is ''in danger of extinction throughout all or a significant portion of its range,'' and a ''threatened species'' as a species that is ''likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' The Act requires that we determine whether a species meets the definition of ''endangered species'' or ''threatened species'' because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

Texas Hornshell Determination of Status Throughout All of Its Range

Our analysis of the past, current, and future influences on what the Texas hornshell needs for long-term viability revealed that there are five influences that pose a meaningful risk to the viability of the species. These are primarily related to habitat changes (Factor A from the Act): The accumulation of fine sediments, the loss of flowing water, and impairment of water quality, all of which are exacerbated by the effects of climate change (Factor E). Predation (Factor C) is also affecting those populations

already experiencing low stream flow, and barriers to host fish movement (Factor E) prevent gene flow and recolonization after stochastic events. The regulatory mechanisms we considered include the Clean Water Act, Oil Pollution Act, Texas Endangered Species Act, and New Mexico Wildlife Conservation Act (Factor D) and were not enough to remove these influences on the viability of Texas hornshell.

The Texas hornshell has declined significantly in overall distribution and abundance, with the species currently occupying approximately 15 percent of its historical range in the United States. The resulting remnant populations occupy shorter reaches compared to likely historical populations, and they are all isolated from one another.

The primary historical reason for this reduction in range was reservoir construction and unsuitable water quality. Large reservoirs have been constructed on the Rio Grande and Pecos River, and much of the Pecos River upstream of the confluence with Independence Creek now has salinity levels too high for mussel habitation (Hoagstrom 2009, p. 28). The effects of these reservoirs extend beyond fragmentation of populations; the resultant downstream water releases do not mimic natural flow regimes, and the change in timing and frequency of cleansing flows results in increases in fine sediments, increases in predation, and decreases in water quality. The effects of climate change—increased temperature and decreased stream flow—exacerbate these impacts. Because of these threats acting in combination, the remaining Texas hornshell populations currently face moderate to high levels of risk of extirpation. For the populations occupying the smaller reaches (such as the Black River, Devils River, and Pecos River populations), a single stochastic event such as a contaminant spill or drought could eliminate an entire population of Texas hornshell. These effects are heightened at the species level because the isolation of the populations prohibits natural recolonization from host fish carrying Texas hornshell glochidia, which likely happened in the past and allowed for the species to ebb and flow from suitable areas.

Populations in both large and small reaches face risks from natural and anthropogenic sources. Climate change has already begun to affect the regions of Texas and New Mexico where Texas hornshell occurs, resulting in higher air temperatures, increased evaporation, increased groundwater pumping, and changing precipitation patterns such that water levels rangewide have already reached historic lows (Wuebbles et al. 2013, p. 16; Bren School of Environmental Management 2014, p. 91; Kinniburgh et al. 2015, p. 88; Miyazono *et al.* 2015, appendix A; Toll *et al.* 2017, pp. 46–47). These low water levels put the populations at risk of habitat loss from increased fine sediments, poor water quality, and increased predation risk. These risks, alone or in combination, are expected to result in the extirpation of additional populations, further reducing the overall redundancy and representation of the species.

Historically, the species, with a large range of interconnected populations, would have been resilient to stochastic events such as drought and sedimentation because even if some populations were extirpated by such events, they could be recolonized over time by dispersal from nearby surviving populations. This connectivity would have made for a highly resilient species overall. However, under current conditions, connectivity is prevented due to large reservoirs and unsuitably high salinity levels between populations. As a consequence of these current conditions, the viability of the Texas hornshell now primarily depends on maintaining the remaining isolated populations.

Of the five known remaining isolated populations in the United States, three are small in abundance and occupied stream length and have low to no resiliency. The remaining two are larger, with increased abundance and occupied stream length; however, flow reduction, water quality decline, and habitat loss from sedimentation reduce the abundance and distribution of those populations. Therefore, the Texas hornshell has no populations that are currently considered highly resilient. The high risk of extirpation of these populations leads to low levels of redundancy (few populations will persist to withstand catastrophic events) and representation (little to no ecological or genetic diversity will persist to respond to changing environmental conditions). Overall, these low levels of resiliency, redundancy, and representation result in the Texas hornshell having low viability, and the species currently faces a high risk of extinction.

Thus, after assessing the best available information, we conclude that the Texas hornshell is in danger of extinction throughout all of its range. We find that the Texas hornshell is presently in danger of extinction throughout its entire range based on the severity and immediacy of threats currently impacting the species. The overall current range has been significantly reduced from the historical range of the species, and the remaining habitat and populations face a multitude of threats acting in combination to reduce the overall viability of the species. The risk of extinction is high because the remaining populations have a high risk of extirpation, are isolated, and have limited potential for recolonization. Therefore, on the basis of the best available scientific and commercial information, we list the Texas hornshell as an endangered species in accordance with sections 3(6) and 4(a)(1) of the Act. We find that a threatened species status is not appropriate for the Texas hornshell because of the currently contracted range (loss of 85 percent of its historic range), because the threats are occurring across the entire range of the species, and because the threats are ongoing currently and are expected to continue or worsen into the future. Because the species is already in danger of extinction throughout its range, a threatened status is not appropriate.

Because we found that the species is an endangered species because of its status throughout all of its range, we do not need to conduct an analysis of it status in any portions of its range. This is consistent with the Act because the species is currently in danger of extinction throughout all of its range due to high-magnitude threats across its range, or threats that are so high in particular areas that they severely affect the species across its range. Therefore, the species is in danger of extinction throughout every portion of its range, and an analysis of whether the species is in danger of extinction or likely to become so throughout any significant portion of its range would be redundant and unnecessary. See the Final Policy on Interpretation of the Phrase ''Significant Portion of Its Range'' in the Endangered Species Act's Definitions of ''Endangered Species'' and ''Threatened Species'' (79 FR 37577).

Texas Hornshell Determination of Status

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats to the Texas hornshell. Because the species is in danger of extinction throughout all of its range, the species meets the definition of an endangered species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition, recovery actions,

requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public awareness, and conservation by Federal, State, Tribal, and local agencies, private organizations, and individuals. The Act encourages cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required by Federal agencies and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Subsection 4(f) of the Act requires the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The recovery planning process involves the identification of actions that are necessary to halt or reverse the species' decline by addressing the threats to its survival and recovery. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

Recovery planning includes the development of a recovery outline shortly after a species is listed and preparation of a draft and final recovery plan. The recovery outline guides the immediate implementation of urgent recovery actions and describes the process to be used to develop a recovery plan. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery plan identifies site-specific management actions that set a trigger for review of the five factors that control whether a species remains endangered or may be downlisted (reclassified from endangered to threatened) or delisted (removed from the Lists of Endangered and Threatened Wildlife and Plants), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) are often established to develop recovery plans. When completed, the recovery outline, draft recovery plan, and the final recovery plan will be available on our website (*http://www.fws.gov/endangered*) or from our Texas Coastal Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (*e.g.,* restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

Following publication of this final listing rule, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the States of New Mexico and Texas will be eligible for Federal funds to implement management actions that promote the protection or recovery of the Texas hornshell. Information on our grant programs that are available to aid species recovery can be found at: *http://www.fws.gov/grants.*

Please let us know if you are interested in participating in recovery efforts for the Texas hornshell. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any species that is listed as an endangered or threatened species and with respect to its critical habitat, if any is designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) of the Act requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service.

Federal agency actions within the species' habitat that may require conference or consultation or both as described in the preceding paragraph include management and any other landscape-altering activities on Federal lands administered by the National Park Service (Big Bend National Park and Rio Grande Wild and Scenic River); issuance of section 404 Clean Water Act permits by the Army Corps of Engineers; and construction and maintenance of roads or highways by the Federal Highway Administration.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to endangered wildlife. The prohibitions of section 9(a)(1) of the Act, codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these) endangered wildlife within the United States or on the high seas. In addition, it is unlawful to import; export; deliver, receive, carry, transport, or ship in interstate or foreign commerce in the course of commercial activity; or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to employees of the Service, the National Marine Fisheries Service, other Federal land management agencies, and State conservation agencies.

We may issue permits to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22. With regard to endangered wildlife, a permit may be issued for the following purposes: For scientific purposes, to enhance the propagation or survival of the species, and for incidental take in connection with otherwise lawful activities. There are also certain statutory exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

It is our policy, as published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time a species is listed, those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a final listing on proposed and ongoing activities within the range of a listed species. Based on the best available information, the following actions are unlikely to result in a violation of section 9, if these activities are carried out in accordance with existing regulations and permit

requirements; this list is not comprehensive:

(1) Normal agricultural and silvicultural practices, including herbicide and pesticide use, which are carried out in accordance with any existing regulations, permit and label requirements, and best management practices; and

(2) Normal residential landscape activities.

Based on the best available information, the following activities may potentially result in a violation of section 9 of the Act; this list is not comprehensive:

(1) Unauthorized handling or collecting of the species;

(2) Modification of the channel or water flow of any stream in which the Texas hornshell is known to occur;

(3) Livestock grazing that results in direct or indirect destruction of stream habitat; and

(4) Discharge of chemicals or fill material into any waters in which the Texas hornshell is known to occur.

Questions regarding whether specific activities would constitute a violation of section 9 of the Act should be directed to the Texas Coastal Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Critical Habitat for the Texas Hornshell

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features:

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act would apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines, provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

Prudency Determination

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12), require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. Our regulations (50 CFR 424.12(a)(1)) state that the designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

There is currently no imminent threat of take attributed to collection or vandalism under Factor B for the Texas hornshell, and identification and mapping of critical habitat is not likely to increase any such threat. In the absence of finding that the designation of critical habitat would increase threats to a species, if there are any benefits to a critical habitat designation, then a prudent finding is warranted. The potential benefits of designation include: (1) Triggering consultation under section 7 of the Act for actions in which there may be a Federal nexus where it would not otherwise occur because, for example, it is or has become unoccupied or the occupancy is in question; (2) focusing conservation activities on the most essential features and areas; (3) providing educational benefits to State or county governments or private entities; and (4) preventing people from causing inadvertent harm to the species. Therefore, because we have determined that the designation of critical habitat will not likely increase the degree of threat to these species and may provide some measure of benefit, we find that designation of critical habitat is prudent for the Texas hornshell.

Critical Habitat Determinability

Having determined that designation is prudent, under section 4(a)(3) of the Act we must find whether critical habitat for the species is determinable. Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist: (i) Information sufficient to perform required analyses of the impacts of the designation is lacking, or (ii) The biological needs of the species are not sufficiently well known to permit identification of an area as critical habitat.

As discussed above, we have reviewed the available information pertaining to the biological needs of this species and habitat characteristics where this species is located. We are completing the required analyses of the impacts related to possible exclusions to the designation of critical habitat and anticipate publishing a proposed critical habitat rule in the near future.

Therefore, we conclude that critical habitat is not determinable for the Texas hornshell at this time.

Required Determinations

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

We have determined that environmental assessments and environmental impact statements, as defined under the authority of the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*), need not be prepared in connection with listing a species as an endangered or threatened species under the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes.

The Kickapoo Indian Reservation of Texas owns 1.3 km (0.8 mi) adjacent to the Rio Grande, downstream of Eagle Pass, Texas. We sent notification letters to the tribe on August 10, 2016, and June 1, 2017, inviting their review and comment on the proposed rule. We did not receive a response. We also sent notification letters on August 10, 2016, to the following tribes with interests in the Black and Delaware River watersheds: Comanche, Hopi, Isleta, Mescalero Apache, Oklahoma Apache, Tesuque, and Ysleta del Sur tribes, and we did not receive a response.

References Cited

A complete list of references cited is available in Appendix A of the SSA report (U.S. Fish and Wildlife Service. 2018. Species status assessment report for the Texas hornshell (*Popenaias popeii*), Version 1.2. Albuquerque, NM), available online at *http://www.regulations.gov* under Docket Number FWS–R2–ES–2016–0077.

Authors

The primary authors of this final rule are the staff members of the Texas Coastal Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as follows:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245; unless otherwise noted.

■ 2. Amend § 17.11(h) by adding an entry for ''Hornshell, Texas'' to the List of Endangered and Threatened Wildlife in alphabetical order under CLAMS to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
CLAMS				
*	*	*	*	*
Hornshell, Texas	*Popenaias popeii*	Wherever found	E	83 FR [*insert* ***Federal Register*** *page where the document begins*], 2/9/2018.
*	*	*	*	*

* * * * *

Dated: December 19, 2017.

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director for the U.S. Fish and Wildlife Service.

[FR Doc. 2018–02672 Filed 2–8–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170828822–70999–02]

RIN 0648–XG001

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2018 commercial summer flounder quota to the State of Rhode Island. This quota adjustment is necessary to comply with the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan quota transfer provisions. This announcement informs the public of the revised commercial quotas for North Carolina and Rhode Island.

DATES: Effective February 6, 2018, through December 31, 2018.

FOR FURTHER INFORMATION CONTACT: Cynthia Hanson, Fishery Management Specialist, (978) 281–9180.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found in 50 CFR 648.100 through 648.110. These regulations require annual specification of a commercial quota that is apportioned among the coastal states from Maine through North Carolina. The process to set the annual commercial quota and the percent allocated to each state is described in § 648.102, and the initial 2018 allocations were published on December 22, 2017 (82 FR 60682), and corrected January 30, 2018 (83 FR 4165).

The final rule implementing Amendment 5 to the Summer Flounder Fishery Management Plan, as published in the **Federal Register** on December 17, 1993 (58 FR 65936), provided a mechanism for transferring summer flounder commercial quota from one state to another. Two or more states, under mutual agreement and with the concurrence of the NMFS Greater Atlantic Regional Administrator, can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i)(A) through (C) in the evaluation of requests for quota transfers or combinations.

North Carolina is transferring 5,008 lb (2,272 kg) of summer flounder commercial quota to Rhode Island. This transfer was requested to repay landings by North Carolina-permitted vessels that landed in Rhode Island under safe harbor agreements. The revised summer flounder quotas for calendar year 2018 are now: North Carolina, 1,761,439 lb (798,975 kg); and Rhode Island, 1,001,381 lb (454,219 kg); based on the initial quotas published in the 2018 Summer Flounder, Scup, and Black Sea Bass Specifications and subsequent adjustments.

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: February 6, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–02660 Filed 2–6–18; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 160920866–7167–02]

RIN 0648–XF940

Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Non-American Fisheries Act Crab Vessels Operating as Catcher Vessels Using Pot Gear in the Central Regulatory Area of the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for Pacific cod by non-American Fisheries Act (AFA) crab vessels that are subject to sideboard limits, and operating as catcher vessels (CVs) using pot gear, in the Central Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2018 Pacific cod sideboard limit established for non-AFA crab vessels that are operating as CVs using pot gear in the Central Regulatory Area of the GOA.

DATES: Effective 1200 hours, Alaska local time (A.l.t.), February 6, 2018, through 1200 hours, A.l.t., June 10, 2018.

FOR FURTHER INFORMATION CONTACT: Obren Davis, 907–586–7228.

SUPPLEMENTARY INFORMATION: NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2018 Pacific cod sideboard limit established for non-AFA crab vessels, and that are operating as CVs using pot gear in the Central Regulatory Area of the GOA, is 174 metric tons (mt), as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032, February 27, 2017) and one inseason adjustment (82 FR 60327, December 20, 2017).

In accordance with § 680.22(e)(2)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2018 Pacific cod sideboard limit established for non-AFA crab vessels that are operating as CVs using pot gear in the Central Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a sideboard directed fishing allowance of 164 mt, and is setting aside the remaining 10 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 680.22(e)(3), the Regional Administrator finds that this sideboard directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by non-AFA crab vessels that are operating as CVs using pot gear in the Central Regulatory Area of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the sideboard directed fishing closure of Pacific cod for non-AFA crab vessels that are subject to sideboard limits, and that are operating as CVs using pot gear in the Central Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 5, 2018.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 680.22 and is exempt from review under Executive Order 12866.

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

Dated: February 6, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–02614 Filed 2–6–18; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 28
Friday, February 9, 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 39

[Docket No. FAA–2018–0073; Product Identifier 2017–NM–100–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 767–300 and –300F series airplanes. This proposed AD was prompted by reports of fatigue cracking in the lower outboard wing skin at the farthest outboard fastener of the inboard segment of a certain stringer. This proposed AD would require repetitive high frequency eddy current (HFEC) inspections for cracking of the lower outboard wing skin at the inboard segment of a certain stringer, and repair if necessary. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 26, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Aviation Partners Boeing, 2811 S. 102nd Street, Suite 200, Seattle, WA 98168; telephone 206–762–1171; internet *https://www.aviationpartnersboeing.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0073.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0073; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Allen Rauschendorfer, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW, Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *allen.rauschendorfer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0073; Product Identifier 2017–NM–100–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We have received reports of fatigue cracking in the lower outboard wing skin at the farthest outboard fastener of the inboard segment of stringer L–9.5 on Model 767–300 airplanes with Aviation Partners Boeing winglets installed. The cracks were found at the fastener holes common to the stringer on the left- and right-hand wings. Investigation revealed that these were fatigue cracks related to Aviation Partners Boeing supplemental type certificate (STC) ST01920SE winglet retrofit kit installations. If not corrected, these cracks could extend to adjacent structure and could lead to reduced load carrying capability in the lower skin. These conditions, if not corrected, could result in failure and subsequent separation of the wing and winglet, and consequent reduced controllability of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Aviation Partners Boeing (APB) Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017. The service information describes procedures for an HFEC inspection for cracking of the lower outboard wing skin at the inboard segment of stringer L–9.5, and on-condition actions that include repetitive HFEC inspections; a preventative modification (repair) that includes installing new stringers; repetitive post-modification (repair) HFEC inspections for cracking; and repair. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the service information described previously, except as discussed under ''Difference Between this Proposed Rule and the Service Information.''

Difference Between Proposed Rule and Service Information

Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017, specifies to contact the manufacturer for instructions on how to repair certain conditions, but this proposed AD would require repairing those conditions in one of the following ways:

- In accordance with a method that we approve; or
- Using data that meet the certification basis of the airplane, and that have been approved by the Boeing Commercial Airplanes Organization Designation Authorization (ODA) whom we have authorized to make those findings.

Compliance Times

The initial compliance time is the later of: 1,500 flight cycles or 7,500 flight cycles after winglet installation, whichever occurs first; or 18 months after the effective date of the AD.

The repetitive compliance times vary depending on inspection findings. The shortest repetitive interval is 1,500 flight cycles or 7,500 flight hours, whichever occurs first. The longest repetitive interval is 6,000 flight cycles or 18,000 flight hours, whichever occurs first.

Costs of Compliance

We estimate that this proposed AD affects 140 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS—REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
HFEC Inspections	1 work-hour × $85 per hour = $255, per inspection cycle.	$0	$85, per inspection cycle	$11,900, per inspection cycle.

ESTIMATED COSTS—ON-CONDITION ACTIONS

Action	Labor cost	Parts cost	Cost per product
Preventative Modification (Repair)	50 work-hours × $85 per hour = $4,250	$0	$4,250
Post-modification (repair) Inspections	1 work-hour × $85 per hour = $255	0	85

We have received no definitive data that would enable us to provide cost estimates for on-condition repairs that might be necessary as a result of the post-modification (repair) inspections specified in this proposed AD.

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2018–0073; Product Identifier 2017–NM–100–AD.

(a) Comments Due Date

We must receive comments by March 26, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 767–300 and –300F series airplanes, certificated in any category, with Aviation Partners Boeing winglets installed; as identified in Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of fatigue cracking in the lower outboard wing skin at the farthest outboard fastener of the inboard segment of stringer L–9.5 on airplanes with winglets installed per Supplemental Type Certificate ST01920SE. We are issuing this AD to prevent fatigue cracking in the lower outboard wing skin, which could result in failure and subsequent separation of the wing and winglet and consequent reduced controllability of the airplane.

(f) Compliance

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

(g) Repetitive Inspections, Preventative Modification (Repair), Repetitive Post-Modification (Repair) Inspections, and Repair

At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017, except as required by paragraph (h) of this AD: Do a high frequency eddy current (HFEC) inspection for cracking of the lower outboard wing skin at the inboard segment of stringer L–9.5, in accordance with Part 1 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017.

(1) For airplanes on which ''Condition 1'' is found, as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017, during any inspection required by paragraph (g) or (g)(1)(i) of this AD: Do the actions required by paragraph (g)(1)(i) or (g)(1)(ii) of this AD.

(i) Repeat the inspection specified in paragraph (g) of this AD thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017.

(ii) Do the actions required by paragraphs (g)(1)(ii)(A) and (g)(1)(ii)(B) of this AD:

(A) Before further flight, do the preventative modification in accordance with Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017.

(B) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017, do an HFEC inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017.

(2) For airplanes on which ''Condition 2'' is found as defined in the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017, during any inspection required by paragraph (g) or (g)(1)(i) of this AD: Do the actions required by paragraph (g)(2)(i) and (g)(2)(ii) of this AD.

(i) Before further flight, repair in accordance with Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017.

(ii) At the applicable time specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017, do an HFEC inspection for cracking, in accordance with Part 3 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017; and repeat the inspection thereafter at the applicable times specified in paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017.

(3) If any crack is found during any inspection required by paragraph (g)(1)(ii)(B) or (g)(2)(ii) of this AD, repair before further flight using a method approved in accordance with the procedures specified in paragraph (j) of this AD. Although Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017, specifies to contact Boeing for repair instructions, and specifies that action as ''RC'' (Required for Compliance), this AD requires repair as specified in this paragraph.

(h) Exception to Service Information Specifications

Where paragraph 1.E., ''Compliance,'' of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017, specifies a compliance time of ''after the initial issue date of this service bulletin,'' this AD requires compliance within the specified compliance time after the effective date of this AD.

(i) Credit for Previous Actions

For Group 2 airplanes: This paragraph provides credit for the actions specified in Part 1 and Part 2 of the Accomplishment Instructions of Aviation Partners Boeing Service Bulletin AP767–57–013, Revision 1, dated April 11, 2017, that are required by paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Aviation Partners Boeing Service Bulletin AP767–57–013, dated November 30, 2016.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) Except as required by paragraph (g)(3) of this AD: For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(k) Related Information

(1) For more information about this AD, contact Allen Rauschendorfer, Aerospace Engineer, Airframe Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW, Renton, WA 98057–3356; phone: 425–917–6450; fax: 425–917–6590; email: *allen.rauschendorfer@faa.gov.*

(2) For service information identified in this AD, contact Aviation Partners Boeing, 2811 S. 102nd Street, Suite 200, Seattle, WA 98168; telephone 206–762–1171; internet *https://www.aviationpartnersboeing.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on January 25, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–02197 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0027; Product Identifier 2017–NM–118–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 787 series airplanes. This proposed AD was prompted by reports that, under certain conditions, the automatic dependent surveillance—broadcast (ADS–B) out function and air traffic control/traffic alert and collision avoidance system (ATC/TCAS) functions can transmit incorrect data. This proposed AD would require an inspection or records review to determine if certain software is installed, the installation of new software for the integrated surveillance system (ISS) operational program software (OPS) if necessary, a software check, and applicable on-condition actions. For certain airplanes, this proposed AD would also require the installation of new software for the ISS OPS and the displays and crew alerting (DCA) database. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 26, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0027.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0027; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Nelson O. Sanchez, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW, Renton, WA 98057–3356; phone: 425–917–6489; fax: 425–917–6590; email: *nelson.sanchez@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0027; Product Identifier 2017–NM–118–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We have received reports indicating that the ADS–B out function and ATC/TCAS functions can transmit incorrect position and pressure altitude information in the data that is used by ATC to coordinate aircraft separation. Under certain conditions, the ADS–B out function has been shown to transmit non-current aircraft data (including latitude, longitude, and pressure altitude) based on coasting from a previous global positioning system (GPS) position. In addition, the ATC/TCAS functions can transmit non-current pressure altitude information on both mode C and mode S transmissions based on coasting from a previous pressure altitude. This condition, if not corrected, could result in potential mid-air collisions.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin B787–81205–SB340036–00, Issue 001, dated June 30, 2017. This service information describes procedures for the installation of new software for the ISS OPS (which includes main input/output (IO) software and traffic transponder (XPDR) airborne collision avoidance system (ACAS) software), a software check, and applicable on-condition actions.

We also reviewed Boeing Service Bulletin B787–81205–SB340005–00, Issue 002, dated April 27, 2016. This service information describes procedures for the installation of new software for the ISS OPS and for the DCA database.

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

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of these same type designs.

Proposed AD Requirements

This proposed AD would require, for certain airplanes, an inspection or records review to determine if certain software is installed, and if necessary, accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB340036–00, Issue 001, dated June 30, 2017, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

This proposed AD would also require, for certain airplanes, accomplishing the actions specified in Boeing Service Bulletin B787–81205–SB340005–00, Issue 002, dated April 27, 2016, described previously.

For information on the procedures and compliance times, see this service information at *http://*

www.regulations.gov by searching for and locating Docket No. FAA–2018–0027.

Differences Between Proposed AD and the Service Information

The effectivity of Boeing Alert Service Bulletin B787–81205–SB340036–00, Issue 001, dated June 30, 2017, and Boeing Service Bulletin B787–81205–SB340005–00, Issue 002, dated April 27, 2016, is limited to Model 787–8 and 787–9 airplanes with certain line numbers. However, the applicability of this proposed AD includes all Boeing Model 787 series airplanes, because the affected software part numbers, identified in paragraph (j) of this proposed AD, are rotable parts. We have determined that these part numbers could later be installed on airplanes that were initially delivered with acceptable software, thereby subjecting those airplanes to the unsafe condition.

Costs of Compliance

We estimate that this proposed AD affects 136 airplanes of U.S. registry. We also estimate that 115 airplanes will require installation and check of new software, and 54 airplanes will require the concurrent installation of other software. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Records Review/Inspection (136 airplanes)	1 work-hour × $85 per hour = $85	$0	$85	$11,560
Installation and Check (115 airplanes)	4 work-hours × $85 per hour = $340	0	340	39,100
Concurrent Installation (54 airplanes)	1 work-hour × $85 per hour = $85	0	85	4,590

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
4 work-hours × $85 per hour = $340	$0	$340

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

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2018–0027; Product Identifier 2017–NM–118–AD.

(a) Comments Due Date

We must receive comments by March 26, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 787 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Unsafe Condition

This AD was prompted by reports that, under certain conditions, the automatic dependent surveillance—broadcast (ADS–B) out and air traffic control (ATC)/traffic alert and collision avoidance system (TCAS) functions can transmit incorrect position and pressure altitude information in the data that is used by ATC to coordinate aircraft separation. We are issuing this AD to prevent the transmission of incorrect position and pressure altitude data, which could result in potential mid-air collisions.

(f) Compliance

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

(g) Inspection or Records Review

For airplanes that have an original certificate of airworthiness or export certificate of airworthiness issued on or before the effective date of this AD: Within 12 months after the effective date of this AD, inspect to determine if integrated surveillance system (ISS) operational program software (OPS) part number COL40–0010–0100 or COL46–0007–0100 is installed. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number of the software can be conclusively determined from that review.

(h) Required Actions

If, during any inspection or records review required by paragraph (g) of this AD, any ISS OPS part number COL40–0010–0100 or COL46–0007–0100 is found: Within 12 months after the effective date of this AD, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB340036–00, Issue 001, dated June 30, 2017.

(i) Additional Actions for Group 1 Airplanes

For Group 1 airplanes identified in Boeing Alert Service Bulletin B787–81205–SB340036–00, Issue 001, dated June 30, 2017: Prior to accomplishment of the actions required by paragraph (h) of this AD, install new software for the ISS OPS and the displays and crew alerting (DCA) database, in accordance with the Accomplishment Instructions of Boeing Service Bulletin B787–81205–SB340005–00, Issue 002, dated April 27, 2016.

(j) Parts Installation Prohibition

As of the effective date of this AD, no person may install ISS OPS part number COL40–0010–0100 or COL46–0007–0100 on any airplane, except in accomplishment of the actions required by paragraph (i) of this AD.

(k) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (i) of this AD, if those actions were performed before the effective date of this AD using Boeing Service Bulletin B787–81205–SB340005–00, Issue 001, dated December 11, 2015.

(l) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) For service information that contains steps that are labeled as RC, the provisions of paragraphs (l)(4)(i) and (l)(4)(ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can still be done as specified, and the airplane can be put back in an airworthy condition.

(m) Related Information

(1) For more information about this AD, contact Nelson O. Sanchez, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW, Renton, WA 98057–3356; phone: 425–917–6489; fax: 425–917–6590; email: *nelson.sanchez@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on January 25, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–02199 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0074; Product Identifier 2017–NM–148–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This proposed AD was prompted by reports of cracks found in the rear spar web and lower chord on the left and right wings. This proposed AD would require repetitive detailed inspections for cracking of the rear spar web and lower chord, and applicable on-condition actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 26, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0074.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0074; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Payman Soltani, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5313; fax: 562–627–5210; email: *payman.soltani@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0074; Product Identifier 2017–NM–148–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We have received a report indicating that cracks were found at fastener holes in the rear spar web and lower chord on the left and right wings between wing buttock line (WBL) 93 and WBL 146 on ten airplanes. The cracks were found on airplanes with total flight cycles between 46,190 and 55,633. Cracks in the rear spar web were reported on six airplanes. Cracks in the lower chord of the rear spar were reported on four airplanes. On one airplane, cracks were found at multiple locations in the rear spar web and in the lower chord. The largest reported cracks were 0.059 inch in the upper rear spar web, 0.045 inch in the lower rear spar web, and 0.063 inch in the lower chord. This condition, if not corrected, could lead to the inability of a principal structural element to sustain required flight load, which could adversely affect the structural integrity of the airplane.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Requirements Bulletin 737–57A1337 RB, dated September 14, 2017. The service information describes procedures for repetitive detailed or surface High Frequency Eddy Current (HFEC) inspections for cracking of the rear spar web and lower chord, and applicable on-condition actions. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

For Group 2 airplanes (line numbers 292 through 3132), this proposed AD would require accomplishment of the actions identified in the Boeing Alert Requirements Bulletin 737–57A1337 RB, dated September 14, 2017, described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0074.

Group 1 airplanes (line numbers 1 through 291) have a limit of validity (LOV) of 34,000 total flight cycles, and the actions specified in Boeing Alert Requirements Bulletin 737–57A1337 RB, dated September 14, 2017, would be required at a compliance time occurring after that LOV. Although operation of an airplane beyond its LOV is prohibited by 14 CFR 121.1115 and 129.115, this NPRM would include those airplanes so they are tracked in the event the LOV is extended in the future.

Explanation of ''RB'' (Requirements Bulletin)

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

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

Costs of Compliance

We estimate that this proposed AD affects 160 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	Up to 22 work-hours × $85 per hour = up to $1,870 per inspection cycle.	$0	Up to $1,870 per inspection cycle.	Up to $299,200 per inspection cycle.

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

Authority for This Rulemaking

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

detail the scope of the Agency's authority.

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2018–0074; Product Identifier 2017–NM–148–AD.

(a) Comments Due Date

We must receive comments by March 26, 2018.

(b) Affected ADs

None.

(c) Applicability

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

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of cracks found in the rear spar web and lower chord on the left and right wings. We are issuing this AD to detect and correct cracks in the rear spar of the left and right wing between wing buttock line (WBL) 91 and WBL 155, which could lead to the inability of a principal structural element to sustain required flight load and adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions for Group 1 Airplanes

For airplanes identified in Group 1 in Boeing Alert Requirements Bulletin 737–57A1337 RB, dated September 14, 2017: Within 120 days after the effective date of this AD, inspect the airplane and do all applicable corrective actions using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(h) Required Actions for Group 2 Airplanes

For airplanes identified as Group 2 in Boeing Alert Requirements Bulletin 737–57A1337 RB, dated September 14, 2017: Except as required by paragraph (i) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–57A1337 RB, dated September 14, 2017, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–57A1337 RB, dated September 14, 2017.

Note 1 to paragraph (h) of this AD: Guidance for accomplishing the actions required by this AD is included in Boeing Alert Service Bulletin 737–57A1337, dated September 14, 2017, which is referred to in Boeing Alert Requirements Bulletin 737–57A1337 RB, dated September 14, 2017.

(i) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD: Where Boeing Alert Requirements Bulletin 737–57A1337 RB, dated September 14, 2017, uses the phrase ''the original issue date of Requirements Bulletin 737–57A1337 RB,'' this AD requires using ''the effective date of this AD.''

(2) Where Boeing Alert Requirements Bulletin 737–57A1337 RB, dated September 14, 2017, specifies contacting Boeing, this AD requires repair using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(k) Related Information

(1) For more information about this AD, contact Payman Soltani, Aerospace Engineer, Airframe Section, FAA, Los Angeles ACO Branch, 3960 Paramount Boulevard, Lakewood, CA 90712–4137; phone: 562–627–5313; fax: 562–627–5210; email: *payman.soltani@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on January 26, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–02193 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0072; Product Identifier 2017–NM–082–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2014–05–28, for certain Bombardier, Inc., Model DHC–8–400 series airplanes. AD 2014–05–28 requires revising the maintenance or inspection program, as applicable. Since we issued AD 2014–05–28, we have determined that the interval from maintenance review board (MRB) task number 323100–202 should not be escalated, and that Certification Maintenance Requirements (CMR) task number 323100–102 should be applicable to all Model DHC–8–400 series airplanes, regardless of which main landing gear (MLG) up-lock assembly is installed. This proposed AD would require revising the maintenance or inspection program, as applicable. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by March 26, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone: 416–375–4000; fax: 416–375–4539; email: *thd.qseries@aero.bombardier.com;* internet: *http://www.bombardier.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0072; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Erin Hulverson, Aerospace Engineer, FAA, Boston ACO Branch, 1200 District Avenue, Burlington, MA 01803; telephone: 781–238–7655.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0072; Product Identifier 2017–NM–082–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

Discussion

We issued AD 2014–05–28, Amendment 39–17800 (79 FR 18611, April 3, 2014) (''AD 2014–05–28''), for certain Bombardier, Inc., Model DHC–8–400 series airplanes.

AD 2014–05–28 resulted from reports of excessive wear on the lower latch surface of the MLG up-lock hook. AD 2014–05–28 requires revising the maintenance or inspection program, as applicable. We issued AD 2014–05–28 to detect and correct up-lock hooks worn beyond the wear limit, which could prevent the successful extension of the MLG using the primary landing gear extension system, which in combination with an alternate extension system failure could result in the inability to extend the MLG.

Since we issued AD 2014–05–28, we have determined that the interval from MRB task number 323100–202 should not be escalated, and that MRB task number 323100–202 should be applicable to all Model DHC–8–400 series airplanes, regardless of which MLG up-lock assembly is installed.

This revised applicability has resulted in CMR task number 323100–102 also being made applicable to all Model DHC–8–400 series airplanes, regardless of MLG up-lock assembly part number installation.

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF–2017–15, dated May 29, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Bombardier, Inc., Model DHC–8–400 series airplanes. The MCAI states:

> [Canadian] AD CF–2012–21 [which corresponds to FAA AD 2014–05–28] was issued to mandate the incorporation of Maintenance Review Board (MRB) task number 323100–202. As in-service experience has shown that the interval for MRB task number 323100–202 should not be escalated, Bombardier has introduced one-star CMR task number 323100–102 to prevent task escalation. Bombardier has also revised the applicability of MRB task number 323100–202 to be applicable to the entire DHC–8–400/–401/–402 fleet, regardless of which main landing gear (MLG) up-lock assembly part number is installed. This revised applicability has resulted in CMR task number 323100–102 also being made applicable to the entire DHC–8–400/–401/–402 fleet, regardless of MLG up-lock assembly part number installation.
>
> This [Canadian] AD mandates the incorporation of CMR task number 323100–102 [into the maintenance or inspection program, as applicable].

You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0072.

Related Service Information Under 1 CFR Part 51

Bombardier, Inc., has issued Q400 Dash 8 Temporary Revision ALI–0168, dated October 31, 2016, to Section 1–32, Landing Gear Maintenance Program, of

Maintenance Review Board (MRB) Report Part 2, Bombardier Q400 Dash 8 Maintenance Requirements Manual, Product Support Manual (PSM) 1–84–7. The service information describes CMR task number 323100–102, ''Functional Check of the Main Landing Gear Uplock Assembly Latch.'' This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination and Requirements of This Proposed AD

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

Costs of Compliance

We estimate that this proposed AD affects 69 airplanes of U.S. registry.

We estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $5,865, or $85 per product.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

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

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2014–05–28, Amendment 39–17800 (79 FR 18611, April 3, 2014), and adding the following new AD:

Bombardier, Inc.: Docket No. FAA–2018–0072; Product Identifier 2017–NM–082–AD.

(a) Comments Due Date

We must receive comments by March 26, 2018.

(b) Affected ADs

This AD replaces AD 2014–05–28, Amendment 39–17800 (79 FR 18611, April 3, 2014).

(c) Applicability

This AD applies to Bombardier, Inc., Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001, 4003 and subsequent.

(d) Subject

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

(e) Reason

This AD was prompted by reports of excessive wear on the lower latch surface of the main landing gear (MLG) up-lock hook. We are issuing this AD to detect and correct up-lock hooks worn beyond the wear limit, which could prevent the successful extension of the MLG using the primary landing gear extension system, which in combination with an alternate extension system failure could result in the inability to extend the MLG.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 30 days after the effective date of this AD, revise the maintenance or inspection program, as applicable, to incorporate the information specified in Certification Maintenance Requirements (CMR) task number 323100–102 of Q400 Dash 8 (Bombardier) Temporary Revision (TR) ALI–0168, dated October 31, 2016 (''Bombardier TR ALI–0168''), to Section 1–32, Landing Gear Maintenance Program, of Maintenance Review Board (MRB) Report Part 2, Bombardier Q400 Dash 8 Maintenance Requirements Manual, Product Support Manual (PSM) 1–84–7. The applicable maintenance or inspection program revision required by this paragraph may be done by inserting a copy of Bombardier TR ALI–0168, to Section 1–32, Landing Gear Maintenance Program, of MRB Report Part 2, Bombardier Q400 Dash 8 Maintenance Requirements Manual, PSM 1–84–7. When this temporary revision has been included in general revisions of the PSM, the general revisions may be inserted in the maintenance or inspection program, as applicable, provided the relevant information in the general revision is identical to that in Bombardier TR ALI–0168.

(h) Initial Functional Check Compliance Times

For MLG up-lock assembly latches that have accumulated flight cycles which exceed the CMR task number 323100–102 interval specified in Bombardier TR ALI–0168: Perform the initial CMR task number 323100–102 functional check as specified in Bombardier TR ALI–0168, to Section 1–32, Landing Gear Maintenance Program, of MRB Report Part 2, Bombardier Q400 Dash 8 Maintenance Requirements Manual, PSM 1–84–7, using the applicable compliance time

specified in paragraph (h)(1), (h)(2), or (h)(3) of this AD.

(1) For MLG up-lock assembly latches that have 14,200 total flight cycles or more as of the effective date of this AD: The compliance time for doing the initial functional check is within 800 flight cycles after the effective date of this AD.

(2) For MLG up-lock assembly latches that have 11,600 total flight cycles or more, but fewer than 14,200 total flight cycles, as of the effective date of this AD: The compliance time for doing the initial functional check is within 1,600 flight cycles after the effective date of this AD, but not to exceed 15,000 total flight cycles on the up-lock assembly latch.

(3) For MLG up-lock assembly latches with fewer than 11,600 total flight cycles as of the effective date of this AD: The compliance time for doing the initial functional check is within 3,000 flight cycles after the effective date of this AD, but not to exceed 13,200 total flight cycles on the up-lock assembly latch.

(i) Method of Compliance for Initial Functional Check

Accomplishing MRB task number 323100–202 of Bombardier TR MRB–66, dated December 7, 2011, to Section 1–32, Landing Gear Maintenance Program, of MRB Report Part 1, Bombardier Q400 Dash 8 Maintenance Requirements Manual, PSM 1–84–7, within 3,000 flight cycles before the effective date of this AD, is a method of compliance for the initial functional check required by CMR task number 323100–102 as specified in Bombardier TR ALI–0168, to Section 1–32, Landing Gear Maintenance Program, of MRB Report Part 2, Bombardier Q400 Dash 8 Maintenance Requirements Manual, PSM 1–84–7.

(j) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(k) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2017–15, dated May 29, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0072.

(2) For more information about this AD, contact Erin Hulverson, Aerospace Engineer, FAA, Boston ACO Branch, 1200 District Avenue, Burlington, MA 01803; telephone: 781–238–7655.

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone: 416–375–4000; fax: 416–375–4539; email: *thd.qseries@aero.bombardier.com;* internet: *http://www.bombardier.com.* You may view this service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on January 25, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–02198 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1089; Airspace Docket No. 17–AEA–21]

Proposed Amendment of Class E Airspace, Hamilton, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace at Hamilton Municipal Airport (formerly Elisha Payne Airport), Hamilton, NY, to accommodate airspace reconfiguration due to the decommissioning of the Georgetown VHF omni-directional radio range tactical air navigation aid (VORTAC), and cancellation of the VORTAC approach. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also would update the geographic coordinates of the airport, and update the airport name.

DATES: Comments must be received on or before March 26, 2018.

ADDRESSES: Send comments on this proposal to: The U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2017–1089; Airspace Docket No. 17–AEA–21, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire.

Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2017–1089 and Airspace Docket No. 17–AEA–21) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number.) You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2017–1089; Airspace Docket No. 17–AEA–21.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA proposes an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to increases Class E airspace extending upward from 700 feet or more above the surface within an 11.2-mile radius (increased from a 6.5-mile radius) of Hamilton Municipal Airport, Hamilton, NY, due to the decommissioning of the Georgetown VORTAC, and cancellation of the VOR approach. The changes would enhance the safety and management of IFR operations at the airport. The geographic coordinates of the airport also would be adjusted to coincide with the FAAs aeronautical database, and the airport name would be updated to Hamilton Municipal Airport from Elisha Payne Airport.

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

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

■ 1. The authority citation for 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 Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

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

* * * * *

AEA NY E5 Hamilton, NY [Amended]

Hamilton Municipal Airport, NY
(Lat. 42°50′36″ N, long. 75°33′40″ W)

That airspace extending upward from 700 feet above the surface within an 11.2-mile radius of Hamilton Municipal Airport.

Issued in College Park, Georgia, on January 29, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–02143 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1061; Airspace Docket No. 17–AEA–20]

Proposed Amendment of Class D Airspace and Class E Airspace, and Removal of Class E Airspace; Binghamton, NY

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace, Class E surface airspace, and Class E airspace extending upward from 700 feet above the surface; and remove Class E airspace designated as an extension to a Class D surface area; at Greater Binghamton Airport/Edwin A. Link Field (formerly Binghamton Regional Airport/Edwin A. Link Field), Binghamton, NY. This action would accommodate airspace reconfiguration due to the decommissioning of the Binghamton VHF omni-directional radio range tactical air navigation aid (VORTAC), and cancellation of the VOR approaches. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also would update the geographic coordinates of the airport, and correct the airport's name. Additionally, this action would replace the outdated term ''Airport/Facility Directory'' with the term ''Chart Supplement'' in Class D and E surface airspace descriptions.

DATES: Comments must be received on or before March 26, 2018.

ADDRESSES: Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; Telephone: (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2017–1061; Airspace Docket No. 17–AEA–20, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace at Greater Binghamton Airport/Edwin A. Link Field, Binghamton, NY, to support IFR operations at the airport.

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2017–1061 and Airspace Docket No. 17–AEA–20) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number.) You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2017–1061; Airspace Docket No. 17–AEA–20.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class D airspace, Class E surface

airspace, and Class E airspace extending upward from 700 feet or more above the surface at Greater Binghamton Airport/Edwin A. Link Field, Binghamton, NY (formerly Binghamton Regional Airport/Edwin A. Link Field), due to the decommissioning of the Binghamton VORTAC, and cancellation of the VOR approaches. These changes would enhance the safety and management of IFR operations at the airport.

The Class D airspace area would be amended to within a 4.4-mile radius (from a 4.3-mile radius) of Greater Binghamton Airport/Edwin A. Link Field.

The Class E surface area airspace would be amended to within a 4.4-mile radius (increased from a 4.3-mile radius) of Greater Binghamton Airport/Edwin A. Link Field. The Binghamton VORTAC would be removed as it is being decommissioned. The SMITE LOM, and ILS Runway 34 Localizer navigation aids are no longer needed in the airspace redesign.

The Class E airspace designated as an extension to a Class D surface area would be removed as this airspace was only necessary for the cancelled approaches. Class E airspace extending upward from 700 feet above the surface would be amended to within a 7-mile radius (initially from a boundary line formed by the geographic coordinates) of the airport. The exclusionary language contained in the legal description would be removed to comply with FAA Order 7400.2L, Procedures for Handling Airspace Matters. Also, an editorial change would be made by adding the airport's geographic coordinates to the airspace designation.

The geographic coordinates of the airport also would be adjusted in the classes of airspace listed above to coincide with the FAA's aeronautical database, and the airport name would be updated to Greater Binghamton Airport/Edwin A. Link Field, formerly Binghamton Regional Airport/Edwin A. Link Field.

Class E airspace designations are published in paragraphs 5000, 6002, 6004, and 6005, respectively, of FAA Order 7400.11B, dated August 3, 2017, and effective September 15, 2017, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document will be published subsequently in the Order.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

■ 1. The authority citation for 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 Federal Aviation Administration Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017, is amended as follows:

Paragraph 5000 Class D Airspace.

* * * * *

AEA NY D Binghamton, NY [Amended]

Greater Binghamton Airport/Edwin A. Link Field, NY
(Lat. 42°12′30″ N, long. 75°58′47″ W)

That airspace extending upward from the surface to and including 4,100 feet MSL within a 4.4-mile radius of Greater Binghamton Airport/Edwin A. Link Field. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

AEA NY E2 Binghamton, NY [Amended]

Greater Binghamton Airport/Edwin A. Link Field, NY
(Lat. 42°12′30″ N, long. 75°58′47″ W)

That airspace extending upward from the surface within a 4.4-mile radius of Greater Binghamton Airport/Edwin A. Link Field. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6004 Class E Airspace Designated as an Extension to a Class D Surface Area.

* * * * *

AEA NY E4 Binghamton, NY [Removed]

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

* * * * *

AEA NY E5 Binghamton, NY [Amended]

Greater Binghamton Airport/Edwin A. Link Field, NY
(Lat. 42°12′30″ N, long. 75°58′47″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Greater Binghamton Airport/Edwin A. Link Field.

Issued in College Park, Georgia, on January 29, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–02140 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2017–0651]

RIN 1625–AA00

Safety Zone; Navy Underwater Detonation (UNDET) Exercise, Apra Outer Harbor, GU

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish two recurring safety zones for navigable waters of Apra Outer Harbor and Piti, Guam. The safety zones will encompass sites designated for U.S. Navy underwater detonation (UNDET)

exercises. The Coast Guard believes this safety zone regulation is necessary to protect the public and exercise participants within the affected area from possible safety hazards associated with these exercises. These safety zones will impact a small designated area of navigable waters in Apra Harbor and Piti during periods of times, many of which are of short duration, on days requested by the Navy for UNDET exercises. With the exception of exercise participants, entry of vessels or persons into the zone is prohibited unless specifically authorized by the Captain of the Port Guam. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must be received by the Coast Guard on or before March 26, 2018. Requests for public meetings must be received by the Coast Guard on or before March 6, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0651 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email Petty Officer Robin Branch, Sector Guam, U.S. Coast Guard; telephone (671) 355–4835, email *wwmguam@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background, Purpose, and Legal Basis

U.S. Navy UNDET exercises occur multiple times throughout the year to train and prepare personnel for operational missions. We have established safety zones for these Navy UNDETs in past years through a temporary final rulemaking for each exercise. For all subsequent exercises, we propose to establish recurring safety zones through this regulation to safeguard the public and exercise participants within the affected area from possible safety hazards associated with the exercises.

The legal basis and authorities for this rule are found in 33 U.S.C. 1231. The purpose of these proposed safety zones is to protect the public and exercise participants from possible safety hazards associated with the exercises.

III. Discussion of Proposed Rule

The COTP proposes to establish these recurring safety zones for periods of time, many of which are of short duration, on days requested by the Navy for UNDET exercises. The safety zones will cover all navigable waters within a 700 yard radius above and below the surface for the Apra Outer Harbor site and a 700 yard radius above and below the surface for the Piti site. The duration of the safety zones are intended to protect personnel, vessels, and the marine environment in these navigable waters during the UNDET exercise. With the exception of exercise participants, no vessel or person will be permitted to enter the safety zones without obtaining permission from the COTP or a designated representative. The regulatory text we are proposing appears at the end of this document.

IV. Regulatory Analysis

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zones. Vessel traffic will be able to safely transit around these safety zones, which will impact a small designated area of waters off of Piti, Guam, and in Apra Outer Harbor for periods of time, many of which are of short duration, on days requested by the Navy for UNDET exercises. The UNDET exercises occur approximately 10 times a year, although additional exercises may be required based on Navy training needs. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the safety zones and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the

various levels of government. We have analyzed this proposed rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule involves two safety zones for periods of time, many of which are of short duration, on days requested by the Navy for UNDET exercises that would prohibit entry within a 700 yard radius above and below the surface for the Apra Outer Harbor site and a 700 yard radius above and below the surface for the Piti site. Normally such actions are categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A preliminary Record of Environmental Consideration supporting this determination is available in the docket where indicated under **ADDRESSES**. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

Documents mentioned in this NPRM as being available in the docket, and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1231; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.1402 to read as follows:

§ 165.1402 Safety Zone; Navy Underwater Detonation (UNDET) Exercise, Apra Outer Harbor, GU.

(a) *Location.* The following areas, within the Guam Captain of the Port (COTP) Zone (See 33 CFR 3.70–15), from the surface of the water to the ocean floor, are safety zones:

(1) *Apra Outer Harbor, Guam.* All waters above and below the surface bounded by a circle with a 700 yard radius centered at 13 degrees 27 minutes 42 seconds North Latitude and 144 degrees 38 minutes 30 seconds East Longitude, (NAD 1983).

(2) *Piti, Guam.* All waters above and below the surface bounded by a circle with a 700-yard radius centered at 13 degrees 29 minutes 03 seconds North Latitude and 144 degrees 40 minutes 03 seconds East Longitude, (NAD 1983).

(b) *Enforcement periods.* This section will be enforced for designated periods of time, many of which are of short duration, on days requested by the Navy for purpose of UNDET exercises.

(c) *Regulations.* The general regulations governing safety zones contained in 33 CFR 165.23 apply. With the exception of exercise participants, no vessels may enter or transit safety zones (a)(1) and no persons in the water may enter or transit safety zone (a)(2) unless authorized by the COTP or a designated representative thereof.

(d) *Enforcement.* Any Coast Guard commissioned, warrant, or petty officer, and any other COTP representative permitted by law, may enforce these safety zones.

Dated: December 11, 2017.

Christopher M. Chase,

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

[FR Doc. 2018–02648 Filed 2–8–18; 8:45 am]

BILLING CODE 9110–04–P

Notices

Federal Register
Vol. 83, No. 28
Friday, February 9, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 6, 2018.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments are requested regarding: (1) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725 17th Street NW, Washington, DC 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by March 12, 2018. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

30-Day Federal Register Notice

Agricultural Marketing Service

Title: Beef Research and Promotion: Producer Request for State to Retain Checkoff Assessment Form.

OMB Control Number: 0581–0302.

Summary of Collection: Congress has delegated to the U.S. Department of Agriculture (USDA) the responsibility for implementing and overseeing the Beef Research and Promotion Program. The enabling legislation for the Beef Research and Promotion Program is the Beef Promotion and Research Act of 1985 (Act) (7 U.S.C. 2901–2911).

On June 21, 2017, a U.S. District Court Judge in Montana issued a preliminary injunction enjoining USDA from continuing to allow MBC to use the assessments that it is qualified to collect under the Beef Checkoff Program to fund advertising campaigns, unless a cattle producer provides prior affirmative consent authorizing MBC to retain a portion of the cattle producer's assessment. As a result of this preliminary injunction, MBC must begin forwarding all Beef Checkoff Program funds directly to the Cattlemen's Beef Promotion and Research Board (Beef Board), the entity that administers the National Beef Checkoff Program, absent proof that a producer has provided advance affirmative consent authorizing MBC to retain a portion of that producer's assessment.

The Beef Checkoff Program carries out projects relating to research, consumer information, advertising, sales promotion, producer information, market development, and product research to assist, improve, or promote the marketing, distribution, and utilization of beef. The Beef Checkoff Program is directed by a national industry board whose members are appointed by the Secretary of Agriculture, who also approves the Beef Boards' budgets, plans, and projects. The latter responsibility has been delegated to AMS. The funding for the Beef Checkoff Program is industry-specific, with assessments generated by producers and importers each time cattle are sold.

Need and Use of the Information: The Beef Promotion and Research Order (Order) and regulations governing the Beef Research and Promotion Program authorize the Qualified State Beef Councils (QSBCs) to collect and submit certain information as required. The information will be used by some beef producers in Montana (and any other State subject to a similar court order) who seek to have a portion of the Federal assessments remain with MBC (and any other State subject to a similar court order) instead of the full assessment collected being forwarded to the Beef Board. QSBCs administer the State beef program.

AMS developed the LPS–2 Producer Request to Retain Beef Checkoff Assessments form so that producers have an option to allow MBC (and any other State subject to a similar court order) to retain a portion of the assessment collected instead of forwarding the full assessment collected to the Beef Board. The LPS–2 form gives the producer the option to (1) submit the form once a year or (2) submit the form each time cattle are sold.

Without the producer's permission for the State to retain a portion of the Federal assessment under the Beef Checkoff Program, MBC will likely have insufficient funds to pay for ongoing projects, contracts, staff salaries, and other administrative functions and, therefore, could be forced to cease operations and potentially leave current staff unemployed.

Description of Respondents: Business or other for-profit.

Number of Respondents: 100.

Frequency of Responses: Reporting: On occasion; Annually.

Total Burden Hours: 8.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–02585 Filed 2–8–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Annual Survey of School System Finances

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before April 10, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to David J. Gromos, U.S. Census Bureau, Economic Reimbursable Surveys Division, Room 6H151, Washington, DC 20233; (301) 763–4659 (or via the internet at *david.j.gromos@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The U.S. Census Bureau plans to continue the current Office of Management and Budget clearance for the Annual Survey of School System Finances. The Annual Survey of School System Finances is the only comprehensive source of public elementary-secondary school system finance data collected on a nationwide scale using uniform definitions, concepts, and procedures. The collection covers the revenues, expenditures, debt, and assets of all public elementary-secondary school systems. This data collection has been coordinated with the National Center for Education Statistics (NCES). The NCES uses this collection to satisfy its need for school finance data.

Fiscal data provided by respondents aid data users in measuring the effectiveness of resource allocation. The products of this data collection make it possible for data users to search a single database to obtain information on such things as per pupil expenditures and the percent of state, local, and federal funding for each school system. Elementary-secondary education related spending is the single largest financial activity of state and local governments. Education finance statistics provided by the Census Bureau allow for analyses of how public elementary-secondary school systems receive their funding and how they are spending their funds.

II. Method of Collection

A letter is mailed electronically at the beginning of each survey period to solicit the assistance of the state education agencies. This letter officially announces the opening of the data collection period and requests some administrative data, such as the estimated date of submission, any change to the reporting format from prior year, and updated contact information for the state coordinator.

The survey form (F–33) contains item descriptions and definitions of the elementary-secondary education finance items collected jointly by the Census Bureau and NCES. It is used primarily as a worksheet and instruction guide by the state education agencies providing school finance data centrally for the school systems in their respective states. The Census Bureau collects almost all of the finance data for local school systems from state education agency databases through central collection arrangements with the state education agencies. The states transfer this information in electronic format over the internet via file transfer protocol. The Census Bureau has also facilitated central collection of school system finance data by accepting data in multiple formats.

Supplemental forms are sent to local school systems in states where the state education agency cannot centrally provide information on assets (F–33–L1), indebtedness (F–33–L2), or both (F–33–L3).

III. Data

OMB Control Number: 0607–0700.

Form Number(s): F–33, Supplemental forms: F–33–L1, F–33–L2 and F–33–L3.

Type of Review: Regular submission.

Affected Public: State and local governments.

Estimated Number of Respondents: F–33: 51, Supplement: 3,630.

Estimated Time per Response: F–33: 59 hrs. 41 minutes, Supplemental: 15 minutes.

Estimated Total Annual Burden Hours: 3,951.

Estimated Total Annual Cost to Public: $0. (This is not the cost of respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Census: Title 13 U.S.C. Sections 8(b), 161, and 182. NCES: Title 20 U.S.C. Sections 9543–44.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–02581 Filed 2–8–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–62–2017]

Correction Notice; Foreign-Trade Zone (FTZ) 127—West Columbia, South Carolina; Authorization of Limited Production Activity; BGM America, Inc.; Subzone 127C (Sailboats, Cabin Cruiser Powerboats, Outboard Motor Boats); Marion, South Carolina

On September 27, 2017, the Richland-Lexington Airport District, grantee of FTZ 127, submitted a notification of proposed production activity to the FTZ Board on behalf of BGM America, Inc., within Subzone 127C, in Marion, South Carolina.

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 (82 FR 46216–46217, October 4, 2017). On January 25, 2018, the applicant was notified of the FTZ

Board's decision that further review of part of the proposed activity is warranted. The FTZ Board authorized the production activity described in the notification on a limited basis, subject to the FTZ Act and the Board's regulations, including Section 400.14, and further subject to a restriction requiring that the following foreign-sourced materials/components be admitted to the subzone in privileged foreign status (PF) (19 CFR 146.41): Acrylic vessel covers; plastic and woven fabric blinds; woven nylon strips; rubber thread and cord bungee cords; synthetic fiber braided cord cut to length; cotton netting; twine, cordage and rope safety ladders; twine and cordage rope; nylon woven ribbons; marine vinyl composed of polyvinyl chloride, polyester and cotton (coated with over 70 percent polyvinyl chloride); rubberized textile adhesive tape; textile felt seals & gaskets; synthetic fiber curtains; synthetic fiber textile blinds; synthetic fiber table covers; synthetic fiber textile wheel covers; sails of synthetic fibers; cotton dust cloths; polyester web fabric straps; nonwoven fiberglass mats; woven fiberglass with fibers; fiberglass in bulk; mattresses; and, cotton seat cushions and pillows.

Dated: February 5, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–02630 Filed 2–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–9–2018]

Foreign-Trade Zone 31—Granite City, Illinois; Application for Reorganization and Expansion Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by America's Central Port District, grantee of FTZ 31, requesting authority to reorganize the zone under the alternative site framework (ASF) adopted by the FTZ Board (15 CFR Sec. 400.2(c)). The ASF is an option for grantees for the establishment or reorganization of zones and can permit significantly greater flexibility in the designation of new subzones or ''usage-driven'' FTZ sites for operators/users located within a grantee's ''service area'' in the context of the FTZ Board's standard 2,000-acre activation limit for a zone. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on February 5, 2018.

FTZ 31 was approved by the FTZ Board on September 6, 1977 (Board Order 122, 42 FR 46568; September 16, 1977) and expanded on January 16, 1985 (Board Order 289, 50 FR 3371; January 24, 1985) and October 3, 2003 (Board Order 1304, (68 FR 59162; October 14, 2003).

The current zone includes the following sites: *Site 1* (47 acres)—Tri-City Regional Port Complex, 2801 Rock Road, Granite City; *Site 3* (4.79 acres)—Fox Industries, 1100 Niedringhaus Avenue, Granite City; *Site 4* (2.82 acres)—Port District Industrial Park and Transportation Center, 1000 and 2000 Access Road, Madison; *Site 5* (2,254 acres)—Gateway Commerce Center, Intersection of 270 and I–255, Edwardsville; *Site 6* (458 acres)—River's Edge Industrial Park, 1635 West First Street, Granite City; and, *Site 7* (3,851 acres)—MidAmerica Airport, Intersection of I–64 and Route 4, Mascoutah.

The grantee's proposed service area under the ASF would be Bond, Calhoun, Clinton, Greene, Jersey, Macoupin, Madison, Monroe, Montgomery, Randolph, St. Clair, and Washington Counties, Illinois, 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 St. Louis Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its zone to include existing Sites 1, 5 and 7 as ''magnet'' sites. The applicant requests that existing Site 1 be expanded to include the full port area and that existing Sites 4 and 6 be included as part of the expanded Site 1. As requested, the expanded Site 1 would total 1,530.6 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 be so exempted. The applicant is also requesting the removal of Site 3 as well as Subzones 31A and 31C. The application would have no impact on Subzone 31B.

In accordance with the FTZ Board's regulations, Elizabeth Whiteman 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 April 10, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 25, 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 Elizabeth Whiteman at *Elizabeth.Whiteman@trade.gov* or (202) 482–0473.

Dated: February 5, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–02631 Filed 2–8–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–520–804]

Certain Steel Nails From the United Arab Emirates: Rescission of 2016–2017 Antidumping Duty Administrative Review

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

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on certain steel nails from the United Arab Emirates (UAE) for the period of review (POR), May 1, 2016, through April 30, 2017.

DATES: Applicable February 9, 2018.

FOR FURTHER INFORMATION CONTACT: Annathea Cook, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–0250

SUPPLEMENTARY INFORMATION:

Background

On July 6, 2017, based on a timely request for review by Mid Continent Steel & Wire, Inc. (the petitioner), Commerce published in the **Federal Register** a notice of initiation of an administrative review of the antidumping duty order on certain steel

nails from the UAE, covering the POR.[1] On August 2, 2017, Commerce placed evidence on the record that the antidumping duty questionnaire was undeliverable to Overseas Distribution Services, Inc., (ODS), the sole respondent subject to the review, at the address provided.[2] We requested an alternate address from the petitioner, but the petitioner was unable to provide one.[3] Although we re-sent the questionnaire to the original and two available alternate addresses from other segments of this proceeding,[4] it continued to be undeliverable.[5] Moreover, for two of the failed delivery attempts, the delivery company stated the business was closed.

On January 23, 2018, Commerce exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the preliminary determination of this review is now February 5, 2018.[6]

Rescission of Administrative Review

In instances when a questionnaire is returned because of an undeliverable address and the petitioner is unable to provide an alternative address, Commerce's practice is to rescind the review of the company.[7] While Commerce understands the concerns raised by the petitioner,[8] it would be futile to conduct a review of a closed company. Because the questionnaire was undeliverable with indications that the business was closed, ODS being the only respondent under review, and the petitioner is unable to provide an alternative address, we are rescinding the administrative review of certain steel nails from the UAE for the 2016–2017 POR.

Assessment

We will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. Because Commerce is rescinding this administrative review in its entirety, the entries to which this administrative review pertained shall be assessed antidumping duties at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the publication of this notice.

Notifications

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

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

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

Dated: February 5, 2018.

James Maeder,

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

[FR Doc. 2018–02629 Filed 2–8–18; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 31292 (July 6, 2017); Petitioner's Letter, ''*Certain Steel Nails from the United Arab Emirates:* Request for Administrative Review,'' dated May 31, 2017.

[2] *See* Memorandum, ''Certain Steel Nails from the United Arab Emirates: Tracking of Documents to Overseas Distribution Services, Inc.,'' dated August 2, 2017.

[3] *See* Petitioner's Letter, ''Re: Certain Steel Nails from the United Arab Emirates: Comments on August 2, 2017 Memorandum to the File,'' dated August 14, 2017.

[4] *See* Memorandum, ''Certain Steel Nails from the United Arab Emirates: Alternate Contact Information for Overseas Distribution Services, Inc.,'' dated concurrently with this notice.

[5] *See* Memorandum, ''Certain Steel Nails from the United Arab Emirates: Second Tracking of Documents to Overseas Distribution Services, Inc.,'' dated January 24, 2018.

[6] *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated January 23, 2018 (Tolling Memorandum). All deadlines in this segment of the proceeding have been extended by three days.

[7] *See, e.g., Certain Steel Concrete Reinforcing Bars from Turkey; Final Results and Rescission of Antidumping Duty Administrative Review in Part,* 71 FR 65082 (November 7, 2006); *Certain Frozen Warmwater Shrimp from Thailand; Partial Rescission of Antidumping Duty Administrative Review,* 72 FR 50931 (September 5, 2007); *Uncovered Innerspring Units from the People's Republic of China: Preliminary Results and Rescission, in Part, of the Antidumping Duty Administrative Review; 2016–2017,* 82 FR 51602 (November 7, 2017).

[8] *See* Petitioner's Letter, ''Re: Certain Steel Nails from the United Arab Emirates: Comments on January 24, 2018 Memorandum to the File,'' dated January 31, 2018.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–816]

Certain Steel Nails From Malaysia: Final Results of Antidumping Duty Administrative Review; 2014–2016

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

SUMMARY: The Department of Commerce (Commerce) determines that Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd. (collectively, Inmax), and Region International Co. Ltd. and Region System Sdn. Bhd. (collectively, Region) made sales of certain steel nails (steel nails) from Malaysia at prices below normal value during the period of review of December 29, 2014, through June 30, 2016.

DATES: Applicable February 9, 2018.

FOR FURTHER INFORMATION CONTACT: Edythe Artman or Madeline Heeren, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3931 or (202) 482–9179, respectively.

SUPPLEMENTARY INFORMATION:

Background

On August 7, 2017, Commerce published the *Preliminary Results.*[1] Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now February 6, 2018.[2] A summary of the

[1] *See Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Steel Nails from Malaysia; 2014–2016,* 82 FR 36741 (August 7, 2017) (*Preliminary Results*).

[2] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance,

Continued

events that occurred since Commerce published these results, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum, which is hereby adopted by this notice.[3]

Scope of the Order

The merchandise covered by this order is certain steel nails. The certain steel nails subject to the order are currently classifiable under HTSUS subheadings 7317.00.55.02, 7317.00.55.03, 7317.00.55.05, 7317.00.55.07, 7317.00.55.08, 7317.00.55.11, 7317.00.55.18, 7317.00.55.19, 7317.00.55.20, 7317.00.55.30, 7317.00.55.40, 7317.00.55.50, 7317.00.55.60, 7317.00.55.70, 7317.00.55.80, 7317.00.55.90, 7317.00.65.30, 7317.00.65.60 and 7317.00.75.00. Certain steel nails subject to these orders also may be classified under HTSUS subheadings 7907.00.60.00, 8206.00.00.00 or other HTSUS subheadings.

For a complete description of the scope of the order, *see* the Issues and Decision Memorandum

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised by parties is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html*. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our review of the record and comments received from interested parties, we made certain changes to the margin calculations for Region. For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum. As a result of these changes, the weighted-average dumping margin also changed for the company not selected for individual examination.

Final Results of the Review

The final weighted-average dumping margins are as follows:[4]

Producer or exporter	Weighted-average dumping margin (percent)
Inmax Sdn. Bhd. and Inmax Industries Sdn. Bhd	1.03
Region International Co. Ltd. and Region System Sdn. Bhd	1.87
Tag Fasteners Sdn. Bhd	1.45

Disclosure

We will disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Duty Assessment

Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries.[5] For any individually examined respondents whose weighted-average dumping margin is above *de minimis,* we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). Upon issuance of the final results of this administrative review, if any importer-specific assessment rates calculated in the final results are above *de minimis* (*i.e.,* at or above 0.5 percent), Commerce will issue instructions directly to CBP to assess antidumping duties on appropriate entries.

To determine whether the duty assessment rates covering the period were *de minimis,* in accordance with the requirement set forth in 19 CFR 351.106(c)(2), for each respondent we calculated importer (or customer)-specific *ad valorem* rates by aggregating the amount of dumping calculated for all U.S. sales to that importer or customer and dividing this amount by the total entered value of the sales to that importer (or customer). Where an importer (or customer)-specific *ad valorem* rate is greater than *de minimis,* and the respondent has reported reliable entered values, we will apply the assessment rate to the entered value of the importer's/customer's entries during the review period.

We intend to issue assessment instructions directly to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of these final results, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 2.66 percent, the all-others rate established in the antidumping investigation.[6] These cash deposit requirements, when imposed, shall remain in effect until further notice.

''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Certain Steel Nails from Malaysia; 2014–2016'', dated concurrently with this notice (Issues and Decision Memorandum).

[4] As we did not have a publicly ranged total U.S. sales value for Region for the period December 29, 2014, through June 30, 2016, in accordance with our practice, to calculate a weighted-average dumping margin for the non-examined company, Tag Fasteners Sdn. Bhd., the rate applied to this company is a simple average of the weighted-average dumping margins calculated for Inmax and Region.

[5] In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

[6] *See Certain Steel Nails from the Republic of Korea, Malaysia, the Sultanate of Oman, Taiwan, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 80 FR 39994 (July 13, 2015).

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the period of review. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties did occur and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

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

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: February 6, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Final Issues and Decision Memorandum

[FR Doc. 2018–02628 Filed 2–8–18; 8:45 am]

BILLING CODE 3510–DS–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

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

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

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

DATES: Comments must be received on or before March 11, 2018.

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

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

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

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

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

Services

Service Type: Grounds Maintenance Service
Mandatory for: U.S. Army Garrison Miami, U.S. Special Operations Command South 29401 SW 125th Avenue, Bldg. 600, Homestead Air Reserve Base, FL
U.S. Army Garrison Miami, 3501 Granada Blvd., Coral Gables, FL
Mandatory Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL
Contracting Activity: DEPT OF THE ARMY, 0410 AQ HQ
Service Type: Custodial Service
Mandatory for: National Park Service, Colonial National Historical Park, 10815 George Washington Memorial Highway, Yorktown, VA
Mandatory Source of Supply: VersAbility Resources, Inc., Hampton, VA
Contracting Activity: National Park Service, NER Construction/IA/AE MABO (42000)

Deletions

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

Products

NSN(s)—Product Name(s):
7920–01–615–6967—Scrub Brush, Wire, Black Tempered, Ergonomic, 5″
7920–01–615–6968—Wire Brush, Wire, Knuckle Guard, Long Handle, Ergonomic, 6″ x 1⅛″
7920–01–615–6971—Scrub Brush, Wire, Knuckle Guard, Long Handle, Ergonomic, 6″ x 1⅛″, w/built-in scraper
7920–01–615–6972—Scrub Brush, Polypropylene Bristles, Extension Pole-Compatible, 2″ x 8″
7920–01–615–6973—Scrub Brush, Wire, Stainless, Ergonomic, 5″
Mandatory Source of Supply: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: General Services Administration, Fort Worth, TX

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2018–02651 Filed 2–8–18; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

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

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes products from the Procurement List previously furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date deleted from the Procurement List:* March 11, 2018.

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

FOR FURTHER INFORMATION CONTACT: Amy B. Jensen, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 1/5/2018 (83 FR 4), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has

determined that the products listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products deleted from the Procurement List.

End of Certification

Accordingly, the following products are deleted from the Procurement List:

Products

NSN—Product Name: 3920–00–000–8908—Shelf Assembly, Top
Mandatory Source of Supply: Rauch, Inc., New Albany, IN
Contracting Activity: USPS, Topeka Purchasing Center, Topeka, KS
NSN(s)—Product Name(s):
8455–00–NSH–0001—Logo, BDU Coat and Shirt
8455–00–NSH–0002—Logo, BDU Coat and Shirt
Mandatory Source of Supply: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, KY
Contracting Activity: Defense Logistics Agency Troop Support

Amy B. Jensen,

Director, Business Operations.

[FR Doc. 2018–02652 Filed 2–8–18; 8:45 am]

BILLING CODE 6353–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities Under Review

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (''PRA''), this notice announces that the Information Collection Request (''ICR'') abstracted below has been forwarded to the Office of Management and Budget (''OMB'') for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

DATES: Comments must be submitted on or before March 12, 2018.

ADDRESSES: Comments regarding the burden estimate or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (''OIRA'') in OMB within 30 days of the notice's publication by either of the following methods. Please identify the comments by ''OMB Control No. 3038–0082.''

- *By email addressed to: OIRAsubmissions@omb.eop.gov* or
- *By mail addressed to:* the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street NW, Washington DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the ''Commission'') by either of the following methods. The copies should refer to ''OMB Control No. 3038–0082.''

- *The Agency's website, via its Comments Online process: http://comments.cftc.gov.* Follow the instructions for submitting comments through the website.
- *Mail:* 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.
- *Federal eRulemaking Portal: http://www.regulations.gov/.* Follow the instructions for submitting comments.

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.* 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 ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

[1] 17 CFR 145.9.

FOR FURTHER INFORMATION CONTACT: Christopher Ehrman, Director, Whistleblower Office, Commodity Futures Trading Commission, (202) 418–7650; email: *cehrman@cftc.gov*; and refer to OMB Control No. 3038–0082.

SUPPLEMENTARY INFORMATION:

Title: Renewal for Whistleblower Provision, OMB Control Number 3038–0082. This is a request for extension of a currently approved information collection.

Abstract: 17 CFR 165.3(a) requires the submission of information to the Commission on a Form TCR. The Form TCR, ''Tip, Complaint, or Referral,'' and the instructions thereto, are designed to capture basic identifying information about a complainant and elicit sufficient information to determine whether the conduct alleged suggests a violation of the Commodity Exchange Act. 17 CFR 165.7(b)(1) requires the submission of information to the Commission on a Form WB–APP. The Form WB–APP, ''Application for Award for Original Information Provided Pursuant to Section 23 of the Commodity Exchange Act,'' and the instructions thereto, are designed to elicit sufficient information to determine whether and to what extent a claimant qualifies for a whistleblower award.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the CFTC's regulations were published on December 30, 1981. *See* 46 FR 63035 (Dec. 30, 1981). The **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published on November 28, 2017 (82 FR 56222).

The Commission received one comment, the thrust of which was to urge that information from whistleblowers be fully evaluated before award determinations are made. The purpose of this information collection is to permit such complete evaluation of whistleblower information.

• *Burden Statement:* The respondent burden for this collection is estimated to be 0.5 hours per response.

• *Respondents/Affected Entities:* Individuals.

• *Estimated Number of Respondents:* 600 per year.

• *Estimated Total Annual Burden on Respondents:* 300 hours.

• *Frequency of Collection:* Once.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: February 6, 2018.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2018–02615 Filed 2–8–18; 8:45 am]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0095; Large Trader Reporting for Physical Commodity Swaps

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (CFTC) is announcing an opportunity for public comment 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 set out in part 20 of the Commission's regulations concerning large trader reporting for physical commodity swaps.

DATES: Comments must be submitted on or before April 10, 2018.

ADDRESSES: You may submit comments, identified by ''3038–0095'' 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.

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

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: Owen J. Kopon, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, (202) 418–5360; email: *okopon@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 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 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: Large Trader Reporting for Physical Commodity Swaps, (OMB Control No. 3038–0095). This is a request for extension of a currently approved information collection.

Abstract: Part 20 of the Commission's regulations (''Reporting Rules'') requires clearing organizations and any persons that are ''reporting entities'' to file swaps position data with the Commission. The Reporting Rules collect clearing member reports from clearing organizations. The Reporting Rules also require position reports from reporting entities for principal and counterparty positions in cleared and uncleared physical commodity swaps. Reporting entities are those persons that are either ''clearing members'' or ''swap dealers'' that are otherwise not clearing members. For purposes of part 20, reporting parties are required to submit data on positions on a futures equivalent basis so as to allow the Commission to assess a trader's market impact across differently structured but linked derivatives instruments and markets. This renewal updates the total requested burden based on available reported data.

With respect to the 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.

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.* 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 ICR will be retained in the public comment file and will be considered as required under the Administrative Procedure 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 Number of Respondents:* 4,824.

• *Estimated Average Annual Burden Hours per Respondent:* 1.55.

• *Estimated Total Annual Number of Responses:* 56,088.

[1] 17 CFR 145.9.

• *Estimated Total Annual Burden Hours:* 86,902.

• *Type of Respondents:* Respondents may include clearing organizations, persons that are clearing members or swap dealers that are reporting entities, and large swap counterparties.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: February 5, 2018.

Robert N. Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2018–02572 Filed 2–8–18; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket DARS–2018–0005]

Opportunity for Public Comment on Proposed Definition of ''Procurement Administrative Lead Time'' or ''PALT'' and the Plan for Measuring and Publically Reporting Data on PALT for Department of Defense Contracts and Task Orders Above the Simplified Acquisition Threshold

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

ACTION: Notice; request for public comments.

SUMMARY: In accordance with section 886 of the National Defense Authorization Act for Fiscal Year 2018, DoD is requesting public comments on a proposed definition of ''Procurement Administrative Lead Time'' or ''PALT'', that will be applied DoD-wide, and DoD's plan for measuring and publicly reporting data on PALT for DoD contracts and task orders above the simplified acquisition threshold.

DATES: Interested parties should submit written comments to the address shown below on or before March 12, 2018, to be considered.

ADDRESSES: Submit comments identified by ''DARS–2018–0005'' using any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DARS–2018–0005'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DARS–2018–0005.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''DARS–2018–0005'' on your attached document.

○ *Mail:* Defense Procurement and Acquisition Policy, Attn: Mr. Greg Snyder, 3060 Defense Pentagon, Room 5E621, Washington, DC 20301–3060.

FOR FURTHER INFORMATION CONTACT: Mr. Greg Snyder, Senior Procurement Analyst, Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Defense Procurement and Acquisition Policy, Contract Policy and International Contracting; telephone 703–614–0719.

SUPPLEMENTARY INFORMATION: Section 886 of the National Defense Authorization Act for Fiscal Year 2018 (Pub. L. 115–91), requires DoD to develop and make available for public comment a definition of the term ''Procurement Administrative Lead Time'' or ''PALT'' and a plan for measuring and publicly reporting data on PALT for DoD contracts and task orders above the simplified acquisition threshold. DoD is proposing to define PALT as ''the time between the date on which the initial solicitation for a contract or task order of the Department of Defense is issued and the date of the award of the contract or task order.'' The Department plans to use Federal Procurement Data System—Next Generation (FPDS–NG), the authoritative source for Governmentwide contract award data, to measure PALT and make PALT data available to the public. The Department plans to submit a Change Control Board request to the General Services Administration to update FPDS–NG by adding a new data field that reflects when the solicitation for a contract or task order valued above the simplified acquisition threshold is issued. Once the FPDS–NG system is updated (estimated to be completed in fiscal year 2019), the public will be able to utilize FPDS–NG to obtain the PALT information for any contract or task order issued by the DoD that is valued above the simplified acquisition threshold. The public is invited to submit comments on this proposed definition and the plan as instructed in the addresses section of this notice.

Jennifer L. Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2018–02599 Filed 2–8–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Charter Amendment of Department of Defense Federal Advisory Committees

AGENCY: Department of Defense.

ACTION: Amendment of Federal Advisory Committee.

SUMMARY: The Department of Defense (DoD) is publishing this notice to announce that it is amending the charter for the Defense Acquisition University Board of Visitors, the Defense Science Board, the Strategic Environmental Research and Development Program Scientific Advisory Board, and the Threat Reduction Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Jim Freeman, Advisory Committee Management Officer for the Department of Defense, 703–692–5952.

SUPPLEMENTARY INFORMATION: Each committee's charter is being amended in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR 102–3.50(d). Pursuant to statutory changes that took effect on February 1, 2018, the DoD disestablished the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (OUSD(AT&L)), and established the Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)) and the Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)). The DoD is amending the charters for each of these advisory committees to reflect a change in the committee's DoD Sponsor. The USD(A&S) will be the DoD Sponsor for the Defense Acquisition University Board of Visitors, and the Threat Reduction Advisory Committee. The USD(R&E) will be the DoD Sponsor for the Defense Science Board, and the Strategic Environmental Research and Development Program Scientific Advisory Board. The amended charter and contact information for the Designated Federal Officer (DFO) can be obtained at *http://www.facadatabase.gov/.*

Dated: February 6, 2018.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2018–02634 Filed 2–8–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, U.S. Army Corps of Engineers

Request for Proposals for Beneficial Use of Dredged Material Pursuant to Section 1122 of the Water Resources Development Act, Beneficial Use of Dredged Material

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

ACTION: Notice; request for proposals.

SUMMARY: Section 1122 of the Water Resources Development Act (WRDA) of 2016 requires the U.S. Army Corps of Engineers (USACE) establish a pilot program to recommend ten projects for the beneficial use of dredged material. The USACE is requesting proposals for beneficial use of dredged material projects.

DATES: Proposals must be submitted to Headquarters U.S. Army Corps of Engineers on or before March 12, 2018.

ADDRESSES: You may submit proposals by any of the following methods:

- *Mail:* Headquarters, U.S. Army Corps of Engineers, Directorate of Civil Works, Operations and Regulatory Community of Practice, Attn: CECW–CO–OD, 441 G Street NW, Washington, DC 20314.
- *Email: Section-1122-Beneficial-Use-Of-Dredged-Material@usace.army.mil*

FOR FURTHER INFORMATION CONTACT: Mr. Joseph Wilson, Environmental Dredging Program Manager, at 202–761–7697, or email: *joseph.r.wilson@usace.army.mil*.

SUPPLEMENTARY INFORMATION: Section 1122 of WRDA 2016 requires the USACE establish a pilot program to carry out 10 projects for the beneficial use of dredged material, including projects for the purposes of—

(1) Reducing storm damage to property and infrastructure;

(2) promoting public safety;

(3) protecting, restoring, and creating aquatic ecosystem habitats;

(4) stabilizing stream systems and enhancing shorelines;

(5) promoting recreation;

(6) supporting risk management adaptation strategies; and

(7) reducing the costs of dredging and dredged material placement or disposal, such as projects that use dredged material for—

(A) construction or fill material;

(B) civic improvement objectives; and

(C) other innovative uses and placement alternatives that produce public economic or environmental benefits.

The USACE has developed implementation guidance for carrying out the provisions of Section 1122. That implementation guidance can be obtained at *http://www.usace.army.mil/Missions/Civil-Works/Project-Planning/Legislative-Links/wrda2016/wrda2016_impguide.* Search Section 1122(a)–(h) for links to the implementation guidance and other Section 1122 information.

The USACE is required to carry out the pilot program in consultation with relevant state agencies and to establish regional beneficial use teams to identify and assist in the implementation of projects.

Projects identified under Section 1122 must maximize the beneficial placement of dredged material from Federal and non-Federal navigation channels and incorporate, to the maximum extent practicable, two or more Federal navigation, flood control, storm damage reduction, or environmental restoration projects. Section 1122 also requires coordination and mobilization of dredges and related equipment, including the use of efficiencies in contracting and environmental approvals as can be implemented under existing laws and regulations.

Implementation must foster Federal and State and local collaboration; implement best practices to maximize the beneficial use of dredged sand and other sediments; and ensure that the use of dredged material is consistent with all applicable environmental laws.

Projects carried out under Section 1122 will be subject to the cost-sharing requirements applicable to projects carried out under Section 204 of the Continuing Authorities Program. However, for projects under the pilot program that use dredged material from federal navigation projects, Section 1122(e)(2) provides the incremental costs above the federal standard for transportation and depositing such dredged material will be borne entirely by the federal government. If such pilot projects involve additional activities other than transportation and placement of dredged material, such as wetland plantings or mechanical shaping of dunes and beach berms, those project costs will be shared in accordance with the cost sharing requirements of Section 204. If additional material is dredged from a federal navigation project solely for purposes of a pilot project, the costs associated with the additional dredging will be cost-shared with the non-federal sponsor of the pilot project in accordance with Section 204. If a pilot project relies on dredged material from a non-federal navigation project, the dredging and transportation costs will be 100 percent non-federal; all other costs associated with the pilot project will be cost-shared in accordance with Section 204.

Within two years the Secretary is to submit a report to the Congress that includes:

(1) A description of the projects selected to be carried out under the pilot program;

(2) documentation supporting each of the projects selected;

(3) the findings of regional beneficial use teams regarding project selection; and

(4) any recommendations of the Secretary or regional beneficial use teams with respect to the pilot program.

The pilot program terminates after completion of the 10 beneficial use projects.

Entities submitting proposals for a project must include the following information:

1. Name and location of the proposed project.

2. Purpose of the proposed project (see paragraph 5 of the Implementation Guidance).

3. Description of the proposed project, including more detail on how material will be used beneficially to meet project purposes identified in 2 above.

4. The name of all non-federal interests planning to act as the sponsor, including any non-federal interest that has contributed to or is expected to contribute toward the non-federal share of the proposed beneficial use project.

5. List the authorized U.S. Army Corps of Engineers (Corps) water resources development project(s) that the proposed beneficial use project is associated with.

6. Provide an estimate, to the extent practicable, of the total beneficial use project cost, and the federal and non-federal share of those costs.

7. Describe, to the extent practicable, an estimate of the anticipated monetary and non-monetary benefits of the proposed beneficial use project with regard to the environmental, economic, and social benefits of the project.

8. Describe if local support exists for the proposal.

9. Statement of the non-federal interest's financial ability to provide a share of the project costs.

Dated: February 5, 2018.

Thomas P. Smith,

Chief Operations and Regulatory Division, U.S. Army Corps of Engineers.

[FR Doc. 2018–02613 Filed 2–8–18; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0143]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; U.S. Department of Education Green Ribbon Schools Nominee Presentation Form

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

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before March 12, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0143. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Andrea Falken, 202–503–8985.

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

Title of Collection: U.S. Department of Education Green Ribbon Schools Nominee Presentation Form.

OMB Control Number: 1860–0509.

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

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

Total Estimated Number of Annual Responses: 30.

Total Estimated Number of Annual Burden Hours: 1,350.

Abstract: Begun in 2011–2012, U.S. Department of Education Green Ribbon Schools (ED–GRS) is a recognition award that honors schools, districts, and postsecondary institutions that are making great strides in three Pillars: (1) Reducing environmental impact and costs, including waste, water, energy use, and transportation; (2) improving the health and wellness of students and staff, including environmental health of premises, nutrition, and fitness; and (3) providing effective sustainability education, including STEM, civic skills, and green career pathways.

The award is a tool to encourage state education agencies, stakeholders and higher education officials to consider matters of facilities, health and environment comprehensively and in coordination with state health, environment and energy counterparts. In order to be selected for federal recognition, schools, districts and postsecondary institutions must be high achieving in all three of the above Pillars, not just one area. Schools, districts, colleges and universities apply to their state education authorities. State authorities can submit up to six nominees to ED, documenting achievement in all three Pillars. This information is used at the Department to select the awardees.

ED collects information on nominees from state nominating authorities regarding their schools, districts, and postsecondary nominees. State agencies are provided sample applications for all three types of nominees for their use and adaptation. Most states adapt the sample to their state competition. There is no one federal application for the award, but rather various applications determined by states. They do use a required two-page Nominee Submission Form as a cover sheet, which ED provides. This document, in school, district, and postsecondary submission formats is attached. The burden varies greatly from state authority to authority and how they chose to approach the award.

The recognition award is part of a U.S. Department of Education (ED) effort to identify and communicate practices that result in improved student engagement, academic achievement, graduation rates, and workforce preparedness, and reinforce federal efforts to increase energy independence and economic security.

Encouraging resource efficient schools, districts, and IHEs allows administrators to dedicate more resources to instruction rather than operational costs. Healthy schools and wellness practices ensure that all students learn in an environment conducive to achieving their full potential, free of the health disparities that can aggravate achievement gaps. Sustainability education helps students engage in hands-on learning, hone critical thinking skills, learn many disciplines and develop a solid foundation in STEM subjects. It motivates postsecondary students in many disciplines, and especially those underserved in STEM subjects, to persist and graduate with sought after degrees and robust civic skills.

So that the Administration can receive states' nominations, ED seeks to provide the Nominee Presentation Form to states—essentially a cover sheet for states' evaluation of their nominees to ED—in three versions; one for school nominees, another for district nominees, and a third form for postsecondary nominees.

Dated: February 5, 2018.

Tomakie Washington,

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

[FR Doc. 2018–02576 Filed 2–8–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0162]

Agency Information Collection Activities; Comment Request; Privacy Act Request Form

AGENCY: Office of Management (OM), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before April 10, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0162. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Elise Cook, 202–401–3769.

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

Title of Collection: Privacy Act Request Form.

OMB Control Number: 1880—NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 130.

Total Estimated Number of Annual Burden Hours: 65.

Abstract: The collection is necessary under 5 U.S.C. Section 552a(b) to collect information from individuals requesting information under the Privacy Act (PA). The Department will use the information to provide documents that are responsive to a Privacy Act or FOIA/Privacy Act request under the Freedom of Information Act.

Dated: February 5, 2018.

Tomakie Washington,

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

[FR Doc. 2018–02575 Filed 2–8–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2018–ICCD–0012]

Agency Information Collection Activities; Comment Request; Fiscal Operations Report for 2017–2018 and Application To Participate 2019–2020 (FISAP) and Reallocation Form

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

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before April 10, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2018–ICCD–0012. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–34, Washington, DC 20202–4537.

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

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

Title of Collection: Fiscal Operations Report for 2017–2018 and Application to Participate 2019–2020 (FISAP) and Reallocation Form.

OMB Control Number: 1845–0030.

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

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

Total Estimated Number of Annual Responses: 4,162.

Total Estimated Number of Annual Burden Hours: 94,916.

Abstract: The Higher Education Opportunity Act (HEOA) (Pub. L. 110–315) was enacted on August 14, 2008 and reauthorized the Higher Education Act of 1965, as amended, (HEA). It requires participating Title IV institutions to apply for funds and report expenditures for the Federal Perkins Loan (Perkins), the Federal Supplemental Educational Opportunity Grant (FSEOG) and the Federal Work-Study (FWS) Programs on an annual basis.

The data submitted electronically in the Fiscal Operations Report and Application to Participate (FISAP) is used by the Department of Education to determine the institution's funding need for the award year and monitor program effectiveness and accountability of fund expenditures. The data is used in conjunction with institutional program reviews to assess the administrative capability and compliance of the applicant. There are no other resources for collecting this data.

The HEA requires that if an institution anticipates not using all of its allocated funds for the FWS, and FSEOG programs by the end of an award year, it must specify the anticipated remaining unused amount to the Secretary, who reduces the institution's allocation accordingly.

The changes to the Perkins Loan Program in this annual update reflect the immediate reporting needs. There will be more extensive changes to the FISAP in next year's iteration to accommodate the continuing Perkins program close out.

Dated: February 6, 2018.

Kate Mullan,

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

[FR Doc. 2018–02579 Filed 2–8–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0124]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Implementation of Title I/II Program Initiatives

AGENCY: Institute of Education Sciences (IES), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement of a previously approved information collection.

DATES: Interested persons are invited to submit comments on or before March 12, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0124. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Erica Johnson, 202–245–7676.

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

Title of Collection: Implementation of Title I/II Program Initiatives.

OMB Control Number: 1850–0902.

Type of Review: A reinstatement of a previously approved information collection.

Respondents/Affected Public: State, Local, and Tribal Governments *Total Estimated Number of Annual Responses:* 770.

Total Estimated Number of Annual Burden Hours: 872.

Abstract: The second round of data collection for the Implementation of Title I/II–A Program Initiatives study will continue to examine the implementation of policies promoted through the Elementary and Secondary Education Act (ESEA) at the state and district levels, in four core areas: School accountability and support for low-performing schools, improving teacher and leader effectiveness, state content standards, and assessments. The first round of data collection for this study was conducted in Spring and Summer 2014.

The purpose of this follow-up data collection is to provide policy makers with detailed information on the core policies promoted by Title I and Title II–A being implemented at the state and district levels, and the resources and supports they provide to schools and teachers. The timing of the data collection is critical to provide early information on the implementation of the Every Student Succeeds Act (ESSA) in the 2017–18 school year.

This study will rely on information collected from existing sources, for which there are no respondents or burden, and on a set of revised state and district surveys based on the 2014 data collection in order to address the study's research questions. Extant data sources include (a) the National Assessment of Educational Progress (NAEP) and (b) EDFacts data.

The revised surveys of states and school districts will begin in March 2018. All respondents will have the opportunity to complete an electronic (*e.g.,* web-based) survey (or paper survey, if preferred). The survey respondents are described briefly below:

State Surveys: The state survey will be sent to the chief state school officer in each of the 50 states and the District of Columbia. The state surveys will be administered using an electronic instrument divided into modules corresponding to the four core areas.

School District Surveys. The school district survey will be sent to school superintendents from the same nationally representative sample of 570

school districts that participated in the 2014 survey, as well as a new nationally representative sample of 149 charter school districts. The district survey will be web-based and modularized, corresponding to the four core areas, to allow for completion by one or multiple respondents.

Dated: February 5, 2018.

Tomakie Washington,

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

[FR Doc. 2018–02561 Filed 2–8–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0152]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; College Affordability and Transparency Explanation Form (CATEF) 2018–2020

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

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

DATES: Interested persons are invited to submit comments on or before March 12, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0152. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–34, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Freddie Cross, 202–453–7224.

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

Title of Collection: College Affordability and Transparency Explanation Form (CATEF) 2018–2020.

OMB Control Number: 1840–0822.

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

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

Total Estimated Number of Annual Responses: 631.

Total Estimated Number of Annual Burden Hours: 2,063.

Abstract: The Office of Postsecondary Education (OPE) is seeking a renewed three-year clearance for the College Affordability and Transparency Explanation Form (CATEF) data collection. OPE has collected this information since 2011–12 and the collection of information through CATEF is required by § 132 of the Higher Education Act of 1965 as amended (HEA), 20 U.S.C. 1015a with the goal of increasing the transparency of college tuition prices for consumers. This submission is for the 2017–18, 2018–19, and 2019–20 collection years. CATEF collects follow-up information from institutions that appear on the tuition and fees and/or net price increase College Affordability and Transparency Center (CATC) Lists for being in the five percent of institutions in their institutional sector that have the highest increases, expressed as a percentage change, over the three-year time period for which the most recent data are available. The information collected through CATEF is used to write a summary report for Congress which is also posted on the CATC website (accessible through the College Navigator).

Dated: February 6, 2018.

Kate Mullan,

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

[FR Doc. 2018–02607 Filed 2–8–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–386–B]

Application To Export Electric Energy; ENGIE Energy Marketing NA, Inc.

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: ENGIE Energy Marketing NA, Inc. (EEMNA or Applicant) has applied to renew its authority to transmit electric energy from the United States to Mexico pursuant to the Federal Power Act.

DATES: Comments, protests, or motions to intervene must be submitted on or before March 12, 2018.

ADDRESSES: Comments, protests, motions to intervene, or requests for more information should be addressed to: Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Electricity.Exports@hq.doe.gov,* or by facsimile to 202–586–8008.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On March 27, 2003, DOE issued Order No. EA–386 to IPR–GDF Suez Energy Marketing North America, Inc. (GSEMNA), which authorized the Applicant to transmit electric energy from the United States to Mexico as a power marketer for a five-year term

using existing international transmission facilities. On May 3, 2017, GSEMNA changed its name to EEMNA in Order No. EA–386–A. That authority expires on March 27, 2018. On January 26, 2018, EEMNA filed an application with DOE for renewal of the export authority contained in Order No. EA–386 for an additional five-year term.

In its application, EEMNA states that it does not own or operate any electric generation or transmission facilities, and it does not have a franchised service area. The electric energy that EEMNA proposes to export to Mexico would be purchased from third parties such as electric utilities and Federal power marketing agencies pursuant to voluntary agreements. The existing international transmission facilities to be utilized by EEMNA have previously been authorized by Presidential Permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments and other filings concerning EEMNA's application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–386–B. An additional copy is to be provided directly to both Adam Roth, ENGIE Energy Marketing NA, Inc., 1900 Post Oak Blvd., Suite 1900, Houston, TX 77056, and Catherine P. McCarthy, Bracewell LLP, 2001 M Street NW, Suite 900, Washington, DC 20036.

A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program website at *http://energy.gov/node/11845,* or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on February 2, 2018.

Christopher Lawrence,

Electricity Policy Analyst, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2018–02619 Filed 2–8–18; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9037–5]

Environmental Impact Statements; Notice of Availability

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

Weekly receipt of Environmental Impact Statements Filed 01/29/2018 Through 02/02/2018 Pursuant to 40 CFR 1506.9.

Notice

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

EIS No. 20180011, Final, USACE, CA, San Joaquin River Basin Lower San Joaquin River, CA, FINAL Integrated Interim Feasibility Report/Environmental Impact Statement/Environmental Impact Report, Review Period Ends: 03/12/2018, Contact: Tanis Toland 916–557–6717.

EIS No. 20180012, Draft, NSF, NM, Environmental Impact Statement for the Sacramento Peak Observatory, Sunspot, New Mexico, Comment Period Ends: 03/26/2018, Contact: Elizabeth Pentecost 703–292–4907.

EIS No. 20180013, Draft, USFS, CO, Crested Butte Mountain Resort (CBMR) Ski Area Projects, Comment Period Ends: 05/10/2018, Contact: Aaron Drendel 719–657–6019.

EIS No. 20180014, Draft, HHS, OH, Draft Environmental Impact Statement for Site Acquisition and Campus Consolidation for NIOSH, Comment Period Ends: 03/26/2018, Contact: Harry Marsh (770) 488–8170.

EIS No. 20180015, Final, BLM, ID, Bruneau-Owhyhee Sage-grouse Habitat Project, Review Period Ends: 03/12/2018, Contact: Michael McGee (208) 384–3464.

EIS No. 20180016, Final, FHWA, IN, I69 Section 6 Martinsville to Indianapolis, Under MAP–21 section 1319, FHWA has issued a single FEIS and ROD. Therefore, the 30-day wait/review period under NEPA does not apply to this action. Contact: Michelle Allen 317–226–7344.

Dated: February 6, 2018.

Kelly Knight,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2018–02580 Filed 2–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0141; FRL–9972–07]

Certain New Chemicals or Significant New Uses; Statements of Findings for November 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from November 1, 2017 to November 30, 2017.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Greg Schweer, Chemical Control Divison (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–8469; email address: *schweer.greg@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to.

Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0141, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from November 1, 2017 to November 30, 2017.

III. What is the agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- website link to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

EPA Case Number: P–17–0390; *Chemical identity:* Carbomonocyclic dicarboxylic acid, polymer with alkenedioic acid, substituted heteropolycycle, substituted heteromonocycle, alkanediol, alkanedioic acid, alkoxylated substituted dicarbomonocycle, alkoxylated substituted dicarbomonocycle and alkanetriol, carbomonocyclic carboxylate alkanoate (generic name); *website link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-77.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: January 24, 2018.

Greg Schweer,

Chief, New Chemicals Management Branch, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2018–02662 Filed 2–8–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0141; FRL–9972–05]

Certain New Chemicals or Significant New Uses; Statements of Findings for October 2017

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(g) of the Toxic Substances Control Act (TSCA) requires EPA to publish in the **Federal Register** a statement of its findings after its review of TSCA section 5(a) notices when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to premanufacture notices (PMNs), microbial commercial activity notices (MCANs), and significant new use notices (SNUNs) submitted to EPA under TSCA section 5. This document presents statements of findings made by EPA on TSCA section 5(a) notices during the period from October 1, 2017 to October 31, 2017.

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Greg Schweer, Chemical Control Divison (7405M), Office of Pollution Prevention and Toxics, Environmental

Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: 202–564–8469; email address: *schweer.greg@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitters of the PMNs addressed in this action.

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0141, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. What action is the Agency taking?

This document lists the statements of findings made by EPA after review of notices submitted under TSCA section 5(a) that certain new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment. This document presents statements of findings made by EPA during the period from October 1, 2017 to October 31, 2017.

III. What is the Agency's authority for taking this action?

TSCA section 5(a)(3) requires EPA to review a TSCA section 5(a) notice and make one of the following specific findings:

- The chemical substance or significant new use presents an unreasonable risk of injury to health or the environment;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects of the chemical substance or significant new use;
- The information available to EPA is insufficient to permit a reasoned evaluation of the health and environmental effects and the chemical substance or significant new use may present an unreasonable risk of injury to health or the environment;
- The chemical substance is or will be produced in substantial quantities, and such substance either enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to the substance; or
- The chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment.

Unreasonable risk findings must be made without consideration of costs or other non-risk factors, including an unreasonable risk to a potentially exposed or susceptible subpopulation identified as relevant under the conditions of use. The term ''conditions of use'' is defined in TSCA section 3 to mean ''the circumstances, as determined by the Administrator, under which a chemical substance is intended, known, or reasonably foreseen to be manufactured, processed, distributed in commerce, used, or disposed of.''

EPA is required under TSCA section 5(g) to publish in the **Federal Register** a statement of its findings after its review of a TSCA section 5(a) notice when EPA makes a finding that a new chemical substance or significant new use is not likely to present an unreasonable risk of injury to health or the environment. Such statements apply to PMNs, MCANs, and SNUNs submitted to EPA under TSCA section 5.

Anyone who plans to manufacture (which includes import) a new chemical substance for a non-exempt commercial purpose and any manufacturer or processor wishing to engage in a use of a chemical substance designated by EPA as a significant new use must submit a notice to EPA at least 90 days before commencing manufacture of the new chemical substance or before engaging in the significant new use.

The submitter of a notice to EPA for which EPA has made a finding of ''not likely to present an unreasonable risk of injury to health or the environment'' may commence manufacture of the chemical substance or manufacture or processing for the significant new use notwithstanding any remaining portion of the applicable review period.

IV. Statements of Administrator Findings Under TSCA Section 5(a)(3)(C)

In this unit, EPA provides the following information (to the extent that such information is not claimed as Confidential Business Information (CBI)) on the PMNs, MCANs and SNUNs for which, during this period, EPA has made findings under TSCA section 5(a)(3)(C) that the new chemical substances or significant new uses are not likely to present an unreasonable risk of injury to health or the environment:

- EPA case number assigned to the TSCA section 5(a) notice.
- Chemical identity (generic name, if the specific name is claimed as CBI).
- Website link to EPA's decision document describing the basis of the ''not likely to present an unreasonable risk'' finding made by EPA under TSCA section 5(a)(3)(C).

EPA Case Number: J–17–0014; *Chemical identity:* organic acid producing yeast, modified, genetically stable; *website link: https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/tsca-section-5a3c-determination-75.*

Authority: 15 U.S.C. 2601 *et seq.*

Dated: January 24, 2018.

Greg Schweer,

Chief, New Chemicals Management Branch, Chemical Control Division, Office of Pollution Prevention and Toxics.

[FR Doc. 2018–02661 Filed 2–8–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT: 83 FR 2639

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Tuesday, January 23, 2018 at 10:00 a.m.

CHANGES IN THE MEETING: This meeting was continued on Tuesday, February 6, 2018.

* * * * *

CONTACT FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Laura E. Sinram,

Deputy Secretary of the Commission.

[FR Doc. 2018–02708 Filed 2–7–18; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: Wednesday, February 14, 2018; 10:00 a.m. EST.

PLACE: 800 N. Capitol Street NW, First Floor Hearing Room, Washington, DC.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Closed Session

1. Commission Discussion on Petition P4–16, Petition of the Coalition for Fair Port Practices for Rulemaking

CONTACT PERSON FOR MORE INFORMATION: Rachel E. Dickon, Assistant Secretary, (202) 523 5725.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2018–02822 Filed 2–7–18; 4:15 pm]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 8, 2018.

A. Federal Reserve Bank of Richmond (Adam M. Drimer, Assistant Vice President) 701 East Byrd Street, Richmond, Virginia 23261–4528. Comments can also be sent electronically to *Comments.applications@rich.frb.org:*

1. *AsheCo MHC, Inc. and LifeStore Financial Group, Inc., both of West Jefferson, North Carolina;* to become bank holding companies upon the conversion of LifeStore Bank, West Jefferson, North Carolina, from a federal savings bank, to a commercial state-member bank.

Board of Governors of the Federal Reserve System, February 6, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–02635 Filed 2–8–18; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000–0155; Docket 2017–0053; Sequence 18]

Submission for OMB Review; Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division (MVCB) will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement regarding prohibition of acquisition of products produced by forced or indentured child labor.

DATES: Submit comments on or before March 12, 2018.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for GSA, Room 10236, NEOB, Washington, DC 20503. Additionally submit a copy to GSA by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching the OMB control number 9000–0155. Select the link that corresponds with ''Information Collection 9000–0155, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor''. Follow the instructions provided on the screen.

Please include your name, company name (if any), and ''Information Collection 9000–0155, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor'' on your attached document.

- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 9000–0155, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor.

Instructions: Please submit comments only and cite Information Collection 9000–0155, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor, in all correspondence related to this collection. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Zenaida Delgado, Procurement Analyst, Federal Acquisition Policy Division, GSA, at 202–969–7207, or email *zenaida.delgado@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

This information collection complies with Executive Order 13126, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor.

This information is used by Government contracting officers to ensure that a good faith effort has been made to determine whether forced or indentured child labor was used to mine, produce, or manufacture any product on the List furnished under the contract per Executive Order 13126.

The information collection requirements of the Executive Order are evidenced via the certification requirements delineated at FAR 52.212–3 paragraph (i), and 52.222–18.

B. Annual Reporting Burden

DoD, GSA and NASA analyzed the FY 2017 data from the System for Award Management (SAM) to develop the estimated burden hours for this

information collection. The following is a summary of the FY 2017 data:

Respondents: 1,104.

Responses per Respondent: 1.

Total Annual Responses: 1,104.

Hours per Response: 0.18.

Total Burden Hours: 198.

Affected Public: Businesses or other for-profit and not-for-profit.

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

Type of Request: Revision of a currently approved collection.

Reporting Frequency: On occasion.

C. Public Comment

A 60 day notice was published in the **Federal Register** at 82 FR 55842, on November 24, 2017. No comments were received.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405.

Please cite OMB Control No. 9000–0155, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor, in all correspondence.

Dated: February 2, 2018.

Lorin S. Curit,

Director, Federal Acquisition Policy Division, Office of Government-wide Acquisition Policy, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2018–02587 Filed 2–8–18; 8:45 am]

BILLING CODE 6820–EP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Announcement of Requirements and Registration for the 2018 Million Hearts® Hypertension Control Challenge

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice.

Authority: 15 U.S.C. 3719.

Award Approving Official: Anne Schuchat, M.D. (RADM, USPHS), Acting Director, Centers for Disease Control and Prevention, and Acting Administrator, Agency for Toxic Substances and Disease Registry.

SUMMARY: The Centers for Disease Control and Prevention (CDC) located within the Department of Health and Human Services (HHS) announces the launch of the 2018 Million Hearts® Hypertension Control Challenge.

Million Hearts® is a national initiative to prevent one million heart attacks and strokes by 2022. In order to prevent one million events, we need to decrease smoking, sodium consumption and physical inactivity by 20%; improve performance on appropriate aspirin use, blood pressure control, cholesterol management, and smoking cessation to 80%; and improve outcomes for priority populations. Over the last five years we have seen tremendous progress by provider and health care systems that focus on improving their performance in controlling blood pressure. Getting to 80% control would mean that 10 million more Americans would have their blood pressure under control, and be at substantially lower risk for strokes, heart attacks and other cardiovascular events. For more information about the initiative, visit *https://millionhearts.hhs.gov/.*

The Million Hearts Hypertension Control challenge is an important way to call attention to the need for improved blood pressure control, provides a powerful motivation and target for clinicians, and will improve understanding of successful implementation strategies at the health system level. The Million Hearts Hypertension Control Challenge will identify clinicians, clinical practices, and health systems that have exceptional rates of hypertension control and recognize them as 2018 Million Hearts® Hypertension Control Champions. To support improved quality of care delivered to patients with hypertension, Million Hearts® will document and further disseminate the systems, strategies, processes, and staffing that contribute to the exceptional blood pressure control rates achieved by Champions.

DATES: The Challenge will accept applications from February 20, 2018 through April 6, 2018.

FOR FURTHER INFORMATION CONTACT: Mary George, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention, 4770 Buford Hwy. NE, Mailstop F–73, Chamblee, GA 30341, Telephone: 770–488–2424, Email: *millionhearts@cdc.gov;* subject line of email: Million Hearts Hypertension Control Challenge.

SUPPLEMENTARY INFORMATION:

Subject of Challenge Competition: The challenge is authorized by Public Law 111–358, the America Creating Opportunities to Meaningfully Promote Excellence in Technology, Education and Science Reauthorization Act of 2010 (COMPETES Act).

Applicants for the 2018 Million Hearts® Hypertension Control Challenge will be asked to provide two hypertension control rates for the practice's or health system's hypertensive population: A current rate for the most recent 12-month reporting period (*e.g.,* 1/1/2017–12/31/2017) and a previous rate for a 12 month period 1 year before the most recent reporting period (*e.g.,* 1/1/2016–12/31/2016). Applicants will also be asked to provide the prevalence of hypertension in their population, describe some population characteristics that present significant challenges in attaining hypertension control (such as percent minority, percent enrolled in Medicaid, percent with no health insurance or who are homeless, and percent whose primary language is not English) and strategies used by the practice or health system that support continued improvements in blood pressure control. Further details are provided in the application form.

Eligibility Rules for Participating in the Competition: To be eligible to be recognized as a Million Hearts® Hypertension Control Champion under this challenge, an individual or entity—

(1) Shall have completed the application form in its entirety to participate in the competition under the rules developed by HHS/CDC;

(2) Shall have complied with all the requirements in this section and;

a. Be a U.S. licensed clinician, practicing in any U.S. setting, who provides continuing care for adult patients with hypertension. The individual must be a citizen or permanent resident of the U.S. ''[I]n the case of a private entity, shall be incorporated in and maintain a primary place of business in the United States, and in the case of an individual, whether participating singly or in a group, shall be a citizen or permanent resident of the United States. The United States means a State, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

b. Or be a U.S. incorporated clinical practice, defined as any practice with two or more U.S. licensed clinicians who by formal arrangement share responsibility for a common panel of patients, practice at the same physical location or street address, and provide continuing medical care for adult patients with hypertension;

c. Or be a health system, incorporated in and maintaining a primary place of business in the U.S. that provides continuing medical care for adult

patients with hypertension. We encourage large health systems (those that are comprised of a large number of geographically dispersed clinics and/or have multiple hospital locations) to consider having one or a few of the highest performing clinics or regional affiliates apply individually instead of the health system applying as a whole;

(3) Must treat all adult patients with hypertension in the practice seeking care, not a selected subgroup of patients;

(4) Must have a data management system (electronic or paper) that allows CDC or their contractor to verify data submitted;

(5) Must treat a minimum of 500 adult patients annually and have a hypertension control rate of at least *80%;*

(6) May not be a Federal entity or Federal employee acting within the scope of their employment;

(7) An HHS employee must not work on their application(s) during assigned duty hours;

(8) Shall not be an employee of or contractor at/within CDC;

(9) Must agree to participate in a data validation process to be conducted by a reputable independent contractor. Data will be kept confidential by the contractor to the extent applicable law allows and will be shared with the CDC, in aggregate form only (*e.g.,* the hypertension control rate for the practice not individual patients' hypertension values);

(10) Must agree to sign, without revisions, a Business Associate Agreement with the contractor conducting the data validation.

(11) Must have a written policy in place about conducting periodic background checks on all providers and taking appropriate action based on the results of the check. CDC's contractor may also request to review the policy and any supporting information deemed necessary. In addition, a health system background check will be conducted by CDC or a CDC contractor that includes a search for The Joint Commission sanctions and current investigations for serious institutional misconduct (*e.g.,* attorney general investigation). Eligibility status, based upon the above-referenced written policy, appropriate action, and background check, will be determined at the discretion of CDC consistent with CDC's public health mission.

(12) Must agree to be recognized if selected and agree to participate in an interview to develop a success story that describes the systems and processes that support hypertension control among patients. Champions will be recognized on the Million Hearts® website. Strategies used by Champions that support hypertension control may be written into a success story, placed on the Million Hearts® website, and attributed to Champions.

Federal funds may not be used to develop COMPETES Act challenge applications or to fund efforts in support of a COMPETES Act challenge.

Individual applicants and individuals in a group practice must be free from convictions or pending investigations of criminal and health care fraud offenses such as felony health care fraud, patient abuse or neglect; felony convictions for other health care-related fraud, theft, or other financial misconduct; and felony convictions relating to unlawful manufacture, distribution, prescribing, or dispensing of controlled substances as verified through the Office of the Inspector General List of Excluded Individuals and Entities. *http://oig.hhs.gov/exclusions/background.asp.*

Individual applicants must be free from serious sanctions, such as those for misuse or mis-prescribing of prescription medications. Eligibility status of individual applicants with serious sanctions will be determined at the discretion of CDC. CDC's contractor may perform background checks on individual clinicians or medical practices.

Champions previously recognized through the 2013, 2014, 2015, and 2017 Million Hearts® Hypertension Control Challenges retain their designation as a ''Champion'' and are not eligible to be named a Champion in the 2018 challenge.

An individual or entity shall not be deemed ineligible because the individual or entity used Federal facilities or consulted with Federal employees during a competition if the facilities and employees are made available to all individuals and entities participating in the competition on an equal basis.

By participating in this challenge, an individual or organization agrees to assume any and all risks related to participating in the challenge. Individuals or organizations also agree to waive claims against the Federal Government and its related entities, except in the case of willful misconduct, when participating in the challenge, including claims for injury; death; damage; or loss of property, money, or profits, and including those risks caused by negligence or other causes.

By participating in this challenge, individuals or organizations agree to protect the Federal Government against third party claims for damages arising from or related to challenge activities.

Participants are required to obtain liability insurance or demonstrate financial responsibility in the amount of $0, for claims by a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a challenge.

No cash prize will be awarded. Champions will receive national recognition.

Registration Process for Participants

To participate and submit an application, interested parties should go to *https://millionhearts.hhs.gov* or *https://www.challenge.gov.* On this site, applicants will find the application form and the rules and guidelines for participating. Information required of the applicants on the application form includes:

- The size of the applicant's adult primary care patient population, a summary of known patient demographics (*e.g.,* age distribution), and any noteworthy patient population characteristics.
- The number of the applicant's adult primary care patients, ages 18–85 who were seen during the measurement year and had a hypertension diagnosis (*i.e.,* hypertension prevalence).
- The applicant's current hypertension control rate for their hypertensive population ages 18–85 during the measurement year is required. In determining the hypertension control rate, CDC defines ''hypertension control'' as a blood pressure reading <140 mmHg systolic and <90 mmHg diastolic among patients ages 18–85 with a diagnosis of hypertension.
- The hypertension control rate should be for the provider's or health system's entire adult hypertensive patient population ages 18–85, and not limited to a sample. The provider's or health system's hypertensive population ages 18–85 should include only patients in primary care or in cardiology care in the case of a cardiology clinic. Patients seen only in dental care or behavioral health care should not be included. Examples of ineligible data submissions include hypertension control rates that are limited to treatment cohorts from research studies or pilot studies, patients limited to a specific age range (such as 18–35 only), or patient enrolled in limited scale quality improvement projects.
- Completion of a checklist of sustainable clinic systems or processes that support hypertension control. These may include provider or patient incentives, dashboards, staffing characteristics, electronic record

keeping systems, reminder or alert systems, clinician reporting, service modifications, etc.

The estimated burden for completing the application form is 30 minutes.

Amount of the Prize

Up to 35 of the highest scoring clinical practices or health systems will be recognized as Million Hearts® Hypertension Control Champions. No cash prize will be awarded. Champions will receive national recognition.

Basis Upon Which Winner Will Be Selected

The application will be scored based on the hypertension control rate for your most recent 12-month reporting period ending not earlier than December 31, 2017; and the degree to which the patient populations' characteristics present significant challenges in attaining hypertension control (up to 5% of score).

Phase 1 of the validation process includes verification of the hypertension prevalence and blood pressure control rate data submitted and a background check. For applicants whose Phase 1 data is verified as accurate, phase 2 consists of a medical chart review. The medical chart review will verify the diagnosis of hypertension during the reporting year as well as blood pressure being controlled to <140 mm Hg systolic and <90 mm Hg diastolic.

A CDC-sponsored panel of three to five experts consisting of CDC staff will review the applications that pass phase 2 to select Champions. Final selection of Champions will take into account all the information from the application form, the background check, and data verification and validation. In the event of tied scores at any point in the selection process, geographic location may be taken into account to ensure a broad distribution of champions.

Some Champions will participate in a post-challenge telephone interview. The interview will include questions about the strategies employed by the individual practice or organization to achieve high rates of hypertension control, including barriers and facilitators for those strategies. The interview will focus on systems and processes and should not require preparation time by the Champion. The estimated time for the interview is two hours, which includes time for the interviewer to review the interview protocol with the Champion, time for the Champion to respond to the interview questions, and time to review a summary about the Champion's hypertension control strategies. The summary may be written as a success story and will be posted on the Million Hearts® website.

Additional Information

Information received from applicants will be stored in a password protected file on a secure server. The challenge website may post the number of applications received but will not include confidential or proprietary information about individual applicants. The database of information submitted by applicants will not be posted on the website. Information collected from applicants will include general details, such as the business name, address, and contact information of the applicant. This type of information is generally publicly available. The application will collect and store only aggregate clinical data through the application process; no individually identifiable patient data will be collected or stored. Confidential or propriety data, clearly marked as such, will be secured to the full extent allowable by law.

Information for selected Champions, such as the provider, practice, or health system's name, location, hypertension control rate, and clinic practices that support hypertension control will be shared through press releases, the challenge website, and Million Hearts® and CDC resources.

Summary data on the types of systems and processes that all applicants use to control hypertension may be shared in documents or other communication products that describe generally used practices for successful hypertension control. CDC will use the summary data only as described.

Compliance With Rules and Contacting Contest Winners

Finalists and the Champions must comply with all terms and conditions of these Official Rules, and winning is contingent upon fulfilling all requirements herein. The initial finalists will be notified by email, telephone, or mail after the date of the judging.

Privacy

If Contestants choose to provide HHS/CDC with personal information by registering or filling out the submission form through the *Challenge.gov* website, that information is used to respond to Contestants in matters regarding their submission, announcements of applicants, finalists, and winners of the Contest.

General Conditions

HHS/CDC reserves the right to cancel, suspend, and/or modify the Contest, or any part of it, for any reason, at HHS/CDC's sole discretion.

Participation in this Contest constitutes a contestants' full and unconditional agreement to abide by the Contest's Official Rules found at *https://www.Challenge.gov* and *https://millionhearts.hhs.gov/.*

Authority: 15 U.S.C. 3719.

Dated: February 6, 2018.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2018–02598 Filed 2–8–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2017–0059]

Notice of Availability of Draft Environmental Impact Statement, Public Meeting, and Request for Comments; Site Acquisition and Campus Consolidation for the Centers for Disease Control and Prevention/National Institute for Occupational Safety and Health (CDC/NIOSH), Cincinnati, Ohio

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of Availability; announcement of public meeting; and request for comments.

SUMMARY: The Centers for Disease Control and Prevention (CDC) within the Department of Health and Human Services (HHS), in cooperation with the General Services Administration (GSA), announces the availability of a Draft Environmental Impact Statement (EIS) for the proposed acquisition of a site in Cincinnati, Ohio, and the development of this site into a new, consolidated CDC/National Institute for Occupational Safety and Health (NIOSH) campus (Proposed Action). The site being considered for acquisition and development is bounded by Martin Luther King Drive East to the south, Harvey Avenue to the west, Ridgeway Avenue to the north, and Reading Road to the east.

The Draft EIS and this notice are published pursuant to the requirements of the National Environmental Policy Act of 1969 (NEPA) as implemented by the Council on Environmental Quality (CEQ) Regulations (40 CFR parts 1500–1508). In parallel with the NEPA process, CDC is also conducting

consultation under Section 106 of the National Historic Preservation Act to evaluate the potential effects, if any, of the Proposed Action on historic properties.

DATES:

Public Meeting: A public meeting in open house format will be held on March 14, 2018, in Cincinnati, Ohio to present the findings of the Draft EIS and to solicit comments. The meeting will begin at 6:00 p.m. and end no later than 9:00 p.m. In case of inclement weather, send an email to *cdc-cincinnati-eis@cdc.gov* or call (770) 488–8170 to check on the status of the meeting.

Written comments: Written comments must be submitted by March 26, 2018.

Deadline for Requests for Special Accommodations: Persons wishing to attend the public meeting who need special accommodations should contact Harry Marsh at 770–488–8170 by 5:00 p.m. Eastern Time, March 8, 2018.

ADDRESSES: The public meeting will be held at the Walnut Hills High School, 3250 Victory Parkway, Cincinnati, Ohio 45207. Attendees should use the Parking Lot D entrance, located off Jonathan Avenue.

Copies of the Draft EIS can be obtained at:

- *Federal eRulemaking Portal: http://www.regulations.gov* (reference Docket No. CDC–2017–0059)
- The Public Library of Cincinnati and Hamilton County—Avondale Branch, 3566 Reading Road, Cincinnati, Ohio 45229.
- The Public Library of Cincinnati and Hamilton County—Corryville Branch, 2802 Short Vine Street, Cincinnati, Ohio 45219.
- The Public Library of Cincinnati and Hamilton County—Main Library, 800 Vine Street, Cincinnati, Ohio 45202.
- The University of Cincinnati Walter C. Langsam Library, 2911 Woodside Drive, Cincinnati 45219.
- By written request (electronic copies only) to: *cdc-cincinnati-eis@cdc.gov.*

In addition to attending the public meeting, comments on the Draft EIS may be submitted by either of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov* (Refer to Docket No. CDC–2017–0059; follow the instructions for submitting comments).
- *U.S. Mail:* Harry Marsh, Architect, Office of Safety, Security and Asset Management (OSSAM), Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–K80, Atlanta, Georgia 30329–4027.

Instructions: All U.S. Mail submissions must include the agency name and Docket Number. All relevant comments received will be posted to *http://www.regulations.gov* (personally identifiable information, except for first and last names, will be redacted). For access to the docket to review the comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Harry Marsh, Architect, Office of Safety, Security and Asset Management (OSSAM), Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–K80, Atlanta, Georgia 30329–4027, phone: (770) 488–8170, or email: *cdc-cincinnati-eis@cdc.gov.*

SUPPLEMENTARY INFORMATION:

Background: CDC is dedicated to protecting health and promoting quality of life through the prevention and control of disease, injury, and disability. NIOSH, one of CDC's Centers, Institute, and Offices, was established by the Occupational Safety and Health Act of 1970. NIOSH plans, directs, and coordinates a national program to develop and establish recommended occupational safety and health standards; conduct research and training; provide technical assistance; and perform related activities to assure safe and healthful working conditions for every working person in the United States.

Currently, three NIOSH research facilities—the Robert A. Taft Campus, Taft North Campus, and the Alice Hamilton Laboratory Campus—are located in Cincinnati, Ohio. These facilities no longer meet the research needs required to support occupational safety and health in the modern workplace. The facilities' deficiencies adversely affect NIOSH's ability to conduct occupational safety and health research in Cincinnati. The facilities' outdated designs create health and safety challenges for NIOSH laboratory employees and administrative staff. It is not possible to renovate the facilities located on the three campuses to meet current standards and requirements. Additionally, the current distribution of NIOSH activities across separate campuses in Cincinnati results in inefficiencies in scientific collaboration and the duplication of operational support activities. Therefore, CDC is proposing to relocate and consolidate its Cincinnati-based functions and personnel (approximately 550 employees) currently housed at the three existing campuses to a new, consolidated campus in Cincinnati.

Potential locations for the proposed new campus were identified through a comprehensive site selection process conducted by GSA on behalf of CDC. In June 2016, GSA issued a Request for Expressions of Interest (REOI) seeking potential sites capable of accommodating the proposed new campus. In response to the REOI, GSA received seven expressions of interest. Following an assessment of each site, GSA found that only one site qualified for further consideration (The Site). The Site encompasses all land between Martin Luther King Drive East to the south, Harvey Avenue to the west, Ridgeway Avenue to the north, and Reading Road to the east in Cincinnati, Ohio.

In accordance with NEPA, as implemented by the CEQ regulations (40 CFR parts 1500–1508), CDC, with GSA as a cooperating agency, has prepared a Draft EIS for the proposed acquisition of the Site and construction of a new, consolidated CDC/NIOSH campus on the Site. Under NEPA, Federal agencies are required to evaluate the environmental effects of their proposed actions and a range of reasonable alternatives to the proposed action before making a decision. The Draft EIS evaluates the potential impacts of two alternatives: The Proposed Action Alternative (acquisition of the Site and construction of a new, consolidated CDC/NIOSH campus) and the No Action Alternative (continued use of the existing campuses for the foreseeable future). No other alternatives were considered because only one qualifying site was identified through the site selection process briefly described above.

Impacts on the following resources are considered in the Draft EIS: Land use, zoning, and plans; community facilities; socioeconomics and environmental justice; utilities and infrastructure; visual quality; cultural resources; transportation; geology, topography, and soils; air quality; noise; and hazardous substances. The status of the Section 106 consultation process to date is documented in the Cultural Resources section of the Draft EIS.

The purpose of this Notice is to inform interested parties regarding the availability of the Draft EIS for review and to solicit comments. To facilitate public comments, a public meeting will be held on March 14, 2018 at the Walnut Hills High School, 3250 Victory Parkway, Cincinnati, Ohio 45207, from 6:00 p.m. to 9:00 p.m. Eastern Time. Attendees should use the Parking Lot D entrance, located off Jonathan Avenue. In case of inclement weather, email *cdc-cincinnati-eis@cdc.gov* or call (770) 488–8170 to check on the status of the meeting. The public meeting will be in open house format. Copies of the Draft EIS will be available at the meeting.

Poster stations and fact sheets will provide a summary of the NEPA process and the findings of the Draft EIS. Representatives of CDC and GSA will be available to answer one-on-one questions. There will be no presentation or formal testimonies.

Participants may arrive at any time between 6:00 p.m. and 9:00 p.m. Eastern Time. Comment forms will be provided for written comments and a stenographer will be available to transcribe one-on-one oral comments.

After the public comment period ends, CDC and GSA will consider all comments received, revise the Draft EIS to address these comments, select a preferred alternative, and issue a Final EIS. CDC will consider the Final EIS when deciding whether to proceed with the proposed site acquisition and campus development.

Dated: February 1, 2018.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2018–02327 Filed 2–8–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier CMS–10631]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected; and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by March 12, 2018.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR* Email: *OIRA_submission@omb.eop.gov*.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* The PACE Organization Application Process in 42 CFR part 460; *Use:* Initial application requirements for the PACE program are currently set forth in 42 CFR 460.12 and in the PACE Manual, Ch. 17. Until recently, the submission of initial and SAE PACE applications and supporting information was in paper format. These applications are often hundreds of pages long, expensive to reproduce and transmit, and administratively inefficient, as staff reviewing different parts of the application are located in different physical locations and must receive hard copies of the material. However, beginning in 2016 and 2017, initial and SAE PACE applications, respectively, are being submitted via a new automated, electronic submission process. As with initial applications, an application also must be submitted for a PO that seeks to expand its service area and/or add a new service site, and with OMB approval, an automated application process will now also be required of PACE organizations submitting service area expansion applications. *Form Number:* CMS–10631 (OMB control number: 0938–1326); *Frequency:* Once and occasionally; *Affected Public:* Private sector (Business or other for-profits and Not-for-profit institutions) and State, Local, or Tribal Governments; *Number of Respondents:* 72; *Total Annual Responses:* 109; *Total Annual Hours:* 7,226. (For policy questions regarding this collection contact Debbie Van Hoven at 410–786–6625.)

Dated: February 6, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–02617 Filed 2–8–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–2390]

Determination of Regulatory Review Period for Purposes of Patent Extension; STRENSIQ

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for STRENSIQ and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and

Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 10, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 8, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 10, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 10, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–E–2390 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; STRENSIQ.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product STRENSIQ (asfotase alfa). STRENSIQ is indicated for the treatment of patients with perinatal/infantile- and juvenile-onset hypophosphatasia. Subsequent to this approval, the USPTO received a patent term restoration application for STRENSIQ (U.S. Patent No. 7,763,712) from Alexion Pharmaceuticals, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility

for patent term restoration. In a letter dated August 31, 2016, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of STRENSIQ represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for STRENSIQ is 2,670 days. Of this time, 2,365 days occurred during the testing phase of the regulatory review period, while 305 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* July 3, 2008. The applicant claims July 4, 2008, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was July 3, 2008, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* December 23, 2014. FDA has verified the applicant's claim that the biologics license application (BLA) for STRENSIQ (BLA 125513) was initially submitted on December 23, 2014.

3. *The date the application was approved:* October 23, 2015. FDA has verified the applicant's claim that BLA 125513 was approved on October 23, 2015.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,109 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02588 Filed 2–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–1271]

Determination of Regulatory Review Period for Purposes of Patent Extension; KAMRA INLAY

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for KAMRA INLAY and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that medical device.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 10, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 8, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 10, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 10, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–E–1271 for ''Determination of Regulatory Review Period for Purposes

of Patent Extension; KAMRA INLAY.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For medical devices, the testing phase begins with a clinical investigation of the device and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the device and continues until permission to market the device is granted. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a medical device will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(3)(B).

FDA has approved for marketing the medical device KAMRA INLAY. KAMRA INLAY is indicated for intrastromal corneal implantation to improve near vision by extending the depth of focus in the non-dominant eye of phakic, presbyopic patients between the ages of 45 and 60 years old who have cycloplegic refractive spherical equivalent of +0.50 diopters (D) to − 0.75 D with less than or equal to 0.75 D of refractive cylinder, who do not require glasses or contact lenses for clear distance vision, and who require near correction of +1.00 D to +2.50 D of reading add. Subsequent to this approval, the USPTO received a patent term restoration application for KAMRA INLAY (U.S. Patent No. 8,460,374) from AcuFocus, Inc., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 12, 2016, FDA advised the USPTO that this medical device had undergone a regulatory review period and that the approval of KAMRA INLAY represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for KAMRA INLAY is 2,347 days. Of this time, 1,541 days occurred during the testing phase of the regulatory review period, while 806 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 520(g) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360j(g)) involving this device became effective:* November 14, 2008. FDA has verified the applicant's claim that the date the investigational device exemption (IDE) required under section 520(g) of the FD&C Act for human tests to begin became effective was November 14, 2008.

2. *The date an application was initially submitted with respect to the device under section 515 of the FD&C Act (21 U.S.C. 360e):* February 1, 2013. The applicant claims December 7, 2012, as the date the premarket approval application (PMA) for KAMRA INLAY (PMA P120023) was initially submitted. However, FDA records indicate that PMA P120023 was submitted on February 1, 2013.

3. *The date the application was approved:* April 17, 2015. FDA has verified the applicant's claim that PMA P120023 was approved on April 17, 2015.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 676 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must

contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02582 Filed 2–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–1289]

Determination of Regulatory Review Period for Purposes of Patent Extension; ODOMZO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for ODOMZO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 10, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 8, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 10, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 10, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

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- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

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- *Mail/Hand delivery/Courier (for written/paper submissions*): Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–E–1289 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ODOMZO.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years

so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product ODOMZO (sonidegib phosphate). ODOMZO is indicated for the treatment of adult patients with locally advanced basal cell carcinoma that has recurred following surgery or radiation therapy, or those who are not candidates for surgery or radiation therapy. Subsequent to this approval, the USPTO received a patent term restoration application for ODOMZO (U.S. Patent No. 8,178,563) from Novartis AG, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated July 28, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of ODOMZO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for ODOMZO is 2,414 days. Of this time, 2,112 days occurred during the testing phase of the regulatory review period, while 302 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* December 15, 2008. FDA has verified the applicant's claim that December 15, 2008, is the date the investigational new drug application (IND) became effective.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* September 26, 2014. FDA has verified the applicant's claim that the new drug application (NDA) for ODOMZO (NDA 205266) was initially submitted on September 26, 2014.

3. *The date the application was approved:* July 24, 2015. FDA has verified the applicant's claim that NDA 205266 was approved on July 24, 2015.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 169 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 6, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02658 Filed 2–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2016–E–1851; FDA–2016–E–1878; FDA–2016–E–1879; FDA–2016–E–1880; and FDA–2016–E–1882]

Determination of Regulatory Review Period for Purposes of Patent Extension; ENTRESTO

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for ENTRESTO and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 10, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 8, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 10, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 10, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

• *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2016–E–1851; FDA–2016–E–1878; FDA–2016–E–1879; FDA–2016–E–1880; and FDA–2016–E–1882 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ENTRESTO.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product ENTRESTO (sacubitril and valsartan). ENTRESTO is indicated to reduce the risk of cardiovascular death and hospitalization for heart failure in patients with chronic heart failure (New York Heart Association Class II–IV) and reduced ejection fraction. Subsequent to this approval, the USPTO received patent term restoration applications for ENTRESTO (U.S. Patent Nos. 7,468,390; 8,101,659; 8,404,744; 8,796,331; and 8,877,938) from Novartis Pharmaceuticals Corporation, and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated August 25, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of ENTRESTO represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for ENTRESTO is 3,148 days. Of this time, 2,945 days occurred during the testing phase of the regulatory review period, while 203 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* November 25, 2006. Novartis Pharmaceuticals Corporation claims that April 8, 2007, is the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was November 25,

2006, which was 30 days after FDA receipt of an earlier IND.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* December 17, 2014. FDA has verified the applicant's claim that the new drug application (NDA) for ENTRESTO (NDA 207620) was initially submitted on December 17, 2014.

3. *The date the application was approved:* July 7, 2015. FDA has verified the applicant's claim that NDA 207620 was approved on July 7, 2015.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 1,296 days, 732 days, 519 days, 270 days or 225 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02592 Filed 2–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–6145]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Dispute Resolution Procedures for Science-Based Decisions on Products Regulated by the Center for Veterinary Medicine

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by March 12, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0566. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Dispute Resolution Procedures for Science-Based Decisions on Products Regulated by the Center for Veterinary Medicine—21 CFR 10.75

OMB Control Number 0910–0566—Extension

The Center for Veterinary Medicine's (CVM's) Guidance for Industry (GIF) #79, ''Dispute Resolution Procedures for Science-Based Decisions on Products Regulated by the Center for Veterinary Medicine'' (*https://www.fda.gov/downloads/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/UCM052393.pdf*), describes the process by which CVM formally resolves disputes relating to scientific controversies. A scientific controversy involves issues concerning a specific product regulated by CVM related to matters of technical expertise and requires specialized education, training, or experience to be understood and resolved. The guidance details information on how CVM intends to apply provisions of existing regulations regarding internal review of Agency decisions. In addition, the guidance outlines the established procedures for persons who are sponsors, applicants, or manufacturers of animal drugs or other products regulated by CVM that wish to submit a request for review of a scientific dispute. When a sponsor, applicant, or manufacturer has a scientific disagreement with a written decision by CVM, they may submit a request for a review of that decision by following the established procedures discussed in the guidance.

CVM encourages applicants to begin the resolution of science-based disputes with discussions with the review team/group, including the Team Leader or Division Director. The Center prefers that differences of opinion regarding science or science-based policy be resolved between the review team/group and the applicant. If the matter is not resolved by this preferred method then CVM recommends that the applicant follow the procedures in GFI #79.

In the **Federal Register** of October 27, 2017 (82 FR 49836), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received no comments.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
10.75, Request for review of a scientific dispute	1	4	4	10	40

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In the next 3 years, CVM anticipates receiving one or fewer requests for review of a scientific dispute per year, on average. We base our estimate on CVM's experience over the past 6 years in handling formal appeals for scientific disputes. The burden of this collection has changed. The number of respondents decreased from two to one annually, the number of responses per respondent remained at four annually, the hours per response remained at 10 annually, and the total number of hours decreased from 80 to 40. This decrease in the total hours is the result of a natural fluctuation in the number of respondents taking advantage of this dispute resolution process.

Dated: February 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02593 Filed 2–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0334]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Postmarketing Safety Reports for Human Drug and Biological Products: Electronic Submission Requirements

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by March 12, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0770. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Postmarketing Safety Reports for Human Drug and Biological Products: Waivers From Electronic Submission Requirements

OMB Control Number 0910–0770—Extension

This information collection supports information collection found in FDA regulations. In the **Federal Register** of June 10, 2014 (79 FR 33072), FDA published a final rule entitled ''Postmarketing Safety Reports for Human Drug and Biological Products: Electronic Submission Requirements.'' The final rule amended FDA's postmarketing safety reporting regulations for human drug and biological products under 21 CFR parts 310, 314, and 600 and added part 329 to require that persons subject to mandatory reporting requirements submit safety reports in an electronic format that FDA can process, review, and archive. Specifically, this includes:

- Manufacturers; packers; distributors; applicants with approved new drug applications, abbreviated new drug applications, and biologics licensing applications (BLAs); and those that market prescription drugs for human use without an approved application must submit postmarketing safety reports to the Agency (§§ 310.305, 314.80, 314.98, and 600.80);
- manufacturers, packers, or distributors whose name appears on the label of nonprescription human drug products marketed without an approved application must report serious adverse events associated with their products (section 760 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 379aa)); and
- applicants with approved BLAs must submit biological lot distribution reports to the Agency (§ 600.81).

Under §§ 310.305(e)(2), 314.80(g)(2), 329.100(c)(2), 600.80(h)(2), and 600.81(b)(2), of the regulations, those who are subject to these postmarketing safety reporting requirements may request a waiver from the electronic format requirement. While FDA currently has OMB approval for the collection of postmarketing safety reports,[1] this information collection supports respondents seeking waivers from submitting those reports in electronic format as required by the regulations.

In the **Federal Register** of October 30, 2017 (82 FR 50141), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. No comments were received in response to the notice.

We therefore estimate the burden of this collection of information as follows:

[1] FDA currently has OMB approval for submission of postmarketing safety reports under parts 310, 314, and 600. The information collection for parts 310 and 314 is approved under OMB Control Numbers 0910–0291 and 0910–0230. The information collection for part 600 is approved under OMB Control Numbers 0910–0291 and 0910–0308. Submissions required by section 760 of the FD&C Act have been approved under OMB Control Number 0910–0636.

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
310.305(e)(2)	1	1	1	1	1
314.80(g)(2)	5	1	5	1	5
329.100(c)(2)	1	1	1	1	1
600.80(h)(2)	5	1	5	1	5
600.81(b)(2)	1	1	1	1	1
Total					13

[1] There are no capital or operating and maintenance costs associated with this collection of information.

In table 1, we estimate the burden associated with the submission of waiver requests for postmarketing safety reports in electronic format under §§ 310.305(e)(2), 314.80(g)(2), 329.100(c)(2), 600.80(h)(2), and 600.81(b)(2). We expect few waiver requests. We estimate only one manufacturer will request a waiver annually under §§ 310.305(e)(2), 329.100(c)(2), and 600.81(b)(2), and approximately five manufacturers will request waivers annually under §§ 314.80(g)(2) and 600.80(h)(2). We estimate that each waiver request takes 1 hour to prepare and submit. The burden for this information collection has not increased since the last collection.

Dated: February 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02589 Filed 2–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–D–0369]

Product-Specific Guidances; Draft and Revised Draft Guidances for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of additional draft and revised draft product-specific guidances. The guidances provide product-specific recommendations on, among other things, the design of bioequivalence (BE) studies to support abbreviated new drug applications (ANDAs). In the **Federal Register** of June 11, 2010, FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products'' that explained the process that would be used to make product-specific guidances available to the public on FDA's website. The guidances identified in this notice were developed using the process described in that guidance.

DATES: Submit either electronic or written comments on the draft guidance by April 10, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier* (for written/paper submissions): Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2007–D–0369 for ''Product-Specific Guidances; Draft and Revised Draft Guidances for Industry.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For

more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the draft guidances to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance documents.

FOR FURTHER INFORMATION CONTACT: Xiaoqiu Tang, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 4730, Silver Spring, MD 20993–0002, 301–796–5850.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of June 11, 2010 (75 FR 33311), FDA announced the availability of a guidance for industry entitled ''Bioequivalence Recommendations for Specific Products'' that explained the process that would be used to make product-specific guidances available to the public on FDA's website at *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm.*

As described in that guidance, FDA adopted this process as a means to develop and disseminate product-specific guidances and provide a meaningful opportunity for the public to consider and comment on those guidances. Under that process, draft guidances are posted on FDA's website and announced periodically in the **Federal Register**. The public is encouraged to submit comments on those recommendations within 60 days of their announcement in the **Federal Register**. FDA considers any comments received and either publishes final guidances or publishes revised draft guidances for comment. Guidances were last announced in the **Federal Register** on October 20, 2017. This notice announces draft product-specific guidances, either new or revised, that are posted on FDA's website.

II. Drug Products for Which New Draft Product-Specific Guidances Are Available

FDA is announcing the availability of new draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 1—NEW DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Alcaftadine.
Amitriptyline hydrochloride; Chlordiazepoxide.
Amphetamine sulfate.
Barium sulfate (multiple Reference Listed Drugs).
Betamethasone dipropionate.
Bimatoprost (multiple Reference Listed Drugs).
Bupivacaine.
Buprenorphine hydrochloride.
Cabozantinib S-malate (multiple Reference Listed Drugs).
Crisaborole.
Desonide.
Doxycycline hyclate.
Fluocinonide.
Hydrocortisone valerate.
Ixazomib citrate.
Ketoconazole.
Leuprolide acetate; Norethindrone acetate.
Levetiracetam.
Levocetirizine dihydrochloride.
Loteprednol etabonate.
Mebendazole.
Naldemedine tosylate.
Naproxen sodium; Pseudoephedrine hydrochloride.
Niraparib tosylate.
Olopatadine hydrochloride.
Prasterone.
Rucaparib camsylate.
Safinamide mesylate.
Simvastatin; Sitagliptin phosphate.
Soybean oil (multiple Reference Listed Drugs).

III. Drug Products for Which Revised Draft Product-Specific Guidances Are Available

FDA is announcing the availability of revised draft product-specific guidances for industry for drug products containing the following active ingredients:

TABLE 2—REVISED DRAFT PRODUCT-SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Aspirin; omeprazole.

TABLE 2—REVISED DRAFT PRODUCT-—Continued
SPECIFIC GUIDANCES FOR DRUG PRODUCTS

Cysteamine bitartrate.
Daclatasvir dihydrochloride.
Dexlansoprazole (multiple Reference Listed Drugs).
Esomeprazole magnesium (multiple Reference Listed Drugs).
Felbamate (multiple Reference Listed Drugs).
Fluconazole.
Gatifloxacin.
Gentamicin sulfate.
Ketorolac tromethamine.
Lansoprazole.
Loteprednol etabonate.
Morphine sulfate.
Naloxegol oxalate.
Oxycodone.
Pantoprazole sodium.
Potassium citrate.
Sulfamethoxazole; Trimethoprim.
Triamcinolone acetonide.

For a complete history of previously published **Federal Register** notices related to product-specific guidances, go to *https://www.regulations.gov* and enter Docket No. FDA–2007–D–0369.

These draft guidances are being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). These draft guidances, when finalized, will represent the current thinking of FDA on, among other things, the product-specific design of BE studies to support ANDAs. They do not establish any rights for any person and are not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

IV. Electronic Access

Persons with access to the internet may obtain the draft guidances at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov.*

Dated: *February 5, 2018.*

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02667 Filed 2–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–2379]

Determination of Regulatory Review Period for Purposes of Patent Extension; IDELVION

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for IDELVION and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human biological product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 10, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 8, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 10, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 10, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–E–2379 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; IDELVION.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological product becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count

toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human biologic product IDELVION (Coagulation Factor IX (recombinant), albumin fusion protein). IDELVION is indicated for the following: (1) On-demand control and prevention of bleeding episodes, (2) perioperative management of bleeding, and (3) routine prophylaxis to prevent or reduce the frequency of bleeding episodes. Subsequent to this approval, the USPTO received a patent term restoration application for IDELVION (U.S. Patent No. 7,939,632) from CSL Behring GmbH, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated August 26, 2016, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of IDELVION represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for IDELVION is 1,479 days. Of this time, 1,023 days occurred during the testing phase of the regulatory review period, while 456 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective:* February 17, 2012. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on February 17, 2012.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262):* December 5, 2014. FDA has verified the applicant's claim that the biologics license application (BLA) for IDELVION (BLA 125582/0) was initially submitted on December 5, 2014.

3. *The date the application was approved:* March 4, 2016. FDA has verified the applicant's claim that BLA 125582/0 was approved on March 4, 2016.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 531 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: Must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02666 Filed 2–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–0632]

Determination of Regulatory Review Period for Purposes of Patent Extension; LYNPARZA

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for LYNPARZA and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (in the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 10, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 8, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 10, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 10, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a

written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2016–E–0632 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; LYNPARZA.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product LYNPARZA (olaparib). LYNPARZA is indicated as monotherapy in patients with deleterious or suspected deleterious germline *BRCA* mutated (as detected by an FDA-approved test) advanced ovarian cancer whom have been treated with three or more prior lines of chemotherapy. Subsequent to this approval, the USPTO received a patent term restoration application for LYNPARZA (U.S. Patent No. 7,449,464) from Kudos Pharmaceuticals Limited, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated May 2, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of LYNPARZA represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for LYNPARZA is 3,012 days. Of this time, 2,692 days occurred during the testing phase of the regulatory review period, while 320 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 355(i)) became effective:* September 22, 2006. FDA has verified the applicant's claim that September 22, 2006, is the date the investigational new drug application (IND) became effective.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* February 3, 2014. FDA has verified the applicant's claim that the new drug application (NDA) for LYNPARZA (NDA 206162) was initially submitted on February 3, 2014.

3. *The date the application was approved:* December 19, 2014. FDA has verified the applicant's claim that NDA 206162 was approved on December 19, 2014.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,275 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**).

Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02591 Filed 2–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2016–E–2267 and FDA–2016–E–2269]

Determination of Regulatory Review Period for Purposes of Patent Extension; ONIVYDE

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or the Agency) has determined the regulatory review period for ONIVYDE and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of applications to the Director of the U.S. Patent and Trademark Office (USPTO), Department of Commerce, for the extension of a patent which claims that human drug product.

DATES: Anyone with knowledge that any of the dates as published (see the **SUPPLEMENTARY INFORMATION** section) are incorrect may submit either electronic or written comments and ask for a redetermination by April 10, 2018. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by August 8, 2018. See ''Petitions'' in the **SUPPLEMENTARY INFORMATION** section for more information.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before April 10, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 10, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket Nos. FDA–2016–E–2267 and FDA–2016–E–2269 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ONIVYDE.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the dockets and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with § 10.20 (21 CFR 10.20) and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Beverly Friedman, Office of Regulatory Policy, Food and Drug Administration,

10903 New Hampshire Ave., Bldg. 51, Rm. 6250, Silver Spring, MD 20993, 301–796–3600.

SUPPLEMENTARY INFORMATION:

I. Background

The Drug Price Competition and Patent Term Restoration Act of 1984 (Pub. L. 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Pub. L. 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the drug product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of USPTO may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA has approved for marketing the human drug product ONIVYDE (irinotecan sucrose octasulfate). ONIVYDE in combination with fluorouracil and leucovorin, is indicated for the treatment of patients with metastatic adenocarcinoma of the pancreas after disease progression following gemcitabine-based therapy. Subsequent to this approval, the USPTO received patent term restoration applications for ONIVYDE (U.S. Patent Nos. 8,147,867 and 8,329,213) from Merrimack Pharmaceuticals, Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated August 12, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of ONIVYDE represented the first permitted commercial marketing or use of the product. Thereafter, the USPTO requested that FDA determine the product's regulatory review period.

II. Determination of Regulatory Review Period

FDA has determined that the applicable regulatory review period for ONIVYDE is 2,536 days. Of this time, 2,354 days occurred during the testing phase of the regulatory review period, while 182 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 355(i)) became effective:* November 13, 2008. FDA has verified the applicant's claim that November 13, 2008, is the date the investigational new drug application became effective.

2. *The date the application was initially submitted with respect to the human drug product under section 505(b) of the FD&C Act:* April 24, 2015. FDA has verified the applicant's claim that the new drug application (NDA) for ONIVYDE (NDA 207793) was initially submitted on April 24, 2015.

3. *The date the application was approved:* October 22, 2015. FDA has verified the applicant's claim that NDA 207793 was approved on October 22, 2015.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the USPTO applies several statutory limitations in its calculations of the actual period for patent extension. In its applications for patent extension, this applicant seeks 613 days or 1,215 days of patent term extension.

III. Petitions

Anyone with knowledge that any of the dates as published are incorrect may submit either electronic or written comments and, under 21 CFR 60.24, ask for a redetermination (see **DATES**). Furthermore, as specified in § 60.30 (21 CFR 60.30), any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period. To meet its burden, the petition must comply with all the requirements of § 60.30, including but not limited to: must be timely (see **DATES**), must be filed in accordance with § 10.20, must contain sufficient facts to merit an FDA investigation, and must certify that a true and complete copy of the petition has been served upon the patent applicant. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.)

Petitions should be in the format specified in 21 CFR 10.30.

Submit petitions electronically to *https://www.regulations.gov* at Docket No. FDA–2013–S–0610. Submit written petitions (two copies are required) to the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

Dated: February 5, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–02590 Filed 2–8–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request, Information Collection Request Title: The Maternal, Infant, and Early Childhood Home Visiting Program Performance Measurement Information System, OMB Number: 0906–0017—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than April 10, 2018.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: The Maternal, Infant, and Early Childhood Home Visiting Program Performance Measurement Information System, OMB Control Number: 0906–0017—Revision.

Abstract: This clearance request is for continued approval of the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Program Performance Measurement Information System. The MIECHV Program, administered by HRSA in partnership with the Administration for Children and Families, supports voluntary, evidence-based home visiting services during pregnancy women and to parents with young children up to kindergarten entry. States, certain non-profit organizations, and Tribal entities are eligible to receive funding from the MIECHV Program and have the flexibility to tailor the program to serve the specific needs of their communities. HRSA is revising the data collection forms for the MIECHV Program by making the following changes:

- Form 1: Update all tables to include specific guidance to account for and report missing data.
- Form 1, Tables 1 and 2: Update table titles to reflect ''participants served by MIECHV.''
- Form 1, Table 5: Update to reflect correct age categories of ''<1 year''; ''1–2 years''; ''3–4 years''; and ''5–6 years.''
- Form 1, Table 8: Revise the category of ''Never Married'' to read ''Never Married (excluding not married but living together with partner).''
- Form 1, Table 10: Delete.
- Form 1, Table 18: Delete.
- Form 1, Table 22: Revise to only include children greater than or equal to 12 months of age. Title will be updated to ''Index Children (≥12 months of age) by Usual Source of Dental Care.''
- Form 1, Notes: Revise to include Table-specific notes.
- Form 1, Definition of Key Terms: Update definitions for Tables 1, 3, 5, 12, 13, 15, 17, 20, 21, and 22.
- Form 2: Update all measures to include specific guidance to account for and report missing data.
- Form 2, Measure 3: Update denominator to reflect correct inclusion criteria.
- Form 2, Measure 4: Update measure to benchmark receipt of well-child visits to specific ages.
- Form 2, Measure 9: Update numerator to clarify that investigated cases of maltreatment must have occurred within the reporting period.
- Form 2, Measure 10: Update denominator to clarify the appropriate unit of analysis is the index child.
- Form 2, Measure 14: Update measure to reflect current terminology and the timing within which screenings should be reported.
- Form 2, Measure 15: Update measure and numerator to include primary caregivers enrolled in middle school.
- Form 2, Measure 16: Update numerator to reflect correct inclusion criteria.
- Form 2, Measure 17: Update denominator to reflect correct inclusion criteria.
- Form 2, Measure 19: Update denominator to reflect correct inclusion criteria.
- Form 2, Definitions of Key Terms: Update definitions for measures 1–19.

HRSA is also requesting an extension of this information collection request through November 30, 2021.

Need and Proposed Use of the Information: HRSA uses performance information to demonstrate program accountability with legislative and program requirements and continuously monitor and provide oversight to MIECHV Program awardees. The information is also used to provide quality improvement guidance and technical assistance to awardees and help inform the development of early childhood systems at the national, state, and local level. HRSA is seeking to revise demographic, service utilization, and select clinical indicators for participants enrolled in home visiting services. In addition, HRSA will collect a set of standardized performance and outcome indicators that correspond with the statutorily identified benchmark areas. In the future, HRSA anticipates that MIECHV funding decisions may be allocated, in part, based on this data. This notice is subject to the appropriation of funds, and is a contingency action taken to ensure that, should funds become available for this purpose, information can be collected in a timely manner.

Likely Respondents: MIECHV Program awardees.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Form 1: Demographic, Service Utilization, and Select Clinical Indicators	56	1	56	560	31,360
Form 2: Performance Indicators and Systems Outcome Measures	56	1	56	200	11,200
Total	56		56		42,560

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–02594 Filed 2–8–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from the Ames Laboratory in Ames, Iowa, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Stuart L. Hinnefeld, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone 1–877–222–7570. Information requests can also be submitted by email to *DCAS@CDC.GOV*.

SUPPLEMENTARY INFORMATION:

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

On February 1, 2018, as provided for under 42 U.S.C. 7384*l*(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

All employees of the Department of Energy, its predecessor agencies, and their contractors or subcontractors who worked in any area of the Ames Laboratory in Ames, Iowa, during the period from January 1, 1971, through December 31, 1989, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort.

This designation will become effective on March 3, 2018, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

John Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2018–02675 Filed 2–8–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request; Information Collection Request Title: National Survey of Organ Donation Attitudes and Practices, OMB No. 0915–0290—Reinstatement With Change

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). The ICR is for reinstatement with change of a previously approved information collection, assigned OMB control number 0915–0290, which expired on March 31, 2015. Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate below or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than April 10, 2018.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: National Survey of Organ Donation Attitudes and Practices, OMB No. 0915–0290—Reinstatement With Change

Abstract: HRSA is requesting approval from OMB for a reinstatement with change of a previously approved collection of information (OMB control number 0915–0290). The National Survey of Organ Donation Attitudes and Practices (NSODAP) is conducted approximately every 6–7 years and serves a critical role in providing HRSA and the donation community with data regarding why Americans choose to donate organs, current barriers to donation, and potential new approaches to increasing donations. Survey data and derived analytic insights inform HRSA's public outreach and educational initiatives. HRSA is improving the quality and relevance of the data collected by making the following changes:

(1) HRSA is increasing the ability to produce more precise results by targeting 10,000 completed surveys (increased from 3,250 in 2012). This increase will allow for a more accurate and robust analysis of the attitudes and donation practices of important subgroups such as Americans over the age of 50 and various minority populations. While the precision of the results from the survey will increase, respondent burden will be reduced and survey completion costs will be lower resulting in a cost neutral change.

(2) HRSA is streamlining the data collection process to minimize respondent burden. Of the 10,000 targeted completed surveys, 8,000 will be completed online by a nationally representative web panel composed of Americans over the age of 18 who have already agreed to participate in a survey. Web panels target a representative section of a population used by other approved surveys. HRSA will complete the remaining 2,000 surveys by telephone. In 2012, all 3,250 surveys were conducted by telephone and respondents were contacted using random-digit dialing, a process that yielded a low response rate. Contacting respondents by telephone will remain a part of the survey protocol to compare current data to the 2012 data. However, for this survey, identification of a sample of adults over the age of 18 for a telephone survey will be from a national list of home addresses. Prior to contact, those selected for the telephone survey will receive a mailed pre-notification letter with information about the survey. This mailing will improve survey cooperation and reduce the number of people contacted for the survey. Additionally, it is more time and cost effective to take the survey online than taking the survey by phone

as the average response will be 0.1 hour shorter, and the cost of online survey can range $3–$4 per survey compared to $50-$100 for a high quality phone survey.

To improve the relevance of the data collected, HRSA solicited approximately 40 organ donation subject matter experts for their feedback on making changes to the survey. Based on their expert advice, HRSA is revising the instrument to add, remove, or edit a few questions as noted in the draft survey instrument. Example changes include removing certain questions that were only relevant for a random-digit-dialing sample design, editing certain questions to add clarity, and adding questions to highlight emerging topics such as receiving organ donation information through a hand-held device or mobile apps.

Need and Proposed Use of the Information: HRSA is the primary federal entity responsible for oversight of the solid organ and blood stem cell transplant systems and initiatives to increase organ donor registration and donation in the United States. This survey is the primary method by which HRSA can obtain information from Americans about organ donation attitudes and beliefs. OMB previously approved this survey and HRSA fielded it during 2005 and 2012. Results of the data collected from this survey will inform the development of appropriate messages for future public outreach and educational initiatives. Increasing the number of completed cases via a web panel for online survey completion and modifying the survey instrument without increasing the survey length will dramatically improve the quality and accuracy of the results while minimizing respondent burden as much as possible. The revised instrument and survey fielding methods will allow research on the attitudes and behaviors of important subgroups of Americans as well as research on emerging topics related to organ donation.

Likely Respondents: A nationally representative sample of adults over the age of 18 with a higher number of responses from populations of interest such as racial-ethnic minorities, including African American, Asian, Native American, and Hispanic respondents, as well as respondents of all age groups and education levels.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. A summary of the total annual burden hours estimated for this ICR is in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NSODAP Revised Survey—Telephone	2,000	1	2,000	0.3	600
NSODAP Revised Survey—Online Panel	8,000	1	8,000	0.2	1,600
Total	10,000		10,000		2,200

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–02595 Filed 2–8–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Zika Virus Pilot Project, OMB No. 0906–XXXX—New

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR must be received no later than April 10, 2018.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference, in compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995.

Information Collection Request Title: Zika Virus Pilot Project, OMB No. 0906–XXXX—New.

Abstract: HRSA is requesting the Organ Procurement and Transplantation Network (OPTN) perform a federally sponsored data collection as part of a pilot project to monitor the testing of deceased potential donors possibly exposed to the Zika virus (ZIKV). The Zika Pilot Project will have a 12-month performance period enabling OPTN to develop a plan to collect data on ways for organ procurement organizations (OPOs) to deploy ZIKV donor screening tests of blood products. The testing is available under an investigational new drug application for use on a voluntary basis in the evaluation of deceased persons as potential solid organ donors. OPTN will conduct an analysis of the data collected under this project to determine the potential effect of making available screening tests for ZIKV, when appropriate, to improve transplant safety. OPTN will convene a group of stakeholders to provide guidance and monitor progress on the ZIKV pilot project.

Need and Proposed Use of the Information: ZIKV is prevalent in several areas of the United States. Currently, there is not a ZIKV screening procedure for OPOs to implement during the organ allocation process. HRSA requested OPTN to conduct a pilot project to monitor the testing of deceased donors potentially exposed to ZIKV. The goals of the pilot project are to:

- Collaborate with experts to define necessary data elements to understand the impact of ZIKV testing in deceased organ donors;
- Deploy a data collection tool to a limited number of OPOs that agree to participate in the pilot project; and
- Assess the ability of OPTN to respond to a public health situation by collecting data from impacted members of the transplant community to assess the national experience.

Likely Respondents: Organ Procurement Organizations.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
ZIKV Data Collection Tool	20	167	3,340	.508	1,696.7
Total	20		3,340		1,696.7

* Total number of responses determined by applying the percentage of OPOs participating to the total number of deceased donors in 2016. Based on OPTN Data as of 11/09/2017.

** Donors screened for ZIKV will be based on OPO specific screening criteria.

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–02586 Filed 2–8–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Eye Institute Special Emphasis Panel, January 22, 2018, 08:30 a.m. to January 22, 2018, 05:00 p.m., Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814 which was published in the **Federal Register** on December 28, 2017, 82 FR 61577. This meeting is being amended to change the date from January 22, 2018 to February 23, 2018. The time has not changed. The meeting is closed to the public.

Dated: February 5, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–02565 Filed 2–8–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Multi-site Clinical Trials.

Date: February 16, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–827–5820, *hiromi.ono@nih.gov*.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; R13 Conference Grant Review.

Date: February 23, 2018.

Time: 1:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852 (Telephone Conference Call).

Contact Person: Ivan K. Navarro, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, Division of Extramural Research, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, Room 4242, MSC 9550, Bethesda, MD 20892, 301–827–5833, *ivan.navarro@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: February 5, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–02566 Filed 2–8–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS–2018–0007]

Homeland Security Science and Technology Advisory Committee

AGENCY: Science and Technology Directorate, DHS.

ACTION: Committee management; notice of open Federal Advisory Committee meeting.

SUMMARY: The Homeland Security Science and Technology Advisory Committee (HSSTAC) will meet via teleconference on Thursday, February 22, 2018. The meeting will be an open session.

DATES: The HSSTAC teleconference meeting will take place Thursday, February 22, 2018 from 11:00 a.m. to 12:00 p.m. The meeting may close early if the committee has completed its business.

ADDRESSES: Members of the public may participate by teleconference but you must register. Please see the ''REGISTRATION'' section below.

FOR FURTHER INFORMATION CONTACT: Michel Kareis, HSSTAC Designated Federal Official, S&T Interagency Office (IAO), STOP 0205, Department of Homeland Security, 245 Murray Lane, Washington, DC 20528–0205, 202–254–8778 (Office), 202–254–6176 (Fax), *HSSTAC@hq.dhs.gov* (Email).

SUPPLEMENTARY INFORMATION:

I. Background

Notice of this meeting is given under the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (Pub. L. 92–463). The committee addresses areas of interest and importance to the Under Secretary for Science and Technology (S&T), such as new developments in systems engineering, cyber-security, knowledge management and how best to leverage related technologies funded by other Federal agencies and by the private sector. It also advises the Under Secretary on policies, management processes, and organizational constructs as needed.

II. Registration

To pre-register for the teleconference please send an email to: *HSSTAC@hq.dhs.gov* with the following subject line: RSVP to HSSTAC meeting. The email should include the name(s), title, organization/affiliation, email address, and telephone number of those interested in attending. You must RSVP by February 20, 2018.

For information on services for individuals with disabilities or to request special assistance at the meeting, please contact Michel Kareis as soon as possible. Her contact information is listed above in the **FOR FURTHER INFORMATION CONTACT** section.

III. Public Comment

At the end of the open session, there will be a period for oral statements. Please note that the comments period may end before the time indicated, following the last call for oral statements. To register as a speaker, contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

To facilitate public participation, we invite public comment on the issues to be considered by the committee as listed in the ''Agenda'' below. Anyone is permitted to submit comments at any time, including orally at the meeting. However, those who would like their comments reviewed by committee members prior to the meeting must submit them in written form no later than February 19, 2018. Please include the docket number (DHS–2018–0007) and submit via *one* of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: hsstac@hq.dhs.gov.* Include the docket number in the subject line of the message.
- *Fax:* 202–254–6176.
- *Mail:* Michel Kareis, HSSTAC Designated Federal Official, S&T IAO, STOP 0205, Department of Homeland Security, 245 Murray Lane, Washington, DC 20528–0205.

Instructions: All submissions received must include the words ''Department of Homeland Security'' and the docket number. Comments received will be posted without alteration at *http://www.regulations.gov.*

Docket: For access to the docket to read the background documents or comments received by the HSSTAC, go to *http://www.regulations.gov* and enter the docket number into the search function: DHS–2018–0007.

Agenda: The session will begin with remarks from the Designated Federal Official, Michel Kareis, and the Committee Chair, Dr. Vincent Chan. Next the Social Media Working Group for Emergency Services and Disaster Management Subcommittee will discuss their report, ''Countering Misinformation, Rumors, and Fake News on Social Media in Emergencies and Disasters'', followed by a full committee vote to accept the report. To request a copy of the report prior to the meeting please send an email to: *hsstac@hq.dhs.gov.* The last item on the agenda will be the announcement of a new subcommittee on Systems Engineering Feasibility.

A public comment period will be held at the end of the open session.

Dated: February 6, 2018.

Michel Kareis,

Designated Federal Official for the HSSTAC.

[FR Doc. 2018–02665 Filed 2–8–18; 8:45 am]

BILLING CODE 9110–9F–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6035–N–03]

Notice of Regulatory Waiver Requests Granted for the Third Quarter of Calendar Year 2017

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on July 1,

2017, and ending on September 30, 2017.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Ariel Pereira, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10282, Washington, DC 20410–0500, telephone 202–708–3055 (this is not a toll-free number). Persons with hearing- or speech-impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800–877–8339.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the third quarter of calendar year 2017.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act (42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from July 1, 2017 through September 30, 2017. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the third quarter of calendar year 2017) before the next report is published (the fourth quarter of calendar year 2017), HUD will include any additional waivers granted for the third quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Dated: January 31, 2018.

J. Paul Compton, Jr.,

General Counsel.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development July 1, 2017 Through September 30, 2017

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

I. Regulatory waivers granted by the Office of Community Planning and Development.
II. Regulatory waivers granted by the Office of Housing.
III. Regulatory waivers granted by the Office of Public and Indian Housing.

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 576.106(d).

Project/Activity: The Commonwealth of Massachusetts requested a waiver to allow its Emergency Solutions Grants (ESG) subrecipient Craig's Doors to provide rental assistance for higher cost units in, Amherst, Massachusetts.

Nature of Requirement: HUD's regulation at 24 CFR 576.106(d)(1) prohibits ESG rental assistance from being provided for a unit with rent that exceeds the HUD-established Fair Market Rent (FMR), as provided under 24 CFR part 888, or the HUD-established rent reasonableness standard at 24 CFR 982.507.

Granted By: Ralph Gaines, Principal Deputy Assistant Secretary, D.

Date Granted: September 18, 2017.

Reason Waived: Amherst, Massachusetts is home to several colleges and universities. Apartment rental costs have risen due to increased demand of the student population for off-campus housing. The high rental costs and low vacancy rates in the service areas has resulted in a shortage of affordable housing units for extremely low-income renters. As a result, Craig's Doors is experiencing difficulty providing much-needed short- and medium-term rental assistance to eligible individuals. Providing ESG rental assistance for units with rents up to the 120 percent payment standard adopted by the local housing authority will increase housing options for ESG program participants allowing for greater coordination with local housing resources.

Contact: Robert Shumeyko, Director, Boston Field Office, Thomas P. O'Neill, Jr. Federal Building, Department of Housing Development, 10 Causeway Street, Boston, MA 02222–1092, telephone (617) 994–8376.

II. Regulatory Waivers Granted by the Office of Housing—Federal Housing Administration (FHA)

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 200.6 and 5.216(d)(1) and (2).

Project/Activity: Highgate Senior Living-Billings, FHA Project Number 093–22039 is an assisted living facility in Billings, Montana. With the exception of the Chief Operating Officer, the project owners are foreign nationals who do not have Social Security Numbers, but have individual tax identification numbers issued by the Internal Revenue Service.

Nature of Requirement: The regulations at 24 CFR 200.6 and 5.216(d)(1) and (2) set forth certain disclosure and verification requirements for Social Security Numbers and Employer Identification Numbers for applicants and participants in assisted and insured loan insurance and related programs.

Granted By: Dana T. Wade, General Deputy Assistant Secretary for Housing, H.

Date Granted: July 17, 2017.

Reason Waived: The Office of Residential Care Facilities recognizes that foreign nationals and corporate entities may participate as principals in the Section 232 program as long as at least one principal with operational decision-making authority is a United States Citizen. As the project has met these requirements, allowing use of the tax identification numbers in lieu of Social Security Numbers will allow the project to participate in the Section 232 program.

Contact: Vance T. Morris, Operations Manager, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Room 2337, Washington, DC 20401, telephone (202) 402–2419.

• *Regulation:* 24 CFR 219.220(b).

Project/Activity: Luther Towers I, FHA Project Number 032–SH002, Wilmington, Delaware. Lutheran Senior Services, Incorporated (owner) seeks approval to defer repayment of the Flexible Subsidy Operating Assistance Loan on the subject project.

Nature of Requirement: The regulation at 24 CFR 219.220(b) (1995), which governs the repayment of operating assistance provided under the Flexible Subsidy Program for Troubled Properties, states ''Assistance that has been paid to a project owner under this subpart must be repaid at the earlier of the expiration of the term of the mortgage, termination of mortgage insurance, prepayment of the mortgage, or a sale of the project.''

Granted by: Dana T. Wade, Principal Deputy Assistant Secretary for Housing, H.

Date Granted: August 29, 2017.

Reason Waived: The owner requested and was granted a waiver of the requirement to repay the Flexible Subsidy Operating Assistance Loan in full when it became due. Deferring the loan payment will preserve this affordable housing resource for an additional 35 years through the execution and recordation of a Rental Use Agreement.

Contact: Cindy Bridges, Senior Account Executive, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6168, Washington, DC 20410, telephone (202) 402–2603.

• *Regulation:* 24 CFR 232.7.

Project/Activity: Portland Center for Assisted Living, FHA Project Number 022–22036, is an Assisted Living facility with memory care units. The facility does not meet the requirements of 24 CFR 232.7 ''Bathroom'' of FHA's regulations. The project is located in Portland, ME.

Nature of Requirement: The regulation at 24 CFR 232.7 mandates in a board and care home or assisted living facility that not less than one full bathroom must be provided for every four residents. Also, the bathroom cannot be accessed from a public corridor or area.

Granted By: Dana T. Wade, General Deputy Assistant Secretary for Housing.

Date Granted: July 13, 2017.

Reason Waived: The project has both assisted living units and a secured, locked memory care area. The 71 assisted living units (142 beds) are in full compliance with the CFR 232.7, bathroom requirements. There are 14 memory care units (28 beds). For this space, there are 8 half bathrooms to serve for the 14 units with 28 beds. Currently, there is one full bathroom and one additional will be added prior to loan closing. Access to the shower rooms pass through hallways that are within the secured locked unit, with each resident being near one of the two full bathing rooms. The ratio of residents to full bathroom rooms is 14 to one. The memory care residents need assistance with bathing and this arrangement is considered by the facility as safer for the residents. The project meets the State of Maine's licensing requirements for bathing and toileting facilities.

Contact: Vance T. Morris, Operations Manager, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 2337, Washington, DC 20401, telephone (202) 402–2419.

• *Regulation:* 24 CFR 232.7.

Project/Activity: Sodalis at Buda, FHA Project Number 115–22324, is an existing assisted living facility with memory care units. The facility does not meet the requirements of 24 CFR 232.7 ''Bathroom'' of FHA's regulations. The project is located in Buda, Texas.

Nature of Requirement: The regulation at 24 CFR 232.7 mandates in a board and care home or assisted living facility that not less than one full bathroom must be provided for every four residents. Also, the bathroom cannot be accessed from a public corridor or area.

Granted By: Dana T. Wade, General Deputy Assistant Secretary for Housing.

Date Granted: August 24, 2017.

Reason Waived: The project contains a secured, locked memory care area of 22 units. Each of the 22 memory care units (22 beds) includes a half bathroom. Access to the shower rooms passes through hallways that are within the secured locked unit, with each resident being near one of the three shower rooms. The ratio of residents to full bathroom rooms is 7 to one and the owner plans on adding one additional large bathroom prior to loan closing. The memory care residents need assistance with bathing and this arrangement is considered by the facility as safer for the residents. The residents do not reside in three or four-bedroom wards. The facility is licensed as a Type B large facility for Alzheimer's and related disorders and meets the State of Texas's licensing requirements for bathing and toileting facilities.

Contact: Vance T. Morris, Operations Manager, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 2337, Washington, DC 20401, telephone (202) 402–2419.

• *Regulation:* 24 CFR 232.1005.

Project/Activity: Texas Skilled Nursing Facilities with Hospital Operators Participating in the Quality Incentive Payment Program; Senior Living Properties Portfolio.

Nature of Requirement: The regulation at 24 CFR 232.1005 requires that all accounts deriving from the operation of the property, including operator accounts and including all funds received from any source or derived from the operation of the facility, are project assets subject to control under the insured mortgage loan's transactional documents, including, without limitation, the operator's regulatory agreement. For projects participating in the Texas Health and Human Services Commission Quality Incentive Payment Program, the State funds a portion of the supplemental payments to a non-State governmental entity (as an Operating Partner), a portion of which is retained by the Operating Partner, under contractual agreement and pledged as collateral for revenue bonds or other financing used to make the upfront inter-governmental transfer payments.

Granted By: Dana T. Wade, General Deputy Assistant Secretary for Housing.

Date Granted: July 19, 2017.

Reason Waived: Waiver of the 24 CFR 232.1005 requirement for the portion of the inter-governmental transfer funds to be retained by the Operating Partner will allow the portfolio of projects to participate in the supplemental payment program. This will add additional cash-flow to the project, allowing for an increased ability to attract, retain and train a quality workforce and invest in programming and technology that will drive quality outcomes at the facilities. It will also improve security for the FHA-insured loans.

Contact: Vance T. Morris, Operations Manager, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Room 2337, Washington, DC 20401, telephone (202) 402–2419.

• *Regulation:* 24 CFR 232.1005.

Project/Activity: Texas Skilled Nursing Facilities with Hospital Operators Participating in the Quality Incentive Payment Program; Regency Portfolio.

Nature of Requirement: The regulation at 24 CFR 232.1005 requires that all accounts deriving from the operation of the property, including operator accounts and including all funds received from any source or derived from the operation of the facility, are project assets subject to control under the insured mortgage loan's transactional documents, including, without limitation, the operator's regulatory agreement. For projects participating in the Texas Health and Human Services Commission Quality Incentive Payment Program, the State funds a portion

of the supplemental payments to a non-State governmental entity (as an Operating Partner), a portion of which is retained by the Operating Partner, under contractual agreement and pledged as collateral for revenue bonds or other financing used to make the upfront inter-governmental transfer payments.

Granted By: Dana T. Wade, General Deputy Assistant Secretary for Housing.

Date Granted: July 19, 2017.

Reason Waived: Waiver of the 24 CFR 232.1005 requirement for the portion of the inter-governmental transfer funds to be retained by the Operating Partner will allow the portfolio of projects to participate in the supplemental payment program. This will add additional cash-flow to the project, allowing for an increased ability to attract, retain and train a quality workforce and invest in programming and technology that will drive quality outcomes at the facilities. It will also improve security for the FHA-insured loans.

Contact: Vance T. Morris, Operations Manager, Office of Healthcare Programs, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW, Room 2337, Washington, DC 20401, telephone (202) 402–2419.

• *Regulation:* 24 CFR 290.30(a).

Project/Activity: E.C. Reems Garden Apartments, FHA Project Number 121–11054, Oakland, California. The Multifamily West Regional Center seeks approval to waive the non-competitive sale of a HUD-held multifamily mortgage.

Nature of Requirement: The regulation at 24 CFR 290.30(a), which governs the sale of HUD-held mortgages, states that ''[e]xcept as otherwise provided in Section 290.31(a)(2), HUD will sell HUD-held multifamily mortgages on a competitive basis.''

Granted by: Dana Wade, General Deputy Assistant Secretary for Housing, H.

Date Granted: July 25, 2017.

Reason Waived: The Multifamily West Regional Center requested and was granted a waiver of the non-competitive sale of a HUD-held multifamily mortgage. A waiver allows the Department to assign the mortgage to the Owner's new mortgagee to avoid paying mortgage recording tax in the State of California.

Contact: Isabella Cabbagestalk, Supervisory Account Executive, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 6168, Washington, DC 20410, telephone (202) 402–2535.

IV. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

• *Regulation:* 24 CFR 982.161(a)(3).

Project/Activity: Stuttgart Housing Authority (SHA) in Stuttgart, Arkansas, requested a waiver of this regulation so that the SHA could continue its housing assistance payments contract with a City Councilman for the City of Stuttgart.

Nature of Requirement: This regulation states that neither the public housing agency nor any of its contractors or subcontractors may enter into a contract or arrangement in connection with the tenant-based programs with any public official, member of a governing body, or State or local legislator who exercises functions or responsibilities with respect to the tenant-based programs during tenure or for one year thereafter.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: September 15, 2017.

Reason Waived: This regulation was waived to avoid the hardship of requiring the assisted family to move. The assisted family was living in the unit prior to the mayoral election.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.207(b)(3).

Project/Activity: The Housing Authority of the City of Augusta (HACA) in Augusta, Georgia, requested a waiver of this regulation to assist the State of Georgia in fulfilling the requirements set forth in the State of Georgia Americans with Disabilities Act/Section 504 of the Rehabilitation Act Settlement Agreement with the Department of Justice, which stems from the *Olmstead* v. *L.C.* litigation.

Nature of Requirement: This regulation allows a PHA t adopt a preference for admission of families that include a person with a disability. However, a PHA may not adopt a preference for the admission of persons with a specific disability.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: July 10, 2017.

Reason Waived: This waiver allows the HACA to establish a limited preference in order to assist the State of Georgia comply with the remedial requirements stated in the Georgia Settlement Agreement.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.305(c)(4).

Project/Activity: The Josephine Housing and Community Development Council (JHCDC) in Grants Pass, Oregon, requested a waiver of this regulation so that the JHCDC could pay a landlord from the period starting when the unit selected by the family passed the housing quality standards inspection.

Nature of Requirement: This regulation states that any housing assistance payments (HAP) contract executed after 60 days from the beginning of the lease term is void and the PHA may not pay any HAP to the owner.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: July 10, 2017.

Reason Waived: Due to unforeseen circumstances, this regulation was waived so that the family would not be responsible for the full amount of the rent since the beginning of the lease.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.305(c)(4).

Project/Activity: The Washington County Department of Housing Services (WCDHS) in Hillsboro, Oregon, requested a waiver of this regulation so that the WCDHA could pay a landlord from the period starting when the unit selected by the family passed the housing quality standards inspection.

Nature of Requirement: This regulation states that any housing assistance payments (HAP) contract executed after 60 days from the beginning of the lease term is void and the PHA may not pay any HAP to the owner.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: July 10, 2017.

Reason Waived: Due to unforeseen circumstances, this regulation was waived so that the family would not be responsible for the full amount of the rent since the beginning of the lease.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Colorado Division of Housing (CDH) in Denver, Colorado, requested a waiver of 24 CFR 982.505(d) so that it could approve an exception payment standard amount above 120 percent of the fair market rents (FMR) as a reasonable accommodation.

Nature of Requirement: This regulation states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is no more than 120 percent of the FMR for the unit size.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: July 28, 2017.

Reason Waived: This regulation was waived as a reasonable accommodation to allow a disabled participant to receive housing assistance and pay no more than 40 percent of its adjusted income toward the family share.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Housing Authority of the City of Los Angeles (HACLA) in Lost Angeles, California, requested a waiver of 24 CFR 982.505(d) so that it could approve an exception payment standard amount above 120 percent of the fair market rents (FMR) as a reasonable accommodation.

Nature of Requirement: This regulation states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is no more than 120 percent of the FMR for the unit size.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: August 7, 2017.

Reason Waived: This regulation was waived as a reasonable accommodation to allow a disabled applicant to receive housing assistance and pay no more than 40 percent of its adjusted income toward the family share.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Mendocino County Community Development Commission (MCCDC) in Ukiah, California, requested a waiver of 24 CFR 982.505(d) so that it could approve an exception payment standard amount above 120 percent of the fair market rents (FMR) as a reasonable accommodation.

Nature of Requirement: This regulation states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is no more than 120 percent of the FMR for the unit size.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: September 8, 2017.

Reason Waived: This regulation was waived as a reasonable accommodation to allow a disabled applicant to receive housing assistance and pay no more than 40 percent of its adjusted income toward the family share.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 982.505(d).

Project/Activity: Boston Housing Authority (BHA) in Boston, Massachusetts, requested a waiver of 24 CFR 982.505(d) so that it could approve an exception payment standard amount above 120 percent of the fair market rents (FMR) as a reasonable accommodation.

Nature of Requirement: This regulation states that a public housing agency may only approve a higher payment standard for a family as a reasonable accommodation if the higher payment standard is no more than 120 percent of the FMR for the unit size.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: August 21, 2017.

Reason Waived: This regulation was waived as a reasonable accommodation to allow a disabled participant to receive housing assistance and pay no more than 40 percent of its adjusted income toward the family share.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 983.391(f)(2)(ii).

Project/Activity: The Florence Housing Authority (FHA) in Florence, Alabama, requested a waiver of this regulation so that the FHA could establish site-specific utility allowances in connection with four Rental Assistance Demonstration (RAD) sites.

Nature of Requirement: This regulation states that the PHA may not establish or apply different utility allowance amounts for the project-based voucher (PBV) program. The same PHA utility allowance schedule applies to both the tenant-based and PBV programs.

Granted By: Jemine A. Bryon, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: July 10, 2017.

Reason Waived: This regulation was waived since due to utility efficient upgrades at four RAD projects, the consumption rates were less than projected by the FHA's tenant-based utility allowances

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Village of Greenport Housing Authority (VGHA) in Greenport, NY, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: August 2, 2017.

Reason Waived: This waiver was granted for the VGHA's fiscal year ending March 31, 2017. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Village of Greenport Housing Authority (VGHA) in Greenport, NY, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: August 2, 2017.

Reason Waived: This waiver was granted for the VGHA's fiscal year ending March 31, 2017. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Housing Authority of the Town of Guttenberg (HATG) in Guttenberg, New Jersey, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: August 2, 2017.

Reason Waived: This waiver was granted for the HATG's fiscal year ending March 31, 2017. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 985.101(a).

Project/Activity: Schoolcraft County Housing Commission (SCHC) in Manistique, Michigan, requested a waiver of 24 CFR 985.101(a) so that it could submit its Section Eight Management Assessment Program (SEMAP) certification after the deadline.

Nature of Requirement: 24 CFR 985.101(a) states a PHA must submit the HUD-required SEMAP certification form within 60 calendar days after the end of its fiscal year.

Granted By: Dominique Blom, General Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: August 7, 2017.

Reason Waived: This waiver was granted for the SCHC's fiscal year ending March 31, 2017. The waiver was approved because of circumstances beyond the PHA's control and to prevent additional administrative burdens for the PHA and field office.

Contact: Becky Primeaux, Housing Voucher Management and Operations Division, Office of Public Housing and Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4216, Washington, DC 20410, telephone (202) 708–0477.

• *Regulation:* 24 CFR 905.400(i)(5)(i).

Project/Activity: Mississippi Regional Housing Authority No. V (MRHA) in Newton, MS.

Nature of Requirement: PHAs use Replacement Housing Factor (RHF) grant funds for the development of replacement housing only.

Granted by: Dominique Blom, General Deputy Assistant Secretary.

Date Granted: August 18, 2017.

Reason Waived: The waiver was granted to allow MRHA to use RHF grant funds for modernization. MRHA is currently under a Voluntary Compliance Agreement with HUD's Office of Fair Housing and Equal Opportunity to make Section 504 renovations to its properties. Recent funding cuts have made these renovations difficult to fund. The RHF grants total is not enough to develop replacement units. Instead, the MRHA will use these funds to contribute to the costs of Section 504 renovations on 30 units. In accordance with 24 CFR 5.110, good cause exists, and HUD approves MRHA's request for a waiver of 24 CFR 905.400(i)(5)(i) for the use of RHF funds to pay for modernization work.

Contact: Susan A. Wilson, Acting Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4130, Washington, DC 20140, telephone (202) 402–4500.

• *Regulation:* 24 CFR 905.400(i)(5)(i).

Project/Activity: The Edinburg Housing Authority (EHA) in Edinburg, TX.

Nature of Requirement: PHAs use Replacement Housing Factor (RHF) grant funds for the development of replacement housing only.

Granted by: Dominique Blom, General Deputy Assistant Secretary.

Date Granted: August 21, 2017.

Reason Waived: The waiver was granted to allow EHA to use RHF grant funds for modernization. EHA states having difficulties finding suitable development locations, which can be obtained at a reasonable price and in enough time to obtain HUD approval of a Development Proposal. EHA had similar problems developing with its First Increment RHF Funds. Most of the EHA's units are at least 40 years old, and with decreasing Capital and Operating Funds, the housing authority is in need of modernization beyond its funding sources. EHA would therefore like to use its Second Increment RHF Funds to preserve its existing inventory, rather than develop new units. In accordance with 24 CFR 5.110, good cause exists, and HUD approves EHA's request for a waiver of 24 CFR 905.400(i)(5)(i) for the use of RHF funds to pay for modernization work.

Contact: Susan A. Wilson, Acting Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4130, Washington, DC 20140, telephone (202) 402–4500.

• *Regulation:* 24 CFR 905.400(i)(5)(i).

Project/Activity: Decatur Housing Authority (DHA) in Decatur, IL.

Nature of Requirement: PHAs use Replacement Housing Factor (RHF) grant funds for the development of replacement housing only.

Granted by: Dominique Blom, General Deputy Assistant Secretary.

Date Granted: August 22, 2017.

Reason Waived: The waiver was granted to allow DHA to use RHF grant funds for modernization. The DHA has indicated that due to a misunderstanding in funding allocation for units eligible for RHF grants, the DHA can no longer conduct the activities approved in its 2nd Increment RHF plan. The DHA will no longer receive its anticipated FY 2015 and 2016 2nd Increment grants (approximately $576,000). The DHA is left with a balance of $102,116.71 remaining in 2nd Increment RHF funds, which is not enough to construct replacement units. DHA will use the RHF funds to address the physical needs and make repairs of its existing units. This will enable DHA to increase the supply of affordable housing through increased occupancy. In accordance with 24 CFR 5.110, good cause exists, and HUD hereby approve DHA's request for a waiver of 24 CFR 905.400(i)(5)(i) for the use of RHF funds to pay for modernization work.

Contact: Susan A. Wilson, Acting Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4130, Washington, DC 20140, telephone (202) 402–4500.

• *Regulation:* 24 CFR 905.400(i)(5)(i).

Project/Activity: Springfield Housing Authority (SHA) in Springfield, TN.

Nature of Requirement: PHAs use Replacement Housing Factor (RHF) grant funds for the development of replacement housing only.

Granted by: Dominique Blom, General Deputy Assistant Secretary.

Date Granted: August 22, 2017.

Reason Waived: The waiver was granted to allow SHA to use RHF grant funds for modernization. SHA intended to use the RHF grants to construct a residential duplex. However, the combined funding is insufficient to construct the 2-bedroom duplex building. Rather than returning the funds, the SHA would use the RHF grants to install central heat and air in its existing units. This will assist in addressing its vacancy problem. In accordance with 24 CFR 5.110, good cause exists, and HUD hereby approve SHA's request for a waiver of 24 CFR 905.400(i)(5)(i) for the use of RHF funds to pay for modernization work.

Contact: Susan A. Wilson, Acting Deputy Assistant Secretary for the Office of Public Housing Investments, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4130, Washington, DC 20140, telephone (202) 402–4500.

[FR Doc. 2018–02654 Filed 2–8–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5858–N–08]

Announcement of the Housing Counseling Federal Advisory Committee; Notice of Public Meeting

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, Department of Housing and Urban Development (HUD).

ACTION: Notice of Housing Counseling Federal Advisory Committee (HCFAC) Public Meeting.

SUMMARY: This gives notice of a Housing Counseling Federal Advisory Committee (HCFAC) meeting and sets forth the proposed agenda. The Committee meeting will be held on Thursday, March 1, 2018. The meeting is open to the public and is accessible to individuals with disabilities.

DATES: The in-person meeting will be held on Thursday, March 1, 2018 starting at 9:00 a.m. Eastern Standard Time (ET) at HUD Headquarters, 451 7th Street SW, Washington, DC 20410 and via conference phone.

FOR FURTHER INFORMATION CONTACT: Virginia F. Holman, Housing Specialist, Office of Housing Counseling, U.S. Department of Housing and Urban Development, 600 East Broad Street, Richmond, VA 23219; telephone number 804–822–4911 (this is not a toll-free number); email *virginia.f.holman@hud.gov.* Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339 (toll-free number). Individuals may also email *HCFACCommittee@hud.gov.*

SUPPLEMENTARY INFORMATION: HUD is convening the meeting of the HCFAC on Thursday, March 1, 2018 from 9:00 a.m. to 4:00 p.m. ET. The meeting will be held at HUD Headquarters, 451 7th Street SW, Washington, DC 20410 and via conference phone. This meeting notice is provided in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2).

Draft Agenda—Housing Counseling Federal Advisory Committee Meeting—March 1, 2018

I. Welcome

II. Advisory Committee deliberation and

recommendations
III. Public Comment
IV. Next Steps
V. Adjourn

Registration

The public is invited to attend this one-day meeting in-person or by phone. Advance registration is required to participate. To register to attend, please visit the following link: *https://pavr.wufoo.com/forms/hcfac-meeting-registration-03012018/.*

After completing the pre-registration process at the above link, in-person attendees will receive details about the meeting location and how to access the building. The meeting is also open to the public with limited phone lines available on a first-come, first-served basis. Phone attendees can call-in to the one-day meeting by using the following number in the United States: 800–231–0316 (toll-free number). An operator will ask callers to provide their names and their organizational affiliations (if applicable) prior to placing callers into the conference line to ensure they are part of the pre-registration list. Callers can expect to incur charges for calls they initiate over wireless lines and HUD will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free phone number. Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service (FRS): (800) 977–8339 (toll-free number) and providing the FRS operator with the conference call number: 800–231–0316.

Comments

With advance registration, members of the public will have an opportunity to provide oral and written comments relative to agenda topics for the Committee's consideration. To provide oral comments, please be sure to indicate this on the registration link. The total amount of time for oral comments will be 15 minutes with each commenter limited to two minutes to ensure pertinent Committee business is completed. Written comments must be provided no later than February 19, 2018 to *HCFACCommittee@hud.gov.* Please note, written statements submitted will not be read during the meeting. The Committee will not respond to individual written or oral statements; but, will take all public comments into account in its deliberations.

Meeting Records

Records and documents discussed during the meeting, as well as other information about the work of this Committee, will be available for public viewing as they become available at: *http://www.facadatabase.gov/committee/committee.aspx?cid=2492&aid=77* by clicking on the ''Committee Meetings'' link. Information on the Committee is also available on HUD Exchange at *https://www.hudexchange.info/programs/housing-counseling/federal-advisory-committee/.*

Dated: January 30, 2018.

Dana Wade,

General Deputy Assistant, Secretary for Housing.

[FR Doc. 2018–02655 Filed 2–8–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[12X.LLAK942000.L54200000.FR0000. LVDIL0490000; AA093210]

Notice of Application for a Recordable Disclaimer of Interest for Lands Underlying the Kanektok River System Including Pegati and Kagati Lakes, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The State of Alaska (State) has filed an application with the Bureau of Land Management (BLM) for a Recordable Disclaimer of Interest (RDI) from the United States in those lands underlying the Kanektok River System, including Pegati and Kagati Lakes, a major drainage into Kuskokwim Bay in southwestern Alaska. The State asserts that the Kanektok River System, including Pegati and Kagati Lakes, was navigable and unreserved at the time of Alaska Statehood in 1959.

DATES: The BLM should receive all comments to this action on or before May 10, 2018.

ADDRESSES: You may submit comments by mail or email on the State of Alaska's application for an RDI or on the BLM draft ''Summary Report on the Federal Interest in Lands underlying the Kanektok River System (including Pegati and Kagati Lakes).'' To file comments by mail, send to: RDI Program Manager (AK–942), Division of Lands and Cadastral, BLM Alaska State Office, 222 West 7th Avenue, #13, Anchorage, AK 99513. To submit comments by email, send to *anichols@blm.gov.*

FOR FURTHER INFORMATION CONTACT: Angie Nichols, RDI Program Manager, 222 West 7th Avenue, #13, Anchorage, AK 99513; 907–271–3359; *anichols@blm.gov*; or visit the BLM RDI website at *https://www.blm.gov/programs/lands-and-realty/regional-information/alaska/RDI/kuskokwim.*

People who use a telecommunications device for the deaf (TDD) may call the Federal Relay System (FRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, seven days a week, to leave a message or a question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: On Feb. 28, 2012, the State filed an application (AA–93210) for an RDI pursuant to Section 315 of the Federal Land Policy and Management Act of 1976 (FLPMA) and the regulations contained in 43 CFR Subpart 1864 for the lands underlying the Kanektok River System, including Pegati and Kagati Lakes. The State asserts that this river system was navigable at the time of Alaska Statehood. As such, the State contends that ownership of the lands underlying this river system automatically passed from the United States to the State in 1959 at the time of Statehood under the Equal Footing Doctrine; the Submerged Lands Act of 1953; the Alaska Statehood Act; and other title navigability law. Section 315 of FLPMA authorizes the BLM to issue an RDI when it determines that a record interest of the United States in lands has terminated by law or is otherwise invalid, and a disclaimer will help remove a cloud on title to such lands.

The State's application is for an RDI for all submerged lands underlying the portion of the Kanektok River System, including Pegati and Kagati Lakes. Specifically, these are the submerged lands and bed up to, and including, the ordinary high water line of Pegati and Kagati Lakes within: Townships 3–4 south, range 63 west, Seward Meridian, Alaska and for the submerged lands and bed of the Kanektok River lying between the ordinary high water lines of the right and left banks of that river from the outlet of Pegati Lake within township 3 south, range 63 west, Seward Meridian, Alaska, downstream to the location where the river enters the Kuskokwim Bay within township 5 south, range 74 west, Seward Meridian, Alaska, USGS 1:63,360 series topographic map Goodnews C–5, 6, 8, and D–3–8. The State's application for the Kanektok River System starting at Pegati and Kagati Lakes downstream to Kuskokwim Bay flows through the following area: Townships 3–4 south, range 63 west;

township 3 south, range 64 west;
township 3 south, range 65 west;
township 3 south, range 66 west;
township 4 south, range 66 west;
township 4 south, range 67 west;
township 5 south, range 68 west;
township 5 south, range 69 west;
township 4 south, range 69 west;
township 4 south, range 70 west;
township 4 south, range 71 west;
township 4 south, range 72 west;
township 4 south, range 73 west;
township 5 south, range 73 west;
township 5 south, range 74 west,
Seward Meridian, Alaska. Over time, the precise location of the submerged lands described above may vary between townships due to the ambulatory nature of these water bodies. An RDI is a legal document through which the BLM disclaims the United States' interest in, or ownership of, specified lands, but the disclaimer does not grant, convey, transfer, or renounce any title or interest in the lands, nor does it release any tax, judgment, or lien. This Notice of Application is to inform the public of the pending application and the State supporting evidence, as well as to provide the opportunity to comment or provide additional information to the BLM.

The BLM will not make a final decision on the merits of the State's application before May 10, 2018. During this 90-day period, interested parties may comment on the State's application, AA–93210, and supporting evidence.

During this 90-day comment period, interested parties may also comment on the BLM's draft ''Summary Report on the Federal Interest in Lands underlying the Kanektok River System including Pegati and Kagati Lakes'' for the State's application for a RDI, which is available on the BLM's RDI website (see **FOR FURTHER INFORMATION CONTACT** above).

Copies of the State application, supporting evidence, the BLM Draft Summary Report, and comments, including names and street addresses of commenters, will be available for public review at the Alaska State Office, Public Room, 222 West 7th Avenue, #13, Anchorage, AK 99513, during regular business hours 7:30 a.m. to 4:30 p.m., Monday through Friday, except holidays. Before including your address, phone number, email address, or other personally identifying information in your comment, you should be aware that your entire comment—including your personally identifying information—may be made publicly available at any time. While you can ask the BLM in your comment to withhold your personally identifying information from public review, we cannot guarantee that we will be able to do so.

If the BLM determines the State's evidence and any additional information the agency receives concerning the State's application is sufficient to find a favorable determination, and neither the records nor a valid objection discloses a reason not to disclaim, the BLM may decide to approve the application for the RDI.

Authority: 43 CFR 1864.2.

Erika L. Reed,

Deputy State Director, Division of Lands and Cadastral, Alaska.

[FR Doc. 2018–02679 Filed 2–8–18; 8:45 am]

BILLING CODE 4310–JA–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORN00100.L63340000.PH0000. 18XL1116AF.LXSSH1020000.HAG 18–0024]

Notice of Public Meeting for the Northwest Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act of 1976, the Federal Advisory Committee Act of 1972, and the Federal Lands Recreation Enhancement Act of 2004, the U.S. Department of the Interior, Bureau of Land Management's (BLM) Northwest Oregon Resource Advisory Council (RAC) will meet as indicated below.

DATES: The Northwest Oregon RAC will hold a public meeting on Thursday, February 22, 2018, from 9:00 a.m. to 4:30 p.m. Pacific Daylight Time.

ADDRESSES: The Northwest Oregon RAC will meet at the BLM Northwest Oregon District Office, 1717 Fabry Road SE, Salem, OR 97306. Written comments may also be sent to the Northwest Oregon District office.

FOR FURTHER INFORMATION CONTACT: Jennifer Velez, Public Affairs Officer, 1717 Fabry Road SE, Salem, OR 97306; (541) 222–9241; *jvelez@blm.gov.* Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at 1 (800) 877–8339 to contact the above individuals 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 individuals. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Northwest Oregon RAC consists of 15 members chartered and appointed by the Secretary of the Interior to serve in an advisory capacity concerning the planning and management of the public land resources located within the BLM's Northwest Oregon District. Members represent an array of stakeholder interests in the land and resources from within the local area and statewide.

All advisory council meetings are open to the public. The public comment period will begin at 3:30 p.m. and continue to 4:00 p.m. Depending on the number of people wishing to comment and the time available, the amount of time for individual oral comments may be limited. Persons wishing to make comments during the public comment period should register in person with the BLM, at the meeting location, preceding that meeting day's comment period. The public may also submit written comments to Jennifer Velez, Public Affairs Officer, 1717 Fabry Road SE, Salem, OR 97306; by telephone (541) 222–9241; or by email *jvelez@blm.gov,* no later than Wednesday, February 21, 2018. All written comments received prior to the meeting will be provided to the council members.

At the February 22 meeting, RAC members will receive an orientation of the Federal Lands Recreation Enhancement Act and may make recommendations on recreation fee proposals for a variety of sites within the Northwest Oregon District. Other topics will include general updates and a review of minutes from the July 2017 meeting.

Before including your address, phone number, email address, or other personal identifying information in your comments, please be aware that your entire comment, including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 CFR 1784.4–2.

Jose Linares,

Northwest Oregon District Manager.

[FR Doc. 2018–02680 Filed 2–8–18; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–NERO–ACAD–24432; PPNEACADSO, PPMPSPDIZ.YM0000]

Acadia National Park Advisory Commission 2018 Meeting Schedule

AGENCY: National Park Service, Interior.

ACTION: Meeting notice.

SUMMARY: The National Park Service is hereby giving notice of the 2018 meeting schedule for the Acadia National Park Advisory Commission.

DATES: All meetings will begin 1:00 p.m. (EASTERN). The meetings are scheduled for: Monday, March 12, 2018; Monday, June 4, 2018; and Monday, September 10, 2018.

ADDRESSES: For the March 12, 2018, and June 4, 2018, meetings, the Commission will meet at the Acadia National Park headquarters conference room, 20 McFarland Hill Drive, Bar Harbor, Maine 04609. For the September 10, 2018, meeting, the Commission will meet at Schoodic Education and Research Center, Winter Harbor, Maine 04693.

FOR FURTHER INFORMATION CONTACT: Michael Madell, Deputy Superintendent, Acadia National Park, P.O. Box 177, Bar Harbor, Maine 04609, telephone (207) 288–3338 or via email *michael_madell@nps.gov.*

SUPPLEMENTARY INFORMATION: The Acadia National Park Advisory Commission was established by Section of 103 of Public Law 99–420, September 25, 1986, to consult with the Secretary of the Interior on matters relating to the management and development of Acadia National Park including, but not limited to, the acquisition of lands and interests in lands (including conservation easements on islands) and termination of rights of use and occupancy.

The meetings are open to the public. Interested persons may make oral or written presentations to the Commission or file written statements. Such requests should be made to the Superintendent at least seven days prior to the meeting.

The Commission meeting locations may change based on inclement weather or exceptional circumstances. If a meeting location is changed, the Superintendent will issue a press release and use local newspapers to announce the change.

Agenda: The Commission meeting will consist of the following proposed agenda items:

1. Committee Reports:
   - Land Conservation
   - Park Use
   - Science and Education
   - Historic
2. Old Business
3. Superintendent's Report
4. Chairman's Report
5. Public Comments
6. Adjournment

Before including your address, telephone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Alma Ripps,

Chief, Office of Policy.

[FR Doc. 2018–02633 Filed 2–8–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1079]

Certain Shaving Cartridges, Components Thereof and Products Containing Same; Commission Determination Not To Review an Initial Determination Terminating Investigation Based on a Settlement Agreement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 7) of the presiding administrative law judge (''ALJ''), granting a joint motion to terminate the above-captioned investigation based on a settlement agreement. The investigation is terminated in its entirety.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 30, 2017, based on a complaint filed by The Gillette Company LLC of Boston, Massachusetts (''Gillette''). 82 FR 50158 (Oct. 30, 2017). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain shaving cartridges, components thereof and products containing same by reason of infringement of U.S. Patent No. 9,193,077 (''the '077 patent''). The complaint further alleges that an industry in the United States exists as required by 19 U.S.C. 1337(a)(2). The notice of investigation named Edgewell Personal Care Company of Chesterfield, Missouri; Edgewell Personal Care Brands, LLC of Shelton, Connecticut; Edgewell Personal Care, LLC of Shelton, Connecticut; Schick Manufacturing, Inc. of Shelton, Connecticut; and Schick (Guangzhou) Co., Limited of Guangzhou, China, as respondents.

On January 19, 2018, Gillette and respondents filed a joint motion to terminate the investigation in its entirety on the basis of a settlement agreement. The ALJ issued the subject ID granting the motion on January 23, 2018. The ALJ found that the motion complies with Commission Rules and termination of the investigation will not adversely affect the public interest. No petitions for review were filed.

The Commission has determined not to review the ID.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: February 5, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–02578 Filed 2–8–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1003]

Certain Composite Aerogel Insulation Materials and Methods for Manufacturing the Same; Commission's Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has found a violation of Section 337 of the Tariff Act of 1930, as amended, in the unlawful importation, sale for importation, and sale after importation by respondents Nano Tech Co., Ltd. (''Nano'') of Zhejiang, China, and Guangdong Alison Hi-Tech Co., Ltd. (''Alison'') of Guangzhou, China, of certain composite aerogel insulation materials by reason of infringement of certain claims of U.S. Patent No. 7,078,359 (''the '359 patent''); U.S. Patent No. 6,989,123 (''the '123 patent''); and U.S. Patent No. 7,780,890 (''the '890 patent''). The Commission's determination is final, and the investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 8, 2016, based on a complaint filed by Aspen Aerogels, Inc. (''Aspen'') of Northborough, Massachusetts. 81 FR 36955–956 (Jun. 8, 2016). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain composite aerogel insulation materials and methods for manufacturing the same by reason of infringement of certain claims of U.S. Patent No. 7,399,439 (''the '439 patent''); U.S. Patent No. 9,181,486 (''the '486 patent''); the '359 patent; the '123 patent; and the '890 patent. The complaint further alleges that an industry in the United States exists as required by 19 U.S.C. 1337(a)(2). The notice of investigation named Nano and Alison as respondents. The Office of Unfair Import Investigations (''OUII'') is also a party in this investigation.

All asserted claims of the '439 patent and the '486 patent and certain asserted claims of the '359 have been terminated from the investigation. *See* Comm'n Notice (Nov. 2, 2016); Comm'n Notice (Feb. 9, 2017). Only claims 15–17, and 19 of the '123 patent; claims 1, 5, 7, 9, 12, 15, and 16 of the '359 patent; and claims 11–13, 15, 17–19, and 21 of the '890 patent (''the Asserted Claims'') remain in the investigation.

On November 15, 2016, the presiding administrative law judge (''ALJ'') issued Order No. 19, granting Aspen's motion for summary determination that the economic prong of the domestic industry requirement has been satisfied under section 337(a)(3)(A) and (B). The Commission determined to review in part Order No. 19. *See* Comm'n Notice (Dec. 7, 2016). On review, the Commission affirmed with modification the summary determination that Aspen satisfies the economic prong of the domestic industry requirement. *See id.* at 1–2.

On September 29, 2017, the ALJ issued the final initial determination (''ID''), finding a violation of section 337 by Respondents Alison and Nano in connection with claims 1, 5, 7, and 9 of the '359 patent; claims 15–17, and 19 of the '123 patent; and claims 11–13, 15, 17–19, and 21 of the '890 patent. The ID also found a violation of section 337 by Respondent Nano in connection with claims 12, 15, and 16 of the '359 patent. In addition, the ID found that Aspen has shown that its domestic industry products satisfy the technical prong of the domestic industry requirement for the Asserted Patents. The ID further found that Respondents have not shown that the Asserted Claims are invalid. The ID also contained the ALJ's Recommended Determination on remedy and bonding.

On October 16, 2017, Respondents and OUII each filed a timely petition for review of the final ID. Respondents and OUII challenged certain of the ID's findings with respect to the validity of the Asserted Claims and the ID's findings with respect to claim 5 of the '359 patent. Respondent Alison separately challenged the ID's finding of infringement with respect to claim 9 of the '359 patent. That same day, Aspen filed a contingent petition for review of the final ID, challenging the ALJ's construction of two claim limitations in the '359 patent. On October 24, 2017, the parties filed timely responses to the petitions for review. On October 31, 2017, the parties filed their public interest comments pursuant to Commission Rule 210.50(a)(4).

On November 30, 2017, the Commission determined to review the ID in part and requested briefing on issues it determined to review, and on remedy, the public interest, and bonding. 82 FR 57611–13 (Dec. 6, 2017). Specifically, with respect to the '359 patent, the Commission determined to review the ALJ's construction of the ''lofty fibrous batting'' limitation in claim 1 of the '359 patent. The Commission's review of the ''lofty fibrous batting'' limitation did not include the ID's finding that Respondents have not proven that the term is invalid for indefiniteness. The Commission also determined to review the ALJ's constructions of the additional limitations in claims 5 and 9, and the ''total surface area of that cross section'' limitation of claim 12 of the '359 patent, and the ID's associated findings on infringement and the technical prong of the domestic industry requirement with respect to those claims and claims 15 and 16 of the '359 patent. In addition, the Commission determined to review the ID's findings that the asserted claims of the '359 patent are not invalid in view of Ramamurthi by itself or in combination with other prior art. With respect to the '123 and the '890 patents, the Commission determined to review the ID's finding that claim 15 of the '123 patent and claims 11–13, 15, 17, and 21–23 of the '890 patent are not obvious in view of Ramamurthi and either Uchida or Yada.

On December 15, 2017, Aspen and OUII each filed initial written submissions regarding issues on review, remedy, the public interest, and bonding. On the same day, Respondents jointly filed their initial written submission regarding issues on review, remedy, the public interest, and bonding. Responses to the initial written submissions were filed on December 22, 2017.

Having examined the record of this investigation, including the parties' submissions and responses thereto, the Commission has determined that Aspen

has proven a violation of section 337: (1) Based on infringement of claims 1, 7, and 9 of the '359 patent; claims 15–17, and 19 of the '123 patent; and claims 11–13, 15, 17–19, and 21 of the '890 patent by Respondents Alison and Nano; and (2) based on infringement of claims 12, 15, and 16 of the '359 patent by Respondent Nano.

Specifically, with respect to the '359 patent, the Commission affirms with modifications the ALJ's constructions of the ''lofty fibrous batting'' limitation in claim 1 and the ''about 1 to 20%'' limitation in claim 9. The Commission modifies the ALJ's constructions of the additional limitation in claim 5 and the ''the total surface area of that cross section'' limitation in claim 12. Applying these claim constructions, the Commission affirms the ID's findings that Respondents infringe claims 1, 7 and 9, and that Respondent Nano infringes claims 12, 15, and 16, but reverses the ID's finding that Respondents infringe claim 5. The Commission also reverses the ID's finding that Aspen's domestic industry products practice claim 5, but affirms the ID's finding that Aspen's domestic industry products practice the other asserted claims of the '359 patent. The Commission further affirms with modifications the ID's findings that claims 1, 5, 7, 9, and 12 of the '359 patent are not anticipated by Ramamurthi and that claims 9 and 16 are not rendered obvious in view of Ramamurthi and other prior art. The Commission takes no position on the ID's findings on secondary considerations of nonobviousness,

With respect to the '123 patent and the '890 patent, the Commission affirms with modifications the ID's findings that claim 15 of the '123 patent and claims 11–13, 15, 17, and 21–23 of the '890 patent are not obvious in view of Ramamurthi and either Uchida or Yada. As with the '359 patent, the Commission takes no position on the ID's findings on secondary considerations of nonobviousness.

The Commission has determined that the appropriate form of relief is a limited exclusion order prohibiting the unlicensed entry of infringing composite aerogel insulation materials that are manufactured abroad by or on behalf of, or imported by or on behalf of Respondents or any of their affiliated companies, parents, subsidiaries, or other related business entities, or their successors or assigns. The Commission has carefully considered the submissions of the parties and has determined that the public interest factors enumerated in section 337(d) do not preclude issuance of its order.

Finally, the Commission has determined that excluded composite aerogel insulation materials may be imported and sold in the United States during the period of Presidential review (19 U.S.C. 1337(j)) with the posting of a bond of one-hundred (100) percent of the entered value for all infringing products manufactured by, for, or on behalf of Respondents. The Commission's Order and Opinion were delivered to the President and to the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 5, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–02577 Filed 2–8–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1069]

Certain Pool Spa Enclosures; Notice of Commission Determination Not To Review an Initial Determination (Order No. 9) Terminating the Investigation; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission (the ''Commission'') has determined not to review a January 23, 2018, initial determination (Order No. 9) (the ''ID'') granting a joint motion to terminate this investigation based on a settlement agreement. This investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Ron Traud, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3427. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal at 202–205–1810.

SUPPLEMENTARY INFORMATION: On September 15, 2017, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint and an amended complaint filed by Aqua Shield, Inc. of West Babylon, NY (''Aqua Shield''). 82 FR 43402, 43402–03 (Sept. 15, 2017). The complaint, as amended, alleges a violation of section 337 by reason of infringement of certain claims of U.S. Patent No. U.S. Patent No. 6,637,160. The complaint named as respondents Inter Pool Cover Team of the Czech Republic; Alukov HZ Spol. S.R.O. of the Czech Republic; Alukov, Spol. S.R.O. of Slovakia; Pool & Spa Enclosures, LLC, of Monroe Township, NJ; and Poolandspa.com of Las Vegas, NV (collectively, ''Respondents''). *Id.* The Office of Unfair Import Investigations (''OUII'') is also a party in this investigation. *Id.*

On January 5, 2018, Aqua Shield and Respondents filed a joint motion to terminate this investigation as to all respondents based on a settlement agreement (the ''Agreement''). OUII filed a response supporting the motion.

On January 23, 2018, the presiding administrative law judge (Chief Judge Bullock) issued the ID, which grants the motion. The ID finds that the private parties' motion complies with Commission Rule 210.21(b), finding that the parties have provided a confidential and a public version of the Agreement, and also finding that the parties' motion states that ''[t]here are no other agreements, written or oral, express or implied, regarding the subject matter of this Investigation.'' The ID further considers the public interest, as is required under Commission Rule 210.50(b)(2), and determines that the ''termination of this Investigation does not impose any undue burdens on the public health and welfare, competitive conditions in the United States economy, production of like or directly competitive articles in the United States, or United States consumers.'' Accordingly, the ID grants the motion. No petitions for review of the ID were filed.

The Commission has determined not to review the ID. This investigation is terminated.

The authority for the Commission's determination is contained in Section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: February 5, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–02573 Filed 2–8–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Light Engines and Components Thereof, DN 3293;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov*. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Lumencor, Inc. on February 02, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain light engines and components thereof. The complaint names as respondents: Excelitas Technologies Corp. of Waltham, MA; and Lumen Dynamics Group, Inc. of Canada. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register.** There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3293) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic Filing Procedures [1]). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: February 6, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–02616 Filed 2–8–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Noramco, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 10, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on July 6, 2017, Noramco, Inc., 1440 Olympic Drive, Athens, Georgia 30601 applied to be registered as a bulk manufacturer for the basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Cathinone	1235	I
Gamma Hydroxybutyric Acid.	2010	I
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Codeine-N-oxide	9053	I
Dihydromorphine	9145	I
Hydromorphinol	9301	I
Morphine-N-oxide	9307	I
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Methylphenidate	1724	II
Nabilone	7379	II
Codeine	9050	II
Dihydrocodeine	9120	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Morphine	9300	II
Oripavine	9330	II
Thebaine	9333	II
Opium tincture	9630	II
Oxymorphone	9652	II
Noroxymorphone	9668	II
Alfentanil	9737	II
Sufentanil	9740	II
Carfentanil	9743	II
Tapentadol	9780	II
Fentanyl	9801	II

The company plans to manufacture bulk active pharmaceutical ingredients (APIs) and reference standards for distribution to their customers.

In reference to drug codes 7360 (marihuana) and 7370 (tetrahydrocannabinols), the company plans to bulk manufacture these drugs as synthetic. No other activities for these drug codes are authorized for this registration.

Dated: January 31, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–02645 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: AMRI Rensselaer, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 10, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on December 6, 2017, AMRI Rensselaer, Inc., 33 Riverside Avenue, Rensselaer, New York 12144 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Amphetamine	1100	II
Lisdexamfetamine	1205	II
Pentobarbital	2270	II
4-Anilino-N-phenethyl-4-piperidine (ANPP).	8333	II
Codeine	9050	II
Oxycodone	9143	II
Hydromorphone	9150	II
Hydrocodone	9193	II
Meperidine	9230	II
Morphine	9300	II

The company plans to manufacture bulk controlled substances for use in product development and for distribution to its customers.

In reference to drug codes 7360 (marihuana) and 7370 (THC), the company plans to bulk manufacture these drugs as synthetics. No other activities for these drug codes are authorized for this registration.

Dated: January 31, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–02644 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–09–P

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Cerilliant Corporation

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 10, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA **Federal Register** Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on July 19, 2017, Cerilliant Corporation, 811 Paloma Drive, Suite A, Round Rock, Texas 78665–2402 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
ADB–FUBINACA (N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide)	7010	I
MDMB–FUBINACA (Methyl 2-(1-(4-fluorobenzyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7020	I
MAB–CHMINACA (N-(1-amino-3,3dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)-1H-indazole-3-carboxamide)	7032	I
5F–AMB (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate)	7033	I
5F–ADB; 5F–MDMB–PINACA (Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3,3-dimethylbutanoate)	7034	I
MDMB–CHMICA, MMB–CHMINACA (Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate).	7042	I
5F–APINACA, 5F–AKB48 (N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide)	7049	I
U–47700 (3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide)	9547	I
Acryl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylacrylamide)	9811	I
4-Fluoroisobutyryl fentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide)	9824	I
Furanyl fentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide)	9834	I

The company plans to manufacture small quantities of the listed controlled substances to make reference standards which will be distributed to its customers.

Dated: January 31, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–02638 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Mylan Pharmaceuticals, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 12, 2018. Such persons may also file a written request for a hearing on the application on or before March 12, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on December 9, 2016, Mylan Pharmaceuticals, Inc., 3711 Collins Ferry Road, Morgantown, West Virginia 26505 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Amphetamine	1100	II
Methylphenidate	1724	II
Oxycodone	9143	II
Hydromorphone	9150	II
Methadone	9250	II
Morphine	9300	II
Fentanyl	9801	II

The company plans to import the listed controlled substances in finished dosage form (FDF) from foreign sources for analytical testing and clinical trials in which the foreign FDF will be compared to the company's own domestically-manufactured FDF. This analysis is required to allow the company to export domestically-manufactured FDF to foreign markets.

Authorization will not extend to the import of Food and Drug Administration approved or non-approved finished dosage forms for commercial sale.

Dated: February 2, 2018.

Susan A Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–02637 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Noramco, Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturer of the affected basic classes and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 12, 2018. Such persons may also file a written request for a hearing on the application on or before March 12, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417 (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on July 6, 2017, Noramco, Inc., 1550 Olympic Drive, Athens, Georgia 30601 applied to be registered as an importer of the following basic controlled substances:

Controlled substance	Drug code	Schedule
Marihuana Extract	7350	I
Marihuana	7360	I
Tetrahydrocannabinols	7370	I
Nabilone	7379	II
Phenylacetone	8501	II
Thebaine	9333	II
Opium, raw	9600	II
Poppy Straw Concentrate.	9670	II
Tapentadol	9780	II

The company plans to import phenylacetone (8501), opium, raw (9600), and poppy straw concentrate (9670) to bulk manufacture other controlled substances for distribution to its customers. The company plans to import an intermediate form of tapentadol (9780) to bulk manufacture tapentadol (9780) for distribution to its customers. Placement of these drug codes onto the company's registration does not translate into automatic approval of subsequent permit applications to import controlled substances. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: January 31, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–02646 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: INSYS Manufacturing LLC

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 10, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Deputy Assistant Administrator of the DEA Office of Diversion Control (''Deputy Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on November 13, 2017, INSYS Manufacturing LLC, 811 Paloma Drive, Suite C, Round Rock, TX 78665–2402 applied to be registered as a bulk manufacturer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Marihuana	7360	I
Tetrahydrocannabinols	7370	I

The company plans to manufacture the above listed controlled substances in bulk for distribution to its customers.

In reference to drug codes 7360 (marihuana), and 7370 (THC), the company plans to bulk manufacture these drugs as synthetics. No other activities for these drug codes are authorized for this registration.

Dated: January 31, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–02643 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Meridian Medical Technologies Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the

issuance of the proposed registration on or before March 12, 2018. Such persons may also file a written request for a hearing on the application March 12, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on December 29, 2017, Meridian Medical Technologies Inc., 2555 Hermelin Drive, Saint Louis, Missouri 63144 applied to be registered as an importer of the Schedule II control substance for Morphine (9300) the basic class of controlled substance.

The company plans to import the listed controlled substance in finished dosage form for internal analytical purposes only. No other activity for this drug code is authorized for this registration. Approval of permit applications will occur only when the registrant's business activity is consistent with what is authorized under 21 U.S.C. 952(a)(2). Authorization will not extend to the import of FDA approved or non-approved finished dosage forms for commercial sale.

Dated: January 31, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–02647 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Johnson Matthey Inc.

ACTION: Notice of application.

DATES: Registered importers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 12, 2018. Such persons may also file a written request for a hearing on the application on or before March 12, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and (2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on November 9, 2017, Johnson Matthey Inc., Pharmaceutical Materials, 2003 Nolte Drive, West Deptford, NJ 08066–1742 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Coca leaves	9040	II
Thebaine	9333	II
Opium, raw	9600	II
Noroxymorophone	9668	II
Poppy Straw Concentrate.	9670	II
Fentanyl	9801	II

The company plans to import coca leaves (9040), raw opium (9600), and poppy straw concentrate (9670) in order to bulk manufacture active pharmaceutical ingredients (API) for distribution to its customers. The company plans to also import thebaine (9333), noroxymorophone (9668), and fentanyl (9801) to use as analytical reference standards, both internally and to be sold to their customers to support testing of Johnson Matthey Inc.'s API's only.

Dated: January 31, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–02639 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Importer of Controlled Substances Application: Mylan Technologies Inc.

ACTION: Notice of application.

DATES: Registered bulk importers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before March 12, 2018. Such persons may also file a written request for a hearing on the application on or before March 12, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. All requests for hearing must be sent to: Drug Enforcement Administration, Attn: Administrator, 8701 Morrissette Drive, Springfield, Virginia 22152. All request for hearing should also be sent to: (1) Drug Enforcement Administration, Attn: Hearing Clerk/LJ, 8701 Morrissette Drive, Springfield, Virginia 22152; and

(2) Drug Enforcement Administration, Attn: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152. Comments and requests for hearings on applications to import narcotic raw material are not appropriate. 72 FR 3417, (January 25, 2007).

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.34(a), this is notice that on November 10, 2017, Mylan Technologies Inc., 110 Lake St., Saint Albans, VT 05478 applied to be registered as an importer of the following basic classes of controlled substances:

Controlled substance	Drug code	Schedule
Methylphenidate	1724	II
Fentanyl	9801	II

The company plans to import the listed controlled substances in finished dosage form (FDF) from foreign sources for analytical testing and clinical trials in which the foreign FDF will be compared to the company's own domestically-manufactured FDF. This analysis is required to allow the company to export domestically manufactured FDF to foreign markets.

Authorization will not extend to the import of Food and Drug Administration approved or non-approved finish dosage forms for commercial sale.

Dated: February 1, 2018.

Susan A Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–02641 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. DEA–392]

Bulk Manufacturer of Controlled Substances Application: Siemens Healthcare Diagnostics Inc.

ACTION: Notice of application.

DATES: Registered bulk manufacturers of the affected basic classes, and applicants therefore, may file written comments on or objections to the issuance of the proposed registration on or before April 10, 2018.

ADDRESSES: Written comments should be sent to: Drug Enforcement Administration, Attention: DEA Federal Register Representative/DRW, 8701 Morrissette Drive, Springfield, Virginia 22152.

SUPPLEMENTARY INFORMATION: The Attorney General has delegated his authority under the Controlled Substances Act to the Administrator of the Drug Enforcement Administration (DEA), 28 CFR 0.100(b). Authority to exercise all necessary functions with respect to the promulgation and implementation of 21 CFR part 1301, incident to the registration of manufacturers, distributors, dispensers, importers, and exporters of controlled substances (other than final orders in connection with suspension, denial, or revocation of registration) has been redelegated to the Assistant Administrator of the DEA Diversion Control Division (''Assistant Administrator'') pursuant to section 7 of 28 CFR part 0, appendix to subpart R.

In accordance with 21 CFR 1301.33(a), this is notice that on December 13, 2017, Siemens Healthcare Diagnostics Inc., 100 GBC Drive, Mailstop 514, Newark, DE 19702 applied to be registered as a bulk manufacturer of the following basic class of controlled substance:

Controlled substance	Drug code	Schedule
Ecgonine	9180	II

The company plans to bulk manufacture a material used in the manufacture of reagents for a Cocaine in vitro diagnostic test system.

Dated: February 1, 2018.

Susan A. Gibson,

Deputy Assistant Administrator.

[FR Doc. 2018–02642 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0098]

Agency Information Collection Activities; Proposed eCollection eComments Requested; COPS Application Package

AGENCY: Community Oriented Policing Services, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection was previously published in the **Federal Register** on December 1, 2017, to obtain comments from the public and affected agencies.

DATES: The purpose of this notice is to allow for an additional 30 days for public comment March 12, 2018.

FOR FURTHER INFORMATION CONTACT: If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Lashon M. Hilliard, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE, Washington, DC 20530 or at (202) 514–6563. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Enhance the quality, utility, and clarity of the information to be collected; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* COPS Application Package.

(3) *Agency form number: 1103–0098* U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: COPS Office grantees.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The estimated total number of respondents is 5,000. The estimated hourly burden to the applicant is 11 hours for each respondent to review the instructions and complete the application.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 55,000 total annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Room 3E.405B, Washington, DC 20530.

Dated: February 6, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–02650 Filed 2–8–18; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0028]

MET Laboratories, Inc.: Application for Expansion of Recognition and Proposed Modification to the NRTL Program's List of Appropriate Test Standards

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of MET Laboratories, Inc. for expansion of its recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the Agency's preliminary finding to grant the application. Additionally, OSHA proposes to add two new test standards to the NRTL Program's List of Appropriate Test Standards.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before February 26, 2018.

ADDRESSES: Submit comments by any of the following methods:

1. *Electronically:* Submit comments and attachments electronically at *http://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.

2. *Facsimile:* If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693–1648.

3. *Regular or express mail, hand delivery, or messenger (courier) service:* Submit comments, requests, and any attachments to the OSHA Docket Office, Docket No. OSHA–2006–0028, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210; telephone: (202) 693–2350 (TTY number: (877) 889–5627). Note that security procedures may result in significant delays in receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 10:00 a.m.–2:30 p.m., ET.

4. *Instructions:* All submissions must include the Agency name and the OSHA docket number (OSHA–2006–0028). OSHA places comments and other materials, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, the Agency cautions commenters about submitting statements they do not want made available to the public, or submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

5. *Docket:* To read or download submissions or other material in the docket, go to *http://www.regulations.gov* or the OSHA Docket Office at the address above. All documents in the docket are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. *Extension of comment period:* Submit requests for an extension of the comment period on or before February 26, 2018 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693–1999; email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–2110 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

The Occupational Safety and Health Administration is providing notice that MET Laboratories, Inc. (MET), is applying for expansion of its current recognition as a NRTL. MET requests the addition of four test standards to its NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by its applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-

certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The Agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides its preliminary finding. In the second notice, the Agency provides its final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including MET, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

MET currently has one facility (site) recognized by OSHA for product testing and certification, with its headquarters located at: MET Laboratories, Inc., 914 West Patapsco Avenue, Baltimore, Maryland 21230. A complete list of MET's scope of recognition is available at *https://www.osha.gov/dts/otpca/nrtl/met.html.*

II. General Background on the Application

MET submitted an application, dated November 8, 2016 (OSHA–2006–0028–0041), to expand its recognition to include four additional test standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1, below, lists the appropriate test standards found in MET's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN MET'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 60745–2–15	Hand-Held Motor-Operated Electric Tools—Safety—Part 2–15: Particular Requirements for Hedge Trimmers.
UL 61010–2–20	Standard for Safety Requirements for Electrical Equipment for Measurement, Control, and Laboratory Use—Part 2–020: Particular Requirements for Laboratory Centrifuges.
UL 61010–2–101*	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–101: Particular Requirements for In Vitro Diagnostic (IVD) Medical Equipment.
UL 61010–2–51*	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–051: Particular Requirements for Laboratory Equipment for Mixing and Stirring.

* Represents the standard that OSHA proposes to add to the NRTL Program's List of Appropriate Test Standards.

III. Proposal To Add New Test Standard to the NRTL Program's List of Appropriate Test Standards

Periodically, OSHA will propose to add new test standards to the NRTL list of appropriate test standards following an evaluation of the test standard document. To qualify as an appropriate test standard, the Agency evaluates the document to (1) verify it represents a product category for which OSHA requires certification by a NRTL, (2) verify the document represents an end product and not a component, and (3) verify the document defines safety test specifications (not installation or operational performance specifications). OSHA becomes aware of new test standards through various avenues. For example, OSHA may become aware of new test standards by: (1) Monitoring notifications issued by certain Standards Development Organizations; (2) reviewing applications by NRTLs or applicants seeking recognition to include new test standards in their scopes of recognition; and (3) obtaining notification from manufacturers, manufacturing organizations, government agencies, or other parties. OSHA may determine to include a new test standard in the list, for example, if the test standard is for a particular type of product that another test standard also covers or it covers a type of product that no standard previously covered.

In this notice, OSHA proposes to add two new test standards to the NRTL Program's List of Appropriate Test Standards. Table 2, below, lists the test standards that are new to the NRTL Program. OSHA preliminarily determined that these test standards are appropriate test standards and proposes to include them in the NRTL Program's List of Appropriate Test Standards. OSHA seeks public comment on this preliminary determination.

TABLE 2—TEST STANDARDS OSHA IS PROPOSING TO ADD TO THE NRTL PROGRAM'S LIST OF APPROPRIATE TEST STANDARDS

Test standard	Test standard title
UL 61010–2–101	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–101: Particular Requirements for In Vitro Diagnostic (IVD) Medical Equipment.
UL 61010–2–051	Safety Requirements for Electrical Equipment for Measurement, Control and Laboratory Use—Part 2–051: Particular Requirements for Laboratory Equipment for Mixing and Stirring.

IV. Preliminary Findings on the Application

MET submitted an acceptable application for expansion of its scope of recognition. OSHA's review of the application file, and pertinent documentation, indicate that MET can meet the requirements prescribed by 29 CFR 1910.7 for expanding its recognition to include the addition of these four test standards for NRTL testing and certification listed above. This preliminary finding does not constitute an interim or temporary approval of MET's application.

OSHA welcomes public comment as to whether MET meets the requirements of 29 CFR 1910.7 for expansion of its recognition as a NRTL. Comments should consist of pertinent written

documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. Commenters must submit the written request for an extension by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer period. OSHA may deny a request for an extension if the request is not adequately justified. To obtain or review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, at the above address. These materials also are available online at *http://www.regulations.gov* under Docket No. OSHA–2006–0028.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, recommend to the Assistant Secretary for Occupational Safety and Health whether to grant MET's application for expansion of its scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of its final decision in the **Federal Register**.

IV. Authority and Signature

Loren Sweatt, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1–2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 5, 2018.

Loren Sweatt,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2018–02563 Filed 2–8–18; 8:45 am]

BILLING CODE 4510–26–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (18–006)]

NASA Advisory Council; Aeronautics Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration announces a meeting of the Aeronautics Committee of the NASA Advisory Council (NAC). The meeting will be held for the purpose of soliciting, from the aeronautics community and other persons, research and technical information relevant to program planning. This Committee reports to the NAC.

DATES: Wednesday, March 14, 2018, 9:00 a.m.–4:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 6E40, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Ms. Irma Rodriguez, Executive Secretary for the NAC Aeronautics Committee, NASA Headquarters, Washington, DC 20546, (202) 358–0984, or *irma.c.rodriguez@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. This meeting is also available telephonically and online via WebEx. Any interested person may dial the USA toll-free conference number 1–844–467–6272, passcode 317924, followed by the # sign, to participate in this meeting by telephone. The WebEx link is *https://nasa.webex.com/,* the meeting number is 995 710 031, and the password is T94G2Y3@. The agenda for the meeting includes the following topics:

- Advanced Materials and Structures Research
- Electric Aircraft Technology Development
- FY2019 Aeronautics Research Mission Directorate Budget and Strategy

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees that are U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status 3 working days in advance. Information should be sent to Ms. Irma Rodriguez, (202) 358–4060. For questions, please call Ms. Irma Rodriguez at (202) 358–0984. It is imperative that the meeting be held on these dates to the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–02659 Filed 2–8–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (18–007)]

Earth Science Advisory Committee; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, as amended, the National Aeronautics and Space Administration (NASA) announces a meeting of the Earth Science Advisory Committee (ESAC). This Committee functions in an advisory capacity to the Director, Earth Science Division, in the NASA Science Mission Directorate. The meeting will be held for the purpose of soliciting, from the scientific community and other persons, scientific and technical information relevant to program planning.

DATES: Wednesday, March 14, 2018, 8:30 a.m. to 5:00 p.m., and Thursday, March 15, 2018, 8:30 a.m. to 3:00 p.m., Local Time.

ADDRESSES: NASA Headquarters, Room 3H42, 300 E Street SW, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: KarShelia Henderson, Science Mission Directorate, NASA Headquarters, Washington, DC 20546, (202) 358–2355, fax (202) 358–2779, or *khenderson@nasa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the meeting room. This meeting is also available telephonically and by WebEx. You must use a touch-tone phone to participate in this meeting. Any interested person may dial the USA toll free number 1–800–369–2007 or toll number 1–415–228–4743, passcode 6340871 for both days. The WebEx link is *https://nasa.webex.com/;* the meeting number is 991 297 021, password is 5PxUTjc@ (case sensitive) for both days. The

agenda for the meeting includes the following topics:

—Earth Science Division (ESD) Update
—Earth Science Decadal Survey
—ESD Approaches for International Coordination
—Evolution of the ESD Airborne Science Program
—Ensuring High Impact Research in ESD

Attendees will be requested to sign a register and to comply with NASA Headquarters security requirements, including the presentation of a valid picture ID to Security before access to NASA Headquarters. Foreign nationals attending this meeting will be required to provide a copy of their passport and visa in addition to providing the following information no less than 10 days prior to the meeting: Full name; gender; date/place of birth; citizenship; passport information (number, country, telephone); visa information (number, type, expiration date); employer/affiliation information (name of institution, address, country, telephone); title/position of attendee. To expedite admittance, attendees with U.S. citizens and Permanent Residents (green card holders) are requested to provide full name and citizenship status no less than 3 working days in advance by contacting KarShelia Henderson via email at *khenderson@nasa.gov* or by fax at (202) 358–2779. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Patricia D. Rausch,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2018–02653 Filed 2–8–18; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit issued.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Nature McGinn, ACA Permit Officer, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; 703–292–8030; email: *ACApermits@nsf.gov.*

SUPPLEMENTARY INFORMATION: On January 5, 2017, the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on February 5, 2018 to:

1. Sarah Eppley Permit No. 2018–030

Nadene G. Kennedy,

Polar Coordination Specialist, Office of Polar Programs.

[FR Doc. 2018–02632 Filed 2–8–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting; National Science Board

The National Science Board's Committee on Oversight (CO), pursuant to NSF regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n–5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Friday, February 16, 2018 at 2:30 EST.

PLACE: This meeting will be held by teleconference at the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Open.

MATTERS TO BE CONSIDERED: Committee Chair's remarks, and discussion of merit review research topics.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Ann Bushmiller (*abushmil@nsf.gov*), 2415 Eisenhower Avenue, Alexandria, VA 22314. An audio link will be available for the public. Members of the public must contact the Board Office to request the public audio link by sending an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference.

Please refer to the National Science Board website *https://www.nsf.gov/nsb/meetings/notices.jsp#sunshine* for meeting information and updates. You may find general information at *https://www.nsf.gov/nsb/.*

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2018–02820 Filed 2–7–18; 4:15 pm]

BILLING CODE 7555–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Termination of Single-Employer Plans, Missing Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for OMB approval, with modifications.

SUMMARY: PBGC is requesting that OMB approve, with modifications, under the Paperwork Reduction Act a collection of information in PBGC's regulations on Termination of Single Employer Plans and Missing Participants and implementing forms and instructions (OMB control number 1212–0036). This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments must be submitted by March 12, 2018 to be assured of consideration.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974.

A copy of the request will be posted at *https://www.pbgc.gov/prac/laws-and-regulations/information-collections-under-omb-review*. It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC, 1200 K Street NW, Washington, DC 20005–4026, faxing a request to 202–326–4042, or calling 202–326–4040 during normal business hours. TTY/ASCII users may call the Federal relay service toll-free at 1 800–877–8339 and ask to be connected to 202–326–4040. The Disclosure Division will email, fax, or mail the request to you, as you request.

FOR FURTHER INFORMATION CONTACT: Jo Amato Burns (*burns.jo.amato@pbgc.gov*), Regulatory Affairs Division, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW, Washington, DC 20005–4026, 202 326–4400, extension 3072, or Stephanie Cibinic (*cibinc.stephanie@pbgc.gov*), Deputy Assistant General Counsel, same address and phone number, extension 6352. TTY/ASCII users may call the Federal relay service toll-free at 800–877–8339 and ask to be connected to 202–326–4400.

SUPPLEMENTARY INFORMATION: Under section 4041 of the Employee Retirement Income Security Act of 1974,

as amended (ERISA), a single-employer pension plan may terminate voluntarily only if it satisfies the requirements for either a standard or a distress termination. Pursuant to ERISA section 4041(b), for standard terminations, and section 4041(c), for distress terminations, and PBGC's termination regulation (29 CFR part 4041), a plan administrator wishing to terminate a plan is required to submit specified information to PBGC in support of the proposed termination and to provide specified information regarding the proposed termination to third parties (participants, beneficiaries, alternate payees, and employee organizations). In the case of such plans with participants or beneficiaries who cannot be located when their benefits are to be distributed, the plan administrator is subject to the requirements of ERISA section 4050 and PBGC's missing participants regulation (29 CFR part 4050).

The missing participant forms and instructions under this information collection are applicable only to plans that terminated on or before December 31, 2017. There is a new control number for the collection of information under the expanded missing participants program, effective on January 22, 2018, and applicable to plans that terminate on or after January 1, 2018 (OMB Control No.1212–0069; expires January 31, 2021). The expanded program includes not only missing participants from single-employer plans covered by title IV, but also defined contribution and other plans not covered by title IV.

The collection of information under these regulations and the implementing forms and instructions had been approved by OMB under control number 1212–0036 (expired November 30, 2017). PBGC is requesting that OMB reinstate its approval and extend it for three years from date of approval, with modifications. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a current OMB control number.

On October 2, 2017 (82 FR 45912), PBGC published a notice informing the public that it intended to request OMB approval and soliciting public comments. No comments were received.

PBGC is proposing to provide that the plan administrator of a plan terminating in a standard termination, or a distress termination that closes out in the private sector, may submit termination forms electronically (scanned and emailed or faxed), rather than by mail or personal delivery only. PBGC is proposing these new options to increase the ease of submission for plan administrators.

In addition, for distress termination filings, PBGC is proposing to include an invitation for plan sponsors to contact PBGC for a pre-filing consultation to discuss the filing process and ensure the filing of a distress termination is appropriate given the sponsor's specific circumstances. This consultation will assist PBGC and the plan sponsor in exploring whether a waiver of one or more filing obligations is appropriate, identifying potential issues preventing a distress termination of a particular plan, and may indicate that commencement of an agency-initiated termination of the pension plan is warranted. This consultation will be voluntary and will result in little or no added burden on the plan sponsor.

PBGC estimates that 1,426 plan administrators will be subject to this collection of information each year, and that the total annual burden of complying with these requirements will be 29,890 hours and $5,963,400.

Stephanie Cibinic,

Deputy Assistant General Counsel for Regulatory Affairs, Pension Benefit Guaranty Corporation.

[FR Doc. 2018–02606 Filed 2–8–18; 8:45 am]

BILLING CODE 7709–02–P

OFFICE OF PERSONNEL MANAGEMENT

Hispanic Council on Federal Employment

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Hispanic Council on Federal Employment (Council) meeting will be held on Thursday, February 22, 2018 at the following time and location shown below:

Time: 10:30 a.m. to 12:00 p.m.

Location: Office of Personnel Management, 1900 E St. NW, Washington, DC 20415, Executive Conference Room.

The Council is an advisory committee composed of representatives from Hispanic organizations and senior government officials. Along with its other responsibilities, the Council shall advise the Director of the Office of Personnel Management on matters involving the recruitment, hiring, and advancement of Hispanics in the Federal workforce. The Council is co-chaired by the Director of the Office of Personnel Management and the Chair of the National Hispanic Leadership Agenda (NHLA).

The meeting is open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at any of the meetings. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

FOR FURTHER INFORMATION CONTACT: Zina Sutch, Director for the Office of Diversity and Inclusion, Office of Personnel Management, 1900 E St. NW, Suite 5H35, Washington, DC 20415. Phone (202) 606–2433 FAX (202) 606–6012 or email at *Zina.Sutch@opm.gov.*

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2018–02571 Filed 2–8–18; 8:45 am]

BILLING CODE 6820–B2–P

OFFICE OF PERSONNEL MANAGEMENT

Civil Service Retirement System Board of Actuaries Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Civil Service Retirement System Board of Actuaries plans to meet on Thursday, April 12, 2018. The meeting will start at 10:00 a.m. EDT and will be held at the U.S. Office of Personnel Management (OPM), 1900 E Street NW, Room 4351–B, Washington, DC 20415.

The purpose of the meeting is for the Board to review the actuarial methods and assumptions used in the valuations of the Civil Service Retirement and Disability Fund (CSRDF).

Agenda

1. Summary of recent and proposed legislation and regulations
2. Review of actuarial assumptions:
   a. Demographic Assumptions
   b. Economic Assumptions
3. CSRDF Annual Report

Persons desiring to attend this meeting of the Civil Service Retirement System Board of Actuaries, or to make a statement for consideration at the meeting, should contact OPM at least 5 business days in advance of the meeting date at the address shown below. Any detailed information or analysis requested for the Board to consider should be submitted at least 15 business days in advance of the meeting date. The manner and time for any material presented to or considered by the Board may be limited.

FOR FURTHER INFORMATION CONTACT: Gregory Kissel, Senior Actuary for

Retirement Programs, U.S. Office of Personnel Management, 1900 E Street NW, Room 4316, Washington, DC 20415. Phone (202) 606–0722 or email at *actuary@opm.gov.*

For the Board of Actuaries.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2018–02574 Filed 2–8–18; 8:45 am]

BILLING CODE 6325–64–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2018–123 and CP2018–166]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* February 13, 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 filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service's request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

II. Docketed Proceeding(s)

1. *Docket No(s).:* MC2018–123 and CP2018–166; *Filing Title:* USPS Request to Add Priority Mail Contract 421 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 5, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public Representative:* Timothy J. Schwuchow; *Comments Due:* February 13, 2018.

This notice will be published in the **Federal Register**.

Stacy L. Ruble,

Secretary.

[FR Doc. 2018–02627 Filed 2–8–18; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* February 9, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 5, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 421 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–123, CP2018–166.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–02570 Filed 2–8–18; 8:45 am]

BILLING CODE 7710–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82628; File No. SR–BX–2018–006]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Exchange Rules 7030, 7034, and 7051

February 5, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 22, 2018, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Exchange Rules 7030, 7034, and 7051, as described below.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqbx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend several sections of its Rules to harmonize its colocation, connectivity, and direct connectivity services and fees with those of its sister exchanges, including The Nasdaq Stock Market LLC (''Nasdaq''), Nasdaq ISE, LLC (''Nasdaq ISE''), Nasdaq MRX, LLC (''Nasdaq MRX''), and Nasdaq GEMX, LLC (''Nasdaq GEMX'') (collectively, the ''Nasdaq, Inc. Exchanges'').[3] The Exchange also proposes to update or eliminate certain obsolete or extraneous language from its Rules.

The Nasdaq, Inc. Exchanges offer certain colocation, connectivity, and direct connectivity services to their customers on a shared basis, meaning that a customer may utilize these services to gain access to any or all of the Nasdaq, Inc. Exchanges. The Nasdaq, Inc. Exchanges only charge customers once for these shared services, even to the extent that customers use the services to connect to more than one of the Nasdaq, Inc. Exchanges.

The amendments that the Exchange proposes herein are intended principally to ensure that the shared services that the Exchange offers, and the fees that it charges for such services, are uniform across the Nasdaq, Inc. Exchanges' rulebooks and reflect relevant changes that have been made already to the rules of other Nasdaq, Inc. Exchanges. The amendments also remove certain language from the Exchange's Rules that refers to obsolete terms or expired time-limited programs or that is otherwise extraneous.

First, the Exchange proposes to amend Rule 7030(d), entitled ''Testing Facilities,'' to eliminate extraneous provisions that were inadvertently and erroneously included in the Rule but have no intended meaning or purpose there. These provisions are subsections (d)(2)–(d)(3). Subsection (d)(2) defines terms, such as ''Active Connection,'' ''Idle Connection,'' and ''Period of Inactivity,'' that are not utilized elsewhere in the Rule, Subsection (d)(3) lists exceptions to the testing fees that are not applicable to the Exchange's Test Facility. The Exchange proposes that existing subsection (d)(4) be renumbered as new subsection (d)(2). The Exchange also proposes that new subsection (d)(2) delete reference to an obsolete waiver of installation fees for installations ordered prior to March 2014. Lastly, the Exchange proposes to clarify that connectivity to the Exchange's testing facility will also provide for connectivity to the testing facilities of any or all of the other Nasdaq, Inc. Exchanges, including those of not only Nasdaq and Phlx (as is stated in the existing Rule), but also those of Nasdaq ISE, Nasdaq MRX, and Nasdaq GEMX.

Second, the Exchange proposes to amend BX Rule 7034, which lists the schedule of fees that the Exchange charges for colocation services, to harmonize that schedule with the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7034, Chapter VI.E of the Nasdaq ISE Schedule of Fees, Chapter IV.A of the Nasdaq MRX Schedule of Fees, and Chapter IV.F of the Nasdaq GEMX Schedule of Fees. The proposed changes are as follows:

• The Exchange proposes to amend Rule 7034(a), under the heading ''Cabinet with Power,'' to update the installation and monthly fees it charges to customers to rent powered cabinet space in its colocation facilities. The proposed changes are as follows: (i) For super high density cabinets, the Exchange proposes to decrease its installation fee from $7,000 to $4,500 and its monthly fee from $13,000 to $8,000; (ii) for high density cabinets, it proposes to decrease its monthly fee from $7,000 to $4,500; (iii) for medium-high density cabinets, it proposes to decrease its monthly fees from $6,000 to $3,500; (iv) for medium density cabinets, it proposes to decrease its monthly fees from $5,000 to $2,500; (v) for low density cabinets, it proposes to decrease its monthly fees from $4,000 to $2,000; and (vi) for half cabinets, it proposes to decrease its monthly fees from $3,000 to $2,000. These changes will render this subsection of the Rules consistent with the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7034(a), Chapter VI.E of the Nasdaq ISE Schedule of Fees, Chapter IV.A of the Nasdaq MRX Schedule of Fees, and Chapter IV.F of the Nasdaq GEMX Schedule of Fees.

• The Exchange proposes to amend Rule 7034(a) to remove the paragraph entitled ''Temporary Fee Reduction for Cabinets with Power,'' as this fee reduction program has expired.

• The Exchange proposes to amend Rule 7034(b), under the heading ''External Telco/Inter-Cabinet Connectivity,'' to update the monthly fees it charges for external telecommunications and inter-cabinet connectivity, as follows: (i) For a category 6 cable patch, a DS–3 connection, and a fiber connection, the Exchange proposes to increase its monthly fees from $300 to $350; and (ii) for a POTS Line, the Exchange proposes to increase the monthly fee from $0 to $50. These changes will render this paragraph of the Rules consistent with a corresponding paragraph in the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7034(b), Chapter VI.E of the Nasdaq ISE Schedule of Fees, Chapter IV.A of the Nasdaq MRX Schedule of Fees, and Chapter IV.F of the Nasdaq GEMX Schedule of Fees.

• The Exchange proposes to amend Rule 7034(b), under the heading ''Connectivity to BX,'' to update the fees it charges for fiber connectivity to the Exchange, as follows: (i) For a 10Gb fiber connection to the Exchange, the Exchange proposes to increase the monthly fee from $5,000 to $10,000; (ii) for a 40Gb fiber connection to the Exchange, it proposes to increase the monthly fee from $15,000 to $20,000; (iii) for a 1Gb fiber connection to the Exchange, it proposes to increase the monthly fee from $1,000 to $2,500; (iv) for a 1Gb copper connection to the Exchange, it proposes to increase the monthly fee from $1,000 to $2,500; (v) the Exchange proposes to add a 1Gb Ultra fiber connection to the Exchange for an installation fee of $1,500 and a monthly fee of $2,500; and (vi) the Exchange proposes to remove obsolete language regarding an expired fee waiver program. These changes will render this paragraph of the Rules consistent with corresponding paragraphs in the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7034(b), Chapter VI.E of the Nasdaq ISE Schedule of Fees, Chapter IV.A of the Nasdaq MRX Schedule of Fees, and Chapter IV.F of the Nasdaq GEMX Schedule of Fees. The Exchange also proposes an amendment to this provision to clarify that connectivity to the Exchange will also provide for connectivity to any or all of the other Nasdaq, Inc. Exchanges, including not only Nasdaq and Phlx (as the existing Rule provides), but also Nasdaq ISE, Nasdaq MRX, and Nasdaq GEMX. This proposal mirrors existing language in Chapter VI.E of the Nasdaq

[3] In the near future, Nasdaq PHLX LLC (''Phlx'') plans to file a proposal with the Commission to make similar conforming changes to its rules.

ISE Schedule of Fees, Chapter IV.A of the Nasdaq MRX Schedule of Fees, and Chapter IV.F of the Nasdaq GEMX Schedule of Fees.

• The Exchange proposes to amend Rule 7034(b) to add a new paragraph under a heading entitled ''Connectivity to Third Party Services.'' This proposed paragraph will provide for connectivity via colocation to market data feeds from other markets and exchanges,[4] Securities Information Processors (''SIPs'') [5] data, and other non-exchange services. The proposed connectivity and associated fees are as follows: (i) For a 10Gb Ultra fiber connection, the Exchange proposes to charge a $1,500 installation fee and an ongoing monthly fee of $5,000; (ii) for a 1Gb Ultra fiber connection, it proposes to charge a $1,500 installation fee and an ongoing monthly fee of $2,000; and (iii) for a 1Gb Ultra or a 10Gb Ultra connection for UTP only, it proposes to charge a $100 installation fee and an ongoing monthly fee of $100. All of the foregoing fees will be waived for two connections per client to UTP SIP feeds only (UQDF and UTDF). The Exchange notes that the proposed paragraph parallels the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7034(b), Chapter VI.E of the Nasdaq ISE Schedule of Fees, Chapter IV.A of the Nasdaq MRX Schedule of Fees, and Chapter IV.F of the Nasdaq GEMX Schedule of Fees.

• The Exchange proposes to amend Rule 7034(b), under the heading ''Market Data Connectivity,'' to add prefatory language that exists in the analogous portion of Nasdaq Rule 7034(b). The language merely notes that the Market Data feeds listed in the provision are delivered to the Nasdaq Data Center via a fiber optic network. Additionally, the Exchange proposes to re-categorize and update the names of the certain CBOE/Bats/Direct Edge data feeds insofar as the names listed in the current Rule are obsolete. Similarly, the Exchange proposes to delete a $1,000 installation fee that presently applies to the Direct Edge feeds insofar as the Direct Edge feeds are now offerings of CBOE, along with the BZX and BYX feeds. Going forward, a single, one-time $1,000 installation fee will apply to subscribers to any or all of the CBOE data feeds.

• The Exchange proposes to amend Rule 7034(b) to add a new paragraph that will provide for multicast market data feeds from other markets to be delivered to the Exchange's customers via wireless microwave or millimeter wave networks. The Exchange notes that Nasdaq already provides such data feeds to its customers pursuant to an analogous paragraph in Nasdaq Rule 7034(b). The proposed data feeds, and their corresponding installation and monthly fees, are as follows: (i) NYSE Equities (Arca Integrated), for an installation fee of $5,000 and a monthly fee of $10,000; (ii) NYSE Equities (NYSE Integrated), for an installation fee of $5,000 and a monthly fee of $10,000; (iii) BATS Multicast PITCH (BZX and BYZ), for an installation fee of $2,500 and a monthly fee of $7,500; (iv) Direct EDGE Depth of Book (EDGA, EDGX), for an installation fee of $2,500 and a monthly fee of $7,500; (v) CME Multicast Total (including CME Equities Futures Data, CME Fixed Income Futures Data, and CME Metal Futures Data), for an installation fee of $5,000 and a monthly fee of $23,500; (vi) CME Equities Futures Data Only, for a $5,000 installation fee and a monthly fee of $10,000; (vii) CME Fixed Income Futures Data Only, for a $5,000 installation fee and a monthly fee of $10,000; and (viii) CME Metals Futures Data Only, for a $5,000 installation fee and a monthly fee of $3,500.[6] As to the monthly fee for these services, the proposal provides that subscribers will receive discounts based upon the number of subscriptions they maintain.[7] The Exchange proposes to add this paragraph to render the Rules consistent with corresponding paragraphs in the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7034(b), Chapter VI.E of the Nasdaq ISE Schedule of Fees, Chapter IV.A of the Nasdaq MRX Schedule of Fees, and Chapter IV.F of the Nasdaq GEMX Schedule of Fees.

• The Exchange proposes to amend Rule 7034(d), under the heading ''Additional Charges/Services,'' to update the installation fee it charges for super high density cabinet kits. Specifically, the Exchange proposes to decrease the fee from $7,000 to $4,500. This change will render this paragraph of the Rules consistent with corresponding paragraphs in the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7034(d), Chapter VI.E of the Nasdaq ISE Schedule of Fees, Chapter IV.A of the Nasdaq MRX Schedule of Fees, and Chapter IV.F of the Nasdaq GEMX Schedule of Fees, entitled ''Additional Items.''

Third, the Exchange proposes to amend Rule 7051, entitled ''Direct Connectivity to BX.'' This Rule describes the means by which customers may connect directly to the Exchange's main or satellite data centers via a third party vendor's telecommunications circuit. The proposed changes to this Section are as follows:

• The Exchange proposes to update the structure of Rule 7051 so that it will parallel the structure of the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7051, Chapter VI.F, G, and H of the Nasdaq ISE Schedule of Fees, Chapter IV.B, C, and D of the Nasdaq MRX Schedule of Fees, and Chapter IV.G, H, and I of the Nasdaq GEMX Schedule of Fees. Specifically, the Exchange proposes to place the existing text of Rule 7051 into a subsection (a), to be entitled ''Direct Circuit Connection to BX.'' It also proposes to add two additional subsections, as described below.

• The Exchange proposes to amend the text of Rule 7051 (as reorganized in proposed subsection (a) and re-titled ''Direct Circuit Connection to BX'') so that it is fully consistent with the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7051(a), Chapter VI.F of the Nasdaq ISE Schedule of Fees, Chapter IV.B of the Nasdaq MRX Schedule of Fees, and Chapter IV.G of the Nasdaq GEMX Schedule of Fees in terms of both the direct circuit connections that it offers to its customers as well as the associated fees that it charges for such connections. The proposed changes are as follows: (i) For 10Gb direct circuit connections to BX, the Exchange proposes to increase the installation fee from $1,000 to

[4] For example, Third Party Connectivity will support connectivity to the FINRA/Nasdaq Trade Reporting Facility, BZX and BYX Depth Feeds, and NYSE Feeds. A customer must separately subscribe to the third party services to which it connects with a Third Party Connectivity subscription.

[5] The SIPs link the U.S. markets by processing and consolidating all protected bid/ask quotes and trades from every registered exchange trading venue and FINRA into a single data feed, and they disseminate and calculate critical regulatory information, including the National Best Bid and Offer, Limit Up Limit Down price bands, short sale restrictions and regulatory halts.

[6] The Exchange proposes to charge subscribers to any or all of the CME Data Feeds a single $5,000 installation fee. In other words, a subscriber to the CME Fixed Income Futures Data Feed and the CME Metals Futures Data Feed will only pay a single $5,000 installation fee for access to both feeds.

[7] The proposed Rule paragraph provides that subscribers with three to five microwave or millimeter wave wireless subscriptions under Rule 7015 and/or Rule 7034(b) will receive a 5% discount on all such subscriptions. Meanwhile, subscribers with six to ten microwave or millimeter wave wireless subscriptions under Rule 7015 and/or Rule 7034(b) will receive a 10% discount on all such subscriptions. Subscribers with eleven to fourteen microwave or millimeter wave wireless subscriptions under Rule 7015 and/or Rule 7034(b) will receive a 15% discount on all such subscriptions. Finally, subscribers with fifteen or more microwave or millimeter wave wireless subscriptions under Rule 7015 and/or Rule 7034(b) will receive a 20% discount on all such subscriptions.

$1,500 and the monthly fee from $5,000 to $7,500; (ii) for 1Gb direct circuit connections to BX, the Exchange proposes to increase the installation fee from $1,000 to $1,500 and the monthly fee from $1,000 to $2,500; (iii) the Exchange proposes to add a 1Gb Ultra direct circuit connection for an installation fee of $1,500 and a monthly fee from $2,500; and (iv) the Exchange proposes to clarify that direct circuit connectivity to the Exchange will also provide for direct circuit connectivity to any or all of the other Nasdaq, Inc. Exchanges, including not only Nasdaq and Phlx (as the existing Rule provides), but also Nasdaq ISE, Nasdaq MRX, and Nasdaq GEMX.

• The Exchange proposes to add a new subsection (b) to Rule 7051, entitled ''Direct Circuit Connection to Third Party Services.'' Through this subsection, which is an analogue to the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7051(b), Chapter VI.G of the Nasdaq ISE Schedule of Fees, Chapter IV.C of the Nasdaq MRX Schedule of Fees, and Chapter IV.H of the Nasdaq GEMX Schedule of Fees, the Exchange will offer its customers direct circuit connections to third party services, including the same third party services to which it proposes to connect customers through colocation, as set forth in proposed Rule 7034(b) (described above). Specifically, the Exchange proposes to offer the following services and charge the following fees for them: (i) A 10Gb Ultra direct circuit connection for an installation fee of $1,500 and a monthly fee of $5,000; (ii) a 1Gb Ultra direct circuit connection for an installation fee of $1,500 and a monthly fee of $2,000; (iii) a 1Gb Ultra or 10Gb direct circuit connection (for UTP only) for an installation fee of $100 and a monthly fee of $100; (iv) an optional cable router for a $925 installation fee; and (v) a monthly fee of $150 per ''U'' of cabinet space rented. For direct circuit connectivity to UTP SIP feeds only, the installation and monthly fees will be waived for the first two connections.

The Exchange proposes to add a new subsection (c) to Rule 7051, entitled ''Point of Presence (POP) Connectivity.'' This subsection, which is an analogue to the existing rules of other Nasdaq, Inc. Exchanges, including Nasdaq Rule 7051(c), Chapter VI.H of the Nasdaq ISE Schedule of Fees, Chapter IV.D of the Nasdaq MRX Schedule of Fees, and Chapter IV.I of the Nasdaq GEMX Schedule of Fees, provides for customers to connect directly to the Exchange through a ''Point of Presence'' or ''POP'' that is located at one of the Exchange's satellite data centers, rather than in the Exchange's main data center. Each such POP, in turn, has a fully redundant connection to the Exchange's primary data center. The proposed services and associated fees are as follows: (i) The Exchange proposes to offering a 10Gb POP connection to BX for an installation fee of $1,500 and a monthly of $7,500; (ii) it proposes to offer a 1Gb Ultra POP connection to BX for an installation fee of $1,500 and a monthly fee of $2,500; and (iii) the Exchange proposes to state that the POP connectivity provided under this subsection also applies to connectivity to any or all of the other Nasdaq, Inc. Exchanges.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[9] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that its proposals to update its schedule of shared connectivity, direct circuit connectivity, and colocation services that it provides in concert with its sister Nasdaq, Inc. Exchanges, and for which the Nasdaq, Inc. Exchanges charge a single fee, is reasonable insofar as the proposals will ensure that the Exchange's Rules, as they apply to such services and fees, are consistent with the applicable schedules and rules of other Nasdaq, Inc. Exchanges, including Nasdaq, Nasdaq ISE, Nasdaq MRX, and Nasdaq GEMX. In this regard, the Exchange notes that the proposed amendments to its Rules largely reflect changes and updates that have been made already to the schedules and rules of these other Nasdaq, Inc. Exchanges. For example, each of the proposed changes to the Exchange's connectivity, direct connectivity, and colocation fees will harmonize the Exchange's fees with those of Nasdaq, Nasdaq ISE, Nasdaq MRX, and Nasdaq GEMX.

In a few instances, however, the Exchange proposes amendments to its rules that are not reflected in the rules of the other Nasdaq, Inc. Exchanges. These proposals seek to eliminate certain language from its Rules that is extraneous, eliminate references to expired fee reduction or waiver programs, update references to third party data feeds to reflect their current names, and eliminate an obsolete installation fee for Direct Edge data feeds. The Exchange believes that these proposals are non-controversial because it serves the interests of the public and investors for the Exchange to maintain a current and accurate Rulebook and because the proposals will not impact competition or limit access to or availability of the Exchange or its systems.

The Exchange believes that the foregoing proposals provide for the equitable allocation of fees because the connectivity and colocation services to which these fees apply are shared services for which customers pay once, regardless of whether the customers choose to use these services to connect only to BX or also to any or all of the other Nasdaq, Inc. Exchanges. Moreover, the other Nasdaq, Inc. Exchanges already offer these shared services to their customers and do so at the same prices that the Exchange now proposes to charge. As such, the proposals will ensure that the fees that the Exchanges charges its customers for shared services are the same fees that the other Nasdaq, Inc. Exchanges charges their customers (including their customers who are also BX Members) for the same shared services. In other words, the proposals would ensure that a customer of the Exchange that wishes to, say, purchase direct connectivity to all of the Nasdaq, Inc. Exchanges will not pay more to do so through BX than it would pay if it purchased that same connectivity from Nasdaq, and vice versa.

The proposed fees and fee changes, moreover, are equitably allocated because the proposals align these fees with the costs that the Exchange incurs to provide the shared services, including the costs of developing, installing, maintaining, and upgrading equipment and systems relating to connectivity and colocation services. Finally, the proposed fees are equitably allocated because all member firms that subscribe to a particular connectivity option under the amended Rules will be assessed the same fee.

The proposals, similarly, are not unfairly discriminatory because the shared services they entail will be available to all similarly situated clients, while the fees and fee changes they entail will apply uniformly to such clients to the extent that they choose to utilize the shared services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4) and (5).

any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may connect to third parties instead of directly connecting to the Exchange, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited.

In this instance, the proposed changes to the charges assessed for colocation, connectivity, and direct circuit connectivity are consistent with the fees already assessed by other Nasdaq, Inc. Exchanges for the same shared services. To the extent that any of these fees are [sic] unattractive to market participants, it is likely that the Exchange, and its sister Nasdaq, Inc. Exchanges, will lose market share as a result. The Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

Furthermore, the Exchange does not expect that its proposals to eliminate or replace expired or obsolete language from its Rulebook will have any impact on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act[10] and subparagraph (f)(6) of Rule 19b–4 thereunder.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BX–2018–006 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–BX–2018–006. 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–BX–2018–006, and should be submitted on or before March 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02567 Filed 2–8–18; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A)(iii).

[11] 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.

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82629; File No. SR–NASDAQ–2017–074]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Designation of Longer Period for Commission Action on Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Adopt the Midpoint Extended Life Order

February 5, 2018.

On July 21, 2017, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to adopt the Midpoint Extended Life Order (''MELO''). The proposed rule change was published for comment in the **Federal Register** on August 9, 2017.[3] On August 9, 2017, the Exchange filed Amendment No. 1 to the proposed rule change.[4] On September 21, 2017,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81311 (August 3, 2017), 82 FR 37248.

[4] In Amendment No. 1, the Exchange updated the proposal to reflect the approval of the proposal by the Exchange's Board of Directors on July 21, 2017. Amendment No. 1 is available at *https://www.sec.gov/comments/sr-nasdaq-2017-074/*

pursuant to Section 19(b)(2) of the Act,[5] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[6] The Commission initially received three comment letters on the proposed rule change.[7] On October 30, 2017, the Exchange filed Amendment No. 2 to the proposed rule change.[8] On November 3, 2017, the Commission published notice of Amendment No. 2 and instituted proceedings under Section 19(b)(2)(B) of the Act [9] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment Nos. 1 and 2.[10] The Commission received one additional comment letter on the proposed rule change in response to the Order Instituting Proceedings.[11]

Section 19(b)(2) of the Act [12] 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 extend the period for issuing an order approving or disapproving the proposed rule change, however, by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. In this case, the proposed rule change was published for notice and comment in the **Federal Register** on August 9, 2017.[13] February 5, 2018 is 180 days from that date. The Commission is extending the time period for approving or disapproving the proposal by an additional 30 days.

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, the issues raised in the comment letters that have been submitted in response to the proposed rule change, and the Exchange's responses to such comments.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[14] designates March 7, 2018 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NASDAQ–2017–074), as modified by Amendment Nos. 1 and 2.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–02568 Filed 2–8–18; 8:45 am]

BILLING CODE 8011–01–P

nasdaq2017074.htm. Because Amendment No. 1 is a technical amendment that does not alter the substance of the proposed rule change, it is not subject to notice and comment.

[5] 15 U.S.C. 78s(b)(2).

[6] *See* Securities Exchange Act Release No. 81668, 82 FR 45095 (September 27, 2017). The Commission designated November 7, 2017 as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

[7] *See* Letters to Brent J. Fields, Secretary, Commission, from Stephen John Berger, Managing Director, Government & Regulatory Policy, Citadel Securities, dated August 30, 2017; Ray Ross, Chief Technology Officer, The Clearpool Group, dated September 12, 2017; and Joanna Mallers, Secretary, FIA Principal Traders Group, dated September 19, 2017.

[8] In Amendment No. 2, the Exchange: (1) Modified the proposal to prevent MELOs from executing when there is a non-displayed order priced more aggressively than the NBBO midpoint resting on the Nasdaq book; (2) provided additional description, clarification, and rationale for certain aspects of the proposal; and (3) responded to several concerns raised by commenters on the proposal. Amendment No. 2 is available at *https://www.sec.gov/comments/sr-nasdaq-2017-074/nasdaq2017074.htm.*

[9] 15 U.S.C. 78s(b)(2)(B).

[10] *See* Securities Exchange Act Release No. 82013, 82 FR 52075 (November 9, 2017) (''Order Instituting Proceedings'').

[11] *See* Letter to Brent J. Fields, Secretary, Commission, from Edward K. Shin, dated December 8, 2017.

[12] 15 U.S.C. 78s(b)(2).

[13] *See supra* note 3.

[14] 15 U.S.C. 78s(b)(2).

[15] 17 CFR 200.30–3(a)(57).

DEPARTMENT OF STATE

[Public Notice: 10309]

Overseas Security Advisory Council (OSAC) Meeting Notice; Closed Meeting

The Department of State announces a meeting of the U.S. State Department Overseas Security Advisory Council on February 28, 2018. Pursuant to Section 10(d) of the Federal Advisory Committee Act (5 U.S.C. Appendix), 5 U.S.C. 552b(c)(4), and 5 U.S.C. 552b(c)(7)(E), it has been determined that the meeting will be closed to the public. The meeting will focus on an examination of corporate security policies and procedures and will involve extensive discussion of trade secrets and proprietary commercial information that is privileged and confidential, and will discuss law enforcement investigative techniques and procedures. The agenda will include updated committee reports, a global threat overview, and other matters relating to private sector security policies and protective programs and the protection of U.S. business information overseas.

For more information, contact Marsha Thurman, Overseas Security Advisory Council, U.S. Department of State, Washington, DC 20522–2008, phone: 571–345–2214.

Thomas G. Scanlon,

Executive Director, Overseas Security Advisory Council, Department of State.

[FR Doc. 2018–02562 Filed 2–8–18; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Aviation Rulemaking Advisory Committee (ARAC) meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of the ARAC.

DATES: The meeting will be held on March 15, 2018, starting at 1:00 p.m. Eastern Standard Time. Arrange oral presentations by February 28, 2018.

ADDRESSES: The meeting will take place at the Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Lakisha Pearson, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, telephone (202) 267–4191; fax (202) 267–5075; email *9-awa-arac@faa.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), we are giving notice of a meeting of the ARAC taking place on March 15, 2018, at the Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

The Draft Agenda includes:

1. Status Report from the FAA
2. Status Updates:
   a. Active Working Groups
   b. Transport Airplane and Engine (TAE) Subcommittee
3. Recommendation Reports
4. Any Other Business

The Agenda will be published on the FAA Meeting web page *(https://www.faa.gov/regulationspolicies/rulemaking/npm/)* once it is finalized.

Attendance is open to the interested public but limited to the space

available. Please confirm your attendance with the person listed in the **FOR FURTHER INFORMATION CONTACT** section no later than February 28, 2018. Please provide the following information: Full legal name, country of citizenship, and name of your industry association, or applicable affiliation. If you are attending as a public citizen, please indicate so.

For persons participating by telephone, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by email or phone for the teleconference call-in number and passcode. Callers are responsible for paying long distance charges.

The public must arrange by February 28, 2018, to present oral statements at the meeting. The public may present written statements to the Aviation Rulemaking Advisory Committee by providing 25 copies to the Designated Federal Officer, or by bringing the copies to the meeting.

If you are in need of assistance or require a reasonable accommodation for this meeting, please contact the person listed under the heading **FOR FURTHER INFORMATION CONTACT**. Sign and oral interpretation, as well as a listening device, can be made available if requested 10 calendar days before the meeting.

Lirio Liu,

Designated Federal Officer, Aviation Rulemaking Advisory Committee.

[FR Doc. 2018–02596 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Rescinding the Notice of Intent for an Environmental Impact Statement (EIS): Manassas National Battlefield Park Bypass, Loudon, Fairfax, Fauquier and Prince William Counties, VA

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescind notice of intent to prepare an EIS.

SUMMARY: The FHWA is issuing this notice to advise the public that the Notice of Intent (NOI) for the preparation of an EIS to identify and study alternative means of transportation for traffic currently using the two main public roadways (VA Routes 29 and 234) running through the Manassas National Battlefield Park is being rescinded. The NOI was published in the **Federal Register** on November 1, 2001. A draft EIS was released in January 2005. This rescission is based on a lack of available funding for the proposed new road alignments proposed by this project as well as lack of funding and planning approval for the Bi-County Parkway.

FOR FURTHER INFORMATION CONTACT: Kurt Dowden, Chief of Business Operations, Eastern Federal Lands Highway Division, FHWA, 21400 Ridgetop Circle, Sterling, VA 20166, Telephone (571) 434–1598.

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the Virginia Department of Transportation, the National Park Service and impacted counties initiated preparation of a study to identify and study alternative means of transportation for vehicular traffic currently using the two main public roadways (VA Routes 29 and 234) running through the Manassas National Battlefield Park. The preferred alternative would utilize the proposed Bi-County Parkway alignment (as independently proposed by VDOT) with a new roadway located outside but adjacent to the park's east and north boundary as a full corridor (for Routes 29 and 234) Battlefield Bypass.

The NOI for the previously notified EIS is being rescinded due to funding constraints for the proposed new road alignments proposed by the Draft EIS. A lack of funding and withdrawal of local planning approval for the Bi-County Parkway make it impossible to create a complete Battlefield Bypass without this essential roadway segment.

Authority: 23 U.S.C. 315; 49 CFR 1.48 rescind.

Issued on: January 31, 2018.

Kurt Dowden,

Chief of Business Operations, Eastern Federal Lands Highway Division, FHWA.

[FR Doc. 2018–02602 Filed 2–8–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Rescinding the Notice of Intent for an Environmental Impact Statement (EIS): 14th Street Bridge Corridor, Arlington County, Virginia and Washington, DC

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Rescind Notice of Intent to prepare an EIS.

SUMMARY: The FHWA is issuing this notice to advise the public that the Notice of Intent (NOI) for the preparation of an Environmental Impact Statement to study ways to reduce congestion, enhance safety, and improve traffic operation in the 14th Street Bridge Corridor (Interstate 395) is being rescinded. The NOI was published in the **Federal Register** on July 18, 2006. A draft EIS was released in January 2012. This rescission is based on a lack of available funding for the full corridor proposals and has led to identification of numerous individual projects of independent utility.

FOR FURTHER INFORMATION CONTACT: Kurt Dowden, Chief of Business Operations, Eastern Federal Lands Highway Division, FHWA, 21400 Ridgetop Circle, Sterling, VA 20166, Telephone (571) 434–1598

SUPPLEMENTARY INFORMATION: The FHWA in cooperation with the District of Columbia Department of Transportation (DDOT), Virginia Department of Transportation (VDOT), Arlington County, U.S. Department of Defense and National Park Service initiated preparation of an EIS to study actions/alternatives to reduce congestion, enhance safety, and improve traffic operations in the 14th Street Bridge Corridor of Interstate 395. The study limits were generally between South Capitol Street in DC and Arlington Ridge Road in Arlington County, VA. The NOI was noticed in the **Federal Register** on July 18, 2006.

The NOI for this EIS is being rescinded due to funding restraints that have led to a reduced set of separate projects with independent utility. Several of the proposed separate projects would today likely qualify as Categorical Exclusions. Anticipated funding for several of the proposed actions/alternatives could be provided by DDOT and VDOT but they have yet to do so. Comments or questions concerning the rescission of this NOI and the EIS should be directed to the FHWA at the address provided above.

Authority: [23 U.S.C. 315; 49 CFR 1.48 rescind].

Issued on: January 31, 2018.

Kurt Dowden,

Chief of Business Operations, Eastern Federal Lands Highway Division, FHWA.

[FR Doc. 2018–02605 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: I–80/I–215 Parley's Interchange, Salt Lake County, Utah

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: FHWA, on behalf of the Utah Department of Transportation (UDOT), is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared for proposed transportation improvements to the I–80/I–215 Parleys Interchange in Salt Lake County, Utah.

FOR FURTHER INFORMATION CONTACT: Naomi Kisen, Environmental Program Manager, Environmental Services Division, UDOT 4501 South 2700 West, P.O. Box 141265, Salt Lake City, Utah 84114–1265 Telephone: (801) 965–4603, email: *nkisen@utah.gov.* Rebecka Stromness, Parley's Interchange Project Manager, UDOT Region 2, 2010 South 2760 West, Salt Lake City, UT 84104–4592; Telephone: (801) 887–3470, Email: *rstromness@utah.gov.*

SUPPLEMENTARY INFORMATION: The environmental review, consultation, and other actions required by applicable federal environmental laws for this project are being or have been carried out by UDOT pursuant to 23 U.S.C. 327 and a Memorandum of Understanding dated January 17, 2017, and executed by FHWA and UDOT. UDOT, as the assigned National Environmental Policy Act (NEPA) agency, will prepare an EIS for a proposal to address safety and current and projected traffic demand on the I–80/I–215 Parley's interchange in Salt Lake County, Utah. The proposed project study area extends on I–80 from 1300 East to the Mt. Aire Canyon Road interchange, on I–215 from the I–80/-215 interchange to 3900 South, on Foothill Drive from the I–80/-215 interchange to Stringham Avenue, and on Parley's Way from the I–80/I–215 interchange to Wilshire Drive. Safety and transportation improvements are needed to address current identified design deficiencies and current and projected 2050 travel demand at the interchange. To address these needs, UDOT is proposing to upgrade the interchange, including potentially adding capacity to the interchange and the surrounding road network to make the interchange operate efficiently. If implemented as proposed, the project will require FHWA to approve an Interchange Access Change Request from UDOT for modifications to the interchange.

UDOT will consider a range of alternatives based on the purpose of and need for the project and taking into account agency and public input. The currently contemplated alternatives include: (1) Taking no action (no-build); (2) the proposed action, *i.e.,* upgrading the interchange, including potentially adding capacity to the interchange and the surrounding road network to make the interchange operate efficiently; (3) using alternate travel modes; (4) using transportation demand management to improve the efficiency of the existing road network; (5) combinations of any of the above; and (6) other reasonable alternatives if identified during the scoping process. Alternatives that do not meet the project purpose and need or that are otherwise not reasonable will not be carried forward for detailed consideration.

A Coordination Plan is being prepared to define the agency and public participation procedure for the environmental review process. The plan will outline (1) how agencies and the public will provide input during the scoping process; (2) the development of the purpose and need; and (3) alternatives development.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, state, and local agencies as well as to Native American tribes and to private organizations and citizens who have previously expressed, or who are known to have, an interest in this proposal. A public scoping meeting will be held in the study area from 4:00 p.m. to 7:00 p.m. on March 6, 2018 at Highland High School, 2166 S 1700 E, Salt Lake City, Utah. Public notices announcing the meeting will be published in the region. Information regarding this meeting and the project may also be obtained through a public website maintained by UDOT at *www.udot.utah.gov/parleysEIS.*

During the NEPA process, other public meetings will be held as appropriate to allow the public, as well as Federal, state, and local agencies, and tribes, to provide comments on the purpose of and need for the project, potential alternatives, and social, economic, and environmental issues of concern.

In addition, a public hearing will be held following the release of the Draft EIS. Public notice advertisements and direct mailings will notify interested parties of the time and place of the public meetings and the public hearing. The Draft EIS will be available for public and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action is addressed and all significant issues are identified, comments and suggestions are invited from all interested parties. Written comments or questions concerning this proposed action and the EIS should be directed to UDOT representatives at the mail or email addresses provided above by March 30, 2018. For additional information please visit the project website at *www.udot.utah.gov/parleysEIS.* Information requests or comments can also be provided by email to *parleysEIS@utah.gov.* (Catalog of Federal and Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Dated: January 31, 2018.

Ivan Marrero,

Division Administrator, Federal Highway Administration, Salt Lake City, Utah.

[FR Doc. 2018–02609 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions of Proposed Highway/Interchange Improvement in California; Statute of Limitations on Claims

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of Limitation on Claims for Judicial Review of Actions by the California Department of Transportation (Caltrans), pursuant to 23 U.S.C. 327.

SUMMARY: The FHWA, on behalf of Caltrans, is issuing this notice to announce actions taken by Caltrans, that are final. The actions relate to the proposed highway project, Niles Canyon Safety Improvements Project on State Route 84 (SR–84) between the City of Fremont and the town of Sunol in southern Alameda County, State of California. Those actions grant licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA, on behalf of Caltrans, is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal Agency Actions on the highway project will be barred unless the claim is filed on or before July 9, 2018. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For Caltrans: Brian Gassner, Environmental Branch Chief, Office of Environmental Analysis, California Department of Transportation—District 4, 111 Grand Avenue, Oakland, California, 8 a.m. to 5 p.m., (510) 286–6025, *brian.gassner@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Effective July 1, 2007, the Federal Highway

Administration (FHWA) assigned, and the California Department of Transportation (Caltrans) assumed, environmental responsibilities for this project pursuant to 23 U.S.C. 327. Notice is hereby given that Caltrans, has taken final agency actions subject to 23 U.S.C. 139(l)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California. Caltrans proposes to construct multiple safety improvements at specific site locations along the State Route 84 (SR–84) corridor between SR 238 (Mission Boulevard) and the SR–84/Interstate 680 Separation. Improvements of the project include, but are not limited to, fixed object removal and relocation, the installation of a rock drapery system and a rockfall fence, limited shoulder widening, widening and barrier replacement on Alameda Creek Bridge and Overhead (Bridge 33–0039), and the signalization of the Pleasanton-Sunol Road/SR–84 intersection. The purpose of this project is to improve safety at spot locations and address structural and operational deficiencies on SR–84. The actions by the Federal agencies, and the laws under which such actions were taken, are described in the Final Environmental Impact Report (EIR)/Environmental Assessment (EA) with Finding of No Significant Impact (FONSI) for the project, approved on January 18, 2018, and in the Caltrans Finding of No Significant Impact (FONSI) issued on January 18, 2018, and in other documents in the Caltrans project records. The Final EIR/EA with FONSI, FONSI, and other project records are available by contacting Caltrans at the address provided above. The Caltrans Final EIR/EA and FONSI can be viewed and downloaded from the project website at *http://www.dot.ca.gov/d4/envdocs.htm.* This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

(1) Council on Environmental Quality regulations;

(2) National Environmental Policy Act (NEPA);

(3) Moving Ahead for Progress in the 21st Century Act (MAP–21);

(4) Department of Transportation Act of 1966;

(5) Federal Aid Highway Act of 1970;

(6) Clean Air Act Amendments of 1990;

(7) Noise Control Act of 1970;

(8) 23 CFR part 772 FHWA Noise Standards, Policies and Procedures;

(9) Department of Transportation Act of 1966, Section 4(f);

(10) Clean Water Act of 1977 and 1987;

(11) Endangered Species Act of 1973;

(12) Migratory Bird Treaty Act;

(13) National Historic Preservation Act of 1966, as amended;

(14) Historic Sites Act of 1935;

(15) Executive Order 13112, Invasive Species;

(16) Executive Order 11990—Protection of Wetlands; and

(17) Title VI of the Civil Rights Act of 1964, as amended.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal Programs and activities apply to this program.)

Authority: 23 U.S.C. 139(l)(1).

Tashia J. Clemons,

Director of Program Development, Federal Highway Administration, Sacramento, CA.

[FR Doc. 2018–02610 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2018–0006; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming Model Year 2017 UKANG FT–200 Trailers Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by NHTSA of a petition for a decision that model year (MY) 2017 UKANG FT–200 trailers that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATE: The closing date for comments on the petition is February 9, 2018.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

How to Read Comments submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the internet at *http://www.regulations.gov.* Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(B), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA

has decided that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Autostadt West of West Sacramento, California (Registered Importer R–06–346) has petitioned NHTSA to decide whether nonconforming MY 2017 UKANG FT–200 trailers are eligible for importation into the United States, and included, as part of that petition, information intended to demonstrate that non-U.S. certified MY 2017 UKANG FT–200 trailers are capable of being altered to comply with all applicable FMVSS.

Specifically, the petitioner claims that the subject non-U.S. certified trailers are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 108, *Lamps, Reflective Devices and Associated Equipment:* Replacement of noncompliant tail, stop, and rear turn signal lamps with lamps that meet the standard, and installation of compliant amber and red side marker lamps.

Standard No. 110, *Tire Selection and Rims:* Inspection of tires and rims for certification markings, replacement of any noncompliant tires and rims with parts that meet the standard and installation of the required tire information placard.

The petitioner also notes that the vehicle must be fitted with a certification label in order to meet the requirements of 49 CFR 567, *Certification.*

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2018–02674 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0102; Notice 1]

Notice of Receipt of Petition for Decision That Nonconforming Model Year 2006 Penman Lightweight GS Cargo Trailers Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: This document announces receipt by NHTSA of a petition for a decision that model year (MY) 2006 Penman Lightweight GS cargo trailers that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is March 12, 2018.

ADDRESSES: Comments should refer to the docket and notice numbers above and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

How to Read Comments Submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the internet at *http://www.regulations.gov.* Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: George Stevens, Office of Vehicle Safety Compliance, NHTSA (202–366–5308).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(B), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition.

At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

Autostadt West of West Sacramento, California (Registered Importer R–06–346) has petitioned NHTSA to decide whether nonconforming MY 2006 Penman Lightweight GS cargo trailers are eligible for importation into the United States, and included, as part of their petition, information intended to demonstrate that non-U.S. certified MY 2006 Penman Lightweight GS cargo trailers conform to some FMVSS and are capable of being altered to comply with all other standards to which they were not originally manufactured to conform.

Specifically, the petitioner claims that MY 2006 Penman Lightweight GS cargo trailers, as originally manufactured, conform to Standard No. 106, *Brake Hoses.*

The petitioner also contends that the subject non-U.S. certified trailers are capable of being readily altered to meet the following standards, in the manner indicated:

Standard No. 108, *Lamps, Reflective Devices and Associated Equipment:* Replacement of noncompliant tail, stop, and rear turn signal lamps, as well as front and rear side reflectors, with lamps and reflectors that meet the standard.

Standard No. 110, *Tire Selection and Rims:* Inspection of tires and rims for certification markings, replacement of any noncompliant tires and rims with parts that meet the standard and installation of the required tire information placard.

Standard No. 116, *Brake Fluids:* Replacement of brake fluid with compliant brake fluid.

The petitioner also notes that the vehicle must be fitted with a certification label in order to meet the requirements of 49 CFR 567, *Certification.*

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A), (a)(1)(B), and (b)(1); 49 CFR 593.7; delegation of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2018–02673 Filed 2–8–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Comment Request; Renewal Without Change of Bank Secrecy Act Currency Transaction Reporting Requirements Regulations

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN, a bureau of the U.S. Department of the Treasury (''Treasury''), invites all interested parties to comment on its proposed renewal without change of the Bank Secrecy Act (''BSA'') regulations requiring Currency Transaction Reporting (''CTR'') for certain financial institutions, *i.e.,* depository institutions, money services businesses, brokers or dealers in securities, mutual funds, futures commission merchants, and introducing brokers in commodities. FinCEN intends to submit this requirement for approval by the Office of Management and Budget (''OMB'') for a three-year extension of Control Number 1506–0004. This request for comments is made pursuant to the Paperwork Reduction Act (''PRA'') of 1995.

DATES: Written comments should be received on or before April 10, 2018 to be assured of consideration.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2017–0012 and the OMB control number affected.
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2017–0012 and the OMB control number affected.

Please submit comments by one method only. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825 or electronically at *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION: The BSA, Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829(b), 12 U.S.C.1951–1959, and 31 U.S.C. 5311–5332, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary of the Treasury to administer the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assist Federal, state, and local law enforcement, as well as regulatory authorities, in the identification, investigation, and prosecution of money laundering and other matters. In accordance with the requirements of the PRA, 44 U.S.C. 3506(c)(2)(A), and its implementing regulations, the following information is presented concerning the recordkeeping requirements listed below.

Title: Currency Transaction Reports.

OMB Number: 1506–0004.

Abstract: In accordance with 31 CFR 1010.310, 1020.310, 1022.310, 1023.310, 1024.310, 1026.310, covered financial institutions are required to report certain transactions in currency and maintain the records for a period of five years. Covered financial institutions may satisfy these requirements by using their internal records management system.

Current Action: Renewal without change to the existing regulations.

Type of Review: Extension of currently approved regulatory requirement.

Affected Public: Businesses or other for-profit institutions, and non-profit institutions.

Burden: The administrative burden of 1 hour is assigned to maintain the requirement in force. The burden for actual reporting is reflected in OMB Control number 1506–0064.

[1] Language expanding the scope of the BSA to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56.

The following paragraph applies to the reporting and recordkeeping requirements addressed in this notice. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years. Generally, information collected pursuant to the BSA is confidential, but may be shared, as provided by law, with regulatory and law enforcement authorities.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: February 5, 2018.

Jamal El-Hindi,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2018–02584 Filed 2–8–18; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Financial Crimes Enforcement Network

Agency Information Collection Activities; Comment Request; Renewal Without Change of Bank Secrecy Act Regulations Requiring Depository Institutions and Insurance Companies To Report Suspicious Activity

AGENCY: Financial Crimes Enforcement Network (''FinCEN''), U.S. Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: FinCEN, a bureau of the U.S. Department of the Treasury (''Treasury''), invites all interested parties to comment on its proposed renewal without change of the Bank Secrecy Act (''BSA'') Suspicious Activity Reporting regulations for certain financial institutions, *i.e.,* depository institutions and insurance companies. FinCEN intends to submit these requirements for approval by the Office of Management and Budget (''OMB'') of a three-year extension of Control Numbers 1506–0001, and 1506–0029. This request for comments is made pursuant to the Paperwork Reduction Act (''PRA'') of 1995.

DATES: Written comments should be received on or before April 10, 2018 to be assured of consideration.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal E-rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments. Refer to Docket Number FINCEN–2017–0011 and the specific OMB control number affected.
- *Mail:* Policy Division, Financial Crimes Enforcement Network, P.O. Box 39, Vienna, VA 22183. Refer to Docket Number FINCEN–2017–0011 and the specific OMB control number affected.

Please submit comments by one method only. All comments submitted in response to this notice will become a matter of public record. Therefore, you should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: The FinCEN Resource Center at 800–767–2825 or electronically at *frc@fincen.gov.*

SUPPLEMENTARY INFORMATION: The BSA, Titles I and II of Public Law 91–508, as amended, codified at 12 U.S.C. 1829(b), 12 U.S.C.1951–1959, and 31 U.S.C. 5311–5332, authorizes the Secretary of the Treasury, among other things, to require financial institutions to keep records and file reports that are determined to have a high degree of usefulness in criminal, tax, and regulatory matters, or in the conduct of intelligence or counter-intelligence activities to protect against international terrorism, and to implement counter-money laundering programs and compliance procedures.[1] Regulations implementing Title II of the BSA appear at 31 CFR Chapter X. The authority of the Secretary of the Treasury to administer the BSA has been delegated to the Director of FinCEN. The information collected and retained under the regulation addressed in this notice assist Federal, state, and local law enforcement, as well as regulatory authorities, in the identification, investigation, and prosecution of money laundering and other matters. In accordance with the requirements of the PRA, 44 U.S.C. 3506(c)(2)(A), and its implementing regulations, the following information is presented concerning the recordkeeping requirements listed below.

1. Title: Suspicious Activity Report by Depository Institutions.

OMB Number: 1506–0001.

Abstract: In accordance with 31 CFR 1020.320, covered financial institutions are required to report suspicious activity and maintain the records for a period of five years. Covered financial institutions may satisfy these requirements by using their internal records management system.

Current Action: Renewal without change to the existing regulations.

Type of Review: Extension of currently approved reporting requirement.

Affected Public: Businesses or other for-profit institutions, and non-profit institutions.

Burden: The administrative burden of 1 hour is assigned to maintain the requirement in force. The burden for actual reporting is reflected in OMB Control number 1506–0065.

2. Title: Suspicious Activity Report by Insurance Companies.

OMB Number: 1506–0029.

Abstract: In accordance with 31 CFR 1025.320, covered financial institutions are required to report suspicious activity and maintain the records for a period of five years. Covered financial institutions may satisfy these requirements by using their internal records management system.

Current Action: Renewal without change to the existing regulations.

Type of Review: Extension of currently approved reporting requirement.

Affected Public: Businesses or other for-profit institutions, and non-profit institutions.

Burden: The administrative burden of 1 hour is assigned to maintain the requirement in force. The burden for actual reporting is reflected in OMB Control number 1506–0065.

The following paragraph applies to the reporting and recordkeeping requirements addressed in this notice. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Records required to be retained under the BSA must be retained for five years.

[1] Language expanding the scope of the Bank Secrecy Act to intelligence or counter-intelligence activities to protect against international terrorism was added by Section 358 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, Public Law 107–56.

Generally, information collected pursuant to the BSA is confidential, but may be shared, as provided, by law with regulatory and law enforcement authorities.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: February 5, 2018.

Jamal El-Hindi,

Deputy Director, Financial Crimes Enforcement Network.

[FR Doc. 2018–02583 Filed 2–8–18; 8:45 am]

BILLING CODE 4810–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Quarterly Publication of Individuals, Who Have Chosen To Expatriate, as Required by Section 6039G

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This notice is provided in accordance with IRC section 6039G of the Health Insurance Portability and Accountability Act (HIPPA) of 1996, as amended. This listing contains the name of each individual losing United States citizenship (within the meaning of section 877(a) or 877A) with respect to whom the Secretary received information during the quarter ending December 31, 2017. For purposes of this listing, long-term residents, as defined in section 877(e)(2), are treated as if they were citizens of the United States who lost citizenship.

Last name	First name	Middle name/initials
AAROE	ALEXANDER	TROXLER
AARON	BERNARD	SAMUEL
ABBOTT	KATHERINE	ELISE
ABE	DAISUKE	
ABEND	LINDA	ESCHENBACH
ABORD DE CHATILLON	HENRI	
ABOUSLEIMAN	RANDA	
ABUGHAZALEH	HANI	MAHER
ADAMS	PAUL	EDWARD
ADAMS	TAMARACK	LYNN
ADAMS-GN	DOROTHY	WAN PIO
ADLER	KRISTEN	ELIZABETH
AEBI	CHRISTIAN	LUC
ALBERT	MICHELLE	
AL-DOSSARY	RAIED	IBRAHIM
ALLEN	ALEXANDRA	SANDY
ALLEN	KATY	ELIZABETH
ALLEN	THOMAS	MARK
AL-THANI	ABDULAZIZ	SAOUD
ALTMANN	ARYEH	SALOMON
ANDERS	LAURA	ELIZABETH
ANDERSON	ABBE	LANE
ANDERSON	CHRISTINE	DIANE
ANG	JOHN	WEI-EN
ANGLIN	GAIL	PANTLEY
ANSEL	CLIFFORD	
ANSEL	REBECCA	LIBA
ANZAI	AMANDA	KIM
ANZAI	HIROYUKI	
ANZAI	RYAN	HIRO
ANZAI	TAIGA	KIM
ARCEMENT	GREGORY	WORTHY
AREITIO	ALEXANDRA	LUISA
ARGYROS	SANDRA	
ARONSON	BARR	SHMUEL
ARORA	RUPINDER	KAUR
ARRABI	IMAD	AHMAD
ARRABI	LEILA	MOHAMED
ARSENAULT	ADELE	HELENE
ARTEAGA	CHRISTOPHER	JON
AYLEN	CARL	ARTHUR WILLIAM
AYLEN	MARITA	FRANCES
BACKHOUSE	HAZEL	MARY
BAKER	CONSTANCE	JOHANNA
BARAKAT	YUSRA	WALEED
BARIBEAU	JUDITH	EDNA
BARRIGA	PABLO	

Last name	First name	Middle name/initials
BATTJES	BENJAMIN	PAUL
BATTJES	PAUL	JURREN
BATUYOG JR	JAIME	PONTINO
BAUER	HERBERT	J.
BEALE	CHRISTOPHER	ROBERT
BEAUBIEN	ELIOT	RENE
BEAULNE-BELISLE	KATERI	
BEDORET	ALEXANDRA	MARIE
BELANGER	JEROME	
BEN-HAMO	TAL	TROST
BENSON	RANDALL	PAUL
BEST	ANGELA	SHIRLEY
BIERE	BORIS	ALEXANDER
BISHOP	MICHAEL	JOHN
BISKUP	MONA	REIS
BOCKNER	RUTH	ELLEN
BOOTH	JASON	ERIC
BOTHELLO	EUGENE	PAUL
BOUCHARD	EVELYNE	ANNE S.
BOUCHARD	SARAH	ANN
BROENNIMANN	LARA	NOELLE
BROENNIMANN	NICOLAS	CHRISTOPH
BROOKS	FLORA	MARY ALICE MCEWEN
BRUCE	CAROL	ANNE
BRYNER-MORENO	LINDA	ELIZABETH
BUITENHUIS	PAUL	JASON
BURKE	DENNIS	JEFFREY
BURTON	PATRICIA	ANN
BUSH	JONATHON	WILLARD
BUTCHER	AMY	CHRISTINE
BUTLER	KIMBERLY	ANNE
BUTORIN	DMITRY	
CABANA	MARIANNE	JACINTHE
CAPARROS	NANCY	VOGELER
CAPT	CLAUDIA	MARY
CARPENTER	ADAM	JOHN
CARTER	ADAM	MILROY
CARTER	CHRISTINE	PAULA
CASSIMAN	ANN	AGNES
CERIMELE-WELCH	CRAIG	
CHALMERS	WILLIAM	ALEXANDER
CHAN	JONATHON	BERTRAM CHIU YEE
CHAN	PETER	WAI MAN
CHANG	VICKIE	H.
CHAYA	ELIE	F.
CHEN	FRANCIS	
CHEW	YU	JIE
CHIN	HEI	LAM
CHIP	GERALD	AH-KOY KWONG
CHISHOLM	PATRICIA	MAE
CHOGUILL	CHARLES	LEWIS
CHOI	GEUMIL	
CHOY	ALMA	TUEN WING
CHU	KIN	SHING
CLARK	GISELLE	PLOUFFE
CLAUS	MICHELLE	CELIA
COFINO	WILLEM	PETER
COHEN	BRUCE	EDWARD
COLLIN	MITCHELL	BENJAMIN
COLLIN	TY	JACOB
COLLYNS	PATRICIA	M.
COLTER	LAWRENCE	JOHN
CONNOR	GRANT	MATTHEW
CONNOR	GREGORY	SCOTT
CONRATH	JOHN	G.
COOLS	VERONICA	CATHERINE
COPP	CHRISTOPHER	ALAN
CORMAN	SARAH	WILSON
CORSINI	MELISSA	ANN HELEN
CORSON	DONALD	WILLIAM
CORTES	JORGE	EZEQUIEL ORDONEZ
CORTEZ	MARIA	IZABEL
CORVILAIN	CATHERINE	
CORY JR	EDDY	WAYNE

Last name	First name	Middle name/initials
COSTAIN	JANICE	CAROL
COTE	ROGER	RICHARD
CURRAT	NATHALIE	JENNIFER
CURTIN	MARGARET	MARY
DAINOW	NEEMA	LAKIN
DALEY	JUDITH	ELLEN
DANELIAN	MELANIE	
DANKS	KATHERINE	TENNEY
DARWICHE	JACQUELINE	SCHMID
DAVALOS	JANETTE	RAMONA CLEMENS
D'AVAUCOURT	CHRISTIAN	JOHN DE VITRY
DAVIS	KIM	ELAINE
DAVIS	LYNNE	FELICY
DAVISON	JOYCE	ANN
DE BANDT	FELIX	
DE MONTULE	THOMAS	GUY DU BOIS
DE VILLAFRANCA	GEORGIA	LEIGH
DEABLER	GREGORY	HALL
DEARING	AIMEE	CATHRYN
DENNILL	VICKI	LEE
DESLARZES	KENNETH	JEAN-PASCAL JOSEPH
DESY	MARGUERITELYNDSEY	MARIE
DIAMOND	ABRAHAM	JOSEPH
DING	JASMINE	YONG KIM
DISKIN	ALLON	EHUD
DITTON	THOMAS	CHARLES
DOFFING	BRANDON	CONRAD
DOLDER	MATTHYS	VALENTIN
DOMANIG	GINA	ALINE
DONALDSON	GREGORY	PETER DANIEL
DORFMAN	HARLAN	RUSSELL
DUBY	CHRISTIAN	GERARD
DUNCAN	ASHLEY	ELLEN
EBERLE	WENDY	JOAN
ECHEVARRIA	GORKA	
EDELSON	MIRIAM	KARIN
EKSTROM	MARTIN	
ELDRIDGE	MARK	DAVID
ELLIOTT	JOHN	FRANK
ELLIS	KIRI	JEANETTE
ELSER	MARINA	ELIZABETH
ENGEL	SHELLEY	
EPPS	MATTHEW	CARL
ESBENSEN	CATHARINA	HAKANSSON
ESCALEIRA	NICOLE	LYNN
ETHIER	PEGGY	MARILYN NEWELL
EVANS	MYRA	
EYMAN	ELLEN	LOOS
EYSSAUTIER	JESSICA	ALICE
FAESSLER-NELSON	ERIKA	THERESE
FAGNOUL	FRANCOIS	JEAN
FALBY	OHNA	ELIZABETH
FAN	HENRY	SHING LEUNG
FAN	KELVIN	SHIH LEI
FARRIS	BYRON	ABRAHAM
FINN	HELEN	CECILIA
FISCHER	ULRICH	DANIEL
FLANAGAN	JOHN	WALTER
FLEMING	CAROL	CHRISTINE
FLEMING	GEORGE	ALAN
FORBES-JAEGER	CHRISTOPHER	BRENDAN
FORRESTER	DEAN	
FORSYTH	FOREST	ALLEN
FORTE	TANIA	
FOWLER-ROBERTS	SARAH	MEAGAN
FOX	DAVID	BERNARD
FOX	JANUS	MARY
FRANCIS	BARBARA	MARY
FREEDMAN	BRUCE	ROBERT
FREIGANG	DOLORES	DIANE
FRENCH	MATTHEW	REILLY GRAHAM
FREY	CHRISTIAN	
FRIETS	NEAL	RYAN RUI YANG
FRUTKIN	MARK	JAMIE

Last name	First name	Middle name/initials
GALLOWAY	DUNCAN	JAMES
GAUTHIER	RACHEL	ANNE
GAYLE	YASMIN	VICTORIA
GELIN	ADAM	
GERBER	KERRY	DUANNE
GERBOLINI	ALESSANDRA	
GERICKE	DANIEL	
GERKENS	NORMA	LOUISE
GFELLER	DAVID	HERMANN
GIEN	AILEEN	TRAN
GILL	JASVIR	SINGH
GLASER	TRUDY	LEE
GOLDSTEIN	MARISSA	HEATHER
GOOD	JEFFREY	TAMARIN
GORDON	NETA	
GRAHAM	BRUCE	HUXTABLE
GRAHAM	HEATHER	ELLEN
GRAY	MARY	MARSHALL
GREE	SARA	DESCALZO
GREEN	ARLO	JAMES PAOLI
GREEN	JEMMA	PAOLI
GREISMAN	JESSICA	LORI
GROTH	ARCHIE	KENNETH
GU	NAN	JENNIFER
GUALTIERI	JUDY	ANN GARDNER
GUDMUNDSSON	FREYR	
GUGLIELMI	STEFANO	BRUNO
GUSBERTI	JOSEPHINE	
GWINN	OWEN	ELLAR
HAAS	ANDRE	
HAEFELI	CHRISTOPH	
HAGA	KENT	WERNER
HAIDEN	ANTHONY	
HALL	ANDREW	CHARLES
HAMILTON	KAREN	LOUISE
HAN	CHONG	AE
HANDELMAN	ROBERT	JASON
HANNA	MARTHA	LOU
HAO	JULIE	CHRISTINA
HARPAZ	IDDO	
HARSOJO	MELINA	
HATCH	STUART	ALBERT
HAWKES	PETER	NORMAN
HAWKINS	TRISHA	LEE-ANN
HAYES	ANNE	ELIZABETH
HAYES	MARY	SIOBHAN
HELLEUR	CHRISTOPHER	DONALD
HENRY	WALTER	BRUCE
HENSEN	JASON	KLEIS
HERRING	NANCY	JOAN
HERRMANN	MARCUS	MACKIE
HILTON	JONATHON	EDWARD
HINTZE	DENNA	LYNN
HOETH	CHRISTOPHER	RALPH
HOFER	DEBORAH	JEAN
HOFFMAN	MARCIA	ELAINE
HOLLENSTEIN	BENEDIKT	MAURUS
HORAN	PHILIP	LAURENCE
HORTON	DOROTHY	VIVA
HOSANG	JARRED	MICHAEL
HOWLING	EILEEN	ELIZABETH
HUANG	ANDREW	CHIH-CHUN
HULSMAN	KRISTEN	LYNN
HUMPHREYS	TIMOTHY	RYAN
HUNNINGHAUS	SONJA	
HUNSICKER	SCOTT	ALLEN
HUNT	SUSAN	SCOTT
HWANG	BO	EEN
HYUN	JANET	M.
IRVINE	SCOTT	DAVID
IRWIN	CHERYL	MARIE
JACOB	ROCHUS	
JAGOE	ARMIGER	LOUIS
JBAREH	HASAN	

Last name	First name	Middle name/initials
JENSEN	ERIC	ANDRE
JEONG	EUN	JO
JONAS	CAROLINE	SUSAN
JONES	ADAM	LLOYD
JONES	IAN	LLOYD
JONES	MICHAEL	HOLCOMBE
JOPE	JAMES	HENRY
JOY	JAIDA	MARIE
KABANI	KHALEEDA	YASMYNE
KAINER	JAN	MELANIE
KALLEVIG	THOMAS	
KALLMAN	TIMOTHY	GABRIEL
KAM	PRESTON	
KANEVSKY	GINA	FAY
KEALEY	MATTHEW	JARVIS
KEATING	THOMAS	FREDERICK
KHALIL	ISMAIL	
KHALIL	MIRNA	ABDALLAH ALI-AHMAD
KHALILI	KAYVON	ALAN
KHOURY	ISSAM	RAFIC
KIM	DAVID	
KIM	HYEON	
KINDSCHI	JAN	
KIRCZENOW	FRANCES	HUBERTINE
KLEINER	NATHANIEL	
KLINGELHOFFER	JOSEPH	ANTHONY
KLINGELHOFFER-JANOS	KAREN	MARY
KNIGHT	MICHELLE	ANDREA
KO	JACQUELINE	
KO	SHU-CHIN	
KOCMAN	JAN	ANTHONY
KOGELSCHATZ	DIRK	ULRICH
KOHLER	SANDRA	KOREEN
KONG	CHIA-WI	
KOSTIOUCHINA	OLGA	
KOSTYK	SARAH	ROSEANNA
KOWALENKO	DARLA	CONNIE
KRAMER	MICHAEL	DENNIS
KREDITOR	AYALA	TOBY
KRESTELL	MARCIA	CAROL
KUBBENGA	OTTO	W.
KUBEL	ANITA	CHRISTINE
KUGLE	LEROY	RUSSELL
KUPFERSCHMID-MOY	LAUREN	
KURKE	ALEXANDER	DAVID
LABRECHE	OLIVIER	VINCENT
LADOUCEUR	THERESA	JANET
LAFORME	SANDRA	JEAN
LAM	CHRISTOPHER	IAN
LAMB	SUSANNA	EYRE
LAMERS	MARIAN	
LANDRY	MAURICE	
LANDRY	NANCY	ANN
LARON	AVIDAN	DAVID
LAU	KWAN	HO GARETH
LAVENDER	ANNE	VICTORIA
LAWSON-BROWN	JANE	ELIZABETH
LEBLER	BRIAN	EDWARD
LEBRUN	LINNES	MARIE
LECART	CAROL	JEANNINE
LEE	DON	YEE
LEE	ELMER	JEN-KAI
LEE	ELVIS	PERIC
LEE	KENG	CHONG
LEE	NEVILLE	KA SHEK
LEE-YING	DANIELLE	MARIE WAIDUG
LEE-YING	MARY	PUI LIN
LEE-YING	RICHARD	MARVIN YEW-GUM
LEE-YING	ROY	DOUGLAS YEW-KEUNG
LEMMENS	KRISTOF	JAN
LEMOINE	GERALDINE	KATARINA MARIE
L'ESTRANGE	FIOONA	ANNE KATHLEEN
LETOURNEAU	LORRAINE	
LEYERLE	ANDREW	GEOFFREY

Last name	First name	Middle name/initials
LI	MARGARET	
LIAW	YONG	HAO
LILWALL	DAVID	ROSS
LIN	RAY	JEN
LIN	SHIH	PING
LINDER	PATRICK	ALOYSIUS
LLOBET	LAURA	
LOGALBO	MARK	STEVEN
LOGAN	ERICA	ANARISHA
LONG	ALISON	
LOVELL	BROOKE	DOUGLAS
LOW	ZEPPELIN	HERC
LOWE	VIVIANE	
LU	CHIA-HUI	
LU	FU	PEI
LU	SHAO-CHIANG	
LUBOMIRSKI	DOMINIK	WILLIAM TOMASZ
LUNNEY	JEANNINE	ANN
LUPI	THOMAS	AVERY
LYNCH	BRIAN	JAMES
LYNCH	LAURA	MARIE
MACDONALD	JOHN	ALLISTER
MACDONALD	ROBERT	JAMES
MACKAY	JANICE	FRANCES
MACLARKEY	WILLIAM	ROBERT
MAGGISANO	KATHLEEN	LINN
MAGNIN	ELLEN	
MAHMOOD	RAHIL	DERWESH
MAHMOUD	RAMZEY	
MAHONY	MATTHEW	PAUL
MAKWICH	MICHAEL	MERVIN
MALCOLM	SABRINA	BARKLEY
MALINGREAU	OLIVIA	AGNES ISABELLE
MALYJASIAK	LAURA ANN	HATCHETT
MANSFIELD	ANDREA	CELINE
MAROZEAU	DIANE	RITTER
MARSHALL	STUART	WAYNE
MARTINEAU	CHARLES	PICARD
MARTINEZ	ANTHONY	EIRIZ
MATZNER	ANNA-SOPHIE	
MAYNE	MELINDA	CATHERINE
MBISE	HEZRON	DAUD
MCALPINE	HEATHER	ELIZABETH
MCCULLOCH	ALISON	WILMA VALENTINE
MCCURLEY	KEVIN	ROBERT
MCDIARMID	ADAM	POPE
MCDONNELL	STEVEN	DAVID
MCDOUGALL	ANNE	S.
MCDOUGALL	ROBERT	J.
MCGREGOR	CATHERINE	AVIS
MCKINNON	ANNE	LOUISE
MCLEAN	LAURIE	ELIZABETH
MCMULLEN	PETER	MICHAEL
MCQUEEN	CAROL	VIVIAN
MCSHAN	ROSEMARY	AGNES
MEIER	LUCAS	D.
MELLE	JESS	ROBERT
MENDANA	MARGRIT	
MERCER	LORRAINE	
METCALFE	ROBERT	BRUCE
MHAPSEKAR	YASH	RAGHUNATH
MINNEY	MICHELLE	SUSAN
MITCHELL	ANDREW	STEWART
MIZRAHI	BATYA	
MIZUNO	MAKOTO	
MODY	SARAH	ELIZABETH
MOE	TIMOTHY	LEE
MOESCHLER	OLIVIER	ANDRE
MOLITOR	GREGORY	CHARLES NEIL
MOON	THOMAS	WILLIAM
MOORE	KRISTIN	NICKELS
MOSER	ANGELICA	
MOULTON	JOANNE	
MUCHENBERGER	CAROL	

Last name	First name	Middle name/initials
MUELLER	CHRISTIAN	WILLIAM
MUMPRECHT	YASMIN	DARA
MUPPANA	VENKAT	
MURRIN	JAMES	CHADWICK
MURTHY	PRASHANTH	MALPANAGUDI NARASIMHA
MUSIAL	AARON	JEDIDIAH
MUTTER	MARIO	
MYHRE	ANGELA	M.
NABI	SHAMSHAD	
NAM	SUNNY	SANG
NEUHAUS	SYLVIA	
NEVIN	LAURA	QUITHEART
NG	AMANDA	RI YING
NG	NELSON	YU-HANG
NG	YU	CHING CANNICE
NGUYEN	DON	DONG
NICKELS	HILDEGARD	ELIZABETH
NICKELS	JAMES	BRADLEY
NICOLAI	JEAN-MARC	ANTOINE
NIEDERER	PATRICK	
NIELSEN	CATHLEEN	HEATHER
NILE	ALEXANDER	WILLIAM BRYCE
NIXON	SUZANNE	
NORMAN	JADIS	KARLA LORCA
NORTHRUP	LINDA	STEVENS
OCLEPPO	ALEXANDER	LORENZO
OCLEPPO	JULIAN	FRANCESCO
O'CONNOR	JAMES	MICHAEL
ODY	CHRISTINE	ANN
O'KEEFE	JAYE	ANN
OLDHAM	BONNIE	LYNN
OLSON	DANIEL	PHILIP
ONYA	PAVEL	A.
OSTER	JOANNE	ELIZABETH
OUELLETTE	CAROLYN	RUTH
OWEN	GARETH	SCHABERT
OZOLINS	TERENCE	ROBERT
PAGGAO	NOEL	CAWA
PAL	JOEETA	JAYANTKUMAR
PALMER	NEAL	GRANT
PAOLI	SHEILA	MARLENE
PARLEE	FORREST	WILLIAM
PARTONO	SANITRI	SURJAUDAJA
PATEL	HEMANT	BABUBHAI
PATEL	SANDHYA	HEMANT
PAUKER	JOSEPH	
PEDEN	KATHERINE	LEWIS
PELLETIER	STEPHEN	PAUL
PENISTON	JAMES	HUTCHINGS TROTT
PERKINS	THOMAS	CLARK
PETERSON	ERIC	DEAN
PETERSON	GARY	LYNN
PETRE	ELIZA	DANIELLE
PETTI	GREGORY	RICHARD
PETTI	KATHLEEN	MARY
PIERSON	JANICE	ETHEL
PILLOUD	LINDA	TRYON
PLANTINGA	JUDITH	ANN
PLATT	CRAIG	ROBERT
PLATT	DAVID	GREGORY
PLATT	VIRGINIA	ANNE
POBOJEWSKI	THOMAS	GEORGE
POEHLS	JOE	TEJOME
POITEVIN	JOHN-ROBYN	A.R.E.C.
POPE	ALISON	CICELY MAITLAND
POPESCU	DIANA	MIHAELA
POST	ELLEN	ELIZABETH
POWELL	ANDREA	LI MING
POWNALL	BARBARA	ELIZABETH KUEBEL
PREAT	VERONIQUE	MARIE
PUIG	MARIA	
PURDY	SARA	ELIZABETH
QUADRI	NICOLA	STEFANO
QUICK	MARY ANN	CATHERINE

Last name	First name	Middle name/initials
QUICK	MICHELLE	CAROLYN
RACH	MATTHEW	LANE
RAJU	SRIDHAR	P.
RAND	MICHAEL	JONATHON
RASHLEIGH	CAMERON	KYLE
REDDY	KADIRI	RAMACHANDRA
REDDY	PRATIBHA	KADIRI
REDDY	SHILPA	
REDNER	DEBORAH	
REINHARD-CHARLESWORTH	ZARINA	MARIAM
REMILLARD	LOUIS	ROGER JERRY
RENWICK	LINDSAY	CAITLIN
RICKER	NANCY	ANNE
RICKERT	ELIANE	
RIVAS JR	GEORGE	
ROBERTSON	GREGORY	EARL
ROBINSON	JUDITH	ANN
ROBINSON	NOREEN	MARGARET
ROFFEY	KIMBERLY	ANN
ROGOFF	JENNIFER	LYNN
ROMANELLI	MARIA	ROSARIO
ROSE	CAPRYCE	AVRIL
ROSENBERG	ALAN	NELSON
ROSENSWEIG	YEDIDYA	SHAI
ROTH	RAPHAEL	GASTON
ROTHSCHILD	CARL	JAN
ROTH-SCHMID	BEATRICE	
ROUGET	VINCENT	GEORGES
RUDDOCK	NORA	MARY NIGHEAN
RUDIN JR	HARRY	RUDOLPH
SAEED	IRINA	R.
SAID	FAISAL	
SAITO	YASUSHI	
SAJWANI	AHMED	FAISAL
SAJWANI	AMIRA	FAISAL
SAJWANI	FAISAL	ALI
SAJWANI	ZAHRA	FAISAL
SANDBERG	DANIEL	JOCHANAN
SANDBERG	ELLEN	LEE
SANGHVI	VIKRAM	VIVEK
SANT	BRENNA	LUCY
SAPIR	MICHAL	JUDITH
SASAHARA	RICA	
SATO	ROBERT	
SAVAN	ROBERT	BEN-AMMI
SCERVINO	JOSEPHINE	PREZIOSA
SCHAUB	JASON	HOWARD
SCHMIDT	MARITA	GABRIELE
SCHNEIDERMAN	AIMEE	YAEL
SCHRATWIESER	ALITA	LYNN
SCHULKES	EDEN	
SCHULKES	MICHAL	
SCHWARTZ	SHAILA	
SCHWARZ	PETER	ANDREW
SCHWEIGHAUSER	ANDREAS	EVERETT
SEGON-MEYER	CLAUDIA	DIEGUEZ
SEILER	SUZANNE	TOMASELLI
SEILHAMER	MARK	FIFER
SENN	EILEEN	VALERIA
SEVERINA	ANASTASIA	
SHAH	PRASANNA	KANTILAL
SHAMIE	DIANE	MARIE
SHATZKES	YECHIEL	
SHEEHY	VALERIE	JEAN
SHIN	HYUN	S.
SIBLEY	MURIEL	KATHERINE LALLANCE
SILBERSTEIN	ALLEN	GABRIEL
SINGH	RAVI	PAUL
SKINNER	PAULA	MAY
SKIPPER	MICHAEL	SEAN
SLATER	JULIA	DIANE
SLOAN	BRIAN	GREGORY
SMAIL	IAN	ROBERT
SMALL	ELIZABETH	JANE

Last name	First name	Middle name/initials
SMITH	MARY	CHRISTINE
SMOLLETT	REBECCA	
SNYDER	HENRY	PETER
SPEISSEGGER	ANDRE	MAURICE
SPENCER	DAVID	CHARLES
STAATES	JEFFREY	STERLING
STCHEDROFF	MARCEL	
STEINHART	DEBORAH	GAIL
STEPANIK	SCOTT	
STEPHENSON	MARCIA	MARTIN
STERN-LYNGE	SUSAN	ELLEN
STEVENSON	LYNN	EDENA CODY
STEWART	TYLER	JOHN
STILLER	OLIVER	
STIRLING	CHRISTINE	DUMARESQ
STITELER	MARTA	TERESA
STRUBI	PASCAL	OLIVIER
STUDER	EMILIE	LISA
SUAREZ-OTTERSBACH	GLORIA	ELENA
SUEN	STEPHANIE	
SUGARS	HEIDI	LYNNE
SUH	SOO	JUNG
SUH	SOOYONG	
SWEENY	STEPHANIE	FRANCES
SWENSON	CATHERINE	HAFEY
SWIEDNICKI	RACHEL	JEANNE
TAILLIEU	ARNE	KARL
TAJIBNAPIS	MARJAH	CHRISTINA
TAKAHASHI	JUNKO	
TALAB	FARBOD	HAGHIGHI
TALEB	SAMIR	G.
TANGUAY	JOSEPH	GERALD ROLLAND
TANNAHILL	SHARON	BERTHA
TANNIR	IKBAL	
TANNIR	SAFWAN	
TANTAKASEM	PITI	
TANTRIADY	ALICIA	ILEANA
TAVES	JAMIE	DIANNE
TAYLOR	ANDREW	SCOTT RYAN
TAYLOR	ZACHARY	TODD
THOMAS	BENJAMIN	
THRASHER	DAVID	BRUCE
TILOT	FABRICE	DERRICK
TJEPKEMA	LEAH	KAITLIN
TOLSON	MARY	BETH
TOWART	ELIZABETH	M.
TRAPP	DOUGLAS	BLAIRE
TRAPP	JOEL	WILLIAM CHARLES
TREGER	JUSTIN	ISRAEL
TRODAHL	HARRY	JOSEPH
TSCHUDIN	JULIAN	TROY
TSE	KAI	LEE
TYOU	MARK	CHARLES
UMETSU	HIDEAKI	ROY
UPSHALL	ELIZABETH	MARGARET
VAN DEN BROEK	JASMINE	BARBARA
VAN DEN BROEK	SIMONE	CLAUDIA
VAN KAMPEN	ERIK	KARL
VANDERLAAN	JANE	MARIE
VANDERVALK	SHERILYN	RENAE
VANDERWALL	MARLON	
VANUN	JORDAN	
VERBEKE	INES	ELIZABETH-MARIE
VIGFUSSON	VANESSA	STEFANIA
VIGILEOS	LISA	M.
VOLD	PAULA	JO
VOLPATTI	KAREN	LYNN
VON SCHONBORN-WIESENTHEID	CONSTANTIN	
VON SCHULTHESS	CLAUDIA	ELISABETH
WACHTER	ROBERT	JAMES
WAHL	PIERRE-EDOUARD	CLAUDE
WALSH	HEATHER	ELIZABETH
WALSH	NEIL	CHRISTOPHER
WALTERS	DAVID	WYNN

Last name	First name	Middle name/initials
WALTERS	MARY	MARGARET
WANG	FANGQIN	
WANG	HONG	MIN
WARING	STEPHANIE	ESTELLE
WATSON JR	TREVOR	WARD
WAXMAN	WAYNE	ALLAN
WEAVER	LINDA	ANNE
WEAVER	MICHAEL	GEORGE
WEEKS	JAMES	HOWARD
WEINSTEIN	WILLIAM	LEON
WELCH	DAVID	ANDREW
WEST	CHARLES	ROBERT
WEST	CYNTHIA	GAI
WEST	MARY ANN	ELIZABETH
WETZEL	THOMAS	MICHAEL
WEXLER	MICHAEL	JASON
WHITE	ANNIE	LAURENCE
WHITEHEAD	CYNTHIA	RUTH
WHITING	HANNAH	
WILDE	RUSSELL	NORTON
WILLIAMSON	PHYLLIS	ELAINE
WOERNER	NEIL	JOSEPH
WOIT	DEBORAH	ANN
WONG	KATHERINE	YAO
WONG	KIAN	CHONG DONOVAN
WOODWARD	MELISSA	JANE
WOOLGROVE	MARY	MARGARET
WU	EVANGELINE	
WUNDERLIN	MATILDA	MARIE
WURLOD	CAMILLE	GABRIELLE
WYCKOFF	THOMAS	ROBERT
YAGER	LESLIE	JANNETTE
YAMAMOTO	MIHOKO	
YAMMINE	ANTOINE	KABALAN
YAP	JESSE	ELLIOT
YATES	COLLEEN	MICHELLE
YEO	SHARON	MEI CHING
YEWEN	MARY	ANNA
YI	JIAHE	
YING	ROSA	
YOUNG	MAUREEN	TAYLOR CATHERINE
YOUNG	SELENA	SUK-CHING
YUSHVAEV	LLYA	GAVRIL
ZIADEH	KAREN	LORENZ
ZONZINI	MICHAEL	
ZWEIFEL	MICHAEL	GEORGE

Dated: February 2, 2018.

Gladys Perez-Hernandez,

Manager Classification Team 82413, Examinations Operations—Philadelphia Compliance Services.

[FR Doc. 2018–02656 Filed 2–8–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Open Meeting of the Federal Advisory Committee on Insurance

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice of open meeting.

SUMMARY: This notice announces that the Department of the Treasury's Federal Advisory Committee on Insurance (''Committee'') will convene a meeting on Thursday, February 22, 2018, in the Cash Room, 1500 Pennsylvania Avenue NW, Washington, DC 20220, from 1:00–5:00 p.m. Eastern Time. The meeting is open to the public, and the site is accessible to individuals with disabilities.

DATES: The meeting will be held on Thursday, February 22, 2018, from 1:00–5:00 p.m. Eastern Time.

ADDRESSES: The Committee meeting will be held in the Cash Room, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

The meeting will be open to the public. Because the meeting will be held in a secured facility, members of the public who plan to attend the meeting must register online at *http://www.cvent.com/d/wtqfp1* and fill out the secure online registration form. A valid email address will be required to complete the online registration. (**Note:** The online registration will close at 12:00 p.m. Eastern Time on Monday, February 19, 2018.)

Requests for reasonable accommodations under Section 504 of the Rehabilitation Act should be directed to Mariam G. Harvey, Office of Civil Rights and Diversity, Department of the Treasury, at 202–622–0316 or *mariam.harvey@do.treas.gov.*

FOR FURTHER INFORMATION CONTACT: Daniel McCarty, Federal Insurance Office, Room 1410, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220 at 202–622–5892 (this is not a toll-free number). Persons who have difficulty hearing or speaking may access this number via TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION: Notice of this meeting is provided in accordance with the Federal Advisory Committee Act, 5 U.S.C. App. II, 10(a)(2), through implementing regulations at 41 CFR 102–3.150.

Public Comment: Members of the public wishing to comment on the business of the Federal Advisory Committee on Insurance are invited to submit written statements by any of the following methods:

Electronic Statements

• Send electronic comments to *faci@treasury.gov.*

Paper Statements

• Send paper statements triplicate to the Federal Advisory Committee on Insurance, Room 1410, Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220.

In general, the Department of the Treasury will post all statements on its website (*http://www.treasury.gov/about/organizational-structure/offices/Pages/Federal-Insurance.aspx*) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. The Department of the Treasury will also make such statements available for public inspection and copying in the Department of the Treasury's Library, 1500 Pennsylvania Avenue NW, Washington, DC 20220, on official business days between the hours of 10:00 a.m. and 5:00 p.m. Eastern Time. You can make an appointment to inspect statements by telephoning (202) 622–0990. All statements, including attachments and other supporting materials, received are part of the public record and subject to public disclosure. You should submit only information that you wish to make available publicly.

Tentative Agenda/Topics for Discussion: This is a periodic meeting of the Federal Advisory Committee on Insurance. In this meeting, the Committee will discuss topics including: Efforts to promote loss mitigation, long-term care insurance, an update on the activities of the Federal Insurance Office, and other issues. Due to scheduling challenges, this meeting is being announced with less than 15 days' notice (see 41 CFR 102–3.150(b)).

Steven E. Seitz,

Deputy Director, Federal Insurance Office.

[FR Doc. 2018–02559 Filed 2–8–18; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0771]

Agency Information Collection Under OMB Review: Insurance Customer Satisfaction Surveys

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

DATES: Comments must be submitted on or before March 12, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0771'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0771'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: Insurance Customer Satisfaction Surveys.

OMB Control Number: 2900–0771.

Type of Review: Reinstatement of a previously approved collection.

Abstract: These surveys are used to solicit information that is needed to determine our customers level of satisfaction with existing services. The 10 surveys are: Beneficiary Survey, Cash Surrender Survey, Correspondence Survey, Insurance Claims Survey, Policy Loan Survey, Service-Disabled Veterans Insurance (SDVI) Survey, Waiver Survey, Veterans Mortgage Life Insurance (VMLI) Survey, Telephone Insurance Claims Survey, and Telephone Policy Survey.

The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 82 FR 181 on September 20, 2017, page 44028.

Affected Public: Individuals and Households.

Estimated Annual Burden: 444 hours.

Estimated Average Burden per Respondent: 6 minutes.

Frequency of Response: One-time.

Estimated Number of Respondents: 4,440 respondents.

By direction of the Secretary:

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–02569 Filed 2–8–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Disability Compensation, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Advisory Committee on Disability Compensation (Committee) will meet on March 6–7, 2018. The Committee will meet at 1722 Eye Street NW, 3rd Floor Conference Room 300, Washington, DC 20006. The sessions will begin at 7:30 a.m. and end at 4:30 p.m. EST each day. The meeting is open to the public.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on the maintenance and periodic readjustment of the VA Schedule for Rating Disabilities. The Committee is to assemble and review relevant information relating to the nature and character of disabilities arising during service in the Armed Forces, provide an ongoing assessment of the effectiveness of the rating schedule, and give advice on the most appropriate means of responding to the needs of Veterans relating to disability compensation.

The Committee will receive briefings on issues related to compensation for Veterans with service-connected disabilities and on other VA benefits programs. Time will be allocated for receiving public comments. Public comments will be limited to three minutes each. Individuals wishing to make oral statements before the Committee will be accommodated on a first-come, first-served basis. Individuals who speak are invited to submit 1–2 page summaries of their

comments at the time of the meeting for inclusion in the official meeting record.

The public may submit written statements for the Committee's review to Stacy Boyd, Department of Veterans Affairs, Veterans Benefits Administration, Compensation Service, Policy Staff (211A), 810 Vermont Avenue NW, Washington, DC 20420 or email at *Stacy.Boyd@va.gov.* Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as a part of the screening process. Due to an increase in security protocols, you should allow an additional 30 minutes before the meeting begins. Routine escort will be provided until 8:00 a.m. each day. Any member of the public wishing to attend the meeting or seeking additional information should contact Stacy Boyd via email or phone at (202) 461–9580.

Dated: February 6, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–02657 Filed 2–8–18; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

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Part II

Department of Housing and Urban Development

Allocations, Common Application, Waivers, and Alternative Requirements for 2017 Disaster Community Development Block Grant Disaster Recovery Grantees; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6066–N–01]

Allocations, Common Application, Waivers, and Alternative Requirements for 2017 Disaster Community Development Block Grant Disaster Recovery Grantees

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This notice allocates $7.39 billion in Community Development Block Grant disaster recovery (CDBG–DR) funds appropriated by the Supplemental Appropriations for Disaster Relief Requirements, 2017, for the purpose of assisting in long-term recovery from 2017 disasters. This notice describes applicable waivers and alternative requirements, relevant statutory provisions for grants provided under this notice, the grant award process, criteria for action plan approval, and eligible disaster recovery activities. Given the extent of damage to housing in the eligible disaster areas and the very limited data at present regarding unmet infrastructure and economic revitalization needs, this notice requires each grantee to primarily consider and address its unmet housing recovery needs.

DATES: *Applicability Date:* February 14, 2018.

FOR FURTHER INFORMATION CONTACT: Jessie Handforth Kome, Acting Director, Office of Block Grant Assistance, Department of Housing and Urban Development, 451 7th Street SW, Room 10166, Washington, DC 20410, telephone number 202–708–3587. Persons with hearing or speech impairments may access this number via TTY by calling the Federal Relay Service at 800–877–8339. Facsimile inquiries may be sent to Ms. Kome at 202–401–2044. (Except for the ''800'' number, these telephone numbers are not toll-free.) Email inquiries may be sent to *disaster_recovery@hud.gov.*

SUPPLEMENTARY INFORMATION:

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I. Allocations

The Supplemental Appropriations for Disaster Relief Requirements, 2017 (Pub. L. 115–56), approved September 8, 2017 (Appropriations Act) makes available $7.4 billion in Community Development Block Grant disaster recovery (CDBG–DR) funds for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 *et seq.*) (HCD Act) related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the ''most impacted and distressed'' areas (identified by HUD using the best available data) resulting from a major disaster declared in 2017. This notice allocates $7,390,000,000 in CDBG–DR funds to assist in long-term recovery from 2017 disasters. In addition to the funds allocated in this notice, and in accordance with the Appropriations Act, $10,000,000 will be transferred to the Department's Office of Community Planning and Development (CPD), Program Office Salaries and Expenses, for necessary costs of administering and overseeing CDBG–DR funds made available under the Appropriations Act. This notice requires each grantee to primarily consider and address its unmet housing recovery needs. A grantee may also allocate funds to address unmet economic revitalization and infrastructure needs, but in doing so, the grantee must identify how unmet housing needs will be addressed or how its economic revitalization or infrastructure activities will contribute to the long-term recovery and restoration of housing in the most impacted and distressed areas. The law provides that grants shall be awarded directly to a State, local government, or Indian tribe at the discretion of the Secretary.[1] Any award of funds provided pursuant to the Appropriations Act to Indian tribes will be provided pursuant to the requirements of the Indian Community Development Block Grant program. To comply with statutory direction that funds be used for disaster-related expenses in the most impacted and distressed areas, HUD allocates funds using the best available data that cover all of the eligible affected areas.

Based on further review of the impacts from the eligible disasters, and estimates of unmet need, HUD is making the following allocations:

TABLE 1—ALLOCATIONS UNDER PUBLIC LAW 115–56

Disaster No.	Grantee	Allocation	Minimum amount that must be expended for recovery in the HUD-identified ''most impacted and distressed'' areas
4332	State of Texas	$5,024,215,000	($4,019,372,000) Harris, Jefferson, Orange, Galveston, Fort Bend, Brazoria, Montgomery, Liberty, Hardin, Chambers, Aransas, Wharton, San Patricio, San Jacinto, Nueces, and Victoria Counties; 78945, 77423, 77612, 78934, 75956, 77632, 75979, 77414, 77335, 78377, and 77979 Zip Codes.
4337	State of Florida	615,922,000	($492,737,600) Monroe, Miami-Dade, Duval, Lee, Polk, Collier, Brevard, Broward, Orange, and Volusia counties; 32068, 34266, 32136, and 32091 Zip Codes.

[1] Section 306(a) of division A, title III of the Additional Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Pub. L. 115–72, approved October 26, 2017) amended the Appropriations Act to permit the Secretary to award grants directly to a State, unit of general local government, or Indian tribe.

TABLE 1—ALLOCATIONS UNDER PUBLIC LAW 115–56—Continued

Disaster No.	Grantee	Allocation	Minimum amount that must be expended for recovery in the HUD-identified ''most impacted and distressed'' areas
4336, 4339	Commonwealth of Puerto Rico.	1,507,179,000	($1,205,743,200) Toa Baja, Canovanas, San Juan, Arecibo, Ponce, Bayamon, Caguas, Humacao, Vega Baja, Mayaguez, Corozal, Anasco, Toa Alta, Guayama, Naranjito, Juana Diaz, Salinas, Morovis, Carolina, Aguada, Yabucoa, Barranquitas, Rio Grande, Dorado, Cayey, Guaynabo, Vega Alta, Comerio, Loiza, Manati, Ciales, Aibonito, Aguadilla, Santa Isabel, Orocovis, Coamo, Cidra, Juncos, Utuado, Naguabo, Trujillo Alto, Barceloneta, Las Piedras, Hatillo, Patillas, Gurabo, Catano, San Sebastian, San Lorenzo, Aguas Buenas, Moca, Villalba, Isabela, Arroyo, Adjuntas, Camuy, Fajardo, Maunabo, Yauco, Lares Municipios; 00650, 00624, 00765, 00656, 00664, 00678, 00773, 00677, 00735, 00623, 00670, 00660, 00667, 00683, 00606, 00653 Zip Codes.
4335, 4340	United States Virgin Islands.	242,684,000	($242,684,000) St. Thomas, St. Croix, and St. John Islands.
Total*	.....	7,390,000,000	

*Of the $7,400,000,000 appropriated, $10 million is provided for HUD administrative costs.

Pursuant to the Appropriations Act, HUD has identified the most impacted and distressed areas based on the best available data for all eligible affected areas. A detailed explanation of HUD's allocation methodology is provided in Appendix A of this notice. Other than the United States Virgin Islands, at least 80 percent of the total funds provided to the grantees under this notice must address unmet disaster needs within the HUD-identified most impacted and distressed areas, as identified in the last column in Table 1. The United States Virgin Islands must use 100 percent of the total funds provided under this notice to address unmet disaster needs within the HUD-identified most impacted and distressed areas identified in the last column in Table 1. Grantees, other than the United States Virgin Islands, may determine where to use the remaining 20 percent of the allocation, but that portion of the allocation may only be used to address unmet disaster needs in those areas that the State determines are ''most impacted and distressed'' and received a presidential major disaster declaration pursuant to the disaster numbers listed in Table 1.

Grantees may use up to 5 percent of the total grant award for grant administration. Therefore, other than for the United States Virgin Islands, HUD will include 80 percent of a grantee's expenditures for grant administration in its determination that 80 percent of the total award has been expended in the most impacted and distressed areas identified in Table 1. Additionally, other than the United States Virgin Islands, expenditures for planning activities may be counted towards a grantee's 80 percent expenditure requirement, provided that the grantee describes in its action plan how those planning activities benefit the HUD-identified most impacted and distressed areas.

Grantees that received an allocation pursuant to Public Law 114–113, 114–223, 114–254, or 115–31 (''Prior Appropriations'') must submit an action plan for disaster recovery not later than 90 days after the effective date of this notice. All other grantees receiving an allocation under this notice must submit an action plan not later than 120 days after the effective date of this notice. HUD will only approve action plans that meet the specific requirements identified in this notice under section VI, ''Applicable Rules, Statutes, Waivers, and Alternative Requirements.

II. Use of Funds

Grants under the Appropriations Act are only available for activities authorized under title I of the HCD Act related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from an eligible disaster. The Appropriations Act requires that prior to the obligation of CDBG–DR funds a grantee shall submit a plan detailing the proposed use of all funds, including criteria for eligibility, and how the use of these funds will address long-term recovery and restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas. Therefore, grantees may only use funds for activities included in the action plan that are approved by the Secretary for disaster recovery that: (1) Are authorized under title I of the HCD Act or allowed by a waiver or alternative requirement published in this notice; and (2) respond to a disaster-related impact to infrastructure, housing, or economic revitalization in the most impacted and distressed areas. To inform the plan, grantees must conduct an assessment of community impacts and unmet needs to guide the development and prioritization of planned recovery activities, pursuant to paragraph A.2.a. in section VI below.

Grantees are advised that pursuant to this notice, CDBG–DR funds may not be used for activities reimbursable by or for which funds are made available by the Federal Emergency Management Agency (FEMA) or the US Army Corps of Engineers (USACE). As such, the grantee must verify whether FEMA or USACE funds are available prior to awarding CDBG–DR funds to specific activities or beneficiaries.

Consistent with the policy framework of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), HUD is underscoring that disaster recovery is a partnership between Federal, state and local government, and reminding CDBG–DR grantees they should invest in their own recovery. In developing this Notice, HUD evaluated options to promote policies that require state and local financial participation to ensure their shared commitment and responsibility for long-term recovery and future disaster risk reduction. This Notice does not limit, except as required by Public Law 105–276, the use of CDBG–DR funds toward the state or local contribution for other Federal programs (*e.g.,* FEMA Public Assistance). However, HUD expects grantees to financially contribute to their recovery through the use of reserve or ''rainy day'' funds, borrowing authority, or retargeting of existing financial resources. The Administration aims to rebalance Federal, state, and local government roles and responsibilities not only for long-term recovery but across the broader

landscape of Federal programs that provide financial assistance to state and local governments.

III. Management and Oversight of Funds

The Appropriations Act requires the Secretary to certify, in advance of signing a grant agreement, that the grantee has in place proficient financial controls and procurement processes, and adequate procedures for proper grant management as detailed in paragraph A.1.a of section VI. If HUD recently certified for a grantee that received a CDBG–DR grant pursuant to Prior Appropriations, the grantee may request that HUD rely on its previous certification and supporting documentation for purposes of this allocation, as modified by any updates provided by the grantee. To submit such a request, the grantee should follow the instructions under paragraph A.1.a of section VI of this notice. Until grant closeout, all grantees shall adhere to the controls, processes, and procedures described in the grantee's financial controls and procurement processes documentation submitted in response to paragraph A.1.a. of section VI (including any previous documentation the grantee requests HUD to rely on), unless amended with HUD's approval.

Additionally, in advance of signing a grant agreement and consistent with 2 CFR 200.205 of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Requirements), HUD will evaluate each grantee's capacity to effectively manage the funds through a review of the grantee's implementation plan and capacity assessment detailed in paragraph A.1.b of section VI. The grant terms and specific conditions of the award will reflect HUD's risk assessment of the grantee based upon its submission and the grantee shall adhere to the description of its implementation plan and capacity assessment documentation until grant closeout, unless amended with HUD's approval. For all grantees receiving an allocation of funds pursuant to this notice, HUD will undertake an annual risk analysis as well as on-site monitoring of grantee management to further guide oversight of these funds.

IV. Authority To Grant Waivers

The Appropriations Act authorizes the Secretary to waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary, or use by the recipient, of these funds, except for requirements related to fair housing, nondiscrimination, labor standards, and the environment. Waivers and alternative requirements are based upon a determination by the Secretary that good cause exists and that the waiver or alternative requirement is not inconsistent with the overall purposes of title I of the HCD Act. HUD also has regulatory waiver authority under 24 CFR 5.110, 91.600, and 570.5. Grantees may request waivers as described in section VI of this notice.

The Appropriations Act provides that the Secretary ''may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (*except for requirements related to fair housing, nondiscrimination, labor standards, and the environment*).'' Accordingly, grantees are reminded that all fair housing and nondiscrimination requirements continue to apply in administering the funds described in this notice.

V. Overview of Grant Process

To begin expending of CDBG–DR funds, the following expedited steps are necessary:

- Grantee follows citizen participation plan for disaster recovery in accordance with the requirements in paragraph A.4 of section VI of this notice.
- Grantee consults with stakeholders, including required consultation with affected local governments, Indian Tribes, and public housing authorities (as identified in paragraph A.7 of section VI of this notice).
- Within 60 days of the effective date of this notice (or when the grantee submits its action plan, whichever is earlier), the grantee submits documentation for the certification of financial controls and procurement processes, and adequate procedures for grant management in accordance with the requirements in paragraph A.1.a of section VI. A grantee that previously received a certification of its financial controls and procurement processes pursuant to a Prior Appropriation may request that HUD rely on that certification for purposes of this allocation, with updates provided by the grantee as appropriate.
- Within 60 days of the effective date of this notice (or when the grantee submits its action plan, whichever is earlier) the grantee submits its implementation plan and capacity assessment submissions, in accordance with the requirements in paragraph A.1.b of section VI.A grantee that previously received a certification of its financial controls and procurement processes pursuant to a Prior Appropriation may request that HUD rely on that certification for purposes of this allocation, with updates provided by the grantee as appropriate.
- Grantee publishes its action plan for disaster recovery on the grantee's required disaster recovery website for no less than 14 calendar days to solicit public comment.
- Grantee responds to public comment and submits its action plan and projection of expenditures and outcomes (which includes Standard Form 424 (SF–424) and certifications) to HUD.
- Grantee requests and receives Disaster Recovery Grant Reporting (DRGR) system access (if the grantee does not already have DRGR access) and may enter activities into the DRGR system before or after submission of the action plan to HUD.
- HUD expedites review (allotted 45 days from date of receipt) and approves the action plan according to criteria identified in this notice.
- HUD sends an action plan approval letter and grant agreement to the grantee. If the action plan is not approved, HUD will notify the grantee of the deficiencies. The grantee must then resubmit the action plan within 45 days of the notification.
- Grantee signs and returns the grant agreement to HUD.
- Grantee ensures that the final HUD-approved action plan is posted on its official website.
- HUD establishes the grantee's line of credit.
- Grantee enters the activities from its approved action plan into the DRGR system if it has not previously done so and submits its DRGR action plan to HUD (funds can be drawn from the line of credit only for activities that are established in the DRGR system).
- Grantee must draft and publish (on their website) policies and procedures for programs and key recovery operations implemented by the grantee with CDBG–DR funds.
- The grantee may draw down funds from the line of credit after the Responsible Entity completes applicable environmental review(s) pursuant to 24 CFR part 58 or as authorized by the Appropriations Act and, as applicable, receives from HUD the Authority to Use Grant Funds (AUGF) form and certification.
- The grantee should begin to draw down funds from DRGR no later than 180 days after the effective date of this

notice. Additionally, the Appropriations Act requires all funds to be expended within two years of the date of obligation as described in paragraph A.28 of section VI of this notice.

VI. Applicable Rules, Statutes, Waivers, and Alternative Requirements

This section of the notice describes requirements imposed by the Appropriations Act, as well as applicable waivers and alternative requirements. For each waiver and alternative requirement, the Secretary has determined that good cause exists and the waiver or alternative requirement is not inconsistent with the overall purpose of the HCD Act. The waivers and alternative requirements provide flexibility in program design and implementation to support full and swift recovery following eligible disasters, while ensuring that statutory requirements are met. The following requirements apply only to the CDBG–DR funds appropriated in the Appropriations Act, and not to funds provided under the annual formula State or Entitlement CDBG programs, the Indian Community Development Block Grant program, or those provided under any other component of the CDBG program, such as the Section 108 Loan Guarantee Program, or any prior CDBG–DR appropriation.

Grantees may request additional waivers and alternative requirements from the Department as needed to address specific needs related to their recovery activities, accompanied by data to support the request. Grantees should work with the assigned CPD representative to request any additional waivers or alternative requirements from HUD headquarters. Except where noted, waivers and alternative requirements described below apply to all grantees under this notice. Under the requirements of the Appropriations Act, waivers and alternative requirements are effective five days after they are published in the **Federal Register**.

Except as described in this notice, statutory and regulatory provisions governing the State CDBG program shall apply to State grantees receiving an allocation under this notice. Pursuant to an alternative requirement established by this notice, all references to states and State grantees shall include the Commonwealth of Puerto Rico and the U.S. Virgin Islands. Applicable statutory provisions (title I of the HCD Act) can be found at 42 U.S.C. 5301 *et seq.* Applicable State and Entitlement CDBG regulations can be found at 24 CFR part 570. References to the action plan in these regulations shall refer to the action plan required by this notice. All references in this notice pertaining to timelines and/or deadlines are in terms of calendar days unless otherwise noted. The date of this notice shall mean the effective date of this notice unless otherwise noted.

A. Grant Administration

1. *Preaward Evaluation of Management and Oversight of Funds*

a. *Certification of financial controls and procurement processes, and adequate procedures for proper grant management.* The Appropriations Act requires that the Secretary certify, in advance of signing a grant agreement, that the grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Stafford Act, 42 U.S.C. 5155, to ensure timely expenditure of funds, maintain a comprehensive website regarding all disaster recovery activities assisted with these funds, and detect and prevent waste, fraud, and abuse of funds. To enable the Secretary to make this certification, each grantee must submit to HUD the certification documentation listed below. This information must be submitted within 60 days of the effective date of this notice, or with the grantee's submission of its action plan, whichever date is earlier. Grant agreements will not be executed until HUD has approved the grantee's certifications. For each of the items (1) through (6) below, the grantee must also provide a table that clearly indicates which unit and personnel are responsible for each task along with contact information.

In the alternative, if HUD recently certified the controls, processes, and procedures for a grantee that received an allocation of CDBG–DR funds pursuant to Prior Appropriations, the grantee may request that HUD rely on its previous certification(s) and supporting documentation required by (1) through (6) below for purposes of allocations under this notice, as modified by any updates provided by the grantee. To submit the request, a grantee must indicate in the P.L. 115–56 Financial Management and Grant Compliance Certification that the past submissions pursuant to Prior Appropriations remain unchanged (except where updates are specified and supported with revised submissions), and that the submissions on which HUD based its previous certification, or new submissions as appropriate, will apply to the grantee's CDBG–DR grant under this notice. In either case, the grantee must certify to the accuracy of its documentation as required by paragraph E.51 of section VI of this notice. Additionally, the grantee must submit with its action plan the certifications in paragraph E.51 of section VI of this notice.

(1) Proficient Financial Management Controls. A grantee has proficient financial management controls if each of the following criteria is satisfied:

(a) The grantee submits its most recent single audit and consolidated annual financial report (CAFR), which in HUD's determination indicates that the grantee has no material weaknesses, deficiencies, or concerns that HUD considers to be relevant to the financial management of the CDBG program. If the single audit or CAFR identified weaknesses or deficiencies, the grantee must provide documentation satisfactory to HUD showing how those weaknesses have been removed or are being addressed; and

(b) The grantee has assessed its financial standards and has submitted the completed Public Law 115–56 Financial Management and Grant Compliance Certification (Compliance Certification) available on the HUD Exchange website at *https://www.hudexchange.info/cdbg-dr/cdbg-dr-laws-regulations-and-federal-register-notices/,* together with all documentation required in the Compliance Certification. The grantee's standards must comply with the requirements and standards of the Compliance Certification to be proficient, and the grantee must continue to maintain these standards until grant closeout. The grantee must identify which sections of its financial standards address applicable questions in the document.

(2) Procurement. Each grantee must provide HUD its procurement process/standards for review, so HUD may evaluate the overall effect of the grantee's procurement process/standards to determine that they uphold the principles of full and open competition and include an evaluation of the cost or price of the product or service. The grantee must also provide a legal opinion that it has proficient procurement policies and procedures.

A State grantee (including the Commonwealth of Puerto Rico and the U.S. Virgin Islands) has proficient procurement policies and processes if HUD determines that its procurement processes uphold the principles of full and open competition and include an evaluation of the cost and price of the product or service, and if its procurement processes reflect that it: (a) Adopted 2 CFR 200.318 through 200.326; or (b) follows its own

procurement policies and procedures and establishes requirements for procurement policies and procedures for local governments and subrecipients based on full and open competition pursuant to 24 CFR 570.489(g), and the requirements applicable to the state, its local governments, and subrecipients include evaluation of the cost or price of the product or service; or (c) adopted 2 CFR 200.317, meaning that it will follow its own State procurement policies and procedures and evaluate the cost or price of the product or service, but impose 2 CFR 200.318 through 200.326 on its subgrantees and subrecipients. A grantee must demonstrate that its procurement policies and procedures will allow the grantee to comply with the procurement requirements at paragraph A.26 of Section VI of this notice.

(3) Duplication of benefits. A grantee has adequate procedures to prevent the duplication of benefits if the grantee submits uniform processes that reflect the requirements of paragraph A.25 in section VI of this notice, including: (a) Verifying all sources of disaster assistance received by the grantee or applicant prior to the award of CDBG–DR funds to the applicant, as applicable; (b) determining a grantee's or an applicant's unmet need(s) before committing funds or awarding assistance; and (c) ensuring beneficiaries agree to repay any duplicative assistance if they later receive other disaster assistance for the same purpose. Grantee procedures shall provide that prior to the award of assistance, the grantee will use the best, most recent available data from FEMA, the Small Business Administration (SBA), insurers, and any other sources of funding to prevent the duplication of benefits.

(4) Timely expenditures. A grantee has adequate procedures to determine timely expenditures if it submits procedures that indicate to HUD how the grantee will track expenditures each month; how it will monitor expenditures of its subrecipients; how it will account for and manage program income; how it will reprogram funds in a timely manner for activities that are stalled; and how it will project expenditures to provide for the expenditure of all CDBG–DR funds within the period provided for in paragraph A.28 of section VI of this notice.

(5) Comprehensive disaster recovery website. A grantee has adequate procedures to maintain a comprehensive website regarding all disaster recovery activities if it submits procedures that indicate that the grantee will have a separate page dedicated to its disaster recovery activities assisted with CDBG–DR funds provided under this notice that includes the information described at paragraph A.27 of section VI of this notice. The procedures should also indicate the frequency of website updates. At minimum, grantees must update their website monthly.

(6) Procedures to detect and prevent fraud, waste and abuse. A grantee has adequate procedures to detect and prevent fraud, waste, and abuse if it submits procedures that indicate how the grantee will verify the accuracy of information provided by applicants; if it provides a monitoring policy indicating how and why monitoring is conducted, the frequency of monitoring, and which items are monitored; if it demonstrates that it has an internal auditor that provides both programmatic and financial oversight of grantee activities; and includes a document signed by the internal auditor that describes his or her role in detecting fraud, waste, and abuse. Instances of fraud, waste, and abuse should be referred to the HUD OIG Fraud Hotline (phone: 1–800–347–3735 or email: *hotline@hudoig.gov*).

To address any potential duplication, beneficiaries must enter a signed agreement to repay any assistance later received for the same purpose as the CDBG–DR funds. The grantee must identify a method to monitor compliance with the agreement for a reasonable period, and should articulate this method in its written administrative procedures. This agreement must also include the following language: ''*Warning:* Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.''

b. *Implementation Plan and Capacity Assessment.* Before signing a grant agreement, HUD is requiring each grantee to demonstrate that it has sufficient capacity to manage these funds and the associated risks.

Evidence of grantee management capacity will be provided through the grantee's implementation plan and capacity assessment submissions. These submissions must meet the criteria in (1) and (2) below, and must be submitted within 60 days of the effective date of this notice or with the grantee's submission of its action plan, whichever date is earlier.

A grantee has sufficient management capacity if it submits documentation showing that each of the following criteria is satisfied:

(1) Timely information on application status. A grantee has adequate procedures to enable applicants to determine the status of their applications for recovery assistance, at all phases, if its procedures indicate methods for communication (*i.e.,* website, telephone, case managers, letters, etc.), ensure the accessibility and privacy of individualized information for all applicants, indicate the frequency of applicant status updates, and identify which personnel or unit is responsible for informing applicants of the status of recovery applications.

(2) Implementation Plan. To enable HUD to assess risk as described in 2 CFR 200.205(c), the grantee will submit an implementation plan to the Department. The plan must describe the grantee's capacity to carry out the recovery and how it will address any capacity gaps. HUD will determine a plan is adequate to reduce risk if, at a minimum it addresses (a) through (e) below:

(a) Capacity Assessment. The grantee has conducted an assessment of its capacity to carry out CDBG–DR recovery efforts and has developed a timeline with milestones describing when and how the grantee will address all capacity gaps that are identified. The assessment must include a list of any open CDBG–DR findings and an update on the corrective actions undertaken to address each finding. HUD may include additional requirements in the grantee's grant terms and conditions in order to prevent similar findings for this grant.

(b) Staffing. The plan shows that the grantee has assessed staff capacity and identified personnel for the purpose of case management in proportion to the applicant population; program managers who will be assigned responsibility for each primary recovery area (housing, economic revitalization, and infrastructure); staff who have demonstrated experience in housing, economic revitalization, and infrastructure (as applicable); and staff responsible for procurement/contract management, compliance with the regulations implementing Section 3 of the Housing and Urban Development Act of 1968 (24 CFR part 135) (Section 3), fair housing compliance, and environmental compliance; as well as staff responsible for monitoring and quality assurance, and financial management. An adequate plan will also provide for an internal audit function with responsible audit staff reporting independently to the chief elected official or executive officer or board of the governing body of any designated administering entity.

(c) Internal and Interagency Coordination. The grantee's plan describes how it will ensure effective communication between different

departments and divisions within the grantee's organizational structure that are involved in CDBG–DR–funded recovery efforts; between its lead agency and subrecipients responsible for implementing the grantee's action plan; and with other local and regional planning efforts to ensure consistency.

(d) Technical Assistance. The grantee's implementation plan describes how it will procure and provide technical assistance for any personnel that the grantee does not employ at the time of action plan submission, and to fill gaps in knowledge or technical expertise required for successful and timely recovery implementation where identified in the capacity assessment.

(e) Accountability. The grantee's plan identifies the lead agency responsible for implementation of the CDBG–DR award and indicates that the head of that agency will report directly to the chief executive officer of the jurisdiction.

2. *Action Plan for Disaster Recovery waiver and alternative requirement.* Requirements for CDBG actions plans, located at 42 U.S.C. 5304(a)(1), 42 U.S.C. 5304(m), 42 U.S.C. 5306(d)(2)(C)(iii), 42 U.S.C. 5306(a)(1), 42 U.S.C. 12705(a)(2), and 24 CFR 91.320, are waived for these disaster recovery grants. Instead, grantees must submit to HUD an action plan for disaster recovery which will describe disaster recovery programs that conform to applicable requirements as specified in this notice. The Secretary may disapprove an action plan as substantially incomplete if it is determined that the plan does not satisfy all the required elements identified in this notice. During the course of the grant, HUD will monitor the grantee's actions and use of funds for consistency with the plan, as well as meeting the performance and timeliness objectives therein.

a. *Action Plan.* The action plan must identify the proposed use of all funds, including criteria for eligibility, and how the uses address necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2017. Funds dedicated for uses not described in accordance with paragraphs b. or c. under this section will not be obligated until the grantee submits, and HUD approves, an action plan amendment programming the use of those funds, at the necessary level of detail.

The action plan must contain:

(1) An impact and unmet needs assessment. Each grantee must develop a needs assessment to understand the type and location of community needs and to target limited resources to those areas with the greatest need. Grantees receiving an allocation under this notice must conduct a needs assessment to inform the use of CDBG–DR funds. Grantees must cite data sources. Grantees may use HUD's AFFH mapping tool (*https://egis.hud.gov/affht/*) or the CPD Mapping tool (*https://egis.hud.gov/cpdmaps/*) to inform their analysis. At a minimum, the needs assessment must:

- Evaluate all aspects of recovery including housing (interim and permanent, owner and rental, single-family and multifamily, affordable and market rate, and housing to meet the needs of persons who were homeless pre-disaster), infrastructure, and economic revitalization;
- Estimate unmet needs to ensure CDBG–DR funds meet needs that are not likely to be addressed by other sources of funds by accounting for the various forms of assistance available to, or likely to be available to, affected communities (*e.g.,* projected FEMA funds) and individuals (*e.g.,* estimated insurance) and use the most recent available data to estimate the portion of need unlikely to be addressed by insurance proceeds, other Federal assistance, or any other funding sources (thus producing an estimate of unmet need);
- Assess whether public services (*e.g.,* housing counseling, legal counseling, job training, mental health, and general health services) are necessary to complement activities intended to address housing, infrastructure, and economic revitalization and how those services are to be made accessible to individuals having wide-ranging disabilities including mobility, sensory, developmental, emotional, and other impairments;
- Describe the extent to which expenditures for planning activities will benefit the HUD-identified most impacted and distressed areas;
- Describe impacts geographically by type at the lowest level practicable (*e.g.,* county level, zip code, neighborhood, or census tract); and
- Take into account the costs of incorporating mitigation and resilience measures to protect against the anticipated effects of future extreme weather events and other natural hazards and long-term risks.

CDBG–DR funds may be used to reimburse planning and administration costs for developing the action plan, including the needs assessment, environmental review, and citizen participation requirements. HUD has developed a Disaster Impact and Unmet Needs Assessment Kit to guide CDBG–DR grantees through a process for identifying and prioritizing critical unmet needs for long-term community recovery. The Kit is available on the HUD Exchange website at: *https://www.hudexchange.info/resources/documents/Disaster_Recovery_Disaster_Impact_Needs_Assessment_Kit.pdf.*

Disaster recovery needs evolve over time and therefore grantees are expected to amend the needs assessment and action plan as conditions change, additional needs are identified, and additional resources become available.

(2) A description of the connection between identified unmet needs and the allocation of CDBG–DR resources. Grantees must propose an allocation of CDBG–DR funds that primarily considers and addresses unmet housing needs. Grantees may also allocate funds for economic revitalization and infrastructure activities, but in doing so, must identify how any remaining unmet housing needs will be addressed or how its economic revitalization and infrastructure activities will contribute to the long-term recovery and restoration of housing in the most impacted and distressed areas. Grantee action plans may provide for the allocation of funds for administration and planning activities and for public service activities, subject to the caps on such activities as described below.

(3) Each grantee must include a description of how it will identify and address the rehabilitation, reconstruction, replacement, and new construction of housing and shelters in the areas affected by the disaster. This includes any rental housing that is affordable to low- or moderate-income households as provided for in B.34 of section VI of this notice; public housing as provided for in B.33 of Section VI of this notice; emergency shelters and housing for the homeless; private market units receiving project-based assistance or with tenants that participate in the Section 8 Housing Choice Voucher Program; and any other housing that is assisted under a HUD program.

(4) A description of how the grantee's programs will promote housing for vulnerable populations, including a description of activities it plans to address: (a) The transitional housing, permanent supportive housing, and permanent housing needs of individuals and families (including subpopulations) that are homeless and at-risk of homelessness; (b) the prevention of low-income individuals and families with children (especially those with incomes below 30 percent of the area median)

from becoming homeless; and (c) the special needs of persons who are not homeless but require supportive housing (*e.g.,* elderly, persons with disabilities, persons with alcohol or other drug addiction, persons with HIV/AIDS and their families, and public housing residents. Grantees must also assess how planning decisions may affect members of protected classes, racially and ethnically concentrated areas, as well as concentrated areas of poverty; will promote the availability of affordable housing in low-poverty, nonminority areas where appropriate; and will respond to natural hazard-related impacts. Grantees are reminded that the use of recovery funds must meet accessibility standards, provide reasonable accommodations to persons with disabilities, and take into consideration the functional needs of persons with disabilities in the relocation process. Guidance on relocation considerations for persons with disabilities may be found in Chapter 3 of HUD's Relocation Handbook 1378.0 (available on the HUD Exchange website at: *https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780*). A checklist of accessibility requirements under the Uniform Federal Accessibility Standards (UFAS) is available at: *http://www.hudexchange.info/resources/796/ufas-accessibility-checklist/.* The HUD Deeming Notice.79 FR 29671 (May 23, 2014) explains when HUD recipients can use 2010 ADA Standards with exceptions, as an alternative to UFAS to comply with Section 504.

(5) A description of how the grantee plans to minimize displacement of persons or entities, and assist any persons or entities displaced.

(6) A description of the maximum amount of assistance available to a beneficiary under each of the grantee's disaster recovery programs. A grantee may find it necessary to provide exceptions on a case-by-case basis to the maximum amount of assistance and must describe the process it will use to make such exceptions in its action plan. At minimum, each grantee must adopt policies and procedures that communicate how it will analyze the circumstances under which an exception is needed and how it will demonstrate that the amount of assistance is necessary and reasonable.

(7) A description of how the grantee plans to: Promote sound, sustainable long-term recovery planning informed by a post-disaster evaluation of hazard risk, especially construction standards and land-use decisions that reflect responsible floodplain and wetland management and take into account continued sea level rise, if applicable; and coordinate with other local and regional planning efforts to ensure consistency. This information should be based on the history of FEMA flood mitigation efforts and take into account projected increase in sea level (if applicable) and the frequency and intensity of precipitation events.

(8) A description of how the grantee plans to adhere to the advanced elevation requirements established in paragraph B.32.e of section VI of this notice. Grantee decisions to elevate structures in a particular neighborhood or local government must be cost reasonable relative to other alternatives strategies, such as demolition of substantially-damaged structures with reconstruction of an elevated structure on the same site, property buyouts, or infrastructure improvements to prevent loss of life and mitigate future property damage.

The action plan should include an estimate of the average costs associated with elevating structures (updated as additional information becomes available through subsequent action plan amendments) and provide a description of how it will document on a neighborhood or local government level that elevation, as opposed to alternative strategies, is cost reasonable to promote a community's long-term recovery.

(9) A description of how the grantee will: (a) Design and implement programs or activities with the goal of protecting people and property from harm; (b) emphasize high quality, durability, energy efficiency, sustainability, and mold resistance; (c) support adoption and enforcement of modern and/or resilient building codes and mitigation of hazard risk, including possible sea level rise, high winds, storm surge, and flooding, where appropriate; and (d) implement and ensure compliance with the Green Building standards required in paragraph B.32.a of section VI of this notice. All rehabilitation, reconstruction, and new construction should be designed to incorporate principles of sustainability, including water and energy efficiency, resilience, and mitigating the impact of future disasters. Whenever feasible, grantees should follow best practices such as those provided by the U.S. Department of Energy's Guidelines for Home Energy Professionals—Professional Certifications and Standard Work Specifications found at *https://energy.gov/eere/wipo/guidelines-home-energy-professionals-standards-work-specifications.* HUD also encourages grantees to implement green infrastructure policies to the extent practicable.

(10) Additionally, a grantee using grant funds for infrastructure must include a description of how the proposed infrastructure activities will advance long-term resilience to natural hazards and how the grantee intends to align these investments with other planned State or local capital improvements. Grantees should describe how preparedness and mitigation measures will be integrated into rebuilding activities and how the grantee will promote community-level and/or regional (*e.g.* multiple local jurisdictions) post-disaster recovery and mitigation planning.

Grantees must also describe how they will address the construction or rehabilitation of storm water management systems in flood impacted areas. State grantees must work with local governments in the most impacted and distressed areas to identify the unmet needs and associated costs of needed storm water infrastructure improvements.

(11) A description of the grantee's proposed use of CDBG–DR funds to develop a disaster recovery and response plan that addresses long-term recovery and pre- and post-disaster hazard mitigation, if one does not currently exist.

(12) A description of how the grantee will leverage CDBG–DR funds with funding provided by other Federal, State, local, private, and nonprofit sources to generate a more effective and comprehensive recovery. Examples of other Federal sources are those provided by HUD, FEMA (specifically the Public Assistance Program, Individual Assistance Program, Permanent Housing Construction Repair, where applicable, and Hazard Mitigation Grant Program), SBA (specifically the Disaster Loans program), Economic Development Administration, USACE, and the U.S. Department of Agriculture. The grantee should seek to maximize the outcomes of investments and the degree to which CDBG funds are leveraged. Grantees shall identify leveraged funds for each activity, as applicable, in the DRGR system.

(13) A description of the standards to be established for construction contractors performing work in the jurisdiction and a mechanism for homeowners and small business owners to challenge construction work that does not meet these standards. HUD strongly encourages the grantee to require a warranty period post-construction, which includes a formal notification that is provided to homeowners on a

periodic basis (*e.g.,* 6 months and one month prior to expiration date of the warranty).

b. *Funds Awarded Directly to a State.* For State grantees, the action plan shall describe the method of distribution of funds to local governments and Indian tribes and/or descriptions of specific programs or activities the grantee will carry out directly. The description must include:

(1) How the needs assessment informed grantee funding determinations, including the rationale behind the decision(s) to provide funds to areas that were identified by the grantee as being most impacted and distressed, if applicable (*i.e.,* how the grantee determined that these areas are most impacted and distressed). All grant funds shall be expended in areas that received a presidential disaster declaration pursuant to the disaster numbers specified in Table 1 of this notice.

(2) The threshold factors and recipient or beneficiary grant size limits that are to be applied.

(3) The projected uses for the CDBG–DR funds, by responsible organization, activity, and geographic area, when the grantee carries out an activity directly.

(4) For each proposed program and/or activity carried out directly, its respective CDBG activity eligibility category (or categories), national objective(s), and specific aspects of disaster recovery as described in subparagraph d. of this paragraph.

(5) How the method of distribution to local governments and Indian tribes or programs/activities carried out directly will result in long-term recovery from specific impacts of the disaster.

(6) When funds are subgranted to local governments or Indian tribes, all criteria used to distribute funds to local governments or Indian tribes including the relative importance of each criterion.

(7) When applications are solicited for programs carried out directly, all criteria used to select applications for funding, including the relative importance of each criterion.

c. *Clarification of disaster-related activities.* All CDBG–DR funded activities must clearly address an impact of the disaster for which funding was allocated. Given standard CDBG requirements, this means each activity must: (1) Be a CDBG-eligible activity (or be eligible under a waiver or alternative requirement in this notice); (2) meet a national objective; and (3) address a direct or indirect impact from the major disaster in a Presidentially-declared county. A disaster-related impact can be addressed through any eligible CDBG–DR activity. Additional details on disaster-related activities are provided under section VI, parts B through D. Additionally, HUD has developed a series of CDBG–DR toolkits that guide grantees through specific grant implementation activities. These can be found on the HUD Exchange website at *https://www.hudexchange.info/programs/cdbg-dr/toolkits/.*

(1) Housing. Typical housing activities include new construction and rehabilitation of single-family or multifamily units. Most often, grantees use CDBG–DR funds to rehabilitate damaged homes and rental units. However, grantees may also fund new construction (see paragraph B.32 of section VI of this notice) or rehabilitate units *not* damaged by the disaster if the activity clearly addresses a disaster-related impact and is located in a disaster-affected area. This impact can be demonstrated by the disaster's overall effect on the quality, quantity, and affordability of the housing stock and the resulting inability of that stock to meet post-disaster needs and population demands.

Grantees are also required to coordinate with HUD-certified housing counseling organizations to ensure that information and services are made available to both renters and homeowners. Additional information for each grantee is available here: *https://apps.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?weblistaction=summary*.

(2) Economic Revitalization. The attraction, retention and return of businesses and jobs to a disaster-impacted area is critical to long term recovery. Accordingly, for CDBG–DR purposes, economic revitalization may include any CDBG–DR eligible activity that demonstrably restores and improves some aspect of the local economy through the attraction, retention and return of businesses and jobs. The activity may address job losses, or negative impacts to tax revenues or businesses. Examples of eligible activities include providing loans and grants to businesses to carry out eligible economic development activities, funding job training, making improvements to commercial/retail districts, and financing other efforts that attract/retain workers in devastated communities.

All economic revitalization activities must address an economic impact(s) caused by the disaster (*e.g.,* loss of jobs, loss of public revenue). Through its needs assessment and action plan, the grantee must clearly identify the economic loss or need resulting from the disaster, and how the proposed activities will address that loss or need. In proposing the use of CDBG–DR funds for economic revitalization under this notice, a grantee must identify how any remaining unmet housing needs will be addressed or how its economic development activities will contribute to the long-term recovery and restoration of housing in the most impacted and distressed areas.

(3) Infrastructure. Typical infrastructure activities include the rehabilitation, replacement, or relocation of damaged public facilities and improvements including, but not limited to, bridges, water treatment facilities, roads, sewer and water lines, and storm water management systems. In proposing an allocation of CDBG–DR funds under this notice for infrastructure, a grantee must identify how any remaining unmet housing needs will be addressed or how its infrastructure activities will contribute to the long-term recovery and restoration of housing in the most impacted and distressed areas.

(4) Preparedness and Mitigation. To ensure that CDBG–DR funds are used for authorized disaster recovery purposes, all assisted activities must respond to the impacts of the declared disaster identified in Table 1. HUD encourages grantees to incorporate preparedness and mitigation measures into CDBG–DR assisted activities to rebuild communities that are more resilient to future disasters. Mitigation measures that are not incorporated into those rebuilding activities must be a necessary expense related to disaster relief or long-term recovery that responds to the eligible disaster.

(5) Connection to the Disaster. Grantees must maintain records about each activity funded, as described in paragraph A.16 of section VI of this notice. In regard to physical losses, damage or rebuilding estimates are often the most effective tools for demonstrating the connection to the disaster. For housing market, economic, and/or nonphysical losses, post-disaster analyses or assessments may best document the relationship between the loss and the disaster.

d. *Clarity of Action Plan.* All grantees must include sufficient information so that all interested parties will be able to understand and comment on the action plan and, if applicable, be able to prepare responsive applications to the grantee. The action plan (and subsequent amendments) must include a single chart or table that illustrates, at the most practical level, how all funds are budgeted (*e.g.,* by program, subrecipient, grantee-administered activity, or other category).

e. *Review and Approval of Action Plan.* The action plan (including SF–424 and certifications) must be submitted to HUD for review and approval. Grantees that received an allocation pursuant to a Prior Appropriation must submit an action plan within 90 days of the effective date of this notice. All other grantees receiving an allocation under this notice must submit an action plan within 120 days of the effective date of this notice. HUD will review each action plan within 45 days from the date of receipt. The Secretary may disapprove an action plan as substantially incomplete if it is determined that the action plan does not meet the requirements of this notice.

f. *Obligation and expenditure of funds.* Once HUD makes the required certifications and approves the action plan, it will then sign a grant agreement obligating allocated funds to the grantee. In addition, HUD will establish the line of credit and the grantee will receive DRGR system access (if it does not already have DRGR system access). The grantee must also enter its action plan activities into the DRGR system in order to draw funds for those activities. Each activity must meet the applicable environmental requirements prior to the use of funds. After the Responsible Entity (usually the grantee) completes environmental review(s) pursuant to 24 CFR part 58 (as applicable) or adopts the environmental review performed by another federal agency, as authorized by the Appropriations Act, and receives from HUD or the State an approved Request for Release of Funds and certification (as applicable), the grantee may draw down funds from the line of credit for an activity. The disbursement of grant funds should begin no later than 180 days after the effective date of this notice. Failure to draw funds within 180 days of the effective date of this notice will result in the Department's review of the grantee's certification of its financial controls, procurement processes and capacity, and may result in a recommended corrective actions deemed appropriate by the Department pursuant to 24 CFR 570.495, 24 CFR 570.910, or 24 CFR 1003.701.

g. *Amending the Action Plan.* The grantee must amend its action plan to update its needs assessment, modify or create new activities, or reprogram funds, as necessary. Each amendment must be highlighted, or otherwise identified, within the context of the entire action plan. The beginning of every action plan amendment must include a: (1) Section that identifies exactly what content is being added, deleted, or changed; (2) chart or table that clearly illustrates where funds are coming from and where they are moving to; and (3) revised budget allocation table that reflects the entirety of all funds, as amended. A grantee's current version of its entire action plan must be accessible for viewing as a single document at any given point in time, rather than the public or HUD having to view and cross-reference changes among multiple amendments.

h. *Projection of expenditures and outcomes.* Each grantee must submit projected expenditures and outcomes with the action plan. The projections must be based on each quarter's expected performance—beginning with the quarter funds are available to the grantee and continuing each quarter until all funds are expended. The projections will enable HUD, the public, and the grantee to track proposed versus actual performance. The published action plan must be amended for any subsequent changes, updates or revision of the projections. Guidance on the preparation of projections is available on the HUD website.

3. *HUD performance review authorities and grantee reporting requirements in the Disaster Recovery Grant Reporting (DRGR) System.*

a. *Performance review authorities.* 42 U.S.C. 5304(e) requires that the Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine whether the grantee has carried out its activities in a timely manner, whether the grantee's activities and certifications are carried out in accordance with the requirements and the primary objectives of the HCD Act and other applicable laws, and whether the grantee has the continuing capacity to carry out those activities in a timely manner.

This notice waives the requirements for submission of a performance report pursuant to 42 U.S.C. 12708(a), 24 CFR 91.520, and 24 CFR 1003.506. Alternatively, HUD is requiring that grantees enter information in the DRGR system in sufficient detail to permit the Department's review of grantee performance on a quarterly basis through the Quarterly Performance Report (QPR) and to enable remote review of grantee data to allow HUD to assess compliance and risk. HUD-issued general and appropriation-specific guidance for DRGR reporting requirements can be found on the HUD exchange at: *https://www.hudexchange.info/programs/drgr/.*

b. *DRGR Action Plan.* Each grantee must enter its action plan for disaster recovery, including performance measures, into HUD's DRGR system. As more detailed information about uses of funds is identified by the grantee, it must be entered into the DRGR system at a level of detail that is sufficient to serve as the basis for acceptable performance reports and permits HUD review of compliance requirements.

The action plan must also be entered into the DRGR system so that the grantee is able to draw its CDBG–DR funds. The grantee may enter activities into the DRGR system before or after submission of the written action plan to HUD, but will not be able to budget grant funds to these activities until after the grant agreement has been executed. To enter an activity into the DRGR system, the grantee must know the activity type, national objective, and the organization that will be responsible for the activity.

Grantees will gain access to its line of credit upon review and approval of the initial DRGR action plan. Each activity entered into the DRGR system must also be categorized under a ''project.'' Typically, projects are based on groups of activities that accomplish a similar, broad purpose (*e.g.,* housing, infrastructure, or economic revitalization) or are based on an area of service (*e.g.,* Community A). If a grantee describes just one program within a broader category (*e.g.,* single family rehabilitation), that program is entered as a project in the DRGR system. Further, the budget of the program would be identified as the project's budget. If a grantee has only identified the Method of Distribution (MOD) upon HUD's approval of the published action plan, the MOD categories typically serve as the projects in the DRGR system, rather than activity groupings. Activities are added to MOD projects as specific CDBG–DR programs and projects are identified for funding.

c. *Tracking oversight activities in the DRGR system; use of DRGR data for HUD review and dissemination.* Each grantee must also enter into the DRGR system summary information on monitoring visits and reports, audits, and technical assistance it conducts as part of its oversight of its disaster recovery programs. The grantee's Quarterly Performance Report (QPR) will include a summary indicating the number of grantee oversight visits and reports (see subparagraph e. for more information on the QPR). HUD will use data entered into the DRGR action plan and the QPR, transactional data from the DRGR system, and other information provided by the grantee, to provide reports to Congress and the public, as well as to: (1) Monitor for anomalies or performance problems that suggest fraud, abuse of funds, and duplication of benefits; (2) reconcile budgets,

obligations, funding draws, and expenditures; (3) calculate expenditures to determine compliance with administrative and public service caps and the overall percentage of funds that benefit low- and moderate-income persons; and (4) analyze the risk of grantee programs to determine priorities for the Department's monitoring. Any instances of fraud, waste, or abuse identified should be referred to the HUD OIG Fraud Hotline (phone: 1–800–347–3735 or email: *hotline@hudoig.gov*). No personally identifiable information shall be reported in DRGR.

d. *Tracking program income in the DRGR system.* Grantees must use the DRGR system to draw grant funds for each activity. Grantees must also use the DRGR system to track program income receipts, disbursements, revolving loan funds, and leveraged funds (if applicable). If a State permits local governments to retain program income, or a State permits subrecipients to retain program income prior to grant closeout, the grantee must establish program income accounts in the DRGR system. The DRGR system requires grantees to use program income before drawing additional grant funds, and ensures that program income retained by one organization will not affect grant draw requests for other organizations.

e. *DRGR system Quarterly Performance Report (QPR).* Each grantee must submit a QPR through the DRGR system no later than 30 days following the end of each calendar quarter. Within 3 days of submission to HUD, each QPR must be posted on the grantee's official website. In the event the QPR is rejected by HUD, the grantee must post the revised version, as approved by HUD, within 3 days of HUD approval. The grantee's first QPR is due after the first full calendar year quarter after HUD signs the grant agreement. For example, a grant agreement signed in April requires a QPR to be submitted by October 30. QPRs must be submitted on a quarterly basis until all funds have been expended and all expenditures and accomplishments have been reported. If a satisfactory report is not submitted in a timely manner, HUD may suspend access to CDBG–DR funds until a satisfactory report is submitted, or may withdraw and reallocate funding if HUD determines, after notice and opportunity for a hearing, that the jurisdiction did not submit a satisfactory report.

Each QPR will include information about the uses of funds in activities identified in the DRGR action plan during the applicable quarter. This includes, but is not limited to, the project name, activity, location, and national objective; funds budgeted, obligated, drawn down, and expended; the funding source and total amount of any non–CDBG–DR funds to be expended on each activity; beginning and actual completion dates of completed activities; achieved performance outcomes, such as number of housing units completed or number of low- and moderate-income persons served; and the race and ethnicity of persons assisted under direct-benefit activities. For all housing and economic development activities, the address of each CDBG–DR assisted property must be recorded in the QPR. Grantees must not include such addresses in its public QPR; when entering addresses in the QPR, grantees must select ''Not Visible on PDF'' to exclude them from the report required to be posted on its website. The DRGR system will automatically display the amount of program income receipted, the amount of program income reported as disbursed, and the amount of grant funds disbursed in the QPR. Grantees must include a description of actions taken in that quarter to affirmatively further fair housing, within the section titled ''Overall Progress Narrative'' in the DRGR system.

4. *Citizen participation waiver and alternative requirement.* To permit a more streamlined process, and ensure disaster recovery grants are awarded in a timely manner, provisions of 42 U.S.C. 5304(a)(2) and (3), 42 U.S.C. 12707, 24 CFR 570.486, 24 CFR 1003.604, and 24 CFR 91.115(b) and (c), with respect to citizen participation requirements, are waived and replaced by the requirements below. The streamlined requirements do not mandate public hearings but do require the grantee to provide a reasonable opportunity (at least 14 days) for citizen comment and ongoing citizen access to information about the use of grant funds. The streamlined citizen participation requirements for a grant under this notice are:

a. *Publication of the action plan, opportunity for public comment, and substantial amendment criteria.* Before the grantee adopts the action plan for this grant or any substantial amendment to the action plan, the grantee will publish the proposed plan or amendment. The manner of publication must include prominent posting on the grantee's official website and must afford citizens, affected local governments, and other interested parties a reasonable opportunity to examine the plan or amendment's contents. The topic of disaster recovery should be navigable by citizens from the grantee's (or relevant agency's) homepage. Grantees are also encouraged to notify affected citizens through electronic mailings, press releases, statements by public officials, media advertisements, public service announcements, and/or contacts with neighborhood organizations. Plan publication efforts must meet the effective communications requirements of 24 CFR 8.6 and other fair housing and civil rights requirements, such as the effective communication requirements under the Americans with Disabilities Act.

Grantees are responsible for ensuring that all citizens have equal access to information about the programs, including persons with disabilities and limited English proficiency (LEP). Each grantee must ensure that program information is available in the appropriate languages for the geographic areas to be served and take appropriate steps to ensure effective communications with persons with disabilities pursuant to 24 CFR 8.6 and other fair housing and civil rights requirements, such as the effective communication requirements under the Americans with Disabilities Act. Since State grantees under this notice may make grants throughout the State, including to entitlement communities, States should carefully evaluate the needs of persons with disabilities and those with limited English proficiency. For assistance in ensuring that this information is available to LEP populations, recipients should consult the *Final Guidance to Federal Financial Assistance Recipients Regarding Title VI, Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons,* published on January 22, 2007, in the **Federal Register** (72 FR 2732) and at: *https://www.lep.gov/guidance/HUD_guidance_Jan07.pdf*.

Subsequent to publication of the action plan, the grantee must provide a reasonable time frame (again, no less than 14 days) and method(s) (including electronic submission) for receiving comments on the plan or substantial amendment. In its action plan, each grantee must specify criteria for determining what changes in the grantee's plan constitute a substantial amendment to the plan. At a minimum, the following modifications will constitute a substantial amendment: A change in program benefit or eligibility criteria; the addition or deletion of an activity; or the allocation or reallocation of a monetary threshold specified by the grantee in its action plan. The grantee may substantially amend the action plan if it follows the same procedures required in this notice for the

preparation and submission of an action plan for disaster recovery.

b. *Nonsubstantial amendment.* The grantee must notify HUD, but is not required to seek public comment, when it makes any plan amendment that is not substantial. HUD must be notified at least 5 business days before the amendment becomes effective. However, every amendment to the action plan (substantial and nonsubstantial) must be numbered sequentially and posted on the grantee's website. The Department will acknowledge receipt of the notification of nonsubstantial amendments via email within 5 business days.

c. *Consideration of public comments.* The grantee must consider all comments, received orally or in writing, on the action plan or any substantial amendment. A summary of these comments or views, and the grantee's response to each must be submitted to HUD with the action plan or substantial amendment.

d. *Availability and accessibility of the Action Plan.* The grantee must make the action plan, any substantial amendments, and all performance reports available to the public on its website and on request. In addition, the grantee must make these documents available in a form accessible to persons with disabilities and those with limited English proficiency. During the term of the grant, the grantee will provide citizens, affected local governments, and other interested parties with reasonable and timely access to information and records relating to the action plan and to the grantee's use of grant funds.

e. *Public website.* The grantee must maintain a public website that provides information accounting for how all grant funds are used and managed/administered, including links to all action plans, action plan amendments, CDBG–DR program policies and procedures, performance reports, citizen participation requirements, and activity/program information for activities described in its action plan, including details of all contracts and ongoing procurement policies. To meet this requirement, each grantee must have a separate page dedicated to disaster recovery that includes the information described at paragraph A.27 of section VI of this notice.

f. *Application status.* The grantee must provide multiple methods of communication, such as websites, toll-free numbers, or other means that provide applicants for recovery assistance with timely information to determine the status of their application, as provided for in paragraph A.1.b in section VI of this notice.

g. *Citizen complaints.* The grantee will provide a timely written response to every citizen complaint. The response must be provided within 15 working days of the receipt of the complaint. Complaints regarding fraud, waste, or abuse of government funds should be forwarded to the HUD OIG Fraud Hotline (phone: 1–800–347–3735 or email: *hotline@hudoig.gov*).

5. *Direct grant administration and means of carrying out eligible activities—applicable to State grantees only.* Requirements at 42 U.S.C. 5306(d) are waived to the extent necessary to allow a State to use its disaster recovery grant allocation directly to carry out State-administered activities eligible under this notice, rather than distribute all funds to local governments. Pursuant to this waiver, the standard at 24 CFR 570.480(c) and the provisions at 42 U.S.C. 5304(e)(2) will also include activities that the State carries out directly. Activities eligible under this notice may be carried out by the State, subject to State law and consistent with the requirement of 24 CFR 570.200(f), through its employees, through procurement contracts, or through assistance provided under agreements with subrecipients. State grantees continue to be responsible for civil rights, labor standards, and environmental protection requirements, for compliance with 24 CFR 570.489(g) and (h) relating to conflicts of interest and for compliance with 24 CFR 570.489(m) relating to monitoring and management of subrecipients.

A State grantee may also carry out activities in tribal areas. The State should coordinate with the Indian tribe with jurisdiction over the tribal area when providing CDBG–DR assistance to beneficiaries in tribal areas. State grantees carrying out projects in tribal areas, either directly or through its employees, through procurement contracts, or through assistance provided under agreements with subrecipients, must obtain the consent of the Indian tribe with jurisdiction over the tribal area to allow the State to carry out or to fund CDBG–DR projects in the area. Indian tribes that receive CDBG–DR funding from a State grantee must comply with the Title II of the Civil Rights Act of 1968 (25 U.S.C. 1301 *et seq.*) (Indian Civil Rights Act).

For activities carried out by entities eligible under section 105(a)(15) of the HCD Act, such entities will be subject to the description of a nonprofit under that section rather than the description located in 24 CFR 570.204, even in a case in which the entity is receiving assistance through a local government that is an entitlement grantee.

6. *Consolidated Plan waiver.* HUD is temporarily waiving the requirement for consistency with the consolidated plan (requirements at 42 U.S.C. 12706, 24 CFR 91.325(a)(5) and 91.225(a)(5)), because the effects of a major disaster alter a grantee's priorities for meeting housing, employment, and infrastructure needs. In conjunction, 42 U.S.C. 5304(e), to the extent that it would require HUD to annually review grantee performance under the consistency criteria, is also waived. However, this waiver applies only until the grantee submits its next full (3–5 year) consolidated plan, or for 24 months after the effective date of this notice, whichever is sooner. If the grantee is not scheduled to submit a new 3–5 year consolidated plan within the next 2 years, HUD expects each grantee to update its existing 3–5 year consolidated plan to reflect disaster-related needs no later than 24 months after the effective date of this notice. Additionally, grantees are encouraged to incorporate disaster-recovery needs into their consolidated plan updates as soon as practicable, but any unmet disaster-related needs and associated priorities must be incorporated into the grantee's next consolidated plan update no later than its Fiscal Year 2020 update. HUD has issued guidance for incorporating CDBG–DR funds into consolidated plans via HUD's eCon Planning Suite. This guidance is on the HUD Exchange at: *https://www.hudexchange.info/resource/4400/updating-the-consolidated-plan-to-reflect-disaster-recovery-needs-and-associated-priorities/.* This waiver does not affect the current applicability of HUD's July 16, 2015, final rule on Affirmatively Furthering Fair Housing (80 FR 42272) to grantees.

7. *Requirement for consultation during plan preparation.* Currently, the HCD Act and regulations require State grantees to consult with affected local governments in nonentitlement areas of the State in determining the State's proposed method of distribution. HUD is waiving 42 U.S.C. 5306(d)(2)(C)(iv), 42 U.S.C. 5306(d)(2)(D), 24 CFR 91.325(b)(2), and 24 CFR 91.110, and instituting the alternative requirement that States receiving an allocation under this notice consult with all disaster-affected local governments (including any CDBG entitlement grantees), Indian tribes, and any local public housing authorities in determining the use of funds. This ensures that State grantees sufficiently assess the recovery needs of all areas affected by the disaster. Additional guidance on consultation

with local stakeholders can be found in the National Disaster Recovery Framework and its discussion of pre- and post-disaster planning, at: *https://www.fema.gov/national-disaster-recovery-framework.*

Grantees must consult with States, Indian tribes, local governments, Federal partners, nongovernmental organizations, the private sector, and other stakeholders and affected parties in the surrounding geographic area to ensure consistency of the action plan with applicable regional redevelopment plans. Grantees are encouraged to establish a recovery task force with representative members of each sector to advise on how recovery activities can best contribute towards the goals of regional redevelopment plans.

8. *Overall benefit requirement.* The primary objective of the HCD Act is the ''development of viable urban communities, by providing decent housing and a suitable living environment and expanding economic opportunities, principally for persons of low and moderate income'' (42 U.S.C. 5301(c)). To carry out this objective, the statute requires that not less than 70 percent of the aggregate of CDBG program funds be used to support activities benefitting low- and moderate-income persons. The 70 percent overall benefit requirement shall remain in effect for this allocation, unless waived pursuant to a request by an individual grantee to authorize a lower overall benefit for its CDBG–DR grant based on a determination by HUD of compelling need for the reduction.

A grantee may seek to reduce the overall benefit requirement below 70 percent of the total grant, but must submit a justification that, at a minimum: (a) Identifies the planned activities that meet the needs of its low- and moderate-income population; (b) describes proposed activity(ies) and/or program(s) that will be affected by the alternative requirement, including their proposed location(s) and role(s) in the grantee's long-term disaster recovery plan; (c) describes how the activities/programs identified in (b) prevent the grantee from meeting the 70 percent requirement; and (d) demonstrates that low- and moderate-income persons' disaster-related needs have been sufficiently met and that the needs of non– low- and moderate-income persons or areas are disproportionately greater, and that the jurisdiction lacks other resources to serve them.

9. *Use of the* ''*upper quartile*'' *or* ''*exception criteria*'' *for low- and moderate-income area benefit activities.* Section 101(c) of the HCD Act requires each funded activity to meet a national objective of the CDBG program, including the national objective of benefiting low- and moderate-income persons. Grantees may meet this national objective on an area basis, through an activity which is available to benefit all the residents of an area where at least 51 percent of the residents are low- and moderate income. In some cases, HUD permits an exception to the low- and moderate-income area benefit requirement that an area contain at least 51 percent low- and moderate-income residents. This exception applies to entitlement communities that have few, if any, areas within their jurisdiction that have 51 percent or more low- and moderate-income residents. These communities are allowed to use a percentage less than 51 percent to qualify activities under the low- and moderate-income area benefit category. This exception is referred to as the ''exception criteria'' or the ''upper quartile.'' A grantee qualifies for this exception when fewer than one quarter of the populated-block groups in its jurisdictions contain 51 percent or more low- and moderate-income persons. In such a community, activities must serve an area that contains a percentage of low- and moderate-income residents that is within the upper quartile of all census-block groups within its jurisdiction in terms of the degree of concentration of low- and moderate-income residents. HUD assesses each grantee's census-block groups to determine whether a grantee qualifies to use this exception and identifies the alternative percentage the grantee may use instead of 51 percent for the purpose of qualifying activities under the low- and moderate-income area benefit. HUD determines the lowest proportion a grantee may use to qualify an area for this purpose and advises the grantee, accordingly. Disaster recovery grantees are required to use the most recent data available in implementing the exception criteria (*https://www.hudexchange.info/programs/acs-low-mod-summary-data/acs-low-mod-summary-data-exception-grantees/*). The ''exception criteria'' apply to disaster recovery activities funded pursuant to this notice in jurisdictions covered by such criteria, including jurisdictions that receive disaster recovery funds from a State.

10. *Grant administration responsibilities and general administration cap.*

a. *Grantee responsibilities.* Each grantee shall administer its award in compliance with all applicable laws and regulations and shall be financially accountable for the use of all funds provided in this notice.

b. *General administration cap.* For all grantees under this notice, the CDBG program administration requirements must be modified to be consistent with the Appropriations Act. Accordingly, 5 percent of the grant (plus program income) may be used for administrative costs by the grantee, units of general local government, or by subrecipients. Thus, the total of all costs classified as administrative for any grantee under this notice must be less than or equal to the 5 percent cap.

(1) *Combined technical assistance and administrative expenditures cap for States only.* The provisions of 42 U.S.C. 5306(d) and 24 CFR 570.489(a)(1)(i) and (iii) will not apply to the extent that they cap administration and technical assistance expenditures, limit a State's ability to charge a nominal application fee for grant applications for activities the State carries out directly, and require a dollar-for-dollar match of State funds for administrative costs exceeding $100,000. 42 U.S.C. 5306(d)(5) and (6) are waived and replaced with the alternative requirement that the aggregate total for administrative and technical assistance expenditures must not exceed 5 percent of the grant plus program income. Under this alternative requirement, a State is limited to spending a maximum of 15 percent of its total grant amount on planning costs. Planning costs subject to the 15 percent cap are those defined in 42 U.S.C. 5305(a)(12).

11. *Planning-only activities-applicable to State grantees only.* The State CDBG program requires that local government grant subrecipients for planning-only grants must document that the use of funds meets a national objective. In the State CDBG program, these planning grants are typically used for individual project plans. By contrast, planning activities carried out by entitlement communities are more likely to include non-project-specific plans such as functional land-use plans, master plans, historic preservation plans, comprehensive plans, community recovery plans, development of housing codes, zoning ordinances, and neighborhood plans. These plans may guide long-term community development efforts comprising multiple activities funded by multiple sources. In the CDBG Entitlement program, these more general planning activities are presumed to meet a national objective under the requirements at 24 CFR 570.208(d)(4).

The Department notes that almost all effective recoveries in the past have relied on some form of area-wide or comprehensive planning activity to guide overall redevelopment

independent of the ultimate source of implementation funds. To assist State grantees, the Department is waiving the requirements at 24 CFR 570.483(b)(5) or (c)(3), which limit the circumstances under which the planning activity can meet a low- and moderate-income or slum-and-blight national objective. Instead, States must comply with 24 CFR 570.208(d)(4) when funding disaster recovery-assisted, planning-only grants, or directly administering planning activities that guide recovery in accordance with the Appropriations Act. In addition, the types of planning activities that States may fund or undertake are expanded to be consistent with those of entitlement communities identified at 24 CFR 570.205. Plans should include an assessment of natural hazard risks, including anticipated effects of future extreme weather events and other hazards. Additional resources to assist in this process are available on the HUD exchange website: *https://www.hudexchange.info/programs/cdbg-dr/resources/#natural-hazard-risk-and-resilience-tools.*

12. *Use of the urgent need national objective.* The CDBG certification requirements for documentation of urgent need, located at 24 CFR 570.483(d), are waived for the grants under this notice and replaced with the following alternative requirement. In the context of disaster recovery, the standard urgent need certification requirements may impede recovery. Since the Department only provides CDBG–DR awards to grantees with documented disaster-related impacts and each grantee is limited to spending funds only for the benefit of areas that received a presidential disaster declaration as identified in Table 1 of this notice, the following streamlined alternative requirement recognizes the urgency in addressing serious threats to community welfare following a major disaster.

A grantee need not issue formal certification statements to qualify an activity as meeting the urgent need national objective. Instead, it must document how each program and/or activity funded under the urgent need national objective responds to a disaster-related impact. For each activity that will meet an urgent need national objective, the grantee must reference in its action plan needs assessment the type, scale, and location of the disaster-related impacts that each program and/or activity is addressing over the course of the applicable deadline for the expenditure of obligated grant funds. Grantees are advised to use the low- and moderate-income benefit national objective for all activities that qualify under the criteria for that national objective. At least 70 percent of the entire CDBG–DR grant must be used for activities that benefit low- and moderate-income persons.

13. *Waiver and alternative requirement for distribution to CDBG metropolitan cities and urban counties-applicable to State grantees only.* 42 U.S.C. 5302(a)(7) (definition of ''nonentitlement area'') and provisions of 24 CFR part 570, including 24 CFR 570.480, are waived to permit a State to distribute CDBG–DR funds to units of local government and Indian tribes.

14. *Use of subrecipients—applicable to State grantees only.* The State CDBG program rule does not make specific provision for the treatment of entities that the CDBG Entitlement program calls ''subrecipients.'' The waiver allowing the State to directly carry out activities creates a situation in which the State may use subrecipients to carry out activities in a manner similar to an entitlement community. Therefore, for States taking advantage of the waiver to carry out activities directly, the requirements at 24 CFR 570.502, 570.503, and 570.500(c) apply.

15. *Waiver and alternative requirement for the U.S. Virgin Islands to administer CDBG–DR funds pursuant to the regulatory and statutory requirements of the State CDBG program.* The provisions of 24 CFR part 570 subpart F are waived to authorize the U.S. Virgin Islands to administer a CDBG–DR allocation in accordance with the regulatory and statutory provisions governing the State CDBG program, as modified by this notice. This includes the requirement that the aggregate total for administrative and technical assistance expenditures by the U.S. Virgin Islands must not exceed 5 percent of any CDBG–DR grant made pursuant to the Appropriations Act, plus program income.

16. *Recordkeeping.* When a State carries out activities directly, 24 CFR 570.490(b) is waived and the following alternative provision shall apply: the State shall establish and maintain such records as may be necessary to facilitate review and audit by HUD of the State's administration of CDBG–DR funds, under 24 CFR 570.493. Consistent with applicable statutes, regulations, waivers and alternative requirements, and other Federal requirements, the content of records maintained by the State shall be sufficient to: (1) Enable HUD to make the applicable determinations described at 24 CFR 570.493; (2) make compliance determinations for activities carried out directly by the State; and (3) show how activities funded are consistent with the descriptions of activities proposed for funding in the action plan and/or DRGR system. For fair housing and equal opportunity (FHEO) purposes, as applicable, such records shall include data on the racial, ethnic, and gender characteristics of persons who are applicants for, participants in, or beneficiaries of the program. All grantees must report FHEO data in the DRGR system at the activity level.

17. *Change of use of real property-applicable to State grantees only.* This alternative requirement conforms the change of use of real property rule to the waiver allowing a State to carry out activities directly. For purposes of this program, all references to ''unit of general local government'' in 24 CFR 570.489(j), shall be read as ''State, unit of general local government (UGLG) or State subrecipient.''

18. *Responsibility for review and handling of noncompliance-applicable to State grantees only.* This change is in conformance with the waiver allowing the State to carry out activities directly. 24 CFR 570.492 is waived and the following alternative requirement applies for any State receiving a direct award under this notice: The State shall make reviews and audits, including on-site reviews of any subrecipients, designated public agencies, and local governments, as may be necessary or appropriate to meet the requirements of section 104(e)(2) of the HCD Act, as amended, as modified by this notice. In the case of noncompliance with these requirements, the State shall take such actions as may be appropriate to prevent a continuance of the deficiency, mitigate any adverse effects or consequences, and prevent a recurrence. The State shall establish remedies for noncompliance by any designated subrecipients, public agencies, or local governments. The State shall attend and require subrecipients to attend fraud related training provided by HUD OIG to assist in the proper management of CDBG–DR grant funds. Additional information about this training will be posted on the HUD website.

19. *Program income alternative requirement.* The Department is waiving applicable program income rules at 42 U.S.C. 5304(j) and 24 CFR 570.489(e), 570.500 and 570.504 only to the extent necessary to provide additional flexibility to State and local government as described below. The alternative requirements provide guidance regarding the use of program income received before and after grant close out and address revolving loan funds.

a. *Definition of program income.*

(1) For purposes of this notice, ''program income'' is defined as gross income generated from the use of

CDBG–DR funds, except as provided in subparagraph (d) of this paragraph, and received by a State or a subrecipient of a State. When income is generated by an activity that is only partially assisted with CDBG–DR funds, the income shall be prorated to reflect the percentage of CDBG–DR funds used (*e.g.,* a single loan supported by CDBG–DR funds and other funds; a single parcel of land purchased with CDBG funds and other funds). Program income includes, but is not limited to, the following:

(a) Proceeds from the disposition by sale or long-term lease of real property purchased or improved with CDBG–DR funds.

(b) Proceeds from the disposition of equipment purchased with CDBG–DR funds.

(c) Gross income from the use or rental of real or personal property acquired by a State, local government, or subrecipient thereof with CDBG–DR funds, less costs incidental to generation of the income (*i.e.,* net income).

(d) Net income from the use or rental of real property owned by a State, local government, or subrecipient thereof, that was constructed or improved with CDBG–DR funds.

(e) Payments of principal and interest on loans made using CDBG–DR funds.

(f) Proceeds from the sale of loans made with CDBG–DR funds.

(g) Proceeds from the sale of obligations secured by loans made with CDBG–DR funds.

(h) Interest earned on program income pending disposition of the income, including interest earned on funds held in a revolving fund account.

(i) Funds collected through special assessments made against nonresidential properties and properties owned and occupied by households not low- and moderate-income, where the special assessments are used to recover all or part of the CDBG–DR portion of a public improvement.

(j) Gross income paid to a State, local government, or a subrecipient thereof, from the ownership interest in a for-profit entity in which the income is in return for the provision of CDBG–DR assistance.

(2) ''Program income'' does not include the following:

(a) The total amount of funds that is less than $35,000 received in a single year and retained by a State, local government, or a subrecipient thereof.

(b) Amounts generated by activities eligible under section 105(a)(15) of the HCD Act and carried out by an entity under the authority of section 105(a)(15) of the HCD Act.

b. *Retention of program income.* State grantees may permit a local government or Indian tribe that receives or will receive program income to retain the program income, but are not required to do so.

c. *Program income—use, close out, and transfer.*

(1) Program income received (and retained, if applicable) before or after close out of the grant that generated the program income, and used to continue disaster recovery activities, is treated as additional CDBG–DR funds subject to the requirements of this notice and must be used in accordance with the grantee's action plan for disaster recovery. To the maximum extent feasible, program income shall be used or distributed before additional withdrawals from the U.S. Treasury are made, except as provided in subparagraph d. of this paragraph.

(2) In addition to the regulations addressing program income found at 24 CFR 570.489(e) and 570.504, the following rules apply: A State grantee may transfer program income to its annual CDBG program before close out of the grant that generated the program income. In addition, a State grantee may transfer program income before close out to any annual CDBG-funded activities carried out by a local government within the State. Program income received by a grantee after close out of the grant that generated the program income, may also be transferred to a grantee's annual CDBG award. In all cases, any program income received that is *not* used to continue the disaster recovery activity will not be subject to the waivers and alternative requirements of this notice. Rather, those funds will be subject to the State grantee's regular CDBG program rules.

d. *Revolving loan funds.* State grantees and local governments may establish revolving funds to carry out specific, identified activities. A revolving fund, for this purpose, is a separate fund (with a set of accounts that are independent of other program accounts) established to carry out specific activities. These activities generate payments used to support similar activities going forward. These payments to the revolving fund are program income and must be substantially disbursed from the revolving fund before additional grant funds are drawn from the U.S. Treasury for payments that could be funded from the revolving fund. Such program income is not required to be disbursed for nonrevolving fund activities.

State grantees may also establish a revolving fund to distribute funds to local governments to carry out specific, identified activities. The same requirements, outlined above, apply to this type of revolving loan fund. Note that no revolving fund established per this notice shall be directly funded or capitalized with CDBG–DR grant funds, pursuant to 24 CFR 570.489(f)(3).

20. *Reimbursement of disaster recovery expenses.* The provisions of 24 CFR 570.489(b) are applied to permit a State grantee to charge to the grant otherwise allowable costs incurred by itself, its recipients or subrecipients (including public housing authorities (PHAs)) on or after the incident date of the covered disaster. A local government grantee is subject to the provisions of 24 CFR 570.200(h) but may reimburse itself or its subrecipients for otherwise allowable costs incurred on or after the incident date of the covered disaster. Section 570.200(h)(1)(i) will not apply to the extent that it requires pre-agreement activities to be included in a consolidated plan. The Department expects a grantee to include all pre-agreement activities in its action plans.

21. *Reimbursement of pre-application costs of homeowners, businesses, and other qualifying entities.* A grantee is permitted to charge to grants the preaward and preapplication costs of homeowners, businesses, and other qualifying entities for eligible costs it has incurred in response to an eligible disaster covered under this notice. However, a grantee may not charge such preaward or preapplication costs to grants if the preaward or preapplication action results in an adverse impact to the environment. Grantees receiving an allocation under this notice are also subject to HUD's guidance on preaward expenses published in CPD Notice 2015–07, ''Guidance for Charging Pre-Application Costs of Homeowners, Businesses, and Other Qualifying Entities to CDBG Disaster Recovery Grants,'' as amended (*https://www.hud.gov/sites/documents/15-07CPDN.PDF*). Grantees are required to consult with the State Historic Preservation Officer, Fish and Wildlife Service, and National Marine Fisheries Service, to obtain formal agreements for compliance with section 106 of the National Historic Preservation Act (54 U.S.C. 306108) and section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1536) when designing a reimbursement program. Grantees may not use CDBG–DR funds to provide compensation to beneficiaries meaning that funds may not be provided to a beneficiary based on the estimated or actual amount of loss from the declared disaster. Grantees may, however, reimburse beneficiaries for pre-application costs incurred by the beneficiary for completing an eligible

activity, not for the amount of loss incurred by the beneficiary.

22. *Prohibition on forced mortgage payoff.* In some instances, a homeowner with an outstanding mortgage balance is required, under the terms of their loan agreement, to repay the balance of the mortgage loan prior to using assistance to rehabilitate or reconstruct their home. CDBG–DR funds, however, may not be used for a forced mortgage payoff. The ineligibility of a forced mortgage payoff with CDBG–DR funds does not affect HUD's longstanding guidance that when other non-CDBG disaster assistance is taken by lenders for a forced mortgage payoff, those funds are not considered to be available to the homeowner and do not constitute a duplication of benefits for the purpose of housing rehabilitation or reconstruction.

23. *One-for-One Replacement Housing, Relocation, and Real Property Acquisition Requirements.* Activities and projects undertaken with CDBG–DR funds are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601 *et seq.*) (''URA'') and section 104(d) of the HCD Act (42 U.S.C. 5304(d))(Section 104(d)). The implementing regulations for the URA are at 49 CFR part 24. The regulations for section 104(d) are at 24 CFR part 42, subpart C. For the purpose of promoting the availability of decent, safe, and sanitary housing, HUD is waiving the following URA and section 104(d) requirements with respect to the use of CDBG–DR funds allocated under this notice:

a. *Section 104(d) one for one replacement.* One-for-one replacement requirements at section 104(d)(2)(A)(i) and (ii) and (d)(3) of the HCD Act and 24 CFR 42.375 are waived in connection with funds allocated under this notice for lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation. The section 104(d) one-for-one replacement requirements generally apply to demolished or converted occupied and vacant occupiable lower-income dwelling units. This waiver exempts disaster-damaged units that meet the grantee's definition of ''not suitable for rehabilitation'' from the one-for-one replacement requirements. Before carrying out activities that may be subject to the one-for-one replacement requirements, the grantee must define ''not suitable for rehabilitation'' in its action plan or in policies/procedures governing these activities. A grantee with questions about the one-for-one replacement requirements is encouraged to contact the HUD regional relocation specialist responsible for its jurisdiction.

HUD is waiving the section 104(d) one-for-one replacement requirement for lower-income dwelling units that are damaged by the disaster and not suitable for rehabilitation because it does not account for the large, sudden changes that a major disaster may cause to the local housing stock, population, or economy. Further, the requirement may discourage grantees from converting or demolishing disaster-damaged housing when excessive costs would result from replacing all such units. Disaster-damaged housing structures that are not suitable for rehabilitation can pose a threat to public health and safety and to economic revitalization. Grantees should reassess post-disaster population and housing needs to determine the appropriate type and amount of lower-income dwelling units to rehabilitate and/or rebuild. Grantees should note that the demolition and/or disposition of PHA-owned public housing units is covered by section 18 of the United States Housing Act of 1937, as amended, and 24 CFR part 970.

b. *Relocation assistance.* The relocation assistance requirements at section 104(d)(2)(A) of the HCD Act and 24 CFR 42.350 are waived to the extent that they differ from the requirements of the URA and implementing regulations at 49 CFR part 24, as modified by this notice, for activities related to disaster recovery. Without this waiver, disparities exist in relocation assistance associated with activities typically funded by HUD and FEMA (*e.g.,* buyouts and relocation). Both FEMA and CDBG funds are subject to the requirements of the URA; however, CDBG funds are subject to section 104(d), while FEMA funds are not. The URA provides at 49 CFR 24.402(b) that a displaced person is eligible to receive a rental assistance payment that is calculated to cover a period of 42 months. By contrast, section 104(d) allows a lower-income displaced person to choose between the URA rental assistance payment and a rental assistance payment calculated over a period of 60 months. This waiver of the section 104(d) relocation assistance requirements assures uniform and equitable treatment by setting the URA and its implementing regulations as the sole standard for relocation assistance under this notice.

c. *Tenant-based rental assistance.* The requirements of sections 204 and 205 of the URA, and 49 CFR 24.2(a)(6)(vii), 24.2(a)(6)(ix), and 24.402(b) are waived to the extent necessary to permit a grantee to meet all or a portion of a grantee's replacement housing payment obligation to a displaced tenant by offering rental housing through a tenant-based rental assistance (TBRA) housing program subsidy (*e.g.,* Section 8 rental voucher or certificate), provided that comparable replacement dwellings are made available to the tenant in accordance with 49 CFR 24.204(a) where the owner is willing to participate in the TBRA program, and the period of authorized assistance is at least 42 months. Failure to grant this waiver would impede disaster recovery whenever TBRA program subsidies are available but funds for cash replacement housing payments are limited and such payments are required by the URA to be based on a 42-month term.

d. *Arm's length voluntary purchase.* The requirements at 49 CFR 24.101(b)(2)(i) and (ii) are waived to the extent that they apply to an arm's length voluntary purchase carried out by a person who uses funds allocated under this notice and does not have the power of eminent domain, in connection with the purchase and occupancy of a principal residence by that person. Given the often large-scale acquisition needs of grantees, this waiver is necessary to reduce burdensome administrative requirements following a disaster. Grantees are reminded that tenants occupying real property acquired through voluntary purchase may be eligible for relocation assistance.

e. *Optional relocation policies.* The regulation at 24 CFR 570.606(d) is waived to the extent that it requires optional relocation policies to be established at the grantee level. Unlike the regular CDBG program, States may carry out disaster recovery activities directly or through subrecipients, but 24 CFR 570.606(d) does not account for this distinction. This waiver makes clear that grantees receiving CDBG–DR funds under this notice may establish optional relocation policies or permit their subrecipients to establish separate optional relocation policies. This waiver is intended to provide States with maximum flexibility in developing optional relocation policies with CDBG–DR funds.

f. *Waiver of Section 414 of the Stafford Act.* Section 414 of the Stafford Act (42 U.S.C. 5181) provides that ''Notwithstanding any other provision of law, no person otherwise eligible for any kind of replacement housing payment under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91–646) [42 U.S.C. 4601 *et seq.*] [''URA''] shall be denied such eligibility as a result of his being unable, because of a major disaster as determined by the

President, to meet the occupancy requirements set by [the URA]''. Accordingly, homeowner occupants and tenants displaced from their homes as a result of the identified disaster and who would have otherwise been displaced as a direct result of any acquisition, rehabilitation, or demolition of real property for a federally funded program or project may become eligible for a replacement housing payment notwithstanding their inability to meet occupancy requirements prescribed in the URA. Section 414 of the Stafford Act (including its implementing regulation at 49 CFR 24.403(d)(1)), is waived to the extent that it would apply to real property acquisition, rehabilitation or demolition of real property for a CDBG–DR funded project commencing more than one year after the Presidentially declared disaster undertaken by the grantees, or subrecipients, provided that the project was not planned, approved, or otherwise underway prior to the disaster. The Department has surveyed other federal agencies' interpretation and implementation of Section 414 and found varying views and strategies for long-term, post-disaster projects involving the acquisition, rehabilitation, or demolition of disaster-damaged housing. The Secretary has the authority to waive provisions of the Stafford Act and its implementing regulations that the Secretary administers in connection with the obligation of funds made available by this notice, or the grantees' use of these funds. The Department has determined that good cause exists for a waiver and that such waiver is not inconsistent with the overall purposes of title I of the HCD Act.

(1) The waiver will simplify the administration of the disaster recovery process and reduce the administrative burden associated with the implementation of Stafford Act Section 414 requirements for projects commencing more than one year after the date of the Presidentially declared disaster considering the majority of such persons displaced by the disaster will have returned to their dwellings or found another place of permanent residence.

(2) This waiver does not apply with respect to persons that meet the occupancy requirements to receive a replacement housing payment under the URA nor does it apply to persons displaced or relocated temporarily by other HUD-funded programs or projects. Such persons' eligibility for relocation assistance and payments under the URA is not impacted by this waiver.

24. *Environmental requirements.*

a. *Clarifying note on the process for environmental release of funds when a State carries out activities directly.* Usually, a State distributes CDBG funds to local governments and takes on HUD's role in receiving environmental certifications from the grant recipients and approving releases of funds. For this grant, HUD will allow a State grantee to also carry out activities directly, in addition to distributing funds to subrecipients. Thus, per 24 CFR 58.4, when a State carries out activities directly, the State must submit the Certification and Request for Release of Funds to HUD for approval.

b. *Adoption of another agency's environmental review.* In accordance with the Appropriations Act, grant recipients of Federal funds that use such funds to supplement Federal assistance provided under sections 402, 403, 404, 406, 407, or 502 of the Stafford Act may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval, or permit that is required by the HCD Act. The grant recipient must notify HUD in writing of its decision to adopt another agency's environmental review. The grant recipient must retain a copy of the review in the grantee's environmental records.

c. *Unified Federal Review.* Section 1106 or the Sandy Recovery Improvement Act (Div. B of Pub. L. 113–2, enacted January 29, 3013) directed the Administration to ''establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law.'' The process aims to coordinate environmental and historic preservation reviews to expedite planning and decision-making for disaster recovery projects. This can improve the Federal Government's assistance to States, local, and tribal governments; communities; families; and individual citizens as they recover from future Presidentially declared disasters. Grantees receiving an allocation of funds under this notice are encouraged to participate in this process as one means of expediting recovery. Tools for the unified interagency review process (UFR) process can be found here: *http://www.fema.gov/unified-federal-environmental-and-historic-preservation-review-presidentially-declared-disasters.*

d. *Release of funds.* In accordance with the Appropriations Act, and notwithstanding 42 U.S.C. 5304(g)(2), the Secretary may, upon receipt of a Request for Release of Funds and Certification, immediately approve the release of funds for an activity or project assisted with allocations under this notice if the recipient has adopted an environmental review, approval, or permit under subparagraph b. above, or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*).

e. *Historic preservation reviews.* To facilitate expedited historic preservation reviews under section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. Section 306108), HUD strongly encourages grantees to allocate general administration funds to retain a qualified historic preservation professional, and support the capacity of the State Historic Preservation Officer/Tribal Historic Preservation Officer to review CDBG–DR projects. For more information on qualified historic preservation professional qualifications standards see *https://www.nps.gov/history/local-law/arch_stnds_9.htm.*

f. *Tiered environmental reviews.* HUD strongly encourages grantees as Responsible Entities to develop a Tiered approach to streamline the environmental review process for single family housing programs. Tiering, as defined in 40 CFR 1508.28, is a means of making the environmental review process more efficient by allowing parties to ''eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for decision at each level of environmental review'' (40 CFR 1502.20). Tiering is appropriate when a Responsible Entity is evaluating a single-family housing program with similar activities within a defined local geographic area and timeframe (*e.g.,* rehabilitating single-family homes within a city district or county over the course of 1 to 5 years) but where the specific sites and activities are not yet known.

A tiered review consists of two stages: A broad-level review and subsequent site-specific reviews. The broad-level review should identify and evaluate the issues that can be fully addressed and resolved, notwithstanding possible limited knowledge of the project. In addition, it must establish the standards, constraints, and processes to be followed in the site-specific reviews. An 8-Step Decision Making Process for Floodplains and Wetlands, including early and final public notices can be completed on a county-wide basis for single-family housing programs funded through CDBG–DR. As individual sites are selected for review, the site-specific

reviews evaluate the remaining issues based on the policies established in the broad-level review. Together, the broad-level review and all site-specific reviews will collectively comprise a complete environmental review addressing all required elements. Public notice and the Request for Release of Funds (HUD-Form 7015.15) are processed at the broad-level, eliminating the need for publication at the site-specific level. However, funds cannot be spent or committed on a specific site or activity until the site-specific review have been completed for the site.

25. *Duplication of benefits.* Section 312 of the Stafford Act, as amended, generally prohibits any person, business concern, or other entity from receiving financial assistance with respect to any part of a loss resulting from a major disaster for which such person, business concern, or other entity has received financial assistance under any other program or from insurance or any other source. To comply with Section 312, each grantee must ensure that each activity provides assistance to a person or entity only to the extent that the person or entity has a disaster recovery need that has not been fully met. Grantees are subject to the requirements of a separate notice explaining the duplication of benefit requirements, entitled ''Clarification of Duplication of Benefits Requirements Under the Stafford Act for Community Development Block Grant (CDBG) Disaster Recovery Grantees'' (76 FR 71060, published November 16, 2011).

26. *Procurement.* State grantees must comply with the procurement requirements at 24 CFR 570.489(g) and evaluate the cost or price of the product or service. State grantees shall establish requirements for procurement policies and procedures for local governments and subrecipients based on full and open competition consistent with the requirements of 24 CFR 570.489(g), and shall require an evaluation of the cost or price of the product or service. Additionally, if the State agency designated as the administering agency chooses to provide funding to another State agency, the administering agency may specify in its procurement policies and procedures whether the agency implementing the program must follow the procurement policies and procedures that the administering agency is subject to, or whether the agency must follow the same policies and procedures to which other local governments and subrecipients are subject.

HUD may request periodic updates from any grantee that uses contractors. A contractor is a third-party person or organization from which the grantee acquires good or services through a procurement process, consistent with the procurement requirements in the CDBG program regulations. HUD is establishing an additional alternative requirement for *all* contracts with contractors used to provide discrete services or deliverables only, as follows:

a. The grantee (or procuring entity) is required to clearly state the period of performance or date of completion in all contracts;

b. The grantee (or procuring entity) must incorporate performance requirements and liquidated damages into each procured contract. Contracts that describe work performed by general management consulting services need not adhere to this requirement; and

c. The grantee (or procuring entity) may contract for administrative support but may not delegate or contract to any other party any inherently governmental responsibilities related to management of the grant, such as oversight, policy development, monitoring, internal auditing, and financial management. Technical assistance resources for procurement are available to grantees either through HUD staff or through technical assistance providers engaged by HUD or a grantee.

27. *Public website.* HUD is requiring each grantee to maintain a public website that provides information accounting for how all grant funds are used and managed/administered. The creation and maintenance of the public website is one component of the Department's certification of a grantee's proficient financial controls and procurement processes and adequate procedures for proper grants management as provided in paragraph A.1.a of section VI. of this notice. To meet this requirement, each grantee must make the following items available on its website: The action plan (including all amendments); the current approved DRGR action plan; each QPR (as created using the DRGR system); citizen participation requirements; procurement policies and procedures; description of services or goods currently being procured by the grantee; a copy of contracts the grantee has procured directly; and a summary of all procured contracts, including those procured by the grantee, recipients, or subrecipients (*e.g.,* a summary list of procurements, the phase of the procurement, requirements for proposals, and any liquidation of damages associated with a contractor's failure or inability to implement the contract, etc.). The grantee should post only contracts as defined in 2 CFR 200.22. To assist grantees in preparing the procurement summary, HUD has developed a template (the Contract Reporting Template). The template can be accessed at: *https://www.hudexchange.info/cdbg-dr/cdbg-dr-laws-regulations-and-federal-register-notices/.* Each grantee is required to use this template and attach an updated version to the DRGR system each quarter as part of its QPR submissions. Updated summaries must also be posted monthly on each grantee's website.

28. *Timely distribution of funds.* The Appropriations Act, as amended, requires that funds provided under the Act be expended within two years of the date that HUD obligates funds to a grantee and authorizes the Office of Management and Budget (OMB) to provide a waiver of this requirement. In the absence of a waiver for this requirement, each grantee is required to expend all obligated funds within two years of HUD's execution of the grant agreement or amended grant agreement that obligates those funds. In addition, the provisions at 24 CFR 570.494 and 24 CFR 570.902 regarding timely distribution and expenditure of funds are waived and an alternative requirement established, providing that each grantee must also expend 100 percent of its allocation of CDBG–DR funds on eligible activities within 6 years of HUD's execution of the initial grant agreement.

29. *Review of continuing capacity to carry out CDBG-funded activities in a timely manner.* If HUD determines that the grantee has not carried out its CDBG–DR activities and certifications in accordance with the requirements in this notice, HUD will undertake a further review to determine whether or not the grantee has the continuing capacity to carry out its activities in a timely manner. In making the determination, the Department will consider the nature and extent of the recipient's performance deficiencies, types of corrective actions the recipient has undertaken, and the success or likely success of such actions, and apply the corrective and remedial actions specified in paragraph A.30 (below) of section VI of this notice.

30. *Corrective and remedial actions.* To ensure compliance with the requirements of the Appropriations Act and to effectively administer the CDBG–DR program in a manner that facilitates recovery, particularly the alternative requirements permitting States to act directly to carry out eligible activities, HUD is waiving 42 U.S.C. 5304(e) to the extent necessary to establish the following alternative requirement: HUD may undertake corrective and remedial actions for States in accordance with the

authorities applicable to entitlement grantees in subpart O (including corrective and remedial actions in 24 CFR 570.910, 570.911, and 570.913) or under subpart I of the CDBG regulations at 24 CFR part 570. In response to a deficiency, HUD may issue a warning letter followed by a corrective action plan that may include a management plan which assigns responsibility for further administration of the grant to specific entities or persons. Failure to comply with a corrective action may result in the termination, reduction or limitation of payments to grantees receiving funds under this notice.

31. *Reduction, withdrawal, or adjustment of a grant, or other appropriate action.* Prior to a reduction, withdrawal, or adjustment of a CDBG–DR grant, or other actions taken pursuant to this section, the recipient shall be notified of the proposed action and be given an opportunity for an informal consultation. Consistent with the procedures described in this notice, the Department may adjust, reduce, or withdraw the CDBG–DR grant or take other actions as appropriate, except for funds that have been expended for eligible, approved activities.

B. Housing and Related Floodplain Issues

32. *Housing-related eligibility waivers.* The broadening of eligible activities under the HCD Act is necessary following major disasters in which large numbers of affordable housing units have been damaged or destroyed, as is the case of the disasters eligible under this notice.

Therefore, 42 U.S.C. 5305(a)(24)(A) and (D) is waived to the extent necessary to allow: (1) Homeownership assistance for households earning up to 120 percent of the area median income; and (2) down payment assistance for up to 100 percent of the down payment. While homeownership assistance may be provided to households earning up to 120 percent of the area median income, only those funds used for households with up to 80 percent of the area median income may qualify as meeting the low- and moderate-income person benefit national objective.

In addition, 42 U.S.C. 5305(a) and 24 CFR 570.207(b)(3) is waived and alternative requirements adopted to the extent necessary to permit new housing construction, and to require the following construction standards on structures constructed or rehabilitated with CDBG–DR funds as part of activities eligible under 42 U.S.C. 5305(a). All references to ''substantial damage'' and ''substantial improvement'' shall be as defined in 44 CFR 59.1 unless otherwise noted.

a. *Green Building Standard for Replacement and New Construction of Residential Housing.* Grantees must meet the Green Building Standard in this subparagraph for: (i) All new construction of residential buildings and (ii) all replacement of substantially damaged residential buildings. Replacement of residential buildings may include reconstruction (*i.e.,* demolishing and rebuilding a housing unit on the same lot in substantially the same manner) and may include changes to structural elements such as flooring systems, columns, or load bearing interior or exterior walls.

b. *Meaning of Green Building Standard.* For purposes of this notice, the Green Building Standard means the grantee will require that all construction covered by subparagraph a, above, meet an industry-recognized standard that has achieved certification under at least one of the following programs: (i) ENERGY STAR (Certified Homes or Multifamily High-Rise), (ii) Enterprise Green Communities, (iii) LEED (New Construction, Homes, Midrise, Existing Buildings Operations and Maintenance, or Neighborhood Development), (iv) ICC–700 National Green Building Standard, (v) EPA Indoor AirPlus (ENERGY STAR a prerequisite), or (vi) any other equivalent comprehensive green building program acceptable to HUD. Grantees must identify which Green Building Standard will be used in the program policies and procedures.

c. *Standards for rehabilitation of nonsubstantially damaged residential buildings.* For rehabilitation other than that described in subparagraph a, above, grantees must follow the guidelines specified in the HUD CPD Green Building Retrofit Checklist, available at *https://www.hudexchange.info/resource/3684/guidance-on-the-cpd-green-building-checklist/.* Grantees must apply these guidelines to the extent applicable to the rehabilitation work undertaken, including the use of mold resistant products when replacing surfaces such as drywall. When older or obsolete products are replaced as part of the rehabilitation work, rehabilitation is required to use ENERGY STAR-labeled, WaterSense-labeled, or Federal Energy Management Program (FEMP)-designated products and appliances. For example, if the furnace, air conditioner, windows, and appliances are replaced, the replacements must be ENERGY STAR-labeled or FEMP-designated products; WaterSense-labeled products (*e.g.,* faucets, toilets, showerheads) must be used when water products are replaced. Rehabilitated housing may also implement measures recommended in a Physical Condition Assessment (PCA) or Green Physical Needs Assessment (GPNA).

d. *Implementation of green building standards.* (i) For construction projects completed, underway, or under contract prior to the date that assistance is approved for the project, the grantee is encouraged to apply the applicable standards to the extent feasible, but the Green Building Standard is not required. (ii) For specific required equipment or materials for which an ENERGY STAR- or WaterSense-labeled or FEMP-designated product does not exist, the requirement to use such products does not apply.

e. *Elevation standards for new construction, repair of substantial damage, or substantial improvement.* The following elevation standards apply to new construction, repair of substantial damage, or substantial improvement of structures located in an area delineated as a flood hazard area or equivalent in FEMA's data source identified in 24 CFR 55.2(b)(1). All structures, defined at 44 CFR 59.1, designed principally for residential use and located in the 100-year (or 1 percent annual chance) floodplain that receive assistance for new construction, repair of substantial damage, or substantial improvement, as defined at 24 CFR 55.2(b)(10), must be elevated with the lowest floor, including the basement, at least two feet above the base flood elevation. Mixed-use structures with no dwelling units and no residents below two feet above base flood elevation, must be elevated or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above base flood elevation. Please note that grantees should review the UFAS accessibility checklist available at *https://www.hudexchange.info/resource/796/ufas-accessibility-checklist/* and the HUD Deeming Notice, 79 FR 29671 (May 23, 2014) to ensure that these structures comply with accessibility requirements.

All Critical Actions, as defined at 24 CFR 55.2(b)(3), within the 500-year (or 0.2 percent annual chance) floodplain must be elevated or floodproofed (in accordance with the FEMA standards) to the higher of the 500-year floodplain elevation or three feet above the 100-year floodplain elevation. If the 500-year floodplain is unavailable, and the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed at least three feet above the 100-year floodplain elevation. Critical Actions are defined as an ''activity for which even a slight

chance of flooding would be too great, because such flooding might result in loss of life, injury to persons or damage to property.'' For example, Critical Actions include hospitals, nursing homes, police stations, fire stations and principal utility lines.

Applicable State, local, and tribal codes and standards for floodplain management that exceed these requirements, including elevation, setbacks, and cumulative substantial damage requirements, must be followed.

f. *Broadband infrastructure in housing.* Any substantial rehabilitation, as defined by 24 CFR 5.100, or new construction of a building with more than four rental units must include installation of broadband infrastructure, except where the grantee documents that: (a) The location of the new construction or substantial rehabilitation makes installation of broadband infrastructure infeasible; (b) the cost of installing broadband infrastructure would result in a fundamental alteration in the nature of its program or activity or in an undue financial burden; or (c) the structure of the housing to be substantially rehabilitated makes installation of broadband infrastructure infeasible.

g. *Resilient Home Construction Standard.* Grantees are strongly encouraged to incorporate a Resilient Home Construction Standard, meaning that all construction covered by subparagraph (a) meet an industry-recognized standard such as those set by the FORTIFIED Home™ Gold level for new construction of single-family, detached homes; and FORTIFIED Home™ Silver level for reconstruction of the roof, windows and doors; or FORTIFIED Home™ Bronze level for repair or reconstruction of the roof; or any other equivalent comprehensive resilient or disaster resistant building program. Further, grantees are strongly encouraged to meet the FORTIFIED Home™ Bronze level standard for roof repair or reconstruction, for all construction covered under subparagraph B.32.c. FORTIFIED Home™ is a risk-reduction program providing construction standards for new homes and retrofit standards for existing homes, which will increase a home's resilience to natural hazards, including high wind, hail, and tropical storms. Insurers can provide discounts for homeowner's insurance for properties certified as FORTIFIED. Grantees should advise property owners to contact their insurance agent for current information on what discounts may be available. More information is also available at: *https://disastersafety.org/fortified/fortified-home/.*

33. *Addressing Unmet Public Housing Needs.* The grantee must identify in its action plan how it will address the rehabilitation, mitigation, and new construction needs of each disaster-impacted PHA within its jurisdiction, if applicable. The grantee must work directly with impacted PHAs in identifying necessary and reasonable costs and ensure that adequate funding from all available sources, including CDBG–DR grant funds, are dedicated to addressing the unmet needs of damaged public housing (*e.g.,* FEMA, insurance, and funds available from programs administered by HUD's Office of Public and Indian Housing). In the rehabilitation, reconstruction and replacement of public housing provided for in the action plan pursuant to paragraph A.2.a.3 of section VI of this notice, each grantee must identify funding to specifically address the unmet needs described in this subparagraph.

34. *Addressing Unmet Affordable Rental Housing Needs.* The grantee must identify in its action plan how it will address the rehabilitation, reconstruction, replacement, and new construction rental housing that is affordable to low- and moderate-income households in the most impacted and distressed areas and ensure that adequate funding from all available sources, including CDBG–DR grant funds, are dedicated to addressing the unmet needs identified in its action plan pursuant to paragraph A.2.a.3 of section VI of this notice. To meet the low-moderate housing national objective, affordable rental housing funded under this notice must be rented to a low- and moderate-income person at affordable rents. The grantee must impose a minimum affordability period of twenty (20) years enforced with recorded use restrictions or other mechanisms to ensure that rental housing remains affordable for the required period of time. The action plan must, at a minimum, provide (1) a definition of ''affordable rents''; (2) the income limits for tenants of rental housing; (3) and minimum affordability period of twenty (20) years.

35. *Housing incentives in disaster-affected communities.* Incentive payments are generally offered in addition to other programs or funding (such as insurance), to encourage households to relocate in a suitable housing development or an area promoted by the community's comprehensive recovery plan. For example, a grantee may offer an incentive payment (possibly in addition to a buyout payment) for households that volunteer to relocate outside of floodplain or to a lower-risk area.

Therefore, 42 U.S.C. 5305(a) and associated regulations are waived to the extent necessary to allow the provision of housing incentives. These grantees must maintain documentation, at least at a programmatic level, describing how the amount of assistance was determined to be necessary and reasonable, and the incentives must be in accordance with the grantee's approved action plan and published program design(s). This waiver does not permit a compensation program. Additionally, a grantee may require the housing incentive to be used for a particular purpose by the household receiving the assistance.

In undertaking a larger scale migration or relocation recovery effort that is intended to move households out of high-risk areas, the grantee should consider how it can protect and sustain the impacted community and its assets. Grantees must also weigh the benefits and costs, including anticipated insurance costs, of redeveloping high-risk areas that were impacted by a disaster. Accordingly, grantees are prohibited from offering incentives to return households to disaster-impacted floodplains, unless the grantee can demonstrate to HUD how it will resettle such areas in a way that mitigates the risks of future disasters and increasing insurance costs resulting from continued occupation of high-risk areas, through mechanisms that can reduce risks and insurance costs, such as new land use development plans, building codes or construction requirements, protective infrastructure development, or through restrictions on future disaster assistance to such properties.

When undertaking housing incentive activities, to demonstrate that an incentive meets the low- and moderate-income housing national objective, grantees must meet all requirements of the HCD Act and the criteria for the Low/Mod Housing Incentive (LMHI) national objectives for the use of housing incentives as described in paragraph B.38 of section VI.

36. *Limitation on emergency grant payments—interim mortgage assistance.* 42 U.S.C. 5305(a)(8), 24 CFR 570.207(b)(4), and 24 CFR 1003.207(b)(4) are modified to the extent necessary to extend interim mortgage assistance to qualified individuals from 3 months to up to 20 months. Interim mortgage assistance is typically used in conjunction with a buyout program, or when the rehabilitation or reconstruction of single-family housing extends beyond 3

months, during which mortgage payments may be due but the home is uninhabitable. Thus, this interim assistance will be critical for many households facing financial hardship during this period. Grantees may use interim housing mortgage assistance payments along with rehabilitation/reconstruction assistance to expedite recovery assistance to homeowners, but must establish performance milestones for the rehabilitation/reconstruction that are to be met by the homeowner in order to receive the interim mortgage assistance payments. A grantee using this alternative requirement must document, in its policies and procedures, how it will determine the amount of assistance to be provided is necessary and reasonable.

37. *Acquisition of real property; flood and other buyouts.* Grantees under this notice are able to carry out property acquisition for a variety of purposes. However, the term ''buyouts'' as referenced in this notice refers to acquisition of properties located in a floodway or floodplain that is intended to reduce risk from future flooding or the acquisition of properties in Disaster Risk Reduction Areas as designated by the grantee and defined below. HUD is providing alternative requirements for consistency with the application of other Federal resources commonly used for this type of activity.

Grantees are encouraged to use buyouts strategically, as a means of acquiring contiguous parcels of land for uses compatible with open space, recreational, natural floodplain functions, other ecosystem restoration, or wetlands management practices. To the maximum extent practicable, grantees should avoid circumstances in which parcels that could not be acquired through a buyout remain alongside parcels that have been acquired through the grantee's buyout program. Grantees are reminded that real property acquisition with CDBG–DR funding, including buyout, is subject to the URA, including the real property acquisitions requirements at 49 CFR part 24, subpart B, as modified at paragraph A.23 of section VI of this notice.

a. Clarification of ''Buyout'' and ''Real Property Acquisition'' activities. Grantees that choose to undertake a buyout program have the discretion to determine the appropriate valuation method, including paying either pre-disaster or post-disaster fair market value (FMV). In most cases, a program that provides pre-disaster FMV to buyout applicants provides compensation at an amount greater than the post-disaster FMV. When the purchase price exceeds the current FMV, any CDBG–DR funds in excess of the FMV are considered assistance to the seller, thus making the seller a beneficiary of CDBG–DR assistance. If the seller receives assistance as part of the purchase price, this may have implications for duplication of benefits calculations or for demonstrating national objective criteria, as discussed below. However, a program that provides *post*-disaster FMV to buyout applicants merely provides the actual value of the property; thus, the seller is not considered a beneficiary of CDBG–DR assistance.

Regardless of purchase price, all buyout activities are a type of acquisition of real property (as permitted by 42 U.S.C. 5305(a)(1)). However, only acquisitions that meet the definition of a ''buyout'' are subject to the post-acquisition land use restrictions imposed by this notice (subparagraph b. below). The key factor in determining whether the acquisition is a buyout is whether the intent of the purchase is to reduce risk of property damage in a floodplain or a Disaster Risk Reduction Area. To conduct a buyout in a Disaster Risk Reduction Area, the grantee must establish criteria in its policies and procedures to designate the area subject to the buyout, pursuant to the following requirements: (1) The hazard must have been caused or exacerbated by the Presidentially declared disaster for which the grantee received its CDBG–DR allocation; (2) the hazard must be a predictable environmental threat to the safety and well-being of program beneficiaries, as evidenced by the best available data (*e.g.* FEMA Repetitive Loss Data) and science; and (3) the Disaster Risk Reduction Area must be clearly delineated so that HUD and the public may easily determine which properties are located within the designated area.

The distinction between buyouts and other types of acquisitions is important, because grantees may only redevelop an acquired property if the property is *not* acquired through a buyout program (*i.e.,* the purpose of acquisition was something other than risk reduction). When acquisitions are not acquired through a buyout program, the purchase price must be consistent with applicable uniform cost principles (and the pre-disaster FMV may not be used).

b. Buyout requirements:

(1) Any property acquired, accepted, or from which a structure will be removed pursuant to the project will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, or floodplain and wetlands management practices.

(2) No new structure will be erected on property acquired, accepted, or from which a structure was removed under the acquisition or relocation program other than: (a) A public facility that is open on all sides and functionally related to a designated open space (*e.g.,* a park, campground, or outdoor recreation area); (b) a rest room; or (c) a flood control structure, provided that structure does not reduce valley storage, increase erosive velocities, or increase flood heights on the opposite bank, upstream, or downstream and that the local floodplain manager approves, in writing, before the commencement of the construction of the structure.

(3) After receipt of the assistance, with respect to any property acquired, accepted, or from which a structure was removed under the acquisition or relocation program, no subsequent application for additional disaster assistance for any purpose or to repair damage or make improvements of any sort will be made by the owner of the buyout property (including subsequent owners) to any Federal entity in perpetuity.

The entity acquiring the property may lease it to adjacent property owners or other parties for compatible uses in return for a maintenance agreement. Although Federal policy encourages leasing rather than selling such property, the property may also be sold.

In all cases, a deed restriction or covenant running with the property must require that the buyout property be dedicated and maintained for compatible uses in perpetuity.

(4) Grantees have the discretion to determine an appropriate valuation method (including the use of pre-flood value or post-flood value as a basis for property value). However, in using CDBG–DR funds for buyouts, the grantee must uniformly apply whichever valuation method it chooses.

(5) All buyout activities must be classified using the ''buyout'' activity type in the DRGR system.

(6) Any State grantee implementing a buyout program or activity must consult with affected local governments.

(7) When undertaking buyout activities, to demonstrate that a buyout meets the low- and moderate-income housing national objective, grantees must meet all requirements of the HCD Act and applicable regulatory criteria described below. Grantees are encouraged to consult with HUD prior to undertaking a buyout program with the intent of using the low- and moderate-income housing (LMH) national objective. 42 U.S.C. 5305(c)(3) provides that any assisted activity that involves the acquisition or

rehabilitation of property to provide housing shall be considered to benefit persons of low- and moderate-income only to the extent such housing will, upon completion, be occupied by such persons. In addition, the State CDBG regulations at 24 CFR 570.483(b)(3), entitlement CDBG regulations at 24 CFR 570.208(a)(3), and Indian CDBG regulations at 24 CFR 1003.208(c) apply the LMH national objective to an eligible activity carried out for the purpose of providing or improving permanent residential structures that, upon completion, will be occupied by low- and moderate-income households. Therefore, a buyout program that merely pays homeowners to leave their existing homes does not result in a low- and moderate-income household occupying a residential structure and, thus, cannot meet the requirements of the LMH national objective. Buyout programs that assist low- and moderate-income persons can be structured in one of the following ways:

(a) The buyout program combines the acquisition of properties with another direct benefit—Low- and Moderate-Income housing activity, such as down payment assistance—that results in occupancy and otherwise meets the applicable LMH national objective criteria;

(b) The program meets the low- and moderate-income area benefit criteria as defined in this notice, to demonstrate national objective compliance, provided that the grantee can document that the properties acquired through buyouts will be used in a way that benefits all of the residents in a particular area where at least 51 percent of the residents are low- and moderate-income persons. When using the area benefit approach, grantees must define the service area based on the end use of the buyout properties; or

(c) The program meets the criteria for the low- and moderate-income limited clientele national objective, including the prohibition on the use of the limited clientele national objective when an activity's benefits are available to all residents of the area. A buyout program could meet the national objective criteria for the limited clientele national objective if it restricts buyout program eligibility to exclusively low- and moderate-income persons, and the buyout provides an actual benefit to the low- and moderate-income sellers by providing pre-disaster valuation uniformly to those who participate in the program.

(d) The program meets the criteria for the Low/Mod Buyout (LMB) or Low/Mod Housing Incentive (LMHI) national objectives for buyouts and the use of housing incentives as authorized in the Department's August 7, 2017 **Federal Register** notice at 82 FR 36825 and described in paragraph B.38 of section VI in this notice.

c. *Redevelopment of acquired properties.*

(1) Grantees may redevelop an acquired property if the property is not acquired through a buyout program and the purchase price is based on the property's post-disaster value, consistent with applicable cost principles (the pre-disaster value may not be used). In addition to the purchase price, grantees may opt to provide relocation assistance or housing incentives to the owner of a property that will be redeveloped if the property is purchased by the grantee or subrecipient through voluntary acquisition, and the owner's need for additional assistance is documented.

(2) In carrying out acquisition activities, grantees must ensure they are in compliance with their long-term redevelopment plans.

38. *Additional LMI National Objective Criteria for Buyouts and Housing Incentives.* In this notice, HUD is establishing an alternative requirement to clarify the criteria under which buyout activities and housing incentives can meet an LMI national objective. Grantees authorized to use housing incentives in this notice must follow guidelines outlined in paragraph 35 of section VI of this notice. The CDBG regulations limit activities that meet the LMI national objective to only the activities meeting the four established criteria in 24 CFR 570.208(a)(1) through (4) and 570.483(b)(1) through (4). Prior **Federal Register** notices have advised grantees of the criteria under which a buyout activity can meet a LMI housing (LMH) national objective (80 FR 72102). Notwithstanding that guidance, however, HUD has determined that providing CDBG–DR grantees with an additional method to demonstrate how buyouts and housing incentives can assist LMI households, beyond those described in the previous notices, will ensure that grantees and HUD can account for and assess the benefit that CDBG–DR assistance may have on LMI households when buyouts and housing incentives are used in long term recovery. Given the primary objective of the HCD Act to assist low- and moderate income persons, the Secretary has determined that there is good cause to establish an alternative requirement under which CDBG–DR grantees are authorized to qualify the assistance provided to LMI persons through buyout and housing incentive programs, due to the benefits received by the individuals that receive buyout and housing incentive awards that allow them to move from areas that are likely to be affected by future disasters.

In addition to the existing criteria at 24 CFR 570.208(a)(1)–(4) and 570.483(b)(1)–(4), HUD is establishing an alternative requirement to include the two new LMI national objective criteria for buyouts (LMB) and housing incentives (LMHI) that benefit LMI households that use CDBG–DR funding provided pursuant to this notice.

For a buyout award or housing incentive to meet the new LMB and LMHI national objectives, grantees must demonstrate the following:

(1) The CDBG–DR funds have been provided for an eligible activity that benefits LMI households supporting their move from high risk areas. The following activities shall qualify under this criterion, and must also meet the eligibility criteria of the notices governing the use of the CDBG–DR funds:

(a) Low/Mod Buyout (LMB). When CDBG–DR funds are used for a buyout award to acquire housing owned by a qualifying LMI household, where the award amount (including optional relocation assistance) is greater than the post-disaster (current) fair market value of that property.

(b) Low/Mod Housing Incentive (LMHI). When CDBG–DR funds are used for a housing incentive award, tied to the voluntary buyout or other voluntary acquisition of housing owned by a qualifying LMI household, for which the housing incentive is for the purpose of moving outside of the affected floodplain or to a lower-risk area; or when the housing incentive is for the purpose of providing or improving residential structures that, upon completion, will be occupied by an LMI household.

(2) Activities that meet the above criteria will be considered to benefit low and moderate-income persons unless there is substantial evidence to the contrary. Any activities that meet the newly established national objective criteria described above will count towards the calculation of a CDBG–DR grantee's overall LMI benefit.

39. *Alternative requirement for housing rehabilitation—assistance for second homes.* The Department is instituting an alternative requirement to the rehabilitation provisions at 42 U.S.C. 5305(a)(4) as follows: Properties that served as second homes at the time of the disaster, or following the disaster, are not eligible for rehabilitation assistance or housing incentives. A second home is defined under this notice as a home that is not the primary

residence of the owner, a tenant, or any occupant at the time of the storm or at the time of application for assistance. Grantees may adopt policies and procedures that provide for limited exceptions to providing assistance to a second home in order to meet specific disaster recovery needs (*e.g.,* adding affordable housing capacity); provided however that such exceptions are developed in consultation with and approved by HUD prior to implementation. Grantees can verify a primary residence using a variety of documentation including, but not limited to, voter registration cards, tax returns, homestead exemptions, driver's licenses and rental agreements.

40. *Flood insurance.* Grantees, recipients, and subrecipients must implement procedures and mechanisms to ensure that assisted property owners comply with all flood insurance requirements, including the purchase and notification requirements described below, prior to providing assistance. For additional information, please consult with the field environmental officer in the local HUD field office or review the guidance on flood insurance requirements on HUD's website.

a. *Flood insurance purchase requirements.* HUD does not prohibit the use of CDBG–DR funds for existing residential buildings in a Special Flood Hazard Area (or 100-year floodplain). However, Federal, State, local, and tribal laws and regulations related to both flood insurance and floodplain management must be followed, as applicable. With respect to flood insurance, a HUD-assisted homeowner of a property located in a Special Flood Hazard Area must obtain and maintain flood insurance in the amount and duration prescribed by FEMA's National Flood Insurance Program. Section 102(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) mandates the purchase of flood insurance protection for any HUD-assisted property within a Special Flood Hazard Area. HUD strongly recommends the purchase of flood insurance *outside* of a Special Flood Hazard Area for properties that have been damaged by a flood, to better protect property owners from the economic risks of future floods and reduce dependence on Federal disaster assistance in the future, but this is not a requirement.

b. *Federal assistance to owners remaining in a floodplain.*

(1) Section 582 of the National Flood Insurance Reform Act of 1994, as amended, (42 U.S.C. 5154a) prohibits flood disaster assistance in certain circumstances. In general, it provides that no Federal disaster relief assistance made available in a flood disaster area may be used to make a payment (including any loan assistance payment) to a person for ''repair, replacement, or restoration'' for damage to any personal, residential, or commercial property if that person at any time has received Federal flood disaster assistance that was conditioned on the person first having obtained flood insurance under applicable Federal law and the person has subsequently failed to obtain and maintain flood insurance as required under applicable Federal law on such property. This means that a grantee may not provide disaster assistance for the repair, replacement, or restoration of a property to a person who has failed to meet this requirement and must implement a process to check and monitor for compliance.

(2) The Department is instituting an alternative requirement to 42 U.S.C. 5305(a)(4) as follows: Grantees receiving funds under this notice are prohibited from providing CDBG–DR assistance for the rehabilitation/reconstruction of a house, if (a) the combined household income is greater than 120% AMI or the national median, (b) the property was located in a floodplain at the time of the disaster, and (c) the property owner did not maintain flood insurance on the damaged property, even when the property owner was not required to obtain and maintain such insurance. When a homeowner located in the floodplain allows their flood insurance policy to lapse, it is assumed that the homeowner is unable to afford insurance and/or is accepting responsibility for future flood damage to the home. HUD is establishing this alternative requirement to ensure that adequate recovery resources are available to assist lower income homeowners who reside in a floodplain but who are unlikely to be able to afford flood insurance. Higher income homeowners who reside in a floodplain, but who failed to secure or decided to not maintain their flood insurance, should not be assisted at the expense of those lower income households. Therefore, a grantee may only provide assistance for the rehabilitation/reconstruction of a house located in a floodplain if: (a) The homeowner had flood insurance at the time of the qualifying disaster and still has unmet recovery needs; or (b) the household earns less than the greater of 120% AMI or the national median and has unmet recovery needs.

(3) Section 582 also imposes a responsibility on a grantee that receives CDBG–DR funds or that designates annually appropriated CDBG funds for disaster recovery. That responsibility is to inform property owners receiving disaster assistance that triggers the flood insurance purchase requirement that they have a statutory responsibility to notify any transferee of the requirement to obtain and maintain flood insurance in writing and to maintain such written notification in the documents evidencing the transfer of the property, and that the transferring owner may be liable if he or she fails to do so. These requirements are enumerated at *http://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title42-section5154a&num=0&edition=prelim.*

C. Infrastructure (Public Facilities, Public Improvements)

41. *Elevation of Nonresidential Structures.* Nonresidential structures must be elevated to the standards described in this paragraph or floodproofed, in accordance with FEMA floodproofing standards at 44 CFR 60.3(c)(3)(ii) or successor standard, up to at least two feet above the 100-year (or 1 percent annual chance) floodplain. All Critical Actions, as defined at 24 CFR 55.2(b)(3), within the 500-year (or 0.2 percent annual chance) floodplain must be elevated or floodproofed (in accordance with the FEMA standards) to the higher of the 500-year floodplain elevation or three feet above the 100-year floodplain elevation. If the 500-year floodplain or elevation is unavailable, and the Critical Action is in the 100-year floodplain, then the structure must be elevated or floodproofed at least three feet above the 100-year floodplain elevation. Critical Actions are defined as an ''activity for which even a slight chance of flooding would be too great, because such flooding might result in loss of life, injury to persons or damage to property.'' For example, Critical Actions include hospitals, nursing homes, police stations, fire stations and principal utility lines.

Applicable State, local, and tribal codes and standards for floodplain management that exceed these requirements, including elevation, setbacks, and cumulative substantial damage requirements, will be followed.

42. *Use of CDBG–DR as Match.* As provided by the HCD Act, funds may be used as a matching requirement, share, or contribution for any other Federal program when used to carry out an eligible CDBG–DR activity. This includes programs or activities administered by the FEMA or USACE. By law, (codified in the HCD Act as a note to 105(a)), the amount of CDBG–DR funds that may be contributed to a USACE project is $250,000 or less. Note that the Appropriations Act prohibits the use of CDBG–DR funds for any

activity reimbursable by, or for which funds are also made available by FEMA or USACE.

43. *Requirements for flood control structures.* Grantees that use CDBG–DR funds to assist flood control structures (*i.e.,* dams and levees) are prohibited from using CDBG–DR funds to enlarge a dam or levee beyond the original footprint of the structure that existed prior to the disaster event. Grantees that use CDBG–DR funds for levees and dams are required to: (1) Register and maintain entries regarding such structures with the U.S. Army Corps of Engineers National Levee Database or National Inventory of Dams; (2) ensure that the structure is admitted in the U.S. Army Corps of Engineers PL 84–99 Rehabilitation Program (Rehabilitation Assistance for Non-Federal Flood Control Projects); (3) ensure the structure is accredited under the FEMA National Flood Insurance Program; (4) enter into DRGR system the exact location of the structure and the area served and protected by the structure; and (5) maintain file documentation demonstrating that the grantee has conducted a risk assessment prior to funding the flood control structure and documentation that the investment includes risk reduction measures.

D. Economic Revitalization

44. *National Objective Documentation for Economic Development Activities.* 24 CFR 570.483(b)(4)(i), 24 CFR 570.506(b)(5), and 24 CFR 1003.208(d) are waived to allow the grantees under this notice to identify the low- and moderate-income jobs benefit by documenting, for each person employed, the name of the business, type of job, and the annual wages or salary of the job. HUD will consider the person income-qualified if the annual wages or salary of the job is at or under the HUD-established income limit for a one-person family. This method replaces the standard CDBG requirement—in which grantees must review the annual wages or salary of a job in comparison to the person's total household income and size (*i.e.,* the number of persons). Thus, it streamlines the documentation process because it allows the collection of wage data for each position created or retained from the assisted businesses, rather than from each individual household.

45. *Public benefit for certain Economic Development activities.* The public benefit provisions set standards for individual economic development activities (such as a single loan to a business) and for economic development activities in the aggregate. Currently, public benefit standards limit the amount of CDBG assistance per job retained or created, or the amount of CDBG assistance per low- and moderate-income person to which goods or services are provided by the activity. These dollar thresholds were set two decades ago and can impede recovery by limiting the amount of assistance the grantee may provide to a critical activity.

This notice waives the public benefit standards at 42 U.S.C. 5305(e)(3), 24 CFR 570.482(f), 24 CFR 570.209(b) and (d), and 24 CFR 1003.302(c) for only those economic development activities designed to create or retain jobs or businesses (including, but not limited to, long-term, short-term, and infrastructure projects). However, grantees shall collect and maintain documentation in the project file on the creation and retention of total jobs; the number of jobs within certain salary ranges; the average amount of assistance provided per job, by activity or program; and the types of jobs. Additionally, grantees shall report the total number of jobs created and retained and the applicable national objective in the DRGR system. Paragraph (g) of 24 CFR 570.482 is also waived to the extent these provisions are related to public benefit.

46. *Clarifying note on Section 3 resident eligibility and documentation requirements.* The definition of ''low-income persons'' in 12 U.S.C. 1701u and 24 CFR 135.5 is the basis for eligibility as a section 3 resident. A section 3 resident means: (1) A public housing resident; or (2) an individual who resides in the metropolitan area or nonmetropolitan county in which the section 3 covered assistance is expended, and who is: (i) A low-income person or (ii) a very-low-income person. This notice authorizes grantees to determine that an individual is eligible to be considered a section 3 resident if the annual wages or salary of the person are at, or under, the HUD-established income limit for a one-person family for the jurisdiction. This authority does not impact other section 3 resident eligibility requirements in 24 CFR 135.5. All direct recipients of CDBG–DR funding must submit form HUD–60002 annually through the Section 3 Performance Evaluation and Registry System (SPEARS) which can be found on HUD's website: *https://www.hud.gov/program_offices/fair_housing_equal_opp/section3/section3/spears.*

47. *Waiver and modification of the job relocation clause to permit assistance to help a business return.* CDBG requirements prevent program participants from providing assistance to a business to relocate from one labor market area to another if the relocation is likely to result in a significant loss of jobs in the labor market from which the business moved. This prohibition can be a critical barrier to reestablishing and rebuilding a displaced employment base after a major disaster. Therefore, 42 U.S.C. 5305(h), 24 CFR 570.210, 24 CFR 570.482, and 24 CFR 1003.209 are waived to allow a grantee to provide assistance to any business that was operating in the disaster-declared labor market area before the incident date of the applicable disaster and has since moved, in whole or in part, from the affected area to another State or to a labor market area within the same State to continue business.

48. *Prioritizing small businesses.* To target assistance to small businesses, the Department is instituting an alternative requirement to the provisions at 42 U.S.C. 5305(a) to require grantees to prioritize assisting businesses that meet the definition of a small business as defined by SBA at 13 CFR part 121 or, for businesses engaged in ''farming operations'' as defined at 7 CFR 1400.3, and that meet the United States Department of Agriculture Farm Service Agency (FSA), criteria that are described at 7 CFR 1400.500, which are used by the FSA to determine eligibility for certain assistance programs. With regard to assistance to businesses engaged in ''farming operations,'' grantees are advised that in its allocation methodology HUD does not account for crop loss and other agricultural losses in its determination of unmet economic need. Accordingly, HUD advises grantees to pursue sources of assistance other than CDBG–DR funds in order to address needs arising from crop loss or other agricultural losses attributable to the disaster.

49. *Clarifying note on the provision of ''working capital'' grants and loans to businesses.* Grantees may provide many forms of assistance to businesses under the provisions of 105(a)(17) of the HCD Act, including ''working capital.'' In past recovery efforts, grantees have inquired as to how a business's working capital needs should be calculated. Working capital is one facet of a business's need after a disaster; it is not, however, the vehicle by which to fund all of a business's unmet needs. In its simplest form, working capital is defined as ''Current Assets minus Current Liabilities'' on the business's balance sheet. In other words, working capital is the amount of cash needed to fund one year's worth of liabilities (*i.e.,* one year's worth of mortgage payments and other debt, tax and utilities, yearly wages, and accounts payable) after

subtracting other current assets such as inventory and accounts receivable. Working capital does not include any expense for any form of construction or expansion of existing facilities, whether ''hard'' or ''soft'' costs. Therefore, grantees should not include expenses for construction or expansion of existing facilities in any calculation involving working capital, unless the grantee intends to provide a comprehensive assistance package that is subject to the environmental review requirements of 24 CFR part 58. The provision of working capital constitutes an economic development activity under 24 CFR 58.35(b)(4) and may provide operating costs under 24 CFR 58.35(b)(3) and therefore, per 24 CFR 55.12(c)(1), are not subject to Part 55 unless it includes expenses for construction or expansion of existing facilities. A grantee's environmental review record must document the determination of this exclusion from environmental review.

50. *Prohibiting assistance to private utilities.* Funds made available under this notice may not be used to assist a privately-owned utility for any purpose.

E. Certifications and Collection of Information

51. *Certifications waiver and alternative requirement.* 24 CFR 91.225 and 91.325 are waived. Each grantee receiving a direct allocation under this notice must make the following certifications with its action plan:

a. The grantee certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.

b. The grantee certifies its compliance with restrictions on lobbying required by 24 CFR part 87, together with disclosure forms, if required by part 87.

c. The grantee certifies that the action plan for disaster recovery is authorized under State and local law (as applicable) and that the grantee, and any entity or entities designated by the grantee, and any contractor, subrecipient, or designated public agency carrying out an activity with CDBG–DR funds, possess(es) the legal authority to carry out the program for which it is seeking funding, in accordance with applicable HUD regulations and this notice. The grantee certifies that activities to be undertaken with funds under this notice are consistent with its action plan.

d. The grantee certifies that it will comply with the acquisition and relocation requirements of the URA, as amended, and implementing regulations at 49 CFR part 24, except where waivers or alternative requirements are provided for in this notice.

e. The grantee certifies that it will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

f. The grantee certifies that it is following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.115 or 91.105 (except as provided for in notices providing waivers and alternative requirements for this grant). Also, each local government receiving assistance from a State grantee must follow a detailed citizen participation plan that satisfies the requirements of 24 CFR 570.486 (except as provided for in notices providing waivers and alternative requirements for this grant).

g. State grantee certifies that it has consulted with affected local governments in counties designated in covered major disaster declarations in the non-entitlement, entitlement, and tribal areas of the State in determining the uses of funds, including the method of distribution of funding, or activities carried out directly by the State.

h. The grantee certifies that it is complying with each of the following criteria:

(1) Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing and economic revitalization in the most impacted and distressed areas for which the President declared a major disaster in 2016 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5121 *et seq.*).

(2) With respect to activities expected to be assisted with CDBG–DR funds, the action plan has been developed so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families.

(3) The aggregate use of CDBG–DR funds shall principally benefit low- and moderate-income families in a manner that ensures that at least 70 percent (or another percentage permitted by HUD in a waiver published in an applicable **Federal Register** notice) of the grant amount is expended for activities that benefit such persons.

(4) The grantee will not attempt to recover any capital costs of public improvements assisted with CDBG–DR grant funds, by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements, unless: (a) Disaster recovery grant funds are used to pay the proportion of such fee or assessment that relates to the capital costs of such public improvements that are financed from revenue sources other than under this title; or (b) for purposes of assessing any amount against properties owned and occupied by persons of moderate income, the grantee certifies to the Secretary that it lacks sufficient CDBG funds (in any form) to comply with the requirements of clause (a).

i. The grantee certifies that the grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601–3619), and implementing regulations, and that it will affirmatively further fair housing.

j. The grantee certifies that it has adopted and is enforcing the following policies, and, in addition, must certify that they will require local governments that receive grant funds to certify that they have adopted and are enforcing:

(1) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and

(2) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such nonviolent civil rights demonstrations within its jurisdiction.

k. The grantee certifies that it (and any subrecipient or administering entity) currently has or will develop and maintain the capacity to carry out disaster recovery activities in a timely manner and that the grantee has reviewed the requirements of this notice. The grantee certifies to the accuracy of its Public Law 115–56 Financial Management and Grant Compliance certification checklist, or other recent certification submission, if approved by HUD, and related supporting documentation referenced at A.1.a. under section VI and its Implementation Plan and Capacity Assessment and related submissions to HUD referenced at A.1.b. under section VI.

l. The grantee certifies that it will not use CDBG–DR funds for any activity in an area identified as flood prone for land use or hazard mitigation planning purposes by the State, local, or tribal government or delineated as a Special Flood Hazard Area (or 100-year floodplain) in FEMA's most current flood advisory maps, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988 and 24 CFR part

55. The relevant data source for this provision is the State, local, and tribal government land use regulations and hazard mitigation plans and the latest-issued FEMA data or guidance, which includes advisory data (such as Advisory Base Flood Elevations) or preliminary and final Flood Insurance Rate Maps.

m. The grantee certifies that its activities concerning lead-based paint will comply with the requirements of 24 CFR part 35, subparts A, B, J, K, and R.

n. The grantee certifies that it will comply with environmental requirements at 24 CFR part 58.

o. The grantee certifies that it will comply with applicable laws.

Warning: Any person who knowingly makes a false claim or statement to HUD may be subject to civil or criminal penalties under 18 U.S.C. 287, 1001 and 31 U.S.C. 3729.

VII. Duration of Funding

The Appropriations Act, as amended, requires that funds provided under the Act be expended within two years of the date that HUD obligates funds to a grantee. The Act as amended further authorizes the Office of Management and Budget (OMB) to provide a waiver of this requirement. This notice also requires each grantee to expend 100 percent of its allocation of CDBG–DR funds on eligible activities within 6 years of HUD's initial obligation of funds pursuant to an executed grant agreement. However, in accordance with 31 U.S.C. 1555, HUD shall close the appropriation account and cancel any remaining obligated or unobligated balance if the Secretary or the President determines that the purposes for which the appropriation has been made have been carried out and no disbursements have been made against the appropriation for two consecutive fiscal years. In such case, the funds shall not be available for obligation or expenditure for any purpose after the account is closed.

VIII. Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance numbers for the disaster recovery grants under this notice are as follows: 14.228 for State CDBG grantees.

IX. Finding of No Significant Impact

A Finding of No Significant Impact (FONSI) with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)). The FONSI is available for public inspection between 8 a.m. and 5 p.m. weekdays in the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500. Due to security measures at the HUD Headquarters building, an advance appointment to review the docket file must be scheduled by calling the Regulations Division at 202–708–3055 (this is not a toll-free number). Hearing- or speech-impaired individuals may access this number through TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

Dated: February 2, 2018.

Neal J. Rackleff,

Assistant Secretary.

Appendix A—Allocation of CDBG–DR Funds to Most Impacted and Distressed Areas Due to 2017 Federally Declared Disasters

Background

The Supplemental Appropriations for Disaster Relief Requirements, 2017 (Pub. L. 115–56) appropriated $7,400,000,000 through the Community Development Block Grant disaster recovery (CDBG–DR) program for necessary expenses for authorized activities related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2017, specifically:

For an additional amount for ''Community Development Fund'', $7,400,000,000, . . ., for necessary expenses . . . related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization in the most impacted and distressed areas resulting from a major disaster declared in 2017 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 *et seq.*): Provided, That funds shall be awarded directly to the State or unit of general local government at the discretion of the Secretary: . . . Provided further, That such funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency or the Army Corps of Engineers: . . .

It should be noted that the language of Public Law 115–56 permits HUD to deduct up to $10 million from the $7.4 billion for purposes of administration and oversight of the appropriation. HUD has opted to deduct the full $10 million, resulting in a total of $7.39 billion available for allocation.

Most Impacted and Distressed Areas

As with prior CDBG–DR appropriations, HUD is not obligated to allocate funds for all major disasters declared in 2017. HUD is directed to use the funds ''in the most impacted and distressed areas.'' HUD has implemented this directive by limiting CDBG–DR formula allocations to jurisdictions with major disasters that meet two standards:

(1) Individual Assistance/IHP designation. HUD has limited allocations to those disasters where FEMA had determined the damage was sufficient to declare the disaster as eligible to receive Individual and Households Program (IHP) funding.

(2) Concentrated damage. HUD has limited the allocations to counties and zip codes with high levels of damage, collectively referred to as ''most impacted areas''. For this allocation, HUD is using the amount of serious unmet housing need as its measure of concentrated damage and limits the data used for the allocation only to counties exceeding a ''natural break'' in the data for their total amount of serious unmet housing needs. For purposes of this allocation, the serious unmet housing needs break occurs at $16 million at the county level and $3.5 million for Zip Codes for Texas and Florida and $10 million for counties and $2 million for Zip Codes for the Commonwealth of Puerto Rico (Puerto Rico) and the United States Virgin Islands (Virgin Islands). The calculation for serious unmet housing needs are described below.

These allocations are thus based on the unmet costs to repair seriously damaged properties in most impacted areas. These do not capture expected resiliency costs, although grantees may choose to use the CDBG funds for resiliency expenses. The estimated damage is based on the following factors:

(1) Repair estimates for seriously damaged owner-occupied units without insurance (with some exceptions) in most impacted areas after FEMA and SBA repair grants or loans;

(2) Repair estimates for seriously damaged rental units occupied by renters with income less than 50% of Area Median Income in most impacted areas; and

(3) Repair and content loss estimates for small businesses with serious damage denied by SBA.

Methods for Estimating Unmet Needs for Housing

The data HUD staff have identified as being available to calculate unmet needs for qualifying disasters come from the FEMA Individual Assistance program data on housing-unit damage as of November 8, 2017 for Texas and Florida and as of December 22, 2017 for Puerto Rico and the Virgin Islands.

The core data on housing damage for both the unmet housing needs calculation and the concentrated damage are based on home inspection data for FEMA's Individual Assistance program, and supplemented by SBA data from its Disaster Loan Program. HUD calculates ''unmet housing needs'' as the number of housing units with unmet needs times the estimated cost to repair those units less repair funds already provided by FEMA and SBA.

For the continental U.S., HUD finds its traditional approach of just using real property damage assessments for owner-occupied units continues to be effective. Each of the FEMA inspected owner units are categorized by HUD into one of five categories:

- *Minor-Low:* Less than $3,000 of FEMA inspected real property damage

- *Minor-High:* $3,000 to $7,999 of FEMA inspected real property damage
- *Major-Low:* $8,000 to $14,999 of FEMA inspected real property damage and/or 1 to 4 feet of flooding on the first floor
- *Major-High:* $15,000 to $28,800 of FEMA inspected real property damage and/or 4 to 6 feet of flooding on the first floor
- *Severe:* Greater than $28,800 of FEMA inspected real property damage or determined destroyed and/or 6 or more feet of flooding on the first floor

For Puerto Rico and the Virgin Islands, owner damage is calculated based on both real property and personal property on findings by HUD that this likely is a more accurate estimate of serious homeowner damage in those areas. For these owner-occupied units, the damage grouping would be the higher damage categorization based on the calculation above or:

- *Minor-Low:* Less than $2,500 of FEMA inspected personal property damage
- *Minor-High:* $2,500 to $3,499 of FEMA inspected personal property damage
- *Major-Low:* $3,500 to $4,999 of FEMA inspected personal property damage or 1 to 4 feet of flooding on the first floor
- *Major-High:* $5,000 to $8,999 of FEMA inspected personal property damage or 4 to 6 feet of flooding on the first floor
- *Severe:* Greater than $9,000 of FEMA inspected personal property damage or determined destroyed and/or 6 or more feet of flooding on the first floor

To meet the statutory requirement of ''most impacted'' in this legislative language, homes are determined to have a most impacted or serious level of damage if they have damage of ''major-low'' or higher.

Furthermore, a homeowner is determined to have unmet needs if they reported damage and no insurance to cover that damage and was outside the 1% risk flood hazard area. For all disasters, for homeowners inside the flood hazard area, only homeowners without insurance below 120% of Area Median Income are included in the estimated unmet needs.

FEMA does not inspect rental units for real property damage so personal property damage is used as a proxy for unit damage. Each of the FEMA inspected renter units are categorized by HUD into one of five categories:

- *Minor-Low:* Less than $1,000 of FEMA inspected personal property damage
- *Minor-High:* $1,000 to $1,999 of FEMA inspected personal property damage
- *Major-Low:* $2,000 to $3,499 of FEMA inspected personal property damage or 1 to 4 feet of flooding on the first floor
- *Major-High:* $3,500 to $7,499 of FEMA inspected personal property damage or 4 to 6 feet of flooding on the first floor
- *Severe:* Greater than $7,500 of FEMA inspected personal property damage or determined destroyed and/or 6 or more feet of flooding on the first floor

For rental properties, to meet the statutory requirement of ''most impacted'' in this legislative language, homes are determined to have a high level of damage if they have damage of ''major-low'' or higher. That is, they have a FEMA personal property damage assessment of $2,000 or greater or flooding over 1 foot.

Furthermore, landlords are presumed to have adequate insurance coverage unless the unit is occupied by a renter with income less than 50% of Area Median Income. Units are occupied by a tenant with income less than 50% of Area Median Income are used to calculate likely unmet needs for affordable rental housing. In Puerto Rico and the Virgin Islands, units are occupied by a tenant with income less than the greater of the Federal poverty level or 50% of Area Median Income are used to calculate likely unmet needs for affordable rental housing.

The average cost to fully repair a home for a specific disaster to code within each of the damage categories noted above is calculated using the average real property damage repair costs determined by the Small Business Administration for its disaster loan program for the subset of homes inspected by both SBA and FEMA for each eligible disaster. Because SBA is inspecting for full repair costs, it is presumed to reflect the full cost to repair the home, which is generally more than the FEMA estimates on the cost to make the home habitable.

For each household determined to have unmet housing needs (as described above), their estimated average unmet housing need less assumed assistance from FEMA and SBA was calculated for Texas as $58,956 for major damage (low); $72,961 for major damage (high); and $102,046 for severe damage. For Florida: $44,810 for major damage (low); $45,997 for major damage (high); and $67,799 for severe damage. For Puerto Rico and the Virgin Islands: $38,249 for major damage (low); $41,595 for major damage (high); and $66,066 for severe damage.

Methods for Estimating Unmet Economic Revitalization Needs

Based on SBA disaster loans to businesses, HUD calculates the median real estate and content loss by the following damage categories for each state:

- *Category 1:* real estate + content loss = below 12,000
- *Category 2:* real estate + content loss = 12,000–30,000
- *Category 3:* real estate + content loss = 30,000–65,000
- *Category 4:* real estate + content loss = 65,000–150,000
- *Category 5:* real estate + content loss = above 150,000

For properties with real estate and content loss of $30,000 or more, HUD calculates the estimated amount of unmet needs for small businesses by multiplying the median damage estimates for the categories above by the number of small businesses denied an SBA loan, including those denied a loan prior to inspection due to inadequate credit or income (or a decision had not been made), under the assumption that damage among those denied at pre-inspection have the same distribution of damage as those denied after inspection.

Allocation Calculation

Once eligible entities are identified using the above criteria, the allocation to individual grantees represents their proportional share of the estimated unmet needs. For the formula allocation, HUD calculates total serious unmet recovery needs as the aggregate of:

- Serious unmet housing needs in most impacted counties or county-equivalents
- Serious unmet business needs

For Texas, HUD announced an allocation on November 17, 2017, that reflected the 100% calculation of serious unmet housing and business needs as calculated using the methods above less $57.8 million allocated from an earlier appropriation. For Florida, HUD announced an allocation on November 28, 2017, that reflected a 100% calculation of serious unmet housing and business needs. Data were not available for Puerto Rico and the Virgin Islands until late December 2017. The remaining funds ($1.7 billion of $7.4 billion appropriated) are significantly less than the calculated serious unmet housing and business needs, and thus the allocations are only 57% of the estimated serious unmet housing and business needs for Puerto Rico and the Virgin Islands.

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