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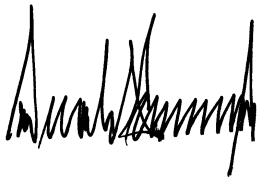
The President

Order of February 12, 2018

Sequestration Order for Fiscal Year 2019 Pursuant to Section 251A of the Balanced Budget and Emergency Deficit Control Act, as Amended

By the authority vested in me as President by the laws of the United States of America, and in accordance with section 251A of the Balanced Budget and Emergency Deficit Control Act (the ''Act''), as amended, 2 U.S.C. 901a, I hereby order that, on October 1, 2018, direct spending budgetary resources for fiscal year 2019 in each non-exempt budget account be reduced by the amount calculated by the Office of Management and Budget in its report to the Congress of February 12, 2018.

All sequestrations shall be made in strict accordance with the requirements of section 251A of the Act and the specifications of the Office of Management and Budget's report of February 12, 2018, prepared pursuant to section 251A(9) of the Act.



THE WHITE HOUSE,
February 12, 2018.

[FR Doc. 2018–03271
Filed 2–14–18; 8:45 am]
Billing code 3295–F8–P

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0109; Product Identifier 2018–NM–022–AD; Amendment 39–19196; AD 2018–04–01]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for all Airbus Model A320–271N, A321–271N, and A321–272N airplanes. This AD requires de-pairing certain International Aero Engines (IAE) engines in order to continue to operate affected airplanes and discontinuing extended operations (ETOPS) for airplanes with at least one affected engine. This AD was prompted by reports of two engine in-flight shutdowns (IFSDs) and two rejected takeoffs. We are issuing this AD to address the unsafe condition on these products.

DATES: This AD becomes effective February 15, 2018.

We must receive comments on this AD by April 2, 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:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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–2018–0109; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this 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: Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1405; fax: 425–227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA Emergency Airworthiness Directive 2018–0041–E, dated February 9, 2018 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for Airbus Model A320–271N, A321–271N, and A321–272N airplanes, with certain IAE engines. The MCAI states:

> Several occurrences of engine in-flight shut-down (IFSD) and Rejected Take-Off (RTO) have been reported on certain Airbus A320neo family aeroplanes. While investigation is ongoing to determine the root cause, preliminary findings indicate that the affected engines, which have high pressure compressor aft hub modification embodied from ESN P770450, are more susceptible to IFSD.
>
> This condition, if not corrected, could lead to dual engine IFSD.
>
> To address this potentially unsafe condition, Airbus issued Alert Operators Transmission (AOT) A71N014–18, providing instructions to de-pair the affected engines and discontinue Extended range Two-engine aeroplanes Operations (ETOPS) for aircraft fitted with affected engines.
>
> For the reasons described above, this [EASA] AD requires implementation of operational restrictions.
>
> This [EASA] AD is considered to be an interim action and further AD action may follow.

The unsafe condition is a high-pressure compressor (HPC) rear hub knife edge seal fracture, which could lead to a sudden increase in high rotor vibration and stall in certain IAE PW1100G–JM engines, and consequent IFSDs and rejected takeoffs. You may examine the MCAI on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0109.

FAA's Determination and Requirements of This 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. We are issuing this AD because we evaluated all pertinent information and determined the unsafe condition exists and is likely to exist or develop on other products of the same type design.

FAA's Determination of the Effective Date

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies waiving notice and comment prior to adoption of this rule because of an unacceptable rate of IFSDs and rejected takeoffs on affected airplanes. Therefore, we determined that notice and opportunity for public comment before issuing this AD are impracticable. In addition, for the reasons stated above we find that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not precede it by notice and opportunity for public comment. We invite you to send any written relevant data, views, or arguments about this AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0109;

Product Identifier 2018–NM–022–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this AD. We will consider all comments received by the closing date and may amend this 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 AD.

Costs of Compliance

We estimate that this AD affects 8 airplanes of U.S. registry.

We recognize that this AD may impose certain operational costs. However, we cannot calculate those costs because we do not know how often the conditions occur. Continued operational safety makes these costs necessary because of the severity of the unsafe condition.

If an operator chooses to replace an affected engine, we estimate it would take 8 work-hours, at $85 per hour, or $680 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 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 adding the following new airworthiness directive (AD):

2018–04–01 Airbus: Amendment 39–19196; Docket No. FAA–2018–0109; Product Identifier 2018–NM–022–AD.

(a) Effective Date

This AD becomes effective February 15, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Model A320–271N, A321–271N, and A321–272N airplanes, certificated in any category, all manufacturer serial numbers.

(d) Subject

Air Transport Association (ATA) of America Code 72, Engine.

(e) Reason

This AD was prompted by reports of two engine in-flight shutdowns (IFSDs) and two rejected takeoffs. We are issuing this AD to address a high-pressure compressor (HPC) rear hub knife edge seal fracture, which could lead to a sudden increase in high rotor vibration and stall in certain PW1100G–JM engines, and consequent IFSDs or rejected takeoffs.

(f) Compliance

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

(g) Affected Engines

For the purpose of this AD, affected engines are International Aero Engines Model PW1127G–JM, PW1127GA–JM, PW1130G–JM, PW1133G–JM, and PW1133GA–JM engines, having engine serial numbers P770450 and subsequent.

(h) Operational Restrictions

(1) No later than 3 flight cycles after the effective date of this AD, do not operate an airplane having two affected engines installed.

(2) For an airplane having at least one affected engine installed: No later than 1 flight cycle after the effective date of this AD, extended operations (ETOPS) are not allowed.

(i) Other FAA AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or the European Aviation Safety Agency (EASA); or Airbus's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

(j) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA emergency Airworthiness Directive 2018–0041–E, dated February 9, 2018, for related information. You may examine the MCAI on the internet at *http://www.regulations.gov* by

searching for and locating Docket No. FAA–2018–0109.

(2) For more information about this AD, contact Sanjay Ralhan, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 1601 Lind Avenue SW, Renton, WA 98057–3356; telephone: 425–227–1405; fax: 425–227–1149.

(k) Material Incorporated by Reference

None.

Issued in Renton, Washington, on February 12, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–03185 Filed 2–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 878

[Docket No. FDA–2018–N–0370]

Medical Devices; General and Plastic Surgery Devices; Classification of the Non-Absorbable, Hemostatic Gauze for Temporary Internal Use

AGENCY: Food and Drug Administration, HHS.

ACTION: Final order.

SUMMARY: The Food and Drug Administration (FDA or we) is classifying the non-absorbable, hemostatic gauze for temporary internal use into class II (special controls). The special controls that apply to the device type are identified in this order and will be part of the codified language for the non-absorbable, hemostatic gauze for temporary internal use's classification. We are taking this action because we have determined that classifying the device into class II (special controls) will provide a reasonable assurance of safety and effectiveness of the device. We believe this action will also enhance patients' access to beneficial innovative devices, in part by reducing regulatory burdens.

DATES: This order is effective February 15, 2018. The classification was applicable on June 30, 2017.

FOR FURTHER INFORMATION CONTACT: Peter Hudson, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G434, Silver Spring, MD 20993–0002, 301–796–6440, *peter.hudson@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Upon request, FDA has classified the non-absorbable, hemostatic gauze for temporary internal use as class II (special controls), which we have determined will provide a reasonable assurance of safety and effectiveness. In addition, we believe this action will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens by placing the device into a lower device class than the automatic class III assignment.

The automatic assignment of class III occurs by operation of law and without any action by FDA, regardless of the level of risk posed by the new device. Any device that was not in commercial distribution before May 28, 1976, is automatically classified as, and remains within, class III and requires premarket approval unless and until FDA takes an action to classify or reclassify the device (see 21 U.S.C. 360c(f)(1)). We refer to these devices as ''postamendments devices'' because they were not in commercial distribution prior to the date of enactment of the Medical Device Amendments of 1976, which amended the Federal Food, Drug, and Cosmetic Act (FD&C Act).

FDA may take a variety of actions in appropriate circumstances to classify or reclassify a device into class I or II. We may issue an order finding a new device to be substantially equivalent under section 513(i) of the FD&C Act to a predicate device that does not require premarket approval (see 21 U.S.C. 360c(i)). We determine whether a new device is substantially equivalent to a predicate by means of the procedures for premarket notification under section 510(k) of the FD&C Act and part 807 (21 U.S.C. 360(k) and 21 CFR part 807, respectively).

FDA may also classify a device through ''De Novo'' classification, a common name for the process authorized under section 513(f)(2) of the FD&C Act. Section 207 of the Food and Drug Administration Modernization Act of 1997 established the first procedure for De Novo classification (Pub. L. 105–115). Section 607 of the Food and Drug Administration Safety and Innovation Act modified the De Novo application process by adding a second procedure (Pub. L. 112–144). A device sponsor may utilize either procedure for De Novo classification.

Under the first procedure, the person submits a 510(k) for a device that has not previously been classified. After receiving an order from FDA classifying the device into class III under section 513(f)(1) of the FD&C Act, the person then requests a classification under section 513(f)(2).

Under the second procedure, rather than first submitting a 510(k) and then a request for classification, if the person determines that there is no legally marketed device upon which to base a determination of substantial equivalence, that person requests a classification under section 513(f)(2) of the FD&C Act.

Under either procedure for De Novo classification, FDA shall classify the device by written order within 120 days. The classification will be according to the criteria under section 513(a)(1) of the FD&C Act. Although the device was automatically placed within class III, the De Novo classification is considered to be the initial classification of the device.

We believe this De Novo classification will enhance patients' access to beneficial innovation, in part by reducing regulatory burdens. When FDA classifies a device into class I or II via the De Novo process, the device can serve as a predicate for future devices of that type, including for 510(k)s (see 21 U.S.C. 360c(f)(2)(B)(i)). As a result, other device sponsors do not have to submit a De Novo request or premarket approval application in order to market a substantially equivalent device (see 21 U.S.C. 360c(i), defining ''substantial equivalence''). Instead, sponsors can use the less-burdensome 510(k) process, when necessary, to market their device.

II. De Novo Classification

On March 16, 2016, Z-Medica, LLC, submitted a request for De Novo classification of the D2 Dressing. FDA reviewed the request in order to classify the device under the criteria for classification set forth in section 513(a)(1) of the FD&C Act.

We classify devices into class II if general controls by themselves are insufficient to provide reasonable assurance of safety and effectiveness, but there is sufficient information to establish special controls that, in combination with the general controls, provide reasonable assurance of the safety and effectiveness of the device for its intended use (see 21 U.S.C. 360c(a)(1)(B)). After review of the information submitted in the request, we determined that the device can be classified into class II with the establishment of special controls. FDA has determined that these special controls, in addition to the general controls, will provide reasonable assurance of the safety and effectiveness of the device.

Therefore, on June 30, 2017, FDA issued an order to the requester

classifying the device into class II. FDA is codifying the classification of the device by adding 21 CFR 878.4454. We have named the generic type of device non-absorbable, hemostatic gauze for temporary internal use, and it is identified as a prescription device intended to be placed temporarily for control of severely bleeding wounds such as surgical wounds and traumatic injuries. The gauze is coated or impregnated with a hemostatic material which may enhance hemostasis by physical means. The device is intended to be removed once the patient is stabilized.

FDA has identified the following risks to health associated specifically with this type of device and the measures required to mitigate these risks in table 1.

TABLE 1—NON-ABSORBABLE, HEMOSTATIC GAUZE FOR TEMPORARY INTERNAL USE RISKS AND MITIGATION MEASURES

Identified risks	Mitigation measures
Infection	Shelf life testing, Sterilization validation, and Labeling.
Bleeding	Animal performance testing, and Technological specifications.
• Failure of hemostasis.	
• Recurrence of bleeding.	
Vascular obstruction	Animal performance testing, and Labeling.
• Ischemia.	
• Emboli formation.	
Adhesion formation	Animal performance testing, and Labeling.
Adverse tissue reaction	Animal performance testing, and Biocompatibility evaluation.
Device retained in body leading to re-operation	Animal performance testing, Non-clinical performance testing, and Labeling.

FDA has determined that special controls, in combination with the general controls, address these risks to health and provide reasonable assurance of safety and effectiveness. For a device to fall within this classification, and thus avoid automatic classification in class III, it would have to comply with the special controls named in this final order. The necessary special controls appear in the regulation codified by this order. This device is subject to premarket notification requirements under section 510(k).

At the time of classification, non-absorbable, hemostatic gauze for temporary internal use is for prescription use only. Prescription devices are exempt from the requirement for adequate directions for use for the layperson under section 502(f)(1) of the FD&C Act (21 U.S.C. 502(f)(1)) and 21 CFR 801.5, as long as the conditions of 21 CFR 801.109 are met (referring to 21 U.S.C. 352(f)(1)).

III. Analysis of Environmental Impact

The Agency has determined under 21 CFR 25.34(b) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

IV. Paperwork Reduction Act of 1995

This final order establishes special controls that refer to previously approved collections of information found in other FDA regulations and guidance. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in the guidance document ''De Novo Classification Process (Evaluation of Automatic Class III Designation)'' have been approved under OMB control number 0910–0844; the collections of information in 21 CFR part 814, subparts A through E, regarding premarket approval, have been approved under OMB control number 0910–0231; the collections of information in part 807, subpart E, regarding premarket notification submissions, have been approved under OMB control number 0910–0120; and the collections of information in 21 CFR part 801, regarding labeling, have been approved under OMB control number 0910–0485.

List of Subjects in 21 CFR Part 878

Medical devices.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 878 is amended as follows:

PART 878—GENERAL AND PLASTIC SURGERY DEVICES

■ 1. The authority citation for part 878 continues to read as follows:

Authority: 21 U.S.C. 351, 360, 360c, 360e, 360j, 360*l*, 371.

■ 2. Add § 878.4454 to subpart E to read as follows:

§ 878.4454 Non-absorbable, hemostatic gauze for temporary internal use.

(a) *Identification.* A non-absorbable, hemostatic gauze for temporary internal use is a prescription device intended to be placed temporarily for control of severely bleeding wounds such as surgical wounds and traumatic injuries. The gauze is coated or impregnated with a hemostatic material which may enhance hemostasis by physical means. The device is intended to be removed once the patient is stabilized.

(b) *Classification.* Class II (special controls). The special controls for this device are:

(1) Animal performance testing must demonstrate that the device performs as intended under anticipated conditions of use. Specifically testing must:

(i) Demonstrate that the device is able to achieve hemostasis;

(ii) Demonstrate that the device can be radiographically detected; and

(iii) Assess pertinent safety endpoints including vascular obstruction and adhesion formation.

(2) The device must be demonstrated to be biocompatible.

(3) Non-clinical performance data must demonstrate that the device performs as intended under anticipated conditions of use. The following tests must be performed:

(i) In vitro clot assessment;

(ii) Particulate release testing;

(iii) Physical characterization, including swelling percent and particulate size;

(iv) Chemical characterization;

(v) Radiopacity testing; and

(vi) Mechanical integrity testing, including tensile strength and tear strength.

(4) Performance data must demonstrate the sterility of the device.

(5) Performance data must support the shelf life of the device by demonstrating continued sterility, package integrity, and device functionality over the identified shelf life.

(6) Labeling must include the following:

(i) Instructions for use, including an instruction to remove all visible device components by irrigation;

(ii) The maximum amount of time the device may be left within the body;

(iii) A shelf life;

(iv) A contraindication for intravascular use of the device; and

(v) A warning regarding the potential for adhesion formation.

Dated: February 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03135 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0051]

Drawbridge Operation Regulation; Sloop Channel, Hempstead, NY

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the Wantagh State Parkway Bridge across Sloop Channel, mile 15.4, at Hempstead, New York. This deviation is necessary in order to facilitate an annual fireworks display and allows the bridge to remain in the closed position for three hours.

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

ADDRESSES: The docket for this deviation, USCG–2018–0051, is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: The New York State Office of Parks, Recreation, and Historic Preservation requested and the bridge owner, the New York State Department of Transportation, concurred with this temporary deviation from the normal operating schedule to facilitate a public fireworks display.

The Wantagh State Parkway Bridge, across Sloop Channel, mile 15.4, has a vertical clearance of 16 feet at mean high water and 19.5 feet at mean low water in the closed position. The existing drawbridge operating regulation is listed at 33 CFR 117.5.

The temporary deviation will allow the Wantagh Parkway Bridge to remain closed from 9 p.m. to 11:59 p.m. on July 4, 2018. Sloop Channel is transited by seasonal recreational vessels and commercial fishing vessels. Coordination with Coast Guard Sector Long Island Sound has indicated no mariner objections to the proposed short-term closure of the draw.

Vessels that can pass under the bridge without an opening may do so at all times. The bridge will be able to open for emergencies. There is no alternate route for vessels to pass.

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

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

Dated: February 1, 2018.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–03175 Filed 2–14–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2018–0080]

Drawbridge Operation Regulation; Hampton River, Hampton, NH

AGENCY: Coast Guard, DHS.

ACTION: Notice of deviation from drawbridge regulation.

SUMMARY: The Coast Guard has issued a temporary deviation from the operating schedule that governs the SR1A Bridge across the Hampton River, mile 0.0, at Hampton, NH. The deviation is necessary to allow the replacement of couplers on the bridge. This deviation allows the bridge to be closed to navigation.

DATES: This deviation is effective from 6:30 a.m. on February 19, 2018 to 11:59 p.m. on March 23, 2018.

ADDRESSES: The docket for this deviation, USCG–2018–0080 is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: The owner of the bridge, the New Hampshire Department of Transportation (NH DOT), requested a temporary deviation to replace the failed couplings to the operating machinery of the bridge. The SR1A Bridge across the Hampton River, mile 0.0, at Hampton, New Hampshire, has a vertical clearance in the closed position of 18 feet at mean high water and 26.5 feet at mean low water. The existing bridge operating regulations are found at 33 CFR 117.697.

This temporary deviation allows the bridge to remain in the closed to navigation position from 6:30 a.m. on February 19, 2018, through 11:59 p.m. on March 23, 2018. The deviation will have negligible effect on vessel navigation. The waterway is transited primarily by seasonal recreational vessels and small commercial fishing vessels. In 2016 and in 2017 there were only three openings in the month of March.

NH DOT has met and maintained frequent communication with waterway users, the harbormaster and town officials through direct contact and public meetings. No objections to the proposed closure were received. Vessels that can pass through the bridge in the closed position may do so. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels unable to pass through the bridge in the closed position. The Coast Guard will inform waterway users of the closure through Local and Broadcast Notices to Mariners in order to minimize any impact caused by the temporary deviation.

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

Dated: February 1, 2018.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–03177 Filed 2–14–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–1031]

Drawbridge Operation Regulation; Passaic River, Newark, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of temporary deviation from drawbridge regulation; modification.

SUMMARY: The Coast Guard has modified a temporary deviation from the operating schedule that governs the Routes 1 & 9 (Lincoln Highway) Bridge across the Passaic River, mile 1.8, at Newark, New Jersey. This modified deviation extends the period the bridge may remain in the closed-to-navigation position and is necessary to facilitate structural steel repairs at the lift span.

DATES: This modified deviation is effective without actual notice from February 15, 2018 through 11:59 p.m. March 30, 2018. For purposes of enforcement, actual notice will be used from 12:01 a.m. February 3, 2018, until February 15, 2018.

ADDRESSES: The docket for this modified deviation, USCG–2017–1031, is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH''. Click on Open Docket Folder on the line associated with this deviation.

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

SUPPLEMENTARY INFORMATION: On November 21, 2017, the Coast Guard published a temporary deviation entitled ''Drawbridge Operation Regulation; Passaic River, Newark, NJ'' in the **Federal Register** (82 FR 55322). That deviation allowed the bridge to be in closed-to-navigation position from November 21, 2017 to January 5, 2018. On December 28, 2017, the Coast Guard published a modified temporary deviation entitled ''Drawbridge Operation Regulation; Passaic River, Newark, NJ'' in the **Federal Register** (82 FR 61452). That modified temporary deviation extended the period the bridge may remain in the closed position from January 6, 2018 to February 2, 2018.

The owner of the bridge, the New Jersey Department of Transportation, requests a second modification to extend the bridge closure from 12:01 a.m. February 3, 2018 to 11:59 p.m. March 30, 2018. The extension is necessary to facilitate structural steel repairs at the lift span that have been delayed by inclement weather.

The Routes 1 & 9 Bridge across the Passaic River, mile 1.8, at Newark, New Jersey is a vertical lift bridge with a vertical clearance of 40 feet at mean high water and 45 feet at mean low water in the closed position. The existing drawbridge operating regulations are listed at 33 CFR 117.739(b).

The waterway users are seasonal recreational vessels and commercial vessels of various sizes. Coordination with waterway users indicated no objection to extending the closure of the draw. Vessels that can pass under the bridge without an opening may do so at all times. The bridge will not be able to open for emergencies. There is no alternate route for vessels to pass.

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

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

Dated: February 1, 2018.

Christopher J. Bisignano,

Supervisory Bridge Management Specialist, First Coast Guard District.

[FR Doc. 2018–03172 Filed 2–14–18; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket No. 10–90; FCC 16–33, 16–64, 16–143, 16–115 and 17–2]

Connect America Fund

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, an information collection associated with the Commission's *Connect America Fund,* The Commission submitted revised information collection requirements for review and approval by OMB, as required by the Paperwork Reduction Act (PRA) of 1995, December 12, 2017, which were approved by the OMB on February 1, 2018. This document is consistent with FCC *Orders,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of the revised information collection requirements.

DATES: The amendments regarding §§ 54.316(a)(1) and (a)(5) and (6), (b)(6), 54.320(d), and the addition of § 54.321 published at 81 FR 69696, October 7, 2016, are effective February 15, 2018. OMB has approved the reporting requirements for recipients of Phase II support awarded in partnership with New York's New NY Broadband Program as adopted in FCC 17–2, paragraphs 69–70 as of February 1, 2018.

FOR FURTHER INFORMATION CONTACT: Alexander Minard, Wireline Competition Bureau at (202) 418–7400 or TTY (202) 418–0484. For additional information concerning the Paperwork Reduction Act information collection requirements contact Nicole Ongele at (202) 418–2991 or *nicole.ongele@fcc.gov*.

SUPPLEMENTARY INFORMATION: This document announces that, on February 1, 2018, OMB approved, for a period of three years, the information collection requirements contained in the Commission's *Orders,* FCC 16–33, published at 81 FR 24282, April 25, 2016, FCC 16–64, published at 81 FR 44414, July 7, 2016, FCC 16–143, published at 81 FR 83706, November 22, 2016, FCC 16–115, published at 81 FR 69696, October 7, 2016 and the reporting requirements in FCC 17–2. The OMB Control Number is 3060–1228. The Commission publishes this notice as an announcement of the effective date of the rules 54.316(a)(1), 54.316(a)(5) and (6), 54.316(b)(6), 54.320(d), 54.321 published at 81 FR 24282, April 25, 2016, 81 FR 44414, July 7, 2016 (Phase II Auction Order), and 81 FR 83706, November 22, 2016, 81 FR 69696, October 7, 2016, and the reporting requirements for recipients of

Phase II support awarded in partnership with New York's New NY Broadband Program as adopted in FCC 17–2, paragraphs 69–70. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–1228, in your correspondence. The Commission will also accept your comments via email please send them to *PRA@fcc.gov.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received OMB approval on February 1, 2018, for the rules 54.316(a)(1), 54.316(a)(5) and (6), 54.316(b)(6), 54.320(d), 54.321 published at 81 FR 24282, April 25, 2016, 81 FR 44414, July 7, 2016, and 81 FR 83706, November 22, 2016, 81 FR 69696, October 7, 2016, and the reporting requirements for recipients of Phase II support awarded in partnership with New York's New NY Broadband Program as adopted in FCC 17–2, paragraphs 69–70. Under 5 CFR 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1228.

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

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

OMB Control Number: 3060–1228.

OMB Approval Date: February 1, 2018.

OMB Expiration Date: February 28, 2021.

Title: Connect America Fund—High Cost Portal Filing.

Form No.: N/A.

Respondents: Business or other for-profit, not-for-profit institutions.

Number of Respondents and Responses: 1,599 unique respondents; 3,731 responses.

Estimated Time per Response: 8–60 hours.

Frequency of Response: On occasion, quarterly reporting requirements, annual reporting requirements, one-time reporting requirement and recordkeeping requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 155, 201–206, 214, 218–220, 251, 252, 254, 256, 303(r), 332, 403, 405, 410, and 1302.

Total Annual Burden: 68,607 hours.

Total Annual Cost: No Cost.

Nature and Extent of Confidentiality: We note that USAC must preserve the confidentiality of certain data obtained from respondents; must not use the data except for purposes of administering the universal service programs or other purposes specified by the Commission; and must not disclose data in company-specific form unless directed to do so by the Commission. Respondents may request materials or information submitted to the Commission or the Administrator believed confidential to be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Needs and Uses: This information collection addresses the requirement that certain carriers with high cost reporting obligations must file information about their locations which meet their broadband deployment public interest obligations via an electronic portal (''portal''). *The Rate-of-Return Order* required that the Universal Service Administrative Company (USAC) establish the portal so that carriers could file their location data with the portal starting in 2017. The *Rate-of-Return Order* also required all recipients of Phase II model-based support and rate-of-return carriers to submit geocoded location data and related certifications to the portal. Recipients of Phase II model-based support had been required to file such information in their annual reports due by July 1, 2017. The *Phase II Auction Order* requires auction winners to build-out networks capable of meeting their public interest obligations and report, to an online portal, locations to which auction winners had deployed such networks. This information collection also addresses the new portal reporting requirements for carriers receiving Alaska Plan support, including their submission of fiber/microwave middle-mile network maps, and recipients of Phase II support that is awarded in partnership with New York's New NY Broadband Program.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–02996 Filed 2–14–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No.: 171213999–8128–01]

RIN 0648–XF898

Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustments to 2018 Management Area Annual Catch Limits

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

ACTION: Temporary final rule; adjustment of specifications.

SUMMARY: In accordance with the regulations implementing the Atlantic Herring Fishery Management Plan, this action adjusts the 2018 catch limits in the four herring management areas (Areas 1A, 1B, 2, and 3) to account for underages and overages in those areas during 2016. In order to ensure that the carryover of underages do not cause overfishing of the herring resource, management area-specific carryover does not increase the stock-wide annual catch limit. This action is necessary to ensure that NMFS accounts for herring catch consistent with the requirements of the Atlantic Herring Fishery Management Plan.

DATES: Effective February 15, 2018, through December 31, 2018.

ADDRESSES: Copies of supporting documents, including the 2013–2015 Specifications/Framework 2 and the 2016–2018 Specifications to the Atlantic Herring Fishery Management Plan (FMP), are available from the Sustainable Fisheries Division, Greater Atlantic Regional Fisheries Office, 55 Great Republic Drive, Gloucester, MA 01930, telephone (978) 281–9315, or online at: *https://www.nefmc.org/library/framework-2-2, http://www.greateratlantic.fisheries.noaa.gov/sustainable/species/atlherring/index.html.*

FOR FURTHER INFORMATION CONTACT: Alyson Pitts, Fishery Management Specialist, 978–281–9352.

SUPPLEMENTARY INFORMATION:

Background

The Atlantic herring harvest in the United States is managed under the Atlantic Herring Fishery Management Plan (FMP) developed by the New England Fishery Management Council. The FMP divides the stock-wide herring annual catch limit (ACL) among three management areas, one of which has two sub-areas. It divides Area 1 (located in the Gulf of Maine (GOM)) into an inshore section (Area 1A) and an offshore section (Area 1B). Area 2 is located in the coastal waters between Massachusetts and North Carolina, and Area 3 is on Georges Bank (GB). The FMP considers the herring stock complex to be a single stock, but there are inshore (GOM) and offshore (GB) stock components. The GOM and GB stock components segregate during spawning and mix during feeding and migration. Each management area has its own sub-ACL to allow greater control of the fishing mortality on each stock component.

NMFS issued a final rule that implemented Amendment 4 to the FMP (76 FR 11373, March 2, 2011) to address ACL and accountability measure (AM) requirements. As a way to account for ACL/sub-ACL overages in the herring fishery, Amendment 4 established an AM that requires NMFS to deduct any ACL/sub-ACL overages from the corresponding ACL/sub-ACL in the year following the catch overage determination. Amendment 4 also specified that NMFS will announce overage deductions in the **Federal Register** prior to the start of the fishing year, if possible.

NMFS also published a final rule implementing Framework 2 to the FMP and the 2013–2015 specifications for the herring fishery on October 4, 2013 (78 FR 61828). Among other measures, Framework 2 allowed for the carryover of unharvested allocations (underages) in the year immediately following the catch determination. Provided that annual total catch does not exceed the stock-wide ACL, up to 10 percent of each sub-ACL may be carried over and added to the following year's sub-ACL. The carryover provision allows a sub-ACL increase for a management area, but it does not allow a corresponding increase to the stock-wide ACL.

NMFS published the 2016–2018 specifications for the herring fishery on November 1, 2016 (81 FR 75731). Table 1 outlines the 2018 herring sub-ACLs, minus deductions for research set-aside catch (RSA) that were effective on January 1, 2018. RSA equal to 3 percent of each sub-ACL has been awarded to two research projects.

TABLE 1—2018 HERRING SUB-ACLS

[mt]

	2018 sub-ACLs	Research set-aside (3 percent of sub-ACLs)	2018 sub-ACLs (minus RSA)
Area 1A	30,300	909	29,391
Area 1B	4,500	135	4,365
Area 2	29,100	873	28,227
Area 3	40,900	1,227	39,673
Stock-wide	104,800	3,144	101,656

Provisions Implemented Through This Final Rule

NMFS completed the 2016 catch determination in December 2017 and determined that the herring fishery caught more than its allocated catch in 2016 in Area 1B. To account for the overage, this action deducts the catch overage in Area 1B from the 2018 Area 1B sub-ACL. NMFS also determined that the herring fishery caught less than its total allocated catch in 2016 and was under the allocated catch in the three remaining herring management areas (Areas 1A, 2, and 3). As a result, this action carries over unharvested 2016 catch to the 2018 herring sub-ACL in Areas 1A, 2, and 3. This carryover equals the amount of each area's underages, or up to 10 percent of the allocated 2016 sub-ACL, whichever is less. Table 2 provides catch details for 2016 and corresponding adjustments for 2018 sub-ACLs.

TABLE 2—HERRING SUB-ACLS, CATCH, AND CARRYOVER

[mt]

	Adjusted 2016 sub-ACLs	2016 catch	2016 underages/ overages	Carryover * (up to 10 percent)	2018 sub-ACLs (minus RSA)	Adjusted 2018 sub-ACLs
Area 1A	30,397	27,826	2,571	2,571	29,391	31,962
Area 1B	2,941	3,657	−716	NA	4,365	3,649
Area 2	32,100	13,456	18,644	2,910	28,227	31,137
Area 3	43,832	18,580	25,252	4,090	39,673	43,853
Stock-wide	** 101,656	63,519	45,751	NA	101,656	** 100,969

* Maximum carryover is based on 10 percent of the 2016 sub-ACLs: Area 1A = 30,300 mt; Area 1B = 4,500 mt; Area 2 = 29,100 mt; and Area 3 = 40,900 mt.

** The stock-wide ACL cannot be increased by carryover. The 2018 adjusted stock-wide ACL is decreased by the Area 1B overage.

NMFS calculated the amount of herring landings in 2016 based on dealer reports (Federal and state) of herring purchases, supplemented by vessel trip reports (VTRs) and vessel monitoring system (VMS) reports (Federal and states of Maine and Massachusetts) of herring landings. NMFS generally uses dealer reports to estimate herring landings; however, if the amount of herring reported via VTR exceeded the amount of herring

reported by the dealer by 10 percent or more, NMFS assumes the dealer report for that trip was in error and uses the VTR report instead. NMFS assigns herring landings to individual herring management areas using VMS reports or latitude and longitude coordinates from VTR reports when a VMS report is not available. NMFS uses recent fishing activity to assign landings to a management area if dealer reports do not have a corresponding VTR or VMS catch report.

NMFS estimates herring discards by extrapolating discards from herring trips observed by the Northeast Fisheries Observer Program to all herring trips (observed and unobserved) according to gear and herring management area. Because RSA is removed from management area sub-ACLs at the beginning of the fishery year, NMFS tracks RSA catch but does not count it towards the herring sub-ACLs.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the NMFS Assistant Administrator has determined that this final rule is consistent with the FMP, other provisions of the MSA, and other applicable law.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action. Notice and comment are impracticable and contrary to the public interest because a delay would potentially impair achievement of the management plan's objectives of preventing overfishing and achieving optimum yield due by impairing a vessel's ability to harvest available catch allocations. Allowing for prior notice and public comment on this adjustment is also impracticable because regulations require notification of adjustments as close as possible to the start of the herring fishing year on January 1, 2018. We only recently received sufficient information to determine 2016 catch amount. Further, this is a nondiscretionary action required by provisions of Amendment 4 and Framework 2, which were previously subject to public notice and comment. The adjustments required by these regulations are formulaic; this action simply effectuates these mandatory calculations. The proposed and final rules for Framework 2 and Amendment 4 explained the need and likelihood for adjustments to the sub-ACLs based on final catch amounts. Framework 2, specifically, provided prior notice of the need to distribute carryover catch. These actions provided a full opportunity for the public to comment on the substance and process of this action.

For the same reasons as noted above, there is good cause under 5 U.S.C. 553(d)(3) to waive the 30-day delay in effective date and make the rule effective upon publication in the **Federal Register**. To prevent confusion and potential overharvests, it will be in the best interest of the fleet and the herring resource to set the adjusted sub-ACLs as soon as possible. The adjustments in this notice increase the amount of catch available to fishermen, with the exception of Area 1B due to overharvest in 2016. Putting in place the adjusted sub-ACLs as soon as possible will provide the fleet with an opportunity to develop their business plans in sufficient time to facilitate their full harvest of available catch in the open areas.

This action is required by 50 CFR part 648, subpart K and is exempt from review under Executive Order 12866.

This final rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

Because prior notice and opportunity for public comment are not required for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* are inapplicable.

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

Dated: February 12, 2018.

Samuel D. Rauch, III,

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

[FR Doc. 2018–03157 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 32
Thursday, February 15, 2018

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

[Doc. No. AMS–SC–17–0066; SC17–929–3 PR]

Cranberries Grown in States of Massachusetts, et al.; Establishment of Handler Diversion and Reporting Requirements and New Information Collection

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule invites comments on the establishment of handler diversion and reporting requirements as recommended by the Cranberry Marketing Committee (Committee). This proposal would establish the procedures handlers would use to divert fruit through disposal or into noncompetitive outlets. The reporting requirements would support the diversion procedures by providing the necessary documentation to help ensure compliance when a volume regulation is established. This proposal also announces the Agricultural Marketing Service's (AMS) intention to request approval from the Office of Management and Budget (OMB) of a new information collection.

DATES: Comments must be received by April 16, 2018. Pursuant to the Paperwork Reduction Act, comments on the information collection burden must be received by April 16, 2018.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *http://www.regulations.gov*. All comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov*. All comments submitted in response to this proposal will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist, or Christian D. Nissen, Regional Director, Southeast Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (863) 324–3375, Fax: (863) 291–8614, or Email: *Doris.Jamieson@ams.usda.gov* or *Christian.Nissen@ams.usda.gov*.

Small businesses may request information on complying with this regulation by contacting Richard Lower, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Richard.Lower@ams.usda.gov*.

SUPPLEMENTARY INFORMATION: This proposed rule, pursuant to 5 U.S.C. 553, proposes an amendment to regulations used to carry out a marketing order as defined in 7 CFR 900.2(j). This proposal is issued under Marketing Agreement and Order No. 929, as amended (7 CFR part 929), regulating the handling of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. Part 929 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of growers and handlers of cranberries operating within the production area, and a public member.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This proposed rule falls within a category of regulatory actions that OMB exempted from Executive Order 12866 review. Additionally, because this proposed rule does not meet the definition of a significant regulatory action, it does not trigger the requirements contained in Executive Order 13771. See OMB's Memorandum titled ''Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled 'Reducing Regulation and Controlling Regulatory Costs' '' (February 2, 2017).

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This proposed rule is not intended to have retroactive effect.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposal would establish handler diversion and reporting requirements under the Order. This proposal would establish procedures handlers would use to divert fruit through disposal or into noncompetitive outlets. The reporting requirements would support the diversion procedures by providing the necessary documentation to help ensure compliance when a volume regulation is established. This proposed rule was recommended by the Committee at its August 31, 2017, September 15, 2017, and October 13, 2017, meetings.

The Order provides for the use of volume regulation to stabilize prices and improve grower returns during periods of oversupply. Section 929.51(a)(2) specifies that a handler withholding program must be recommended by the Committee no later than August 31 and that such recommendation shall include the free and restricted percentages for the crop

year. On August 31, 2017, the Committee met and recommended free and restricted percentages of 85 percent free and 15 percent restricted. Handler diversion is one method that handlers can utilize to meet restricted percentage requirements.

Section 929.54 provides, in part, that whenever the Secretary of Agriculture (Secretary) has fixed the free and restricted percentages for any fiscal period, each handler shall withhold from handling a portion of the cranberries acquired during such period. This section also provides the authority for the Committee to establish, with the approval of the Secretary, rules and regulations necessary to administer this section. Section 929.56 provides special provisions relating to withheld (restricted) cranberries, and § 929.57 provides authority for the Committee to establish, with the approval of the Secretary, outlets for withheld cranberries which are noncompetitive with outlets for unrestricted (free percentage) cranberries.

Section 929.62 provides, in part, authority to require handlers to submit reports of cranberries acquired, held in inventory, quantity handled, total cranberries withheld from handling, the portion of such withheld cranberries on hand, and the quantity and manner of disposition of any such withheld cranberries diverted. Section 929.62(f) further provides authority for the Committee, with the approval of the Secretary, to collect other reports and information from handlers needed to perform its duties.

This proposal would use these authorities to establish new §§ 929.157 and 929.162. Section 929.157 would establish the procedures to be used for handler diversion when free and restricted percentages are instituted. Section 929.162 would require handlers of cranberries, during years when free and restricted percentages are applied, to report to the Committee diversion plans and year-end reports, information on cranberries diverted and cranberries shipped to noncompetitive outlets, and other information to verify compliance with the program, using six specific Committee forms. Detailed information on the reporting burden that would be created by these new forms is discussed later in this document.

The Committee recommended establishing free and restricted percentages under a handler withholding volume regulation for the 2017–18 season in response to historically high inventory levels for cranberries. As this is the first time the Committee has used this volume regulation provision under the Order, it recognized the need to establish procedures outlining the diversion requirements for restricted fruit.

Free percentage cranberries can be used to supply any available market, including juice, sweetened dried cranberries, sauce, and frozen cranberries. Restricted percentage cranberries can be diverted through disposal or utilized in markets that are noncompetitive with free cranberries. Possible outlets for restricted cranberries include, in part, for fresh export, except to Canada; charity; research and development projects; and any nonhuman food use. Handlers also have the option to divert processed products in lieu of fresh fruit to meet up to 50 percent of their restricted obligation.

At the 2017 meetings in August, September, and October, the Committee discussed the handler diversion procedures and the associated reporting requirements that would be necessary to help ensure compliance with a free and restricted percentage volume regulation. As a result, the Committee developed and approved six specific forms and related procedures to be used during seasons when free and restricted percentages are established for volume regulation.

Committee members discussed the need for Committee staff to know how handlers plan to meet their restricted percentage obligation and if, at the end of the season, they met their diversion requirement. As a result, the Committee developed two specific forms to be added to the reporting requirements under the Order.

With the first form, the Handler Withholding Report (CMC–JUN), handlers would provide information on how they plan to meet their restricted percentage obligation. The form would be submitted to the Committee by June 1 during years with established free and restricted percentages and would require the following information: The name and address of the handler, the amount of cranberries to be acquired, the amount of cranberries to be diverted by disposal, the amount of cranberries to be diverted to noncompetitive outlets, and the types of cranberry products to be withheld. The Committee would use this information to estimate the amount of fruit that would be taken off the market, the proposed disposition of the fruit, and as a starting point for tracking handler compliance.

The second form, the Final Handler Withholding Report (CMC–AUG), would be submitted by the end of the crop year. The report would require the same information as the Handler Withholding Report but would provide the Committee with the actual year-end seasonal totals. This form would be due by August 31. The final report would be used to verify that handlers met their restricted percentage obligation.

Handlers would have several diversion options available to meet their restricted percentage obligation. One method of diversion available to handlers would be the disposal of fresh cranberries or cranberry products. In its discussions, Committee members expressed concern regarding verifying the accuracy of the amount of fruit or processed product diverted using this method. The Committee recommended that all disposals should take place under the supervision of a non-industry-related third party who would review the handler's disposal documentation, witness the disposal whenever possible, and certify as to the completion of the disposal process. The Committee initially agreed to hire two inspectors to supervise and verify handler compliance. However, due to the size of the production area, the Committee hired four inspectors, one from each of the primary growing regions, who would perform these tasks. The inspection and verification costs would be paid by the handler.

To facilitate this process, the Committee recommended establishing another form. This form, the Handler Disposal Certification (CMC–DISP), would be the primary form used to initiate, track, and certify this method of diversion during years in which a free and restricted percentage volume regulation has been established. The form would be used to notify the Committee of the handler's intent to dispose of cranberries or cranberry products. Information required on the form would include the handler's name and address; the amount of fruit to be diverted; the type of cranberry product to be diverted; the amount of processed fruit diverted, if any; and the lot identification information.

Upon receipt of the form, the Committee office would notify the inspector in the handler's growing region. The inspector would contact the handler to schedule a date for the disposal to take place, usually within a week of receipt of the notification. The inspector would meet with the handler on that date to verify the documentation provided and, when possible, witness the disposal.

The Committee recognized that, due to scheduling conflicts, the inspector may not be available to visually witness each disposal of restricted cranberries. Therefore, the Committee agreed that, should the inspector not be available to witness the diversion within seven

days, the handler may proceed with the disposal. The inspector would then verify and complete the certification upon the inspector's next visit to the handler's facility. If the cranberries or cranberry product were disposed of at a landfill, through composting, incineration, at a wastewater treatment facility, or any other site, the inspector may request receipts, visual proof, or any other additional information needed to support the disposal as reported on the form. Once the verification process is completed, the inspector would sign the certification section of the form, and return it to the Committee.

Another method of diversion available would be to divert cranberries or cranberry products to noncompetitive outlets. Section 929.57 specifies that cranberries withheld from handling may be disposed of only through diversion to such outlets as the Committee, with the approval of the Secretary, finds are noncompetitive to outlets for unrestricted (free percentage) cranberries. The Committee discussed various outlets and recommended the following: Foreign countries, except Canada; charitable institutions; any nonhuman food use; and research and development projects approved by the Committee dealing with the development of foreign and domestic markets, including but not limited to dehydration, radiation, freeze drying, or freezing of cranberries. The Committee further recommended that cranberries may not be converted into canned, frozen, or dehydrated cranberries or other cranberry products by any commercial process when being diverted to foreign countries. The specific outlets are being considered under a separate rulemaking action.

AMS submitted and received OMB's approval on the five initial forms. Handlers would complete the forms and submit them to the Committee for purposes of tracking compliance with the proposed handler withholding requirement. OMB approved the forms on October 16, 2017, and assigned them OMB No. 0581–0304. Upon full completion of the forms-approval process, AMS will seek to merge the five forms into the OMB-approved 0581–0189 Fruit Crops containing other forms related to the Federal marketing order for cranberries.

Two specific reporting requirements relating to the diversion of fruit to noncompetitive outlets would be added to part 929: A Handler Application for Outlets for Withheld Fruit (CMC–OUT) and a Third-Party Confirmation of Receipt of Withheld Fruit (CMC–CONF). Should a handler elect to divert cranberries or cranberry products to noncompetitive outlets, the handler must first request Committee approval of the outlet or research project using the Handler Application for Outlets for Withheld Fruit prior to each disposal activity of this type. Information requested on the form would include, among other things, the handler's name and address, information identifying the noncompetitive outlet, the amount and type of cranberry products to be diverted, and how the cranberries would be utilized. The Committee would review the information and approve or disapprove the diversion request.

If the request is approved and the product is delivered, the receiving outlet would need to acknowledge receipt of the product by completing the Third-Party Confirmation of Receipt of Withheld Fruit form, and the handler would then return the completed form to the Committee.

The two above-described reporting requirements would help track the disposition of withheld cranberries in noncompetitive outlets and would facilitate the compliance process under the recommended handler withholding.

The last form approved by the Committee would provide handlers a method for appealing any decision made by the Committee relating to the diversion process. Should a handler disagree with a Committee decision, such as denying the request for approval of a noncompetitive outlet, or a determination that diversion could not be verified, the handler could appeal the decision by submitting a Handler Withholding Appeal form (CMC–APPL). The handler making the appeal would be required to submit the form within 30 days of receiving the determination from the Committee. This form would include information about why the handler is making the appeal and would provide additional information to support the appeal. The appeal request would be reviewed by an Appeals Subcommittee (Subcommittee) for re-consideration. The Subcommittee would consist of two independent growers, two members from the major cooperative, and one public member. The handler would be notified of the Subcommittee's determination within 30 days. If the appeal is denied by the Subcommittee, the handler would have the option of appealing the decision to the Secretary within 15 days after the notification of the Subcommittee's findings.

In order to enable the Committee to inform the industry of the information needed for handlers to manage their inventories in a way that complies with the industry-supported handler withholding program, the five initial forms were previously submitted to OMB for approval. These five forms (CMC–JUN, CMC–DISP, CMC–OUT, CMC–CONF and CMC–APPL) were approved by OMB on October 16, 2017, for use for a six-month period, beginning the date of approval. This proposed rule is necessary for the industry to use the forms beyond the six-month period.

Establishing these handler diversion and reporting requirements would facilitate the implementation of, and ensure compliance with, free and restricted percentages when recommended by the Committee.

The Committee also recommended establishing free and restricted percentages under handler withholding for the 2017–18 crop year, as well as specifying the noncompetitive outlets available for diversion. These recommendations are being considered under a separate action.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 1,100 cranberry growers in the regulated area and approximately 65 cranberry handlers subject to regulation under the Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts of less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $7,500,000 (13 CFR 121.201).

According to industry and Committee data, the average grower price for cranberries during the 2016–17 crop year was $23.50 per barrel, and total sales were around 9.5 million barrels. The value for cranberries that crop year totaled $223,250,000 ($23.50 per barrel multiplied by 9.5 million barrels). Taking the total value of production for cranberries and dividing it by the total number of cranberry growers (1,100) provides an average return per grower of

$202,955. Based on USDA's Market News reports, the average free on board (f.o.b.) price for cranberries was around $30.00 per barrel. Multiplying the f.o.b. price by total utilization of 9.5 million barrels results in an estimated handler-level cranberry value of $285 million. Dividing this figure by the number of handlers (65) yields an estimated average annual handler receipt of $4.3 million, which is below the SBA threshold for small agricultural service firms. Therefore, the majority of growers and handlers of cranberries may be classified as small entities.

This proposed rule would establish handler diversion and reporting requirements under the Order. This proposed rule would establish procedures handlers would use to divert fruit through disposal or into noncompetitive outlets. The reporting requirements would support the diversion procedures by providing the necessary documentation to help ensure compliance when a volume regulation is established. This rule would establish new §§ 929.157 and 929.162. The authority for this action is provided for in §§ 929.54, 929.56, 929.57, and 929.62.

These actions could result in some additional costs to the industry. Specifically, handlers would incur some additional costs as a result of inspector verification and certification of the diversion process. In addition, requiring reports of cranberries acquired, handled, and withheld would impose an increase in the reporting burden on all cranberry handlers. However, the benefits are expected to outweigh the costs and increase in reporting burden. The provisions considered in this action would help facilitate the implementation of any recommended handler withholding volume regulation and help ensure compliance with the recommended regulation. Consequently, these changes would help provide important guidance during times when market conditions would support the need for establishing volume regulation.

The impact of this rule would be beneficial to growers and handlers. Establishing diversion procedures would benefit the entire industry by ensuring handler diversion is conducted consistently and accurately by all handlers, which would also help ensure compliance with the handler withholding program. Authorizing various diversion outlets means handlers would not be required to divert cranberries only through destruction. Instead, fruit could be utilized in noncompetitive outlets, such as for charitable purposes. The benefits of this rule are expected to be equally available to all cranberry growers and handlers, regardless of their size, and are greater than any associated costs.

The Committee discussed other alternatives to this proposal, including using different methods of ensuring accurate diversion of restricted fruit. One method considered was allowing handlers to self-report their diversion of restricted fruit without a formal verification process. However, the Committee deemed this insufficient verification to ensure compliance with the program. Members were concerned that fruit could be re-routed to a different handling facility for processing, and without established verification procedures, the industry would not have confidence that restricted fruit was being properly diverted. The Committee also considered the value and importance of each of the forms and whether all were required. However, the Committee agreed each of the recommended forms would provide important information for the industry and for administering the Order. Therefore, these alternatives were rejected.

This proposal would establish six new reporting requirements and six new Committee forms. Therefore, this proposed rule would impose an increase in the reporting burden for all handlers, which is discussed in the Paperwork Reduction Act section of this document.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

Further, the Committee's meetings were widely publicized throughout the cranberry industry, and all interested persons were invited to attend the meetings and participate in Committee deliberations on all issues. Additionally, the Committee's meetings held August 31, September 15, and October 13, 2017, were public meetings, and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this action on small businesses.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/rules-regulations/moa/small-businesses*. Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 60-day comment period is provided to allow interested persons to respond to this proposal. All written comments timely received will be considered before a final determination is made on this matter.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), this notice announces AMS's intent to request approval from OMB for a new information collection under OMB No. 0581—NEW. The five currently approved forms in 0581–0304 and one additional form will be merged with the forms currently approved under OMB No. 0581–0189, Fruit Crops.

Title: Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Marketing Order No. 929.

OMB Number: 0581—NEW.

Type of Request: New collection.

Abstract: The information requirements in this request are essential to carry out the intent of the Act to provide the respondents the type of service they request, and to administer the Cranberry Marketing Order Program. USDA is responsible for overseeing the Order regulating the handling of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The Order is effective under the Act.

On September 15, 2017, the Committee unanimously recommended that cranberry handlers subject to the Order provide the Committee with a report indicating the anticipated total quantity of cranberries acquired by the handler, the amount withheld from handling, and the disposition of such withheld cranberries during the crop year. This form, titled ''Handler Withholding Report (CMC–JUN),'' would be submitted directly to the Committee by handlers by June 1 in crop years when a handler withholding regulation has been established. This report would give the Committee background data on how each handler plans to meet the requirements of the handler withholding volume regulation.

The Committee also recommended that cranberry handlers submit a final year-end report indicating the actual total quantity of cranberries acquired by the handler, the amount withheld from handling, and the disposition of such withheld cranberries during the crop year. This form, titled ''Final Handler Withholding Report (CMC–AUG),'' would be submitted directly to the Committee by handlers by August 31. This report would give the Committee actual data on how each handler met the requirements of the handler withholding volume regulation.

The Committee also recommended that handlers subject to the Order submit a report certifying whenever a disposal of withheld cranberries is to be made. This report would contain information regarding the volume, the form of disposed cranberries, and information on the container type. This form, titled ''Handler Disposal Certification (CMC–DISP),'' would be submitted directly to the Committee by handlers preceding each disposal activity. This information collection would provide the Committee with data regarding the amount of cranberries diverted and the information needed to help track handler compliance with the recommended handler withholding requirements.

The Committee also recommended that handlers provide the Committee with a record of withheld cranberries disposed of in non-commercial outlets. This form, titled ''Handler Application for Outlets for Withheld Fruit (CMC–OUT),'' would be submitted directly to the Committee by handlers to provide information regarding the type, form, and volume of cranberries disposed of in noncompetitive outlets. Handlers would submit this form prior to each disposal activity of this type to provide the Committee with the opportunity to review and approve the requested outlet. This information collection would provide the Committee with information on the noncompetitive outlets used to meet the requirements for withheld cranberries and would be necessary for the Committee to track compliance with an established handler withholding requirement.

The Committee also recommended that handlers submit a report confirming the third-party receipt of withheld fruit. This form, titled ''Third-Party Confirmation of Receipt of Withheld Fruit (CMC–CONF),'' would include certification by outlets receiving withheld cranberries for use in a noncompetitive outlet. This form would need to be submitted after each shipment of withheld fruit received by noncompetitive outlets, such as charities. This report contains information on the type, form, and volume of withheld fruit received. This reporting requirement would help track the disposition of withheld cranberries and facilitate compliance with the recommended handler withholding requirements.

The Committee also recommended establishing a form for handlers to use to appeal any denial of a request made for disposing of cranberries in a noncompetitive outlet. This form, titled ''Handler Withholding Appeal (CMC–APPL),'' would need to be submitted by the handler making the appeal within 30 days of the denial. This form would include information about why the handler is making the appeal and would provide additional information to support the appeal.

The Order authorizes the Committee to collect certain information as required. The information collected would only be used by authorized representatives of the USDA, including the AMS Specialty Crops Program regional and headquarters staff, and authorized employees of the Committee. All proprietary information would be kept confidential in accordance with the Act and the Order.

The Committee developed these forms to effectively carry out a handler withholding volume regulation for the 2017–18 crop year and for future years when a handler withholding regulation has been established. The purpose of these forms would be to ensure compliance with the recommended handler withholding requirement.

Upon OMB approval of the new forms and the information collection package, AMS will request OMB approval to merge the new forms and this information collection in the currently approved information collection OMB control number 0581–0189, Fruit Crops.

The proposed request for new information collection under the Order is as follows:

Handler Withholding Report (CMC–JUN)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.08 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 0.8 hours.

Handler Disposal Certification (CMC–DISP)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.17 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 20.4 hours.

Handler Application for Outlets for Withheld Fruit (CMC–OUT)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.08 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 9.6 hours.

Third-Party Confirmation of Receipt of Withheld Fruit (CMC–CONF)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.05 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 12.

Estimated Total Annual Burden on Respondents: 6 hours.

Handler Withholding Appeal (CMC–APPL)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.08 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey,

Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 5.

Estimated Number of Responses per Respondent: 2.

Estimated Total Annual Burden on Respondents: 0.8 hours.

Final Handler Withholding Report (CMC–AUG)

Estimate of Burden: Public reporting burden for this collection of information is estimated to be an average of 0.08 hours per response.

Respondents: Handlers of cranberries grown in the states of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 0.8 hours.

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (2) the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments should reference OMB No. 0581—NEW and the Marketing Order for Cranberries Grown in States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, and should be sent to the USDA in care of the Docket Clerk at the previously mentioned address or at *http://www.regulations.gov*.

All responses to this notice will be summarized and included in the request for OMB approval. All comments received will become a matter of public record and will be available for public inspection during regular business hours at the address of the Docket Clerk or at *http://www.regulations.gov*.

If this proposed rule is finalized, this information collection will be merged with the forms currently approved under OMB No. 0581–0189, Fruit Crops.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 929 is proposed to be amended as follows:

PART 929—CRANBERRIES GROWN IN STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

■ 1. The authority citation for 7 CFR part 929 continues to read as follows:

Authority: 7 U.S.C. 601–674.

[Subpart Redesignated as Subpart A]

■ 2. Redesignate ''Subpart—Order Regulating Handling'' as ''Subpart A—Order Regulating Handling''.

[Subpart Redesignated as Subpart B and Amended]

■ 3. Redesignate ''Subpart—Administrative Rules and Regulations'' as subpart B and revise the heading to read as follows:

Subpart B—Administrative Requirements

■ 4. Add § 929.157 to read as follows:

§ 929.157 Handler diversion.

(a) *Methods of diversion.* Handlers may divert cranberries by disposing of cranberries or cranberry products. Diversion by disposal may take place prior to placing the cranberries into the processing line or after processing. Handlers may also divert cranberries or cranberry products to approved, noncompetitive outlets for withheld fruit. Whole berries or processed products diverted must come from the current crop year. Any information collected of a confidential and/or proprietary nature would be held in confidence pursuant to § 929.65.

(1) *Diversion through disposal.* This type of diversion is to be carried out under the supervision of the Committee, and the cost of such supervision is to be paid by the handler. Handlers shall notify the Committee of their intent to dispose of cranberries or cranberry products using Form CMC–DISP as specified in § 929.162(c). Following notification, a Committee inspector will meet with the handler to verify the documentation provided and, when possible, witness the destruction. The Committee inspector may request receipts, visual proof, or any other information needed to support the disposal as reported. Once the verification process has been completed, the Committee inspector will sign the certification section of Form CMC–DISP and return it to the Committee.

(2) *Diversion through noncompetitive outlets.* To divert cranberries or cranberry products to a noncompetitive outlet, handlers must apply to the Committee using Form CMC–OUT as specified in § 929.162(d) prior to each disposal activity of this type. The Committee will review the information and approve or disapprove the diversion request. Once the cranberries or cranberry products are delivered to the approved noncompetitive outlets, the Committee must receive satisfactory documentation of the transaction using Form CMC–CONF as specified in § 929.162(e).

(b) *Committee notification and handler plan.* Any handler intending to divert cranberries or cranberry products pursuant to § 929.54 must notify the Committee of such intent and provide a plan by June 1 that shows how the handler intends to meet the restricted percentage obligation. The handler shall submit this plan using Form CMC–JUNE as specified in the reporting requirements under § 929.162(a). The handler will have until August 31 to fulfill the plan, by which time the handler shall submit a final report detailing how the restricted percentage obligation was met using Form CMC–AUG as specified in § 929.162(b).

(c) *Request for review.* (1) If a handler is dissatisfied with a determination made by the Committee which affects such handler, the handler may submit to the Committee within 30 days after receipt of the Committee's determination, a request for a review by an appeals subcommittee composed of two independent growers and two cooperative representatives, as well as a public member. The appeals subcommittee shall be appointed by the Committee chairperson. The handler may forward with the request any pertinent materials for consideration of the appeal.

(2) The subcommittee shall review the information submitted by the handler and render a decision within 30 days of receipt of such appeal. The subcommittee shall notify the handler of its decision, accompanied by the reasons for its conclusions and findings.

(3) The handler may further appeal to the Secretary, within 15 days after notification of the subcommittee's findings, if such handler is not satisfied with the appeals subcommittee's decision. The Committee shall forward a file to the Secretary with all pertinent

information related to the handler's appeal. The Secretary shall inform the handler and all interested parties of the Secretary's decision. All decisions by the Secretary are final.

■ 5. Add § 929.162 to read as follows:

§ 929.162 Handler diversion reports.

(a) *Handler withholding report.* Handlers shall submit to the Committee, by June 1, a handler withholding report. The report shall be submitted using Form CMC–JUN and contain the following information:

(1) The name and address of the handler;

(2) The amount of cranberries acquired;

(3) The amount of cranberries withheld by disposal;

(4) The amount of cranberries diverted to noncompetitive outlets;

(5) The form of cranberry products withheld; and

(6) The total withholding obligation.

(b) *Handler Withholding Final Report.* Handlers shall submit to the Committee, by August 31, a final handler withholding report. The final report shall be submitted using Form CMC–AUG and contain the following information:

(1) The name and address of the handler;

(2) The seasonal total of cranberries acquired;

(3) The seasonal total of cranberries withheld by disposal;

(4) The seasonal total of cranberries diverted to noncompetitive outlets;

(5) The form of cranberry products withheld during the season; and

(6) The total withholding obligation.

(c) *Handler disposal certification.* Handlers shall submit to the Committee Form CMC–DISP for each lot of cranberries or cranberry products to be diverted through disposal. The form shall contain the following information:

(1) Name and address of the handler;

(2) Marketable cranberries in whole fruit or processed cranberries converted to whole fruit equivalent disposed of in this lot;

(3) Form of cranberries;

(4) Volume if in processed form;

(5) Lot details;

(6) Disposal site and method; and

(7) Inspector certification of the completion of the disposal.

(d) *Handler application for outlets for withheld fruit.* Handlers shall submit to the Committee Form CMC–OUT for approval for each lot of cranberries or cranberry products to be diverted to noncompetitive outlets in accordance with § 929.57. The form shall contain the following information:

(1) Name and address of the handler;

(2) Project type;

(3) Product form;

(4) Quantity of cranberries in whole fruit or processed cranberries converted to whole fruit equivalent diverted;

(5) A description of the project and how the cranberries will be used.

(e) *Third-party confirmation of receipt of withheld fruit.* Handlers shall submit to the Committee Form CMC–CONF for each diversion to a noncompetitive outlet to verify the receipt of the cranberries or cranberry product by the approved outlet. The form shall contain the following information:

(1) Name and address of the handler;

(2) Project type;

(3) Product form;

(4) Quantity of cranberries in whole fruit or processed cranberries converted to whole fruit equivalent utilized; and

(5) Confirmation or documentation of receipt from the receiving outlet.

(f) *Handler withholding appeal.* Handlers may appeal a determination made by the Committee relating to a handler withholding regulation using the appeals process outlined in § 929.157(c) and Form CMC–APPL, which shall contain the following information:

(1) Name and address of the handler;

(2) Reason for appeal; and

(3) Information in support of appeal.

[Subpart Redesignated as Subpart C]

■ 6. Redesignate ''Subpart—Assessment Rate'' as ''Subpart C—Assessment Rate''.

Dated: February 2, 2018.

Bruce Summers,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 2018–02441 Filed 2–14–18; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Parts 1, 5, 5c, 5f, 7, 11, 13, 16, 19, 20, 25, 31, 48, 49, 54, 55, 148, 301, 404, 601, and 602

[REG–132197–17]

RIN 1545–BO17

Eliminating Unnecessary Tax Regulations

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: Pursuant to the policies stated in Executive Orders 13777 and 13789 (the executive orders), the Treasury Department and the IRS conducted a review of existing regulations, with the goal of reducing regulatory burden for taxpayers by revoking or revising existing tax regulations that meet the criteria set forth in the executive orders. This notice of proposed rulemaking proposes to streamline IRS regulations by removing 298 regulations that are no longer necessary because they do not have any current or future applicability under the Internal Revenue Code (Code) and by amending 79 regulations to reflect the proposed removal of the 298 regulations. The proposed removal and amendment of these regulations may affect various categories of taxpayers.

DATES: Written or electronic comments and requests for a public hearing must be received by May 14, 2018.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–132197–17), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–132197–17), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC, or sent via the Federal eRulemaking Portal at *www.regulations.gov* (REG–132197–17).

FOR FURTHER INFORMATION CONTACT: Concerning the proposed regulations Mark A. Bond of the Office of Associate Chief Counsel (Procedure and Administration), (202) 317–6844; concerning the submission of comments and a request for a public hearing, Regina Johnson, (202) 317–6901 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

On February 24, 2017, the President issued Executive Order 13777, Enforcing the Regulatory Reform Agenda (82 FR 12285). E.O. 13777 directed each agency to establish a Regulatory Reform Task Force. Each Regulatory Reform Task Force was directed to review existing regulations for regulations that: (i) Eliminate jobs, or inhibit job creation; (ii) are outdated, unnecessary, or ineffective; (iii) impose costs that exceed benefits; (iv) create a serious inconsistency or otherwise interfere with regulatory reform initiatives and policies; (v) are inconsistent with the requirements of the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act of 2001) or OMB Information Quality Guidance issued pursuant to that provision; or (vi) derive from or implement Executive Orders or other Presidential directives that have been

subsequently rescinded or substantially modified.

On April 21, 2017, the President issued Executive Order 13789, Presidential Executive Order on Identifying and Reducing Tax Regulatory Burdens (82 FR 19317). This executive order stated a policy that the ''Federal tax system should be simple, fair, efficient, and pro-growth'' and that ''[t]he purposes of tax regulations should be to bring clarity to the already complex Internal Revenue Code . . . and to provide useful guidance to taxpayers.'' E.O. 13789 also directs that immediate action be taken to ''reduce the burden existing tax regulations impose on American taxpayers and thereby to provide tax relief and useful, simplified tax guidance.'' To further this goal, the executive order directs the Secretary of the Treasury to review all significant tax regulations issued on or after January 1, 2016.

As required by E.O. 13789, on June 22, 2017, the Treasury Department issued an interim report (June report) identifying eight regulations to be revised or withdrawn. On October 2, 2017, the Treasury Department issued a second report (October report) recommending specific actions with respect to the regulations identified in the June report. In addition, in the October report the Treasury Department explained that ''in furtherance of the policies stated in Executive Order 13789, Executive Order 13771, and Executive Order 13777, Treasury and the IRS have initiated a comprehensive review, coordinated by the Treasury Regulatory Reform Task Force, of all tax regulations, regardless of when they were issued. . . . This review will identify tax regulations that are unnecessary, create undue complexity, impose excessive burdens, or fail to provide clarity and useful guidance. . . .'' In the October report, the Treasury Department noted that the IRS Office of Chief Counsel had already identified over 200 regulations for potential revocation. These regulations are in the Code of Federal Regulations (CFR) ''but are, to varying degrees, unnecessary, duplicative, or obsolete, and force taxpayers to navigate unnecessarily complex or confusing rules.'' The October report also stated that the Treasury Department and the IRS expected to begin the rulemaking process of revoking these regulations in the fourth quarter of 2017.

This notice of proposed rulemaking proposes to remove 298 regulations that have no current or future applicability and, therefore, no longer provide useful guidance. Removing these regulations from the CFR will streamline title 26, Federal Tax Regulations; reduce the volume of regulations taxpayers need to review; and increase clarity of the tax law. The removal of these regulations is unrelated to the substance of rules in the regulations, and no negative inference regarding the stated rules should be made. These regulations are proposed to be removed from the CFR solely because the regulations have no current or future applicability. Removal of these regulations is not intended to alter any non-regulatory guidance that cites to or relies upon these regulations.

This notice of proposed rulemaking also proposes to amend 79 regulations to remove cross-references to the 298 regulations described above. These amendments will further streamline title 26 of the CFR, reduce the volume of regulations taxpayers need to review, and increase clarity of the tax law.

Explanation of Provisions

The tax regulations proposed to be removed fall into one of three categories. The first category includes regulations interpreting provisions of the Code that have been repealed. All of these regulations apply to provisions of the Code that no longer appear in title 26 of the United States Code. The second category includes regulations interpreting Code provisions that, while not repealed, have been significantly revised, and the existing regulations do not account for these statutory changes. To fall in this category, these statutory changes must have rendered the entire regulation inapplicable. The third category includes regulations that, by the terms of the relevant Code provisions or the regulations themselves, are no longer applicable. This category would include, for example, expired temporary regulations; a Code provision that only applies to returns filed before January 1, 1996; or regulations providing for a transition rule that applies only to transactions entered into between January 1, 2000, and March 1, 2001. The specific regulations that fall within each of these three categories are detailed below.

The 79 tax regulations proposed to be amended are regulations that make reference to the 298 tax regulations proposed to be removed. Each amendment removes one or more references to a regulation that is proposed to be removed. For example, § 31.3121(b)(10)–1 is proposed to be amended to remove a reference to § 31.3121(b)(8)–2, which is proposed to be removed. The proposed amendments also include proposed amendments to remove references to regulations in the authority citation for part 602 of title 26 of the CFR, OMB Control Numbers Under the Paperwork Reduction Act, in cases where regulations are proposed to be removed from the CFR and, in the case of §§ 1.103–15AT and 1.103–18 because these regulations were previously removed from the CFR without corresponding amendment to Part 602.

I. Regulations Interpreting Repealed Code Provisions

26 CFR Part 1

Treasury Regulations §§ 1.23–1 through 1.23–6. These regulations provide guidance under former section 23. Former section 23 was repealed by section 11801(a) of the Omnibus Budget Reconciliation Act of 1990, effective November 5, 1990. Public Law 101–508.

Treasury Regulations § 1.46–11. These regulations provide guidance under former section 46. Former section 46 was repealed by section 11813 of the Omnibus Budget Reconciliation Act of 1990, effective generally with respect to property placed in service after December 31, 1990. Public Law 101–508.

Treasury Regulations §§ 1.56A–1 through 1.56A–5, 1.58–1, and 1.58–9. These regulations provide guidance relating to the alternative minimum tax under section 56A and former section 58. These regulations implement a version of the alternative minimum tax that was repealed by section 701(a) of the Tax Reform Act of 1986, effective for taxable years beginning after December 31, 1986. Public Law 99–514.

Treasury Regulations § 1.101–5. These regulations provide guidance under section 101(e). Section 101(e) was repealed by section 421(b)(2) of the Deficit Reduction Act of 1984, generally effective for transfers after July 18, 1984, in taxable years ending after July 18, 1984. Public Law 98–369.

Treasury Regulations § 1.103–2. These regulations provide guidance regarding the tax exemption for dividends from shares and stock of federal agencies or instrumentalities under former section 103. Former section 103 was repealed by section 6 of the Public Debt Act of 1942, effective for securities issued after March 28, 1942. Public Law 77–510.

Treasury Regulations §§ 1.103–3 through 1.103–6. These regulations provide guidance regarding the tax exemption for interest on United States obligations under former section 103. Former section 103 was repealed in part by section 4 of the Public Debt Act of 1941, effective for obligations issued on or after February 28, 1941. Public Law 77–7.

Treasury Regulations § 1.168(f)(8)–1T. These regulations provide guidance

under section 168(f)(8). Section 168(f)(8) was repealed by section 201(a) of the Tax Reform Act of 1986, effective with respect to property placed in service after December 31, 1986, in taxable years ending after December 31, 1986. Public Law 99–514.

Treasury Regulations § 1.177–1. These regulations provide guidance under section 177. Section 177 was repealed by section 241(a) of the Tax Reform Act of 1986, generally effective with respect to expenditures paid or incurred after December 31, 1986. Public Law 99–514.

Treasury Regulations § 1.179A–1. These regulations provide guidance under section 179A. Section 179A was repealed by section 221(a)(34)(A) of the Tax Increase Prevention Act of 2014, effective December 19, 2014. Public Law 113–295.

Treasury Regulations §§ 1.244–1 and 1.244–2. These regulations provide guidance under section 244. Section 244 was repealed by section 221(a)(41)(A) of the Tax Increase Prevention Act of 2014, effective December 19, 2014. Public Law 113–295.

Treasury Regulations §§ 1.341–1 through 1.341–7. These regulations provide guidance under section 341. Section 341 was temporarily repealed until December 31, 2010, by section 302(e)(4) of the Jobs and Growth Tax Relief and Reconciliation Act of 2003, effective for taxable years beginning after December 31, 2002. Public Law 108–27. Section 102 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, extended the repeal until December 31, 2012. Public Law 111–312. Section 102(a) of the American Taxpayer Relief Act of 2012 made the repeal of section 341 permanent. Public Law 112–240.

Treasury Regulations §§ 1.405–1 through 1.405–3. These regulations provide guidance under section 405 relating to qualified bond purchase plans. Section 405 was repealed by section 491(a) of the Deficit Reduction Act of 1984, effective for obligations issued after December 31, 1983. Public Law 98–369.

Treasury Regulations § 1.501(k)–1. These regulations provide guidance under section 501(s) relating to nonexemption of Communist-controlled organizations. Section 501(s) was repealed by section 221(a)(62) of the Tax Increase Prevention Act of 2014, effective December 19, 2014. Public Law 113–295.

Treasury Regulations §§ 1.551–3 through 1.551–5. These regulations provide guidance under section 551. Section 551 was repealed by section 413(a)(1) of the American Jobs Creation Act of 2004, effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 108–357.

Treasury Regulations §§ 1.552–1 through 1.552–5. These regulations provide guidance under section 552. Section 552 was repealed by section 413(a)(1) of the American Jobs Creation Act of 2004, effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 108–357.

Treasury Regulations § 1.553–1. These regulations provide guidance under section 553. Section 553 was repealed by section 413(a)(1) of the American Jobs Creation Act of 2004, effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 108–357.

Treasury Regulations § 1.554–1. These regulations provide guidance under section 554. Section 554 was repealed by section 413(a)(1) of the American Jobs Creation Act of 2004, effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 108–357.

Treasury Regulations §§ 1.555–1 and 1.555–2. These regulations provide guidance under section 555. Section 555 was repealed by section 413(a)(1) of the American Jobs Creation Act of 2004, effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 108–357.

Treasury Regulations §§ 1.556–1 through 1.556–3. These regulations implement section 556. Section 556 was repealed by section 413(a)(1) of the American Jobs Creation Act of 2004, effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 108–357.

Treasury Regulations §§ 1.586–1 and 1.586–2. These regulations provide guidance under section 586. Section 586 was repealed by section 901(c) of the Tax Reform Act of 1986, effective for taxable years beginning after December 31, 1986. Public Law 99–514.

Treasury Regulations § 1.595–1. These regulations provide guidance under section 595. Section 595 was repealed by section 1616(b)(8) of the Small Business Job Protection Act of 1996, effective for property acquired (by foreclosure or otherwise) in taxable years beginning after December 31, 1995. Public Law 104–188.

Treasury Regulations § 1.621–1. These regulations provide guidance under section 621. Section 621 was repealed by section 11801(a)(28) of the Omnibus Budget Reconciliation Act of 1990, effective November 5, 1990. Public Law 101–508.

Treasury Regulations §§ 1.669(a)–1A, 1.669(b)–1A, 1.669(c)–1A through 1.669(c)–3A, 1.669(d)–1A, 1.669(e)–1A, 1.669(e)–2A, 1.669(f)–1A, and 1.669(f)–2A. These regulations provide guidance under section 669. Section 669 was repealed by section 701(d) of the Tax Reform Act of 1976, effective with respect to distributions made in taxable years beginning after December 31, 1975. Public Law 94–455.

Treasury Regulations §§ 1.802(b)–1, 1.802–2, and 1.802–4. These regulations provide guidance under section 802. Section 802 was repealed by section 211(a) of the Deficit Reduction Act of 1984, effective for taxable years beginning after December 31, 1983. Public Law 98–369.

Treasury Regulations §§ 1.806–1 and 1.806–2. These regulations provide guidance under former section 806. Former section 806 was repealed by section 211(a) of the Deficit Reduction Act of 1984, effective for taxable years beginning after December 31, 1983. Public Law 98–369.

Treasury Regulations §§ 1.809–1, 1.809–3, 1.809–7, and 1.809–8. These regulations provide guidance under former section 809 (as enacted by section 2(a) of the Life Insurance Company Income Tax Act of 1959, Public Law 86–69). Former section 809 was repealed and replaced with a new section 809 by section 211(a) of the Deficit Reduction Act of 1984, effective for taxable years beginning after December 31, 1983. Public Law 98–369.

Treasury Regulations §§ 1.809–9 and 1.809–10. These regulations provide guidance under section 809 (as enacted by section 211(a) of the Deficit Reduction Act of 1984, Pub. L. 98–369). Section 809 was repealed by section 205(a) of the Pension Funding Equity Act of 2004, effective for taxable years beginning after December 31, 2004. Public Law 108–218.

Treasury Regulations §§ 1.810–1 and 1.810–4. These regulations provide

guidance under former section 810. Former section 810 was repealed by section 211(a) of the Deficit Reduction Act of 1984, effective for taxable years beginning after December 31, 1983. Public Law 98–369.

Treasury Regulations §§ 1.821–1 through 1.821–5. These regulations provide guidance under section 821. Section 821 was repealed by section 1024(a)(1) of the Tax Reform Act of 1986, effective for taxable years beginning after December 31, 1986. Public Law 99–514.

Treasury Regulations §§ 1.823–1 through 1.823–8. These regulations provide guidance under section 823. Section 823 was repealed by section 1024(a)(1) of the Tax Reform Act of 1986, effective for taxable years beginning after December 31, 1986. Public Law 99–514.

Treasury Regulations §§ 1.825–1 through 1.825–3. These regulations provide guidance under section 825. Section 825 was repealed by section 1024(a)(1) of the Tax Reform Act of 1986, effective for taxable years beginning after December 31, 1986. Public Law 99–514.

Treasury Regulations §§ 1.921–1T through 1.921–3T. These regulations provide guidance under section 921. Section 921 was repealed by section 2 of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, effective for transactions after September 30, 2000. Public Law 106–519.

Treasury Regulations § 1.922–1. These regulations provide guidance under section 922. Section 922 was repealed by section 2 of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, effective for transactions after September 30, 2000. Public Law 106–519.

Treasury Regulations § 1.923–1T. These regulations provide guidance under section 923. Section 923 was repealed by section 2 of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, effective for transactions after September 30, 2000. Public Law 106–519.

Treasury Regulations §§ 1.924(a)–1T, 1.924(c)–1, 1.924(d)–1, and 1.924(e)–1. These regulations provide guidance under section 924. Section 924 was repealed by section 2 of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, effective for transactions after September 30, 2000. Public Law 106–519.

Treasury Regulations §§ 1.925(a)–1, 1.925(a)–1T, and 1.925(b)–1T. These regulations provide guidance under section 925. Section 925 was repealed by section 2 of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, effective for transactions after September 30, 2000. Public Law 106–519.

Treasury Regulations §§ 1.926(a)–1 and 1.926(a)–1T. These regulations provide guidance under section 926. Section 926 was repealed by section 2 of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, effective for transactions after September 30, 2000. Public Law 106–519.

Treasury Regulations §§ 1.927(b)–1T, 1.927(d)–1, 1.927(e)–1, 1.927(e)–2T, and 1.927(f)–1. These regulations provide guidance under section 927. Section 927 was repealed by section 2 of the FSC Repeal and Extraterritorial Income Exclusion Act of 2000, effective for transactions after September 30, 2000. Public Law 106–519.

Treasury Regulations §§ 1.941–1 through 1.941–3. These regulations provide guidance under former section 941. Former section 941 was repealed by section 1053(c) of the Tax Reform Act of 1976, effective for taxable years beginning after December 31, 1975. Public Law 94–455.

Treasury Regulations § 1.943–1. These regulations provide guidance under former section 943. Former section 943 was repealed by section 1053(c) of the Tax Reform Act of 1976, effective for taxable years beginning after December 31, 1975. Public Law 94–455.

Treasury Regulations § 1.951–2. These regulations coordinate section 951 with section 1247(a). Section 1247 was repealed by section 413(a)(3) of the American Jobs Creation Act of 2004, effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 108–357.

Treasury Regulations §§ 1.963–1, 1.963–4, 1.963–5, 1.963–7, and 1.963–8. These regulations provide guidance under section 963. Section 963 was repealed by section 602(a)(1) of the Tax Reduction Act of 1975, effective for taxable years of foreign corporations beginning after December 31, 1975, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 94–12.

Treasury Regulations § 1.1034–1. These regulations provide guidance under section 1034. Section 1034 was repealed by section 312(b) of the Taxpayer Relief Act of 1997, effective generally for sales and exchanges after May 6, 1997. Public Law 105–34.

Treasury Regulations §§ 1.1232–2 and 1.1232–4. These regulations provide guidance under sections 1232 and 1232B. Sections 1232 and 1232B were repealed by section 42(a)(1) of the Deficit Reduction Act of 1984, effective for taxable years ending after July 18, 1984. Public Law 98–369.

Treasury Regulations §§ 1.1247–1 through 1.1247–5. These regulations provide guidance under section 1247. Section 1247 was repealed by section 413(a)(3) of the American Jobs Creation Act of 2004, effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 108–357.

Treasury Regulations § 1.1491–1. These regulations provide guidance under section 1491. Section 1491 was repealed by section 1131(a) of the Taxpayer Relief Act of 1997, effective August 5, 1997. Public Law 105–34.

Treasury Regulations § 1.1492–1. These regulations provide guidance under section 1492. Section 1492 was repealed by section 1131(a) of the Taxpayer Relief Act of 1997, effective August 5, 1997. Public Law 105–34.

Treasury Regulations § 1.1493–1. These regulations provide guidance under section 1493. Section 1493 was repealed by section 103 of the Foreign Investors Tax Act of 1966, effective for taxable years beginning after December 31, 1966. Public Law 89–809.

Treasury Regulations §§ 1.1494–1 and 1.1494–2. These regulations provide guidance under section 1494. Section 1494 was repealed by section 1131(a) of the Taxpayer Relief Act of 1997, effective August 5, 1997. Public Law 105–34.

Treasury Regulations §§ 1.6035–1 and 1.6035–3. These regulations provide guidance under former section 6035. Former section 6035 was repealed by section 413(c)(26) of the American Jobs Creation Act of 2004, effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 108–357.

26 CFR Part 5c

Treasury Regulations §§ 5c.103–1 through 5c.103–3. These regulations provide guidance relating to section 168(f)(8). Section 168(f)(8) was repealed by section 201(a) of the Tax Reform Act of 1986, effective with respect to property placed in service after December 31, 1986, in taxable years ending after December 31, 1986. Public Law 99–514.

Treasury Regulations §§ 5c.168(f)(8)–1 through 5c.168(f)(8)–11. These regulations provide guidance under

section 168(f)(8). Section 168(f)(8) was repealed by section 201(a) of the Tax Reform Act of 1986, effective with respect to property placed in service after December 31, 1986, in taxable years ending after December 31, 1986. Public Law 99–514.

26 CFR Part 5f

Treasury Regulations § 5f.168(f)(8)–1. These regulations implement the transitional rules provided by section 208(d)(2) and (3) of the Tax Equity and Fiscal Responsibility Act of 1982, Public Law 97–248, for certain safe harbor leases under section 168(f)(8). Section 168(f)(8) was repealed by section 201(a) of the Tax Reform Act of 1986, effective with respect to property placed in service after December 31, 1986, in taxable years ending after December 31, 1986. Public Law 99–514.

26 CFR Part 7

Treasury Regulations §§ 7.105–1 and 7.105–2. These regulations provide guidance under section 105(d) relating to the taxation of disability payments. Section 105(d) was repealed by section 122(b) of the Social Security Amendments of 1983, effective for taxable years beginning after December 31, 1983. Public Law 98–21.

26 CFR Part 31

Treasury Regulations § 31.3121(a)(9)–1. These regulations provide guidance under section 3121(a)(9) relating to payments to employees for nonwork periods. Section 3121(a)(9) was repealed by section 324(a)(3)(B) of the Social Security Amendments of 1983, effective with respect to remuneration paid after December 31, 1983. Public Law 98–21.

Treasury Regulations §§ 31.3121(k)–1 through 31.3121(k)–4. These regulations implement section 3121(k) and provide guidance on the constructive filing of waivers of exemption from social security taxes by certain tax-exempt organizations. Section 3121(k) was repealed by section 102(b)(2) of the Social Security Amendments of 1983, effective April 20, 1983. Public Law 98–21.

26 CFR Part 48

Treasury Regulations § 48.4041–18. These regulations provide guidance under section 4041(k). Section 4041(k) was repealed by section 301(c)(6) of the American Jobs Creation Act of 2004, effective for fuel sold or used after December 31, 2004. Public Law 108–357.

Treasury Regulations § 48.4091–3. These regulations provide guidance under section 4091. Section 4091 was repealed by section 853(d)(1) of the American Jobs Creation Act of 2004, effective with respect to aviation-grade kerosene removed, entered, or sold after December 31, 2004. Public Law 108–357.

26 CFR Part 49

Treasury Regulations §§ 49.4263–1 through 49.4263–4. These regulations provide rules relating to commutation tickets, transportation payments not exceeding $0.60, air transportation provided to certain organizations, and services provided to members of the armed forces under former section 4263. Former section 4263 was repealed by section 205(c)(1) of the Airport and Airway Development Act of 1970, effective July 1, 1970. Public Law 91–258.

26 CFR Part 54

Treasury Regulations § 54.4972–1. These regulations provide guidance under former section 4972 relating to the tax on excess contributions for self-employed individuals. Former section 4972 was repealed by section 237(c)(1) of the Tax Equity and Fiscal Responsibility Act of 1982, effective for taxable years beginning after December 31, 1983. Public Law 97–248.

Treasury Regulations § 54.4981A–1T. These regulations provide guidance under section 4981A relating to the tax on excess distributions and excess accumulations, which section was redesignated as section 4980A by section 1011A(g) of the Technical and Miscellaneous Revenue Act of 1988. Public Law 100–647. Section 4980A in turn was repealed by section 1073(c) of the Taxpayer Relief Act of 1997. Public Law 105–34. The excess distribution repeal was effective for distributions received after December 31, 1996. The excess retirement accumulation repeal was effective for estates of decedents dying after December 31, 1996.

26 CFR Part 301

Treasury Regulations § 301.6035–1. These regulations provide guidance under former section 6035. Former section 6035 was repealed by section 413(c)(26) of the American Jobs Creation Act of 2004, effective for taxable years of foreign corporations beginning after December 31, 2004, and for taxable years of United States shareholders with or within which such taxable years of foreign corporations end. Public Law 108–357.

Treasury Regulations § 301.6241–1T. These regulations provide guidance under former section 6241. Former section 6241 was repealed by section 1307(c)(1) of the Small Business Job Protection Act of 1996, effective for taxable years beginning after December 31, 1996. Public Law 104–188.

Treasury Regulations § 301.6245–1T. These regulations provide guidance under former section 6245. Former section 6245 was repealed by section 1307(c)(1) of the Small Business Job Protection Act of 1996, effective for taxable years beginning after December 31, 1996. Public Law 104–188.

Treasury Regulations § 301.6501(o)–1. These regulations provide guidance under section 6501 for the work incentive program credit carryback. The work incentive program credit under sections 40, 50A, and 50B was repealed by section 474(m) of the Deficit Reduction Act of 1984, effective for taxable years beginning after December 31, 1983. Public Law 98–369.

II. Regulations Interpreting Code Provisions That Have Been Significantly Revised

26 CFR Part 1

Treasury Regulations § 1.42–2. These regulations provide guidance under section 42. Section 3003(f) of the Housing and Economic Recovery Act of 2008 revised section 42(d)(6), removing the requirement of a waiver upon application by the taxpayer and provided that the 10-year rule did not apply to any Federal- or State-assisted building, effective generally for buildings placed in service after July 30, 2008, rendering these regulations no longer applicable. Public Law 110–289.

Treasury Regulations §§ 1.103(n)–1T through 1.103(n)–7T. These regulations provide guidance under section 103(n). Section 103 was revised by section 1301 of the Tax Reform Act of 1986 by the removal of section 103(n), effective generally for bonds issued after August 15, 1986, rendering these regulations no longer applicable. Public Law 99–514.

Treasury Regulations §§ 1.178–2 and 1.178–3. These regulations provide guidance under former section 178(b) and section 178(c). Revisions to section 178 in section 201(d)(2) of the Tax Reform Act of 1986, effective for property placed in service after December 31, 1986, in taxable years ending after December 31, 1986, rendered these regulations no longer applicable. Public Law 99–514.

Treasury Regulations §§ 1.401–11 through 1.401–13. These regulations provide rules relating to special requirements for plans benefitting owner-employees under section 401. Section 401 was revised by section 237 of the Tax Equity and Fiscal Responsibility Act of 1982, effective for taxable years beginning after December

31, 1983, rendering these regulations no longer applicable. Public Law 97–248.

Treasury Regulations §§ 1.401(e)–1 through 1.401(e)–6. These regulations provide rules relating to special requirements for plans benefitting owner-employees under section 401. Section 401 was revised by section 237 of the Tax Equity and Fiscal Responsibility Act of 1982, effective for taxable years beginning after December 31, 1983, rendering these regulations no longer applicable. Public Law 97–248.

Treasury Regulations §§ 1.404(a)–4 through 1.404(a)–7 and § 1.404(a)–9. These regulations set forth rules relating to the deductible limit for certain retirement plan contributions under section 404. Revisions to section 404(a)(1) by section 1013(c)(1) of the Employee Retirement Income Security Act of 1974, effective for plan years beginning after September 2, 1974, rendered these regulations no longer applicable. Public Law 93–406.

Treasury Regulations § 1.410(b)–1. These regulations provide minimum coverage requirements under section 410(b). Revisions to section 410(b) by section 1112(a) of the Tax Reform Act of 1986, effective generally for plan years beginning after December 31, 1988, rendered these regulations no longer applicable. Public Law 99–514.

Treasury Regulations § 1.412(l)(7)–1. These regulations provide mortality tables used to determine current liability pursuant to section 412(l)(7)(C)(ii)(II). Section 412 was revised by section 111(a) of the Pension Protection Act of 2006 by the removal of section 412(l)(7), effective for plan years beginning after December 31, 2007, rendering these regulations no longer applicable. Public Law 109–280.

Treasury Regulations § 1.665(f)–1A. These regulations provide for the treatment of undistributed capital gains under section 665(f). Section 665 was revised by section 701(d)(3) of the Tax Reform Act of 1976 by the removal of section 665(f), effective for distributions made in taxable years beginning after December 31, 1975, rendering these regulations no longer applicable. Public Law 94–455.

Treasury Regulations § 1.665(g)–1A. These regulations provide the applicable definition of capital gain distribution under section 665(g). Section 665 was revised by section 701(d)(3) of the Tax Reform Act of 1976 by the removal of section 665(g), effective for distributions made in taxable years beginning after December 31, 1975, rendering these regulations no longer applicable. Public Law 94–455.

Treasury Regulations § 1.667(a)–1A. These regulations provide guidance under section 667. Section 701(a)(1) of the Tax Reform Act of 1976 revised section 667, effective for taxable years beginning after December 31, 1975, rendering these regulations no longer applicable. Public Law 94–455.

Treasury Regulations § 1.831–4. These regulations provide guidance relating to the election under former section 831(b) for a multiple line company to be taxed on total income. Section 1024(a)(4) of the Tax Reform Act of 1986 revised section 831(b), effective for taxable years beginning after December 31, 1986, rendering these regulations no longer applicable. Public Law 99–514.

26 CFR Part 5f

Treasury Regulations § 5f.103–3. These regulations provide guidance under section 103(l). Section 103 was revised by section 1301 of the Tax Reform Act of 1986 by the removal of section 103(l), effective generally for bonds issued after August 15, 1986, rendering these regulations no longer applicable. Public Law 99–514.

26 CFR Part 7

Treasury Regulations § 7.704–1. These regulations provide guidance under section 704(d). Section 201(b)(1) of the Revenue Act of 1978 revised section 704(d), effective for taxable years beginning after December 31, 1978, rendering these regulations no longer applicable. Public Law 95–600.

26 CFR Part 11

Treasury Regulations § 11.401(d)(1)–1. These regulations provide rules relating to special requirements for plans benefitting owner-employees under section 401. Section 401 was revised by section 237 of the Tax Equity and Fiscal Responsibility Act of 1982, effective for taxable years beginning after December 31, 1983, rendering these regulations no longer applicable. Public Law 97–248.

Treasury Regulations § 11.402(e)(4)(A)–1. These regulations provide rules on lump sum distributions in the case of an employee who has separated from service. Section 402 was revised by section 104 of the Tax Reform Act of 1986, effective for taxable years beginning after December 31, 1986, rendering these regulations no longer applicable. Public Law 99–514.

Treasury Regulations § 11.402(e)(4)(B)–1. These regulations provide rules on an election to treat an amount as a lump sum distribution under section 402(e)(4)(A). Section 402 was revised by section 104 of the Tax Reform Act of 1986, effective for taxable years beginning after December 31, 1986, rendering these regulations no longer applicable. Public Law 99–514.

26 CFR Part 16

Treasury Regulations § 16.3–1. These regulations provide guidance under section 6048. Section 1901(a) of the Small Business Job Protection Act of 1996 revised section 6048, effective generally August 20, 1996, rendering these regulations no longer applicable. Public Law 104–188. Because these regulations are the only regulations in part 16 of the CFR, part 16 of the CFR is proposed to be removed.

26 CFR Part 20

Treasury Regulations § 20.2201–1. These regulations provide guidance under section 2201. Section 103(a) of the Victims of Terrorism Tax Relief Act of 2001 revised section 2201, effective for estates of certain decedents dying on or after September 11, 2001, rendering these regulations no longer applicable. Public Law 107–134.

26 CFR Part 31

Treasury Regulations § 31.3121(b)(8)–2. These regulations provide guidance under section 3121(b)(8)(B). Section 102 of the Social Security Amendments of 1983 revised section 3121(b)(8)(B), effective generally with respect to services performed after December 31, 1983, by removing the Federal Insurance Contributions Act (FICA) tax exemption for organizations described in section 501(c)(3) which are exempt from income tax under section 501(a), rendering these regulations no longer applicable. Public Law 98–21.

26 CFR Part 49

Treasury Regulations §§ 49.4252–1, 49.4252–3, 49.4252–6, and 49.4252–7. These regulations provide rules relating to general telephone services (as defined under former section 4252(a)), telegraph services (as defined under former section 4252(c)), wire mileage services (as defined under section 4252(e)), and wire and equipment services (as defined under section 4252(f)). Section 302 of the Excise Tax Reduction Act of 1965 revised section 4252 to remove these subsections and, accordingly, the tax on the described services, effective generally January 1, 1966, rendering these regulations no longer applicable. Public Law 89–44.

Treasury Regulations §§ 49.4253–8 and 49.4253–9. These regulations provide rules under former section 4053(h) and former section 4053(i) relating to wire mileage services. Section 302 of the Excise Tax Reduction Act of 1965 revised section 4253 to remove these subsections, effective generally January 1, 1966, rendering these regulations no longer applicable. Public Law 89–44.

26 CFR Part 301

Treasury Regulations § 301.6048–1. These regulations provide guidance under section 6048. Section 1901(a) of the Small Business Job Protection Act of 1996 revised section 6048, effective generally August 20, 1996, rendering these regulations no longer applicable. Public Law 104–188.

Treasury Regulations § 301.6511(d)–7. These regulations provide guidance under former section 6511(d)(7). Section 6511 was revised by section 8(b)(2) of an act to revise miscellaneous timing requirements of the revenue laws, and for other purposes, by the removal of former section 6511(d)(7), effective for carrybacks arising in taxable years beginning after November 10, 1978, rendering these regulations no longer applicable. Public Law 95–628.

26 CFR Part 404

Treasury Regulations § 404.6048–1. These regulations provide guidance under section 6048. Section 1901(a) of the Small Business Job Protection Act of 1996 revised section 6048, effective generally August 20, 1996, rendering these regulations no longer applicable. Public Law 104–188.

III. Regulations Having No Future Applicability Under the Code or Regulations

26 CFR Part 1

Treasury Regulations § 1.56–1. These regulations provide guidance under section 56. The alternative minimum tax book income adjustment described in these regulations was only in effect for taxable years beginning in 1987 through 1989.

Treasury Regulations § 1.61–2T. These regulations provide guidance under section 61. These regulations apply only to fringe benefits for taxable years 1985 through 1988.

Treasury Regulations §§ 1.132–1T, 1.132–2T, 1.132–3T, 1.132–4T, 1.132–5T, 1.132–6T, 1.132–7T, and 1.132–8T. These regulations provide guidance under section 132. These regulations apply only to fringe benefits for taxable years 1985 through 1988.

Treasury Regulations §§ 1.148–1A through 1.148–6A, 1.148–9A, 1.148–10A, 1.149(d)–1A, and 1.150–1A. These regulations provide guidance under sections 148A, 149A, and 150A. These regulations apply only to bonds sold prior to July 8, 1997.

Treasury Regulations § 1.165–13T. These regulations provide guidance under section 165. These regulations apply only to losses attributable to straddles (in general, offsetting positions in personal property as described in section 1092) entered into before January 1, 1982.

Treasury Regulations § 1.401–4. These regulations provide nondiscrimination rules under section 401(a)(4). These regulations generally apply only to plan years beginning before January 1, 1994.

Treasury Regulations § 1.401–5. These regulations provide guidance under section 401. These regulations provide rules for correcting provisions for a plan put into effect before September 2, 1974, and to which the provisions of section 401(b) (which became effective September 2, 1974) do not apply.

Treasury Regulations § 1.401–8. These regulations provide guidance under section 401. These regulations apply only to custodial accounts prior to January 1, 1974.

Treasury Regulations § 1.402(e)–1. These regulations provide guidance under section 402. These regulations provide rules on distributions made after December 31, 1953, and before January 1, 1955, as a result of certain plan terminations.

Treasury Regulations § 1.404(a)–2A. These regulations provide guidance under section 404. These regulations specify information that must be furnished for an employer to claim a retirement plan deduction for a taxable year ending on or after December 31, 1971, and before December 31, 1975.

Treasury Regulations § 1.404(a)(8)–1T. These regulations provide guidance under section 404. These regulations apply the provisions of a technical correction in anticipation of enactment of that correction and are no longer applicable pursuant to subsequent legislation.

Treasury Regulations § 1.404(e)–1. These regulations provide guidance under section 404. These regulations provide rules regarding deductions for retirement plan contributions on behalf of self-employed individuals for years before January 1, 1974.

Treasury Regulations § 1.411(a)–9. These regulations provide guidance under section 411. These regulations provide break-in-service rules that are no longer applicable.

Treasury Regulations § 1.411(d)–5. These regulations provide guidance under section 411. They provide rules on a special class-year vesting rule, which generally does not apply for plan years beginning after December 31, 1988.

Treasury Regulations § 1.412(b)–5. These regulations provide guidance under section 412. These regulations relate to an amortization election that was available to a multiemployer plan for a plan year beginning before January 1, 1982.

Treasury Regulations § 1.412(c)(1)–3T. These regulations provide guidance under section 412. These regulations provide rules on applying the minimum funding requirements to restored plans. These regulations were issued as temporary regulations on October 22, 1990, and expired in 1993, pursuant to section 7805(e)(2).

Treasury Regulations §§ 1.453–4 through 1.453–6 and 1.453–10. These regulations provide guidance under section 453 relating to installment sales. These regulations do not apply to installment sales occurring in taxable years ending after October 19, 1980.

Treasury Regulations § 1.453A–2. These regulations provide guidance under section 453A. These regulations do not apply to any taxable year beginning after December 31, 1986.

Treasury Regulations § 1.475(b)–4. These regulations provide guidance under section 475. These regulations provide transitional rules for section 475 identification purposes for periods before February 1, 1994.

Treasury Regulations § 1.503(e)–4. These regulations provide guidance under section 503. These regulations provide rules relating to the denial of deductions with respect to gifts or contributions made before January 1, 1970.

Treasury Regulations §§ 1.593–1 through 1.593–11. These regulations implement section 593(a) through (d). Section 593(a) through (d) does not apply to taxable years beginning after December 31, 1995.

Treasury Regulations § 1.802–5. These regulations provide guidance under section 802(a)(3). Section 802(a)(3) applies only for taxable years beginning in 1959 or 1960.

Treasury Regulations §§ 1.803–1 through 1.803–7. These regulations provide guidance under section 803. These regulations apply only to taxable years beginning after December 31, 1953, and before January 1, 1955.

Treasury Regulations §§ 1.822–1 and 1.822–2. These regulations provide guidance under section 822. These regulations apply only to taxable years beginning after December 31, 1953, but before January 1, 1955, and ending after August 16, 1954.

Treasury Regulations § 1.832–7T. These regulations provide guidance under section 832. These regulations apply only to taxable years ending before January 1, 1990.

Treasury Regulations § 1.962–4. These regulations provide guidance under section 962. These regulations apply only to taxable years beginning before January 1, 1966.

Treasury Regulations § 1.6049–7T. These regulations provide guidance under section 6049. The guidance in these temporary regulations was incorporated into § 1.6049–7(f)(2)(i)(G)(*2*) in T.D. 8431, which was published in the **Federal Register** on September 3, 1992.

Treasury Regulations § 1.6050H–1T. These regulations provide guidance under section 6050H. These regulations apply only to information reporting of mortgage interest received after December 31, 1984, and before January 1, 1988.

Treasury Regulations § 1.6654–4. These regulations provide guidance under section 6654. These regulations apply only to underpayment of estimated tax for taxable years beginning after December 31, 1970, and ending before January 1, 1972.

26 CFR Part 5

Treasury Regulations § 5.856–1. These regulations provide transition rules for extensions of a grace period for treating certain property as foreclosure property under section 856(e), as revised by section 363(c) of the Revenue Act of 1978, effective for extensions granted after November 6, 1978, for periods beginning after December 31, 1977. Public Law 95–600. These regulations do not apply to extensions filed on or after March 29, 1980.

26 CFR Part 11

Treasury Regulations § 11.404(a)(6)–1. These regulations provide guidance under section 404. These regulations provide rules regarding an election pursuant to section 402 of the Tax Reduction Act of 1975, Public Law 94–12, to apply the provisions of section 404(a)(6) before the generally applicable effective date (plan years beginning on or after January 1, 1976) for existing plans.

26 CFR Part 13

Treasury Regulations § 13.4. These regulations provide rules relating to arbitrage bonds under section 103. These regulations were published in the **Federal Register** in 1970 (T.D. 7072) and were superseded by a document published in the **Federal Register** on May 3, 1973 (T.D. 7273). Current regulations relating to arbitrage bonds are found in §§ 1.148–1 through 1.148–11.

26 CFR Part 19

Treasury Regulations § 19.3–1. These regulations provide guidance to determine the appropriate interest rate for purposes of section 483. These regulations were published in the **Federal Register** on April 7, 1964, and were superseded by §§ 1.483–1 and 1.483–2, which were published in the **Federal Register** on January 25, 1966. T.D. 6873. Because these regulations are the only regulations in part 19 of the CFR, part 19 of the CFR is proposed to be removed.

26 CFR Part 25

Treasury Regulations § 25.2522(a)–2. These regulations provide guidance under section 2522. These regulations pertain only to transfers made before August 1, 1969.

26 CFR Part 49

Treasury Regulations § 49.4251–3. These regulations provide guidance under section 4251. These regulations provide transition rules for 1959 returns with respect to the applicability of §§ 49.4251–1, 49.4251–2, and 49.4251–4 (telephone excise tax regulations). These regulations are no longer applicable because the transition period has ended.

Treasury Regulations § 49.4263–6. These regulations provide guidance under section 4263. These regulations apply only to services provided prior to November 16, 1962.

26 CFR Part 55

Treasury Regulations § 55.4981–1. These regulations provide guidance under section 4981. These regulations apply only to taxable years ending on or before January 1, 1987.

26 CFR Part 148

Treasury Regulations § 148.1–5. These regulations provide guidance under section 4216(b). These regulations were superseded by §§ 48.4216(b)–1 through 48.4216(b)–4, effective April 23, 1979. Because these regulations are the only regulations in part 148 of the CFR, part 148 of the CFR is proposed to be removed.

26 CFR Part 301

Treasury Regulations § 301.6096–2. These regulations provide guidance under section 6096. These regulations apply only to taxable years ending on or after December 31, 1972, and beginning before January 1, 1973.

Treasury Regulations §§ 301.6501(o)–2 and 301.6501(o)–3. These regulations provide guidance under section 6501. These regulations do not apply to taxable years beginning on or after September 4, 1982.

Treasury Regulations § 301.6511(g)–1. These regulations provide guidance under section 6511. These regulations do not apply to taxable years beginning on or after September 4, 1982.

Treasury Regulation § 301.6723–1A. These regulations provide guidance under section 6723. These regulations apply only to information returns and payee statements due after December 31, 1986, and before January 1, 1990.

IV. Proposed Applicability Date

The removal of these regulations is proposed to be applicable as of the date the Treasury decision adopting this notice of proposed rulemaking is published in the **Federal Register**.

Special Analyses

These regulations propose to remove regulations that have no current or future applicability. Therefore, the regulations will have no economic effect and do not impose a collection of information on small entities. An economic analysis under E.O. 12866 and an analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) are not required. Pursuant to section 7805(f) of the Code, this notice of proposed rulemaking has been submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Comments and Requests for Public Hearing

Before these proposed regulations are adopted as final regulations, consideration will be given to any comments that are timely submitted to the IRS as prescribed in the preamble under the **ADDRESSES** section. The Treasury Department and the IRS request comments on all aspects of these proposed regulations, including whether any of the regulations proposed to be removed continue to serve any useful purpose and should not be removed and whether there are other regulations that no longer serve a useful purpose and should be removed. All comments submitted will be made available at *www.regulations.gov* or upon request. A public hearing may be scheduled if requested in writing by any person that timely submits written comments. If a public hearing is scheduled, notice of the date, time, and place for the hearing will be published in the **Federal Register**.

Drafting Information

The principal author of these proposed regulations is Mark A. Bond of the Office of the Associate Chief Counsel (Procedure and Administration).

List of Subjects

26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 5

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 5c

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 5f

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 7

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 11

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 13

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 16

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 19

Income taxes, Reporting and recordkeeping requirements.

26 CFR Part 20

Estate taxes, Reporting and recordkeeping requirements.

26 CFR Part 25

Gift taxes, Reporting and recordkeeping requirements.

26 CFR Part 31

Employment taxes, Income taxes, Penalties, Pensions, Railroad retirement, Reporting and recordkeeping requirements, Social security, Unemployment compensation.

26 CFR Part 48

Excise taxes, Reporting and recordkeeping requirements.

26 CFR Part 49

Excise taxes, Reporting and recordkeeping requirements, Telephone, Transportation.

26 CFR Part 54

Excise taxes, Pensions, Reporting and recordkeeping requirements.

26 CFR Part 55

Excise taxes, Investments, Reporting and recordkeeping requirements.

26 CFR Part 148

Excise taxes, Reporting and recordkeeping requirements.

26 CFR Part 301

Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Penalties, Reporting and recordkeeping requirements.

26 CFR Part 404

Reporting and recordkeeping requirements, Taxes.

26 CFR Part 601

Administrative practice and procedure, Freedom of information, Reporting and recordkeeping requirements, Taxes.

26 CFR Part 602

Reporting and recordkeeping requirements.

Proposed Amendments to the Regulations

Accordingly, 26 CFR parts 1, 5, 5c, 5f, 7, 11, 13, 16, 19, 20, 25, 31, 48, 49, 54, 55, 148, 301, 404, 601, and 602 are proposed to be amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by:
■ 1. Removing the entries for §§ 1.23–1 through 1.23–6, 1.42–2, 1.56–1, 1.58–9, 1.61–2T, and 1.132–0 through 1.132–8T;
■ 2. Adding entries in alphabetical order for §§ 1.132–0 through 1.132–8; and
■ 3. Removing the entries for §§ 1.168(f)(8)–1T, 1.179A–1, 1.401–12, 1.475(b)–4, 1.809–10, 1.924(c)–1, 1.924(d)–1, 1.924(e)–1, 1.925(a)–1, 1.925(a)–1T, 1.925(b)–1T, 1.927(d)–1, 1.927(e)–1, 1.927(e)–2T, 1.927(f)–1, ''1.6035–1 through 1.6035–3'', and 1.6050H–1T to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

Sections 1.132–0 through 1.132–8 also issued under 26 U.S.C. 132. * * *

§§ 1.23–1 through 1.23–6 [Removed]

■ **Par. 2.** Sections 1.23–1 through 1.23–6 are removed.

§ 1.42–2 [Removed and Reserved]

■ **Par. 3.** Section 1.42–2 is removed and reserved.

§ 1.46–11 [Removed]

■ **Par. 4.** Section 1.46–11 is removed.

§ 1.56–1 [Removed]

■ **Par. 5.** Section 1.56–1 is removed.

§ 1.56(g)–1 [Amended]

■ **Par. 6.** In § 1.56(g)–1, paragraph (d)(2)(ii)(A) is removed and reserved.

§§ 1.56A–1 through 1.56A–5 [Removed]

■ **Par. 7.** Sections 1.56A–1 through 1.56A–5 are removed.

§ 1.58–1 [Removed and Reserved]

■ **Par. 8.** Section 1.58–1 is removed and reserved.

§ 1.58–9 [Removed]

■ **Par. 9.** Section 1.58–9 is removed.

§ 1.61–2T [Removed]

■ **Par. 10.** Section 1.61–2T is removed.

§ 1.61–21 [Amended]

■ **Par. 11.** Section 1.61–21 is amended by removing the last sentence in paragraph (a)(6).

§ 1.72–15 [Amended]

■ **Par. 12.** Section 1.72–15 is amended by removing the last sentence in paragraph (g).

§ 1.72–17A [Amended]

■ **Par. 13.** Section 1.72–17A is amended by removing the last sentence in paragraph (e)(2)(v).

§ 1.72–18 [Amended]

■ **Par. 14.** Section 1.72–18 is amended by removing the last sentence in paragraph (b)(1)(iii).

§ 1.78–1 [Amended]

■ **Par. 15.** Section 1.78–1 is amended by:
■ 1. In paragraph (a), removing the fifth sentence.
■ 2. In paragraph (f), removing ''§ 1.902–1, § 1.904–5, § 1.960–3, § 1.960–4, and § 1.963–4'' and adding ''§§ 1.902–1, 1.904–5, 1.960–3, and 1.960–4''.

§ 1.101–5 [Removed and Reserved]

■ **Par. 16.** Section 1.101–5 is removed and reserved.

§ 1.101–6(a) [Amended]

■ **Par. 17.** Section 1.101–6(a) is amended by removing the words ''1.101–4, and 1.101–5'' from the first sentence and adding in their place the words ''and 1.101–4''.

§§ 1.103–2 through 1.103–6 [Removed and Reserved]

■ **Par. 18.** Sections 1.103–2 through 1.103–6 are removed and reserved.

§§ 1.103(n)–1T through 1.103(n)–7T [Removed]

■ **Par. 19.** Sections 1.103(n)–1T through 1.103(n)–7T are removed.

§ 1.132–1 [Amended]

■ **Par. 20.** Section 1.132–1 is amended by removing the last sentence of paragraph (g).

§§ 1.132–1T, 1.132–2T, 1.132–3T, 1.132–4T, 1.132–5T, 1.132–6T, 1.132–7T, and 1.132–8T [Removed]

■ **Par. 21.** Sections 1.132–1T, 1.132–2T, 1.132–3T, 1.132–4T, 1.132–5T, 1.132–6T, 1.132–7T, and 1.132–8T are removed.

§§ 1.148–1A through 1.148–6A, 1.148–9A, and 1.148–10A [Removed and Reserved]

■ **Par. 22.** Sections 1.148–1A through 1.148–6A, 1.148–9A, and 1.148–10A are removed and reserved.

§ 1.149(d)–1A [Removed]

■ **Par. 23.** Section 1.149(d)–1A is removed.

§ 1.150–1A [Removed]

■ **Par. 24.** Section 1.150–1A is removed.

§ 1.162–25T [Amended]

■ **Par. 25.** Section 1.162–25T is amended by removing the language ''1.61–2T'' and adding ''1.61–21(d)'' in its place in the fourth sentence in Example 1 of paragraph (c).

§ 1.165–13T [Removed]

■ **Par. 26.** Section 1.165–13T is removed.

§ 1.166–4 [Amended]

■ **Par. 27.** Section 1.166–4 is amended by:
■ 1. Removing paragraphs (d)(2) and (3).
■ 2. Removing the designation ''(1)'' after the heading of paragraph (d).

§ 1.168(f)(8)–1T [Removed]

■ **Par. 28. Section 1**.168(f)(8)–1T is removed.

§ 1.177–1 [Removed]

■ **Par. 29.** Section 1.177–1 is removed.

§§ 1.178–2 and 1.178–3 [Removed]

■ **Par. 30.** Sections 1.178–2 and 1.178–3 are removed.

§ 1.179A–1 [Removed and Reserved]

■ **Par. 31.** Section 1.179A–1 is removed and reserved.

§§ 1.244–1 and 1.244–2 [Removed]

■ **Par. 32.** Sections 1.244–1 and 1.244–2 are removed.

§ 1.274–6T [Amended]

■ **Par. 33.** Section 1.274–6T is amended by:
■ 1. Removing the reference ''§ 1.61–2T(f) (5) and (6)'' and adding in its place ''§ 1.61–21(f)(5) and (6)'' in paragraphs (a)(3)(i)(E) and (a)(3)(ii)(E).
■ 2. Removing the reference ''§ 1.61–2T(f)(3)'' and adding in its place ''§ 1.61–21(f)(3)'' in paragraphs (a)(3)(i)(F), (a)(3)(ii) introductory text, and (a)(3)(ii)(F).
■ 3. Removing the reference ''§ 1.61–2T(d)(1)(ii)'' and adding in its place ''§ 1.61–21(d)(1)(ii)'' in paragraphs (a)(3)(i)(E), (a)(3)(ii)(E), and (e)(3).
■ 4. Removing the reference ''§ 1.61–2T(e)(2)'' and adding in its place ''§ 1.61–21(e)(2)'' in paragraph (e)(4).
■ 5. Removing the reference ''§ 1.132–5T(g)'' and adding in its place ''§ 1.132–5(g)'' in the last sentence in paragraph (b)(1).
■ 6. Removing the reference ''§ 1.132–5T(g)(3)'' and adding in its place ''§ 1.132–5(g)(3)'' in the last sentence in paragraph (b)(3).

§§ 1.341–1 through 1.341–7 [Removed]

■ **Par. 34.** Sections 1.341–1 through 1.341–7 are removed.

§ 1.381(c)(11)–1 [Amended]

■ **Par. 35.** Section 1.381(c)(11)–1 is amended by:
■ 1. Removing ''and § 1.404(a)–9'' in the second sentence in paragraph (b)(1).
■ 2. Removing ''and § 1.401–5'' in the last sentence in paragraph (b)(2).
■ 3. Removing ''§ 1.404(a)–7, paragraph (e) of § 1.404(a)–9, and'' in the parenthetical of the second sentence of paragraph (d)(2).
■ 4. Removing ''computed in accordance with the rules in paragraph (e)(2) of § 1.404(a)–9 for computing limitations when a profit-sharing plan has terminated'' in the third sentence of paragraph (d)(4).
■ 5. Removing ''and § 1.404(a)–9'' in the second sentence in paragraph (i).

■ **Par. 36.** Section 1.401–1 is amended by:
■ 1. Removing ''(see paragraph (e) of § 1.401–11)'' in paragraph (a)(3)(iii).
■ 2. Removing ''and, in addition, see § 1.401–12 for special rules as to plans covering owner-employees'' in the parenthetical in paragraph (a)(3)(v).
■ 3. Removing ''§ 1.401–4'' and adding ''§§ 1.401(a)(4)–0 through 1.401(a)(4)–13'' in its place in paragraph (a)(3)(vi).
■ 4. Revising the last sentence in paragraph (a)(4).
■ 5. Removing ''1.401–4'' and adding ''1.401(a)(4)–0 through 1.401(a)(4)–13'' in its place in the fifth sentence of paragraph (b)(1)(ii).
■ 6. Removing '', 1.404(a)–2A,'' from the last sentence in paragraph (e)(2).

The revision reads as follows:

§ 1.401–1 Qualified pension, profit-sharing, and stock bonus plans.

(a) * * *
(4) * * * See, generally, § 1.401–10.
* * * * * *

§ 1.401–3 [Amended]

■ **Par. 37.** Section 1.401–3 is amended by:
■ 1. Removing ''(see § 1.401–12)'' in the last sentence of paragraph (a)(1).
■ 2. Adding ''of the Treasury Regulations in effect on April 1, 2017'' to the end of paragraph (e)(5).

§§ 1.401–4 and 1.401–5 [Removed and Reserved]

■ **Par. 38.** Sections 1.401–4 and 1.401–5 are removed and reserved.

§ 1.401–6 [Amended]

■ **Par. 39.** Section 1.401–6 is amended by removing ''(see paragraph (c) of § 1.401–4)'' in paragraph (d).

§ 1.401–8 [Removed and Reserved]

■ **Par. 40.** Section 1.401–8 is removed and reserved.

§ 1.401–10 [Amended]

■ **Par. 41.** Section 1.401–10 is amended by removing the third through seventh sentences in paragraph (a)(1).

§§ 1.401–11 through 1.401–13 [Removed and Reserved]

■ **Par. 42.** Sections 1.401–11 through 1.401–13 are removed and reserved.

§§ 1.401(e)–1 through 1.401(e)–6 [Removed]

■ **Par. 43.** Sections 1.401(e)–1 through 1.401(e)–6 are removed.

§ 1.401(f)–1 [Amended]

■ **Par. 44.** Section 1.401(f)–1 is amended by removing the last sentence in paragraph (a).

§ 1.402(a)–1 [Amended]

■ **Par. 45.** Section 1.402(a)–1 is amended by:
■ 1. Removing and reserving paragraph (a)(6)(v).
■ 2. Removing the last sentence in paragraph (a)(6)(vi).

§ 1.402(e)–1 [Removed and Reserved]

■ **Par. 46.** Section 1.402(e)–1 is removed and reserved.

§ 1.403(a)–1 [Amended]

■ **Par. 47.** Section 1.403(a)–1 is amended by removing ''through 1.401–13'' in the last sentence in paragraph (f).

§ 1.404(a)–1 [Amended]

■ **Par. 48.** Section 1.404(a)–1 is amended by removing ''and § 1.404(e)–1'' from the last sentence in paragraph (a)(1).

§ 1.404(a)–2 [Amended]

■ **Par. 49.** Section 1.404(a)–2 is amended by removing ''see § 1.404(a)–2A'' and adding ''and before December 31, 1975, see § 1.404(a)–2A of the Treasury Regulations in effect on April 1, 2017'' in its place in the second sentence in paragraph (i).

§ 1.404(a)–2A [Removed]

■ **Par. 50.** Section 1.404(a)–2A is removed.

§ 1.404(a)–3 [Amended]

■ **Par. 51.** Section 1.404(a)–3 is amended in paragraph (a) by removing the tenth sentence and removing ''(see § 1.404(a)–4)'' in the last sentence.

§§ 1.404(a)–4 through 1.404(a)–7 [Removed and Reserved]

■ **Par. 52.** Sections 1.404(a)–4 through 1.404(a)–7 are removed and reserved.

§ 1.404(a)–8 [Amended]

■ **Par. 53.** Section 1.404(a)–8 is amended by removing the second sentence in paragraph (b).

§ 1.404(a)–9 [Removed and Reserved]

■ **Par. 54.** Section 1.404(a)–9 is removed and reserved.

§ 1.404(a)–10 [Amended]

■ **Par. 55.** Section 1.404(a)–10 is amended by:

■ 1. Removing ''and § 1.404(a)–9'' in the three places it appears in paragraph (b).

■ 2. Removing the second sentence in paragraph (b).

§ 1.404(a)(8)–1T [Removed]

■ **Par. 56.** Section 1.404(a)(8)–1T is removed.

§ 1.404(e)–1 [Removed and Reserved]

■ **Par. 57.** Section 1.404(e)–1 is removed and reserved.

§ 1.404(e)–1A [Amended]

■ **Par. 58.** Section 1.404(e)–1A is amended by removing the third sentence in paragraph (a).

§§ 1.405–1 through 1.405–3 [Removed]

■ **Par. 59.** Sections 1.405–1 through 1.405–3 are removed.

§ 1.410(a)–1 [Amended]

■ **Par. 60.** Section 1.410(a)–1 is amended by:

■ 1. Removing ''§ 1.410(b)–1'' and adding ''§§ 1.410(b)–2 through 1.410(b)–10'' in its place in paragraph (a)(3).

■ 2. Removing ''Section 1.410(b)–1 provides'' and adding ''Sections 1.410(b)–2 through 1.410(b)–10 provide'' in its place in paragraph (b)(8).

■ 3. Removing the second sentence in paragraph (c)(2).

§ 1.410(b)–0 [Amended]

■ **Par. 61.** Section 1.410(b)–0 is amended by:

■ 1. Removing ''§§ 1.410(b)–1'' and adding ''§§ 1.410(b)–2'' in its place in the introductory text.

■ 2. Removing the listing for ''§ 1.410(b)–1'' and each of its paragraphs.

§ 1.410(b)–1 [Removed and Reserved]

■ **Par. 62.** Section 1.410(b)–1 is removed and reserved.

§ 1.411(a)–1 [Amended]

■ **Par. 63.** Section 1.411(a)–1 is amended by removing and reserving paragraph (b)(9).

§ 1.411(a)–5 [Amended]

■ **Par. 64.** Section 1.411(a)–5 is amended by removing the last sentence in paragraph (b)(6) introductory text.

§ 1.411(a)–9 [Removed and Reserved]

■ **Par. 65.** Section 1.411(a)–9 is removed and reserved.

§ 1.411(d)–2 [Amended]

■ **Par. 66.** Section 1.411(d)–2 is amended by removing the last sentence in paragraph (e).

§ 1.411(d)–5 [Removed and Reserved]

■ **Par. 67.** Section 1.411(d)–5 is removed and reserved.

§ 1.412(b)–5 [Removed]

■ **Par. 68.** Section 1.412(b)–5 is removed.

§ 1.412(c)(1)–3T [Removed]

■ **Par. 69.** Section 1.412(c)(1)–3T is removed.

§ 1.412(l)(7)–1 [Removed]

■ **Par. 70.** Section 1.412(l)(7)–1 is removed.

§ 1.414(r)–8 [Amended]

■ **Par. 71.** Section 1.414(r)–8 is amended by:

■ 1. Removing ''§§ 1.410(b)–1'' and adding ''1.410(b)–2'' in its place in the second sentence of paragraph (b)(2)(i).

■ 2. Removing ''§§ 1.410(b)–1'' and adding ''1.410(b)–2'' in its place in the first sentence of paragraph (b)(3).

§ 1.416–1 [Amended]

■ **Par. 72.** Section 1.416–1 is amended by removing ''§ 1.410(b)–1(d)(3)'' and adding ''§ 1.410(b)–7(d)'' in its place in the last sentence of Example 1 of Q&A T–6.

§ 1.441–1 [Amended]

■ **Par. 73.** In § 1.441–1, paragraph (b)(2)(i)(A) is removed and reserved.

§§ 1.453–4 through 1.453–6 and 1.453–10 [Removed and Reserved]

■ **Par. 74.** Sections 1.453–4 through 1.453–6 and 1.453–10 are removed and reserved.

§ 1.453A–0 [Amended]

■ **Par. 75.** Section 1.453A–0 is amended by removing the listing for § 1.453A–2 and each of its paragraphs.

§ 1.453A–1 [Amended]

■ **Par. 76.** Section 1.453A–1(a) is amended by removing the last sentence.

§ 1.453A–2 [Removed and Reserved]

■ **Par. 77.** Section 1.453A–2 is removed and reserved.

§ 1.475–0 [Amended]

■ **Par. 78.** Section 1.475–0 is amended by removing ''1.475(b)–4,'' from the introductory text and by removing the listing for § 1.475(b)–4 and each of its paragraphs.

§ 1.475(b)–4 [Removed]

■ **Par. 79.** Section 1.475(b)–4 is removed.

§ 1.475(g)–1 [Amended]

■ **Par. 80.** In § 1.475(g)–1, paragraph (h) is removed and reserved.

§ 1.501(c)(17)–1 [Amended]

■ **Par. 81.** Section 1.501(c)(17)–1 is amended by removing ''1.401–4'' and adding ''1.401(a)(4)–0 through 1.401(a)(4)–13'' in its place in the second sentence in paragraph (a)(5).

§ 1.501(c)(18)–1 [Amended]

■ **Par. 82.** Section 1.501(c)(18)–1 is amended by removing ''1.401–4'' and adding ''1.401(a)(4)–0 through 1.401(a)(4)–13'' in its place in the second sentence in paragraph (b)(6).

§ 1.501(k)–1 [Removed]

■ **Par. 83.** Section 1.501(k)–1 is removed.

§ 1.503(c)–1 [Amended]

■ **Par. 84.** Section 1.503(c)–1 is amended by removing the last sentence from paragraph (d).

§ 1.503(e)–4 [Removed]

■ **Par. 85.** Section 1.503(e)–4 is removed.

§§ 1.551–3 through 1.551–5 [Removed]

■ **Par. 86.** Sections 1.551–3 through 1.551–5 are removed.

§§ 1.552–1 through 1.552–5 [Removed]

■ **Par. 87.** Sections 1.552–1 through 1.552–5 are removed.

§ 1.553–1 [Removed]

■ **Par. 88.** Section 1.553–1 is removed.

§ 1.554–1 [Removed]

■ **Par. 89.** Section § 1.554–1 is removed.

§§ 1.555–1 and 1.555–2 [Removed]

■ **Par. 90.** Sections 1.555–1 and 1.555–2 are removed.

§§ 1.556–1 through 1.556–3 [Removed]

■ **Par. 91.** Sections 1.556–1 through 1.556–3 are removed.

§§ 1.586–1 and 1.586–2 [Removed]

■ **Par. 92.** Sections 1.586–1 and 1.586–2 are removed.

§§ 1.593–1 through 1.593–8, 1.593–10, and 1.593–11 [Removed]

■ **Par. 93.** Sections 1.593–1 through 1.593–8, 1.593–10, and 1.593–11 are removed.

§ 1.595–1 [Removed]

■ **Par. 94.** Section 1.595–1 is removed.

§ 1.596–1 [Amended]

■ **Par. 95.** Section 1.596–1 is amended by removing the last sentence of paragraph (a).

§ 1.621–1 [Removed]

■ **Par. 96.** Section 1.621–1 is removed.

■ **Par. 97.** Section 1.643(d)–1 is amended by revising the last sentence of paragraph (a) to read as follows:

§ 1.643(d)–1 Definition of ''foreign trust created by a United States person''.

(a) * * * For provisions relating to the information returns which are required to be filed with respect to the creation of or transfers to foreign trusts, see section 6048.

* * * * *

§ 1.665(f)–1A [Removed and Reserved]

■ **Par. 98.** Section 1.665(f)–1A is removed and reserved.

§ 1.665(g)–1A [Removed and Reserved]

■ **Par. 99.** Section 1.665(g)–1A is removed and reserved.

§ 1.667(a)–1A [Removed and Reserved]

■ **Par. 100.** Section 1.667(a)–1A is removed and reserved.

§ 1.669(a)–1A [Removed]

■ **Par. 101.** Section 1.669(a)–1A is removed.

§ 1.669(b)–1A [Removed]

■ **Par. 102.** Section 1.669(b)–1A is removed.

§§ 1.669(c)–1A through 1.669(c)–3A [Removed]

■ **Par. 103.** Sections 1.669(c)–1A through 1.669(c)–3A are removed.

§ 1.669(d)–1A [Removed]

■ **Par. 104.** Section 1.669(d)–1A is removed.

§ 1.669(e)–1A [Removed]

■ **Par. 105.** Section 1.669(e)–1A is removed.

§ 1.669(e)–2A [Removed]

■ **Par. 106.** Section 1.669(e)–2A is removed.

§§ 1.669(f)–1A and 1.669(f)–2A [Removed]

■ **Par. 107.** Sections 1.669(f)–1A and 1.669(f)–2A are removed.

§ 1.802–2 [Removed and Reserved]

■ **Par. 108.** Section 1.802–2 is removed and reserved.

§ 1.802–3 [Amended]

■ **Par. 109.** Section 1.802–3 is amended by:

■ 1. Removing the words ''and paragraph (a) of § 1.802–4'' from the first sentence in paragraph (a).

■ 2. Removing the words ''and paragraph (a) of § 1.802–5'' from paragraph (e).

§§ 1.802–4 and 1.802–5 [Removed]

■ **Par. 110.** Sections 1.802–4 and 1.802–5 are removed.

§ 1.802(b)–1 [Removed and Reserved]

■ **Par. 111.** Section 1.802(b)–1 is removed and reserved.

§§ 1.803–1 through 1.803–7 [Removed]

■ **Par. 112.** Sections 1.803–1 through 1.803–7 are removed.

§§ 1.806–1 and 1.806–2 [Removed and Reserved]

■ **Par. 113.** Sections 1.806–1 and 1.806–2 are removed and reserved.

§ 1.809–1 [Removed and Reserved]

■ **Par. 114.** Section 1.809–1 is removed and reserved.

§ 1.809–2 [Amended]

■ **Par. 115.** Section 1.809–2 is amended by removing the words ''and paragraphs (a) and (b) of § 1.809–3, respectively'' from the second sentence in paragraph (a).

§ 1.809–3 [Removed and Reserved]

■ **Par. 116.** Section 1.809–3 is removed and reserved.

§ 1.809–5 [Amended]

■ **Par. 117.** Section 1.809–5 is amended by:

■ 1. Removing the last sentence in paragraph (a)(3).

■ 2. Removing paragraph (a)(5)(vi).

■ 3. Removing ''and § 1.809–7'' from the first sentence in paragraph (a)(6)(ii) and removing the second sentence in paragraph (a)(6)(ii).

■ 4. Removing paragraph (a)(6)(iv).

■ 5. Removing and reserving paragraph (a)(11).

§§ 1.809–7 through 1.809–10 [Removed]

■ **Par. 118**. Sections 1.809–7 through 1.809–10 are removed.

§ 1.810–1 [Removed and Reserved]

■ **Par. 119.** Section 1.810–1 is removed and reserved.

§ 1.810–2 [Amended]

■ **Par. 120.** Section 1.810–2 is amended by removing ''and § 1.810–4'' from the first sentence in paragraph (c)(4).

§ 1.810–4 [Removed]

■ **Par. 121.** Section 1.810–4 is removed.

§ 1.815–4 [Amended]

■ **Par. 122.** Paragraph (e) of § 1.815–4 is amended by removing ''and § 1.802–5''.

§ 1.815–5 [Amended]

■ **Par. 123.** Section 1.815–5 is amended by removing ''and § 1.802–5'' from the second sentence.

§§ 1.821–1 through 1.821–5 [Removed]

■ **Par. 124.** Sections 1.821–1 through 1.821–5 are removed.

§§ 1.822–1 and 1.822–2 [Removed and Reserved]

■ **Par. 125.** Sections 1.822–1 and 1.822–2 are removed and reserved.

§ 1.822–3 [Amended]

■ **Par. 126.** Section 1.822–3 is amended by removing ''and shall be determined in accordance with § 1.803–6'' from the second sentence.

§ 1.822–4 [Amended]

■ **Par. 127.** Section 1.822–4 is amended by removing ''Sections'' from the first sentence and adding in its place ''Section'' and by removing ''1.822–1 through'' in the first sentence.

§ 1.822–8 [Amended]

■ **Par. 128.** Section 1.822–8 is amended by removing ''and paragraph (a) of § 1.825–1'' from the sixth sentence in paragraph (a)(1).

§ 1.822–12 [Amended]

■ **Par. 129.** Section 1.822–12 is amended by removing ''and paragraph (c)(2) of § 1.823–6'' from the seventh sentence in paragraph (a).

§§ 1.823–1 through 1.823–8 [Removed]

■ **Par. 130.** Sections 1.823–1 through 1.823–8 are removed.

§§ 1.825–1 through 1.825–3 [Removed]

■ **Par. 131.** Sections 1.825–1 through 1.825–3 are removed.

§ 1.831–2 [Amended]

■ **Par. 132.** Section 1.831–2 is amended by removing the last sentence.

§ 1.831–4 [Removed]

■ **Par. 133.** Section 1.831–4 is removed.

§ 1.832–7T [Removed]

■ **Par. 134.** Section 1.832–7T is removed.

§ 1.861–9T [Amended]

■ **Par. 135.** In § 1.861–9T, paragraph (b)(3)(ii) is amended by:

■ 1. Removing ''See § 1.924(a)–1T(g)(7).'' that follows the third sentence.

■ 2. Removing the third sentence.

§ 1.871–1 [Amended]

■ **Par. 136.** In § 1.871–1, paragraph (a) is amended by:

■ 1. In the fifth sentence, removing ''Chapters 1, 5, and 24'' and adding ''Chapters 1 and 24'' in its place.

■ 2. In the sixth sentence, removing ''and §§ 1.1491–1 through 1.1494–1''.

§ 1.902–3 [Amended]

■ **Par. 137.** In § 1.902–3, paragraph (g)(2) is removed and reserved.

§§ 1.921–1T, 1.921–2, and 1.921–3T [Removed]

■ **Par. 138.** Sections 1.921–1T, 1.921–2, and 1.921–3T are removed.

§ 1.922–1 [Removed]

■ **Par. 139.** Section 1.922–1 is removed.

§ 1.923–1T [Removed]

■ **Par. 140.** Section 1.923–1T is removed.

§ 1.924(a)–1T [Removed]

■ **Par. 141.** Section 1.924(a)–1T is removed.

§ 1.924(c)–1 [Removed]

■ **Par. 142.** Section 1.924(c)–1 is removed.

§ 1.924(d)–1 [Removed]

■ **Par. 143.** Section 1.924(d)–1 is removed.

§ 1.924(e)–1 [Removed]

■ **Par. 144.** Section 1.924(e)–1 is removed.

§§ 1.925(a)–1 and 1.925(a)–1T [Removed]

■ **Par. 145.** Sections 1.925(a)–1 and 1.925(a)–1T are removed.

§ 1.925(b)–1T [Removed]

■ **Par. 146.** Section 1.925(b)–1T is removed.

§ 1.926(a)–1 [Removed]

■ **Par. 147.** Section 1.926(a)–1 is removed.

§ 1.926(a)–1T [Removed]

■ **Par. 148.** Section 1.926(a)–1T is removed.

§ 1.927(b)–1T [Removed and Reserved]

■ **Par. 149.** Section 1.927(b)–1T is removed and reserved.

§ 1.927(d)–1 [Removed and Reserved]

■ **Par. 150.** Section 1.927(d)–1 is removed and reserved.

§§ 1.927(e)–1 and 1.927(e)–2T [Removed]

■ **Par. 151.** Sections 1.927(e)–1 and 1.927(e)–2T are removed.

§ 1.927(f)–1 [Removed]

■ **Par. 152.** Section 1.927(f)–1 is removed.

§§ 1.941–1 through 1.941–3 [Removed]

■ **Par. 153.** Sections 1.941–1 through 1.941–3 are removed.

§ 1.943–1 [Removed]

■ **Par. 154.** Section 1.943–1 is removed.

§ 1.951–2 [Removed and Reserved]

■ **Par. 155.** Section 1.951–2 is removed and reserved.

§ 1.962–1 [Amended]

■ **Par. 156.** Section 1.962–1 is amended by removing the last sentence of the undesignated paragraph following paragraph (a)(2).

§ 1.962–2 [Amended]

■ **Par. 157.** Section 1.962–2 is amended by:

■ 1. Removing ''Except as provided in § 1.962–4, a'' and adding in its place ''A'' in the first sentence of paragraph (b).

■ 2. Removing ''and § 1.962–4'' in paragraph (c)(1).

§ 1.962–4 [Removed]

■ **Par. 158.** Section 1.962–4 is removed.

§§ 1.963–1, 1.963–4, and 1.963–5 [Removed and reserved]

■ **Par. 159.** Sections 1.963–1, 1.963–4, and 1.963–5 are removed and reserved.

§§ 1.963–7 and 1.963–8 [Removed]

■ **Par. 160.** Sections 1.963–7 and 1.963–8 are removed.

§ 1.964–4(e) [Removed and Reserved]

■ **Par. 161.** In § 1.964–4, paragraph (e) is removed and reserved.

§ 1.1034–1 [Removed]

■ **Par. 162.** Section 1.1034–1 is removed.

§ 1.1038–1 [Amended]

■ **Par. 163.** Section 1.1038–1 is amended by removing the second sentence in paragraph (a)(5).

§ 1.1223–1 [Amended]

■ **Par. 164.** Paragraph (g) of § 1.1223–1 is amended by removing ''See § 1.1034–1.'' after the first sentence.

§ 1.1232–1 [Amended]

■ **Par. 165.** Section 1.1232–1 is amended by removing ''§§ 1.1232–2 through 1.1232–4'' in paragraphs (a), (c)(1), and (d) and adding in their place ''§§ 1.1232–3 and 1.1232–3A''.

§ 1.1232–2 [Removed and Reserved]

■ **Par. 166.** Section 1.1232–2 is removed and reserved.

§ 1.1232–4 [Removed]

■ **Par. 167.** Section 1.1232–4 is removed.

§§ 1.1247–1 through 1.1247–5 [Removed]

■ **Par. 168.** Sections 1.1247–1 through 1.1247–5 are removed.

§ 1.1402(e)(4)–1 [Amended]

■ **Par. 169.** Section 1.1402(e)(4)–1 is amended by removing ''§§ 31.3121(b)(8)–1 and 31.3121(k)–1'' and adding ''§ 31.3121(b)(8)–1'' in its place in the last sentence.

§ 1.1402(g)–1 [Amended]

■ **Par. 170.** Section 1.1402(g)–1 is amended by removing the first sentence in paragraph (c).

§ 1.1491–1 [Removed]

■ **Par. 171.** Section 1.1491–1 is removed.

§ 1.1492–1 [Removed]

■ **Par. 172.** Section 1.1492–1 is removed.

§ 1.1493–1 [Removed]

■ **Par. 173.** Section 1.1493–1 is removed.

§§ 1.1494–1 and 1.1494–2 [Removed]

■ **Par. 174.** Sections 1.1494–1 and 1.1494–2 are removed.

■ **Par. 175.** Section 1.6012–2 is amended by revising paragraph (k) to read as follows:

§ 1.6012–2 Corporations required to make returns of income.

* * * * *

(k) *Other provisions.* For returns by fiduciaries or corporations, see § 1.6012–3. For information returns by corporations regarding payments of dividends, see §§ 1.6042–1 to 1.6042–3, inclusive; regarding corporate dissolutions or liquidations, see § 1.6043–1; regarding distributions in liquidation, see § 1.6043–2; regarding payments of patronage dividends, see §§ 1.6044–1 to 1.6044–4, inclusive; and regarding certain payments of interest, see §§ 1.6049–1 and 1.6049–1. For returns as to formation or reorganization of foreign corporations, see §§ 1.6046–1 to 1.6046–3, inclusive.

* * * * *

§ 1.6012–4 [Amended]

■ **Par. 176.** Section 1.6012–4 is amended by removing the third sentence.

§ 1.6035–1 [Removed and Reserved]

■ **Par. 177.** Section 1.6035–1 is removed and reserved.

§ 1.6035–3 [Removed]

■ **Par. 178.** Section 1.6035–3 is removed.

§ 1.6049–7T [Removed]

■ **Par. 179.** Section 1.6049–7T is removed.

§ 1.6050H–1 [Amended]

■ **Par. 180.** Section 1.6050H–1 is amended by removing the second sentence in paragraph (g)(1).

§ 1.6050H–1T [Removed]

■ **Par. 181.** Section 1.6050H–1T is removed.

§ 1.6050H–2 [Amended]

■ **Par. 182.** Section 1.6050H–2 is amended by removing the second sentence in paragraph (g)(1).

§ 1.6071–1 [Amended]

■ **Par. 183.** In § 1.6071–1, paragraph (c)(5) is removed and reserved.

§ 1.6072–4 [Amended]

■ **Par. 184.** In § 1.6072–4, paragraph (b) is removed and reserved.

§ 1.6091–1 [Amended]

■ **Par. 185.** In § 1.6091–1, paragraph (b)(5) is removed and reserved.

§ 1.6654–4 [Removed and Reserved]

■ **Par. 186.** Section 1.6654–4 is removed and reserved.

PART 5—TEMPORARY INCOME TAX REGULATIONS UNDER THE REVENUE ACT OF 1978

■ **Par. 187.** The authority citation for part 5 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 5.856–1 [Removed]

■ **Par. 188.** Section 5.856–1 is removed.

PART 5c—TEMPORARY INCOME TAX REGULATIONS UNDER THE ECONOMIC RECOVERY TAX ACT OF 1981

■ **Par. 189.** The authority citation for part 5c continues to read as follows:

Authority: 26 U.S.C. 168(f)(8)(G) and 7805.

§§ 5c.103–1 through 5c.103–3 [Removed]

■ **Par. 190.** Sections 5c.103–1 through 5c.103–3 are removed.

§§ 5c.168(f)(8)–1 through 5c.168(f)(8)–11 [Removed]

■ **Par. 191.** Sections 5c.168(f)(8)–1 through 5c.168(f)(8)–11 are removed.

PART 5f—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX EQUITY AND FISCAL RESPONSIBILITY ACT OF 1982

■ **Par. 192.** The authority citation for part 5f continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 5f.103–3 [Removed]

■ **Par. 193.** Section 5f.103–3 is removed.

§ 5f.168(f)(8)–1 [Removed]

■ **Par. 194.** Section 5f.168(f)(8)–1 is removed.

PART 7—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1976

■ **Par. 195.** The authority citation for part 7 continues to read as follows:

Authority: 26 U.S.C. 7805, unless otherwise stated.

§§ 7.105–1 and 7.105–2 [Removed]

■ **Par. 196.** Sections 7.105–1 and 7.105–2 are removed.

§ 7.704–1 [Removed]

■ **Par. 197.** Section 7.704–1 is removed.

PART 11—TEMPORARY INCOME TAX REGULATIONS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

■ **Par. 198.** The authority citation for part 11 continues to read as follows:

Authority: 26 U.S.C. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805), unless otherwise noted.

§ 11.401(d)(1)–1 [Removed]

■ **Par. 199.** Section 11.401(d)(1)–1 is removed.

§ 11.402(e)(4)(A)–1 [Removed]

■ **Par. 200.** Section 11.402(e)(4)(A)–1 is removed.

§ 11.402(e)(4)(B)–1 [Removed]

■ **Par. 201.** Section 11.402(e)(4)(B)–1 is removed.

§ 11.404(a)(6)–1 [Removed]

■ **Par. 202.** Section 11.404(a)(6)–1 is removed.

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

■ **Par. 203.** The authority citation for part 13 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ 13.4 [Removed and Reserved]

■ **Par. 204.** Section 13.4 is removed and reserved.

PART 16—[REMOVED]

■ **Par. 205.** Under the authority of 26 U.S.C. 7805, part 16 is removed.

PART 19—TEMPORARY REGULATIONS UNDER THE REVENUE ACT OF 1964

■ **Par. 206.** Under the authority of 26 U.S.C. 7805, part 19 is removed.

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

■ **Par. 207.** The authority citation for part 20 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 20.0–1 [Amended]

■ **Par. 208.** In § 20.0–1, paragraph (b)(3) is amended by removing ''§§ 20.2201–1 to'' and adding ''§§ 20.2203–1 to'' in its place.

§ 20.2201–1 [Removed]

■ **Par. 209.** Section 20.2201–1 is removed.

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

■ **Par. 210.** The authority citation for part 25 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 25.2522(a)–2 [Removed]

■ **Par. 211.** Section 25.2522(a)–2 is removed.

PART 31—EMPLOYMENT TAXES AND COLLECTION OF INCOME TAX AT SOURCE

■ **Par. 212.** The authority citation for part 31 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 31.0–3 [Amended]

■ **Par. 213.** Section 31.0–3 is amended by:

■ 1. Removing ''(1)'' from the fourth sentence in paragraph (a).

■ 2. Removing '', and (2) to the extent provided in § 31.3121(k)–3, to services performed before 1955 the remuneration for which was paid before 1955'' from the fourth sentence in paragraph (a).

§ 31.3121(a)(9)–1 [Removed and Reserved]

■ **Par. 214.** Section 31.3121(a)(9)–1 is removed and reserved.

§ 31.3121(b)(8)–2 [Removed]

■ **Par. 215.** Section 31.3121(b)(8)–2 is removed.

§ 31.3121(b)(10)–1 [Amended]

■ **Par. 216.** Section 31.3121(b)(10)–1 is amended by removing ''§ 31.3121(b)(8)–2, relating to services performed in the employ of religious, charitable, educational, and certain other organizations exempt from income tax;'' from paragraph (b).

§§ 31.3121(k)–1 through 31.3121(k)–4 [Removed]

■ **Par. 217.** Sections 31.3121(k)–1 through 31.3121(k)–4 are removed.

§ 31.3121(r)–1 [Amended]

■ **Par. 218.** Section 31.3121(r)–1 is amended by removing paragraph (e).

§ 31.3501(a)–1T [Amended]

■ **Par. 219.** Section 31.3501(a)–1T is amended by:

■ 1. Removing ''§ 1.61–2T and § 1.132–1T'' and adding ''§§ 1.61–21 and 1.132–1'' in its place in the first sentence in A–7.

■ 2. Removing ''Q/A–11 of § 1.61–2T'' and adding ''§ 1.61–21'' in its place in the first parenthetical in A–7.

■ 3. Removing ''§ 1.61–2T'' and adding ''§ 1.61–21'' in its place wherever it appears in the third sentence in A–7.

■ 4. Removing ''§ 1.61–2T'' and adding ''§ 1.61–21'' in its place wherever it appears in Q–8.

PART 48—MANUFACTURERS AND RETAILERS EXCISE TAXES

■ **Par. 220.** The authority citation for part 48 continues to read in part as follows:

Authority: 26 U.S.C. 7805, unless otherwise noted. * * *

§ 48.4041–18 [Removed and Reserved]

■ **Par. 221.** Section 48.4041–18 is removed and reserved.

§ 48.4091–3 [Removed and Reserved]

■ **Par. 222.** Section 48.4091–3 is removed and reserved.

PART 49—FACILITIES AND SERVICES EXCISE TAXES

■ **Par. 223.** The authority citation for part 49 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 49.4251–3 [Removed and Reserved]

■ **Par. 224.** Section 49.4251–3 is removed and reserved.

§§ 49.4252–1 and 49.4252–3 [Removed and Reserved]

■ **Par. 225.** Sections 49.4252–1 and 49.4252–3 are removed and reserved.

§§ 49.4252–6 and 49.4252–7 [Removed]

■ **Par. 226.** Sections 49.4252–6 and 49.4252–7 are removed.

§§ 49.4253–8 and 49.4253–9 [Removed and Reserved]

■ **Par. 227.** Sections 49.4253–8 and 49.4253–9 are removed and reserved.

§§ 49.4263–1 through 49.4263–4 [Removed and Reserved]

■ **Par. 228.** Sections 49.4263–1 through 49.4263–4 are removed and reserved.

§ 49.4263–6 [Removed]

■ **Par. 229.** Section 49.4263–6 is removed.

PART 54—PENSION EXCISE TAXES

■ **Par. 230.** The authority citation for part 54 continues to read in part as follows:

Authority: 26 U.S.C. 7805, unless otherwise noted. * * *

§ 54.4972–1 [Removed]

■ **Par. 231.** Section 54.4972–1 is removed.

§ 54.4981A–1T [Removed]

■ **Par. 232.** Section 54.4981A–1T is removed.

PART 55—EXCISE TAX ON REAL ESTATE INVESTMENT TRUSTS AND REGULATED INVESTMENT COMPANIES

■ **Par. 233.** The authority citation for part 55 is amended by removing the entry for § 55.4981–1 to read in part as follows:

Authority: 26 U.S.C. 6001, 6011, 6071, 6091, and 7805 * * *

§ 55.4981–1 [Removed and Reserved]

■ **Par. 234.** Section 55.4981–1 is removed and reserved.

§ 55.4981–2 [Amended]

■ **Par. 235.** Section 55.4981–2 is amended by removing the third sentence.

PART 148—CERTAIN EXCISE TAX MATTERS UNDER THE EXCISE TAX TECHNICAL CHANGES ACT OF 1958

■ **Par. 236.** Under the authority of 26 U.S.C. 7805, part 148 is removed.

PART 301—PROCEDURE AND ADMINISTRATION

■ **Par. 237.** The authority citation for part 301 is amended by removing the entries for §§ 301.6241–1T and 301.6245–1T to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 301.6035–1 [Removed]

■ **Par. 238.** Section 301.6035–1 is removed.

§ 301.6048–1 [Removed]

■ **Par. 239.** Section 301.6048–1 is removed.

§ 301.6096–2 [Removed]

■ **Par. 240.** Section 301.6096–2 is removed.

§ 301.6241–1T [Removed]

■ **Par. 241.** Section 301.6241–1T is removed.

§ 301.6245–1T [Removed]

■ **Par. 242.** Section 301.6245–1T is removed.

§§ 301.6501(o)–1 through 301.6501(o)–3 [Removed]

■ **Par. 243.** Sections 301.6501(o)–1 through 301.6501(o)–3 are removed.

§ 301.6511(d)–7 [Removed]

■ **Par. 244.** Section 301.6511(d)–7 is removed.

§ 301.6511(g)–1 [Removed]

■ **Par. 245.** Section 301.6511(g)–1 is removed.

§ 301.6723–1A [Removed]

■ **Par. 246.** Section 301.6723–1A is removed.

PART 404—TEMPORARY REGULATIONS ON PROCEDURE AND ADMINISTRATION UNDER THE TAX REFORM ACT OF 1976

■ **Par. 247.** The authority citation for part 404 continues to read as follows:

Authority: Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

§ 404.6048–1 [Removed]

■ **Par. 248.** Section 404.6048–1 is removed.

PART 601—STATEMENT OF PROCEDURAL RULES

■ **Par. 249.** The authority citation for part 601 continues to read in part as follows:

Authority: 5 U.S.C. 301 and 552. * * *

§ 601.201 [Amended]

■ **Par. 250.** In § 601.201, paragraph (q)(2)(ii) is amended by removing ''§ 1.401–4(c)'' and adding ''§ 1.401(a)(4)–5'' in its place.

PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

■ **Par. 251.** The authority citation for part 602 continues to read in part as follows:

Authority: 26 U.S.C. 7805 * * *

§ 602.101 [Amended]

■ **Par. 252.** Section 602.101 is amended by removing the entries for §§ 1.23–5, 1.42–2, 1.46–11, 1.56–1, 1.56A–1 through 1.56A–5, 1.58–9(c)(5)(iii)(B), 1.58–9(e)(3), 1.61–2T, 1.103–15AT, 1.103–18, 1.103(n)–2T, 1.103(n)–4T, 1.132–1T, 1.132–2T, 1.132–5T, 1.168(f)(8)–1T, 1.177–1, 1.341–7, 1.401–12(n), 1.404(a)–4, 1.412(b)–5, 1.453–10, 1.453A–2, 1.475(b)–4, 1.551–4, 1.552–3 through 1.552–5, 1.556–2, 1.586–2, 1.593–1, 1.593–6, 1.593–6A, 1.593–7, 1.595–1, 1.821–1, 1.821–3, 1.821–4, 1.823–2, 1.823–5, 1.823–6, 1.825–1, 1.831–4, 1.921–1T, 1.921–2, 1.921–3T, 1.923–1T, 1.924(a)–1T, 1.925(a)–1T,

1.925(b)–1T, 1.926(a)–1T, 1.927(b)–1T, 1.927(d)–1, 1.927(e)–1T, 1.927(e)–2T, 1.927(f)–1, 1.962–4, 1.1034–1, 1.1247–1, 1.1247–2, 1.1247–4, 1.1247–5, 1.1492–1, 1.1494–1, 1.6035–1, 1.6035–3, 1.6049–7T, 1.6050H–1T, 1.6654–4, 5c.168(f)(8)–1, 5c.168(f)(8)–2, 5c.168(f)(8)–6, 5c.168(f)(8)–8, 5f.103–3, 16.3–1, 31.3121(k)–4, 48.4041–18, 48.4091–3, 54.4972–1, 54.4981A–1T, 301.6035–1, 301.6241–1T, 301.6501(o)–2, 301.6723–1A(d), and 404.6048–1.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2018–02918 Filed 2–13–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2016–0257]

RIN 1625–AA09

Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking; notice reopening comment period.

SUMMARY: The Coast Guard is reopening the comment period to solicit additional comments concerning the notice of proposed rulemaking (NPRM), which published on June 30, 2017, and was initially reopened for comments on December 6, 2017. Reopening the comment period will allow the public to provide input on the proposed change to the regulation governing the DELAIR Memorial Railroad Bridge across the Delaware River, mile 104.6, at Pennsauken Township, NJ.

DATES: The comment period for the proposed rule published June 30, 2017, at 82 FR 29800, is reopened. Comments and related material must reach the Coast Guard on or before March 2, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2016–0257 using Federal eRulemaking Portal at *http://www.regulations.gov*.

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Mr. Hal R. Pitts, Fifth Coast Guard District (dpb); telephone (757) 398–6222, email *Hal.R.Pitts@uscg.mil*.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

On June 30, 2017, we published a notice of proposed rulemaking (NPRM) entitled, ''Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ'' in the **Federal Register** (82 FR 29800). The original comment period closed on August 18, 2017. The NPRM proposed changes to the regulation governing the DELAIR Memorial Railroad Bridge across the Delaware River, mile 104.6, at Pennsauken Township, and contained useful background and analysis related to the proposed changes. The installation of the remote operation system capabilities did not change the operational schedule of the bridge.[1] The public is encouraged to review the NPRM.

On April 12, 2017, we published a temporary deviation entitled ''Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ'' in the **Federal Register** (82 FR 17561). This temporary deviation was performed from 8 a.m. on April 24, 2017, through 7:59 a.m. on October 21, 2017, and included a request for comments and related material to reach the Coast Guard on or before August 18, 2017. During this initial temporary deviation the bridge owner identified deficiencies in the remote operation center procedures, bridge to vessel communications, and equipment redundancy. Comments concerning these deficiencies were submitted to the docket and provided to the Coast Guard and bridge owner by representatives from the Mariners' Advisory Committee for the Bay and River Delaware.

The bridge owner implemented policies and provided training to address the procedural and communications deficiencies, and implemented backup systems to mitigate potential equipment and systems failures. These changes were not fully evaluated during the temporary deviation ending October 21, 2017. Therefore, the Coast Guard decided to issue a second temporary deviation to complete the evaluation of the changes incorporated into the remote operation system.

On October 18, 2017, we published a second temporary deviation entitled ''Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ'' in the **Federal Register** (82 FR 48419). This second temporary deviation is from 8 a.m. on October 21, 2017, through 7:59 a.m. on April 19, 2018. This second temporary deviation was issued to complete the evaluation of the changes incorporated into the remote operation system during the first temporary deviation ending October 21, 2017. This notice included a request for comments and related material to reach the Coast Guard on or before January 15, 2018.

On December 6, 2017, we published a notice of proposed rulemaking; reopening of comment period (NPRM); entitled ''Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ'' in the **Federal Register** (82 FR 57561). This notice included a request for comments and related material to reach the Coast Guard on or before January 15, 2018.

On January 22, 2018, we published a notice of temporary deviation; reopening of comment period; entitled ''Drawbridge Operation Regulation; Delaware River, Pennsauken Township, NJ'' in the **Federal Register** (83 FR 2909). This notice included a request for comments and related material to reach the Coast Guard on or before March 2, 2018.

This notice to extend the comment period to on or before March 2, 2018, ensures there is notice and opportunity to comment on the proposed rule that would allow the bridge to be remotely operated from the Conrail South Jersey dispatch center in Mount Laurel, NJ, instead of being operated by an on-site bridge tender, before the proposed changes become final.

II. 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

[1] A full description of the remote operational system is outlined in the aforementioned publication, which can be found at *http://regulations.gov*. (see **ADDRESSES** for more information).

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 this docket, as well as 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.

Dated: January 24, 2018.

M.L. Austin,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2018–03178 Filed 2–14–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2017–0557; FRL–9974–46–Region 4]

Air Plan Approval; SC; VOC Definition

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: On September 5, 2017, the State of South Carolina, through the South Carolina Department of Health and Environmental Control (SC DEHC), submitted changes to the South Carolina State Implementation Plan (SIP). Specifically, the revision pertains to the modification of the definition of ''volatile organic compounds'' (VOCs). EPA is proposing to approve the SIP revision because the State has demonstrated that these changes are consistent with the Clean Air Act (CAA or Act).

DATES: Written comments must be received on or before March 19, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R04–OAR–2017–0557 at *http://www.regulations.gov*. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets*.

FOR FURTHER INFORMATION CONTACT: Richard Wong, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. The telephone number is (404) 562–8726. Mr. Wong can be reached via electronic mail at *wong.richard@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In this rulemaking, EPA is proposing to approve changes to the South Carolina SIP, submitted by the State on September 5, 2017. The submission revises Regulation 61–62.1—*Definitions and General Requirements,* by removing the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for t-Butyl acetate.

Tropospheric ozone, commonly known as smog, occurs when VOCs and nitrogen oxides (NO_X) react with sunlight in the atmosphere. Because of the harmful health effects of ozone, EPA limits the amount of VOCs and NO_X that can be released into the atmosphere. VOCs are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate) that participate in atmospheric photochemical reactions. Different VOCs have different levels of reactivity; they do not react at the same speed or form ozone to the same extent.

EPA determines whether a given carbon compound has ''negligible'' reactivity by comparing the compound's reactivity to the reactivity of ethane. It has been EPA's policy that compounds of carbon with negligible reactivity need not be regulated to reduce ozone. *See* 42 FR 35314, July 8, 1977. EPA lists these compounds in its regulations at 40 CFR 51.100(s) and excludes them from the definition of VOC. The chemicals on this list are often called ''negligibly reactive.'' EPA may periodically revise the list of negligibly reactive compounds to add or delete compounds.

On November 29, 2004 (69 FR 69298), EPA issued a final rule revising the definition of VOCs at 40 CFR 51.100(s) by adding tertiary butyl acetate (or t-Butyl acetate or TBAC) to the list of compounds that are considered to be negligibly reactive and excluded from the definition of VOCs. Additionally, on February 25, 2016 (81 FR 9339), EPA issued a final rule further revising the definition of VOC at 40 CFR 51.100(s) by removing the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for t-Butyl acetate. EPA removed these requirements in part because there was no evidence that TBAC was being used at levels that cause concern for ozone formation and because the data that had been collected under these requirements had proven to be of limited utility in judging the cumulative impacts of exempted compounds.[1] 81 FR 9339, 9341.

II. EPA's Analysis of South Carolina's SIP Revision

The State's September 5, 2017, SIP revision removes the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for t-Butyl acetate.[2] The revision removes Regulation 61–62.1 paragraph 100(c). EPA is proposing to approve the revision because it is consistent with the definition of VOC at 40 CFR 51.100(s) and satisfies CAA section 110(l) requirements.

Pursuant to CAA section 110(l), the Administrator shall not approve a revision of a plan if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the Act. EPA proposes to find that the State's removal of the recordkeeping, emissions reporting, photochemical dispersion modeling, and inventory requirements for t-Butyl acetate is approvable under section 110(l) because it reflects changes to Federal regulations based on findings

[1] In the 2016 EPA rule, EPA also discussed the efforts surrounding any future determinations about the health risks associated with TBAC, including noting that data collected through the recordkeeping and reporting requirements did not appear relevant to any such future determinations and that EPA was assessing the health risks from TBAC through its Integrated Risk Information System. This effort is on-going and more information regarding health risks may be found at EPA's previous 2016 rulemaking (81 FR 9339, 9341).

[2] EPA previously approved a SIP revision from South Carolina which revised its definition of VOC to add t-Butyl acetate to the list of negligibly reactive compounds (72 FR 30704).

that TBAC is negligibly reactive, that there was no evidence that TBAC was being used at levels that cause concern for ozone formation, and that the data that had been collected under these reporting, recordkeeping, modeling, and inventory requirements had proven to be of limited utility in judging the cumulative impacts of exempted compounds, like TBAC.[3]

III. Incorporation by Reference

In this rule, EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is proposing to incorporate by reference Regulation 61–62.1—*Definitions and General Requirements,* effective August 25, 2017. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region 4 office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Proposed Action

EPA is proposing to approve South Carolina's September 5, 2017, submission submitted by the State of South Carolina through SC DEHC. The submission revises Regulation 61–62.1—*Definitions and General Requirements*.

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule for South Carolina does not have Tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it does not have substantial direct effects on an Indian Tribe. The Catawba Indian Nation Reservation is located within the state of South Carolina. Pursuant to the Catawba Indian Claims Settlement Act, S.C. Code Ann. 27–16–120, ''all state and local environmental laws and regulations apply to the [Catawba Indian Nation] and Reservation and are fully enforceable by all relevant state and local agencies and authorities.'' EPA notes this action will not impose substantial direct costs on Tribal governments or preempt Tribal law.

List of Subjects in 40 CFR Part 52

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

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

Dated: February 6, 2018.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

[FR Doc. 2018–03079 Filed 2–14–18; 8:45 am]

BILLING CODE 6560–50–P

[3] This current proposed rulemaking does not, and is not intended to, reopen any prior final EPA rulemaking or findings made therein, including EPA's 2004 final rule (69 FR 69298) and EPA's 2016 final rule (81 FR 9339).

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket Nos. 18–4, 17–105; FCC 18–8]

Filing of Contracts; Modernization of Media Regulation Initiative

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks comment on whether and how to modernize the Commission's rules, which requires each licensee or permittee of a commercial and noncommercial AM, FM, television, or international broadcast station to file certain contracts and other documents with the Commission within 30 days after execution. This document continues the Commission's efforts to modernize its regulations and reduce unnecessary requirements that can impede competition and innovation in the media marketplace.

DATES: Comments are due on or before March 19, 2018. Reply comments are due on or before April 2, 2018.

ADDRESSES: Interested parties may submit comments and replies, identified by MB Docket Nos. 18–4, 17–105, by any of the following methods:

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

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Christopher Clark of the Industry Analysis Division, Media Bureau, at (202) 418–2609.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (*NPRM*), FCC 18–8, adopted and released on January 30, 2018. The full text of this document is available electronically via the FCC's Electronic Document Management System (EDOCS) website at *https://apps.fcc.gov/edocs_public/attachmatch/FCC-18-8A1.pdf*. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. This document is also available for public inspection and copying during regular business hours in the FCC Reference Information Center, Federal Communications Commission, 445 12th Street SW, CY–A257, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), 202 418–0432 (TTY).

Synopsis

1. *Background.* Since the late 1930s, the Commission has required broadcast station licensees and permittees to file with the Commission copies of certain contracts and other documents relating to ownership and operation of stations. Historically, this filing requirement was intended to keep the Commission and the public informed with respect to the ownership and control of broadcast stations and to enable the Commission to be advised of compliance with its rules relating to those matters. In the past, the Commission has also used the information contained in some of these agreements to formulate certain broadcasting policies and rules or to enhance its understanding of the broadcast industry. At the time, requiring that broadcast licensees and permittees submit paper copies to the Commission was the most efficient mechanism available for the Commission to obtain copies of the documents and helped ensure that certain documents were also available for public inspection.

2. Beginning in 1965, broadcast licensees and permittees were also required to make copies of these documents available via a local public inspection file. This additional obligation provided another source for public inspection of documents relating to ownership and control of a broadcast station for those able to travel to a station's main studio during regular business hours. In 1998, the Commission amended its public file rules to give broadcast licensees and permittees the option of maintaining an up-to-date list of such documents in the public file and providing copies of the actual documents to requesting parties within seven days, in lieu of maintaining the documents themselves in the file. In 2012, the Commission amended its public file rules in general to require that public file materials be posted to an online database hosted by the Commission rather than maintained in a paper file at the station. Under the 2012 amendment to the rules, licensees and permittees that choose to retain a list of Section 73.3613 (47 CFR 73. 3613) documents in the public file must continue to provide a copy of any such documents to requesting parties within seven days. Television stations completed their transition to the online public file in 2014. The last group of remaining radio stations to transition must begin using the online file by March 2018. The transition to online public inspection files enables greater public access to the contents of the files, including documents filed pursuant to Section 73.3613—which are either placed directly in the public file or provided on demand based on an up-to-date list—particularly for those who are unable to travel to a station or the Commission during regular business hours.

3. The Commission has periodically re-evaluated the paper filing requirement in Section 73.3613 and revised the rule as necessary to eliminate unnecessary paperwork and reduce administrative burdens on licensees and the Commission. For example, prior to the late 1970s, the Commission revised Section 73.3613 on multiple occasions to eliminate the obligation to routinely submit paper copies of several documents and instead require that certain documents be kept at the station and made available upon request. Beginning in the late 1970s, the Commission took several steps to eliminate unnecessary paperwork burdens resulting from the requirement that stations submit paper copies of certain network affiliation contracts that the Commission no longer needed to collect routinely. For example, the Commission eliminated the requirement that radio stations file network affiliation and transcription contracts with the Commission, and it limited the mandatory filing of television network affiliation contracts to just those agreements with national networks. The Commission subsequently proposed to eliminate the routine filing requirement for national television network affiliates as well and instead require that television licensees make their national network affiliation agreements available to the Commission upon request. This proposal remained pending until the Commission terminated the proceeding in 2011.

4. The types of documents that must be filed with the Commission under the current rule include network affiliation agreements between a television station and a national network; documents that relate to ownership or control of the licensee or permittee; contracts that relate to management of a station by someone other than a regular employee, officer, or director of the station, or by any person where the contract also provides for both a percentage of profits and sharing in losses; attributable time brokerage agreements; and attributable joint sales agreements. In addition, the current rule also requires that the following documents be kept at the station and made available for inspection upon request by the Commission: Subchannel leasing agreements for Subsidiary Communications Authorization operation; franchise/leasing agreements for operation of telecommunications services on the television vertical blanking interval and in the visual signal; time sales contracts with the same sponsor for four or more hours per day, except where the length of the events broadcast is not under control of the station; and contracts with chief operators.

5. In May 2017, the Commission issued a *Media Modernization Initiative Public Notice* launching a review of its media regulations to eliminate or modify those that are outdated, unnecessary, or unduly burdensome. In response to that *Media Modernization Initiative Public Notice,* several commenters in the Media Modernization proceeding urged the Commission to eliminate the existing paper filing requirements in Section 73.3613. These commenters generally assert that the Commission's and the public's information needs can be sufficiently met through the existing public file requirements. No commenters opposed these recommendations.

6. *AM, FM, and Television Stations.* We tentatively conclude that the Section 73.3613 paper filing requirement for licensees and permittees of commercial

and noncommercial AM, FM, and television stations should be eliminated. While paper filings may have previously been the most efficient mechanism for ensuring that the Commission and the public had ready access to these materials, we believe that is no longer the case. The vast majority of Commission forms are now filed electronically, and the Commission has taken many recent steps to eliminate or streamline paper submissions and other document retention obligations. For example, the transition to online public files, which is largely complete and will be finalized in March 2018, has significantly reduced burdens on stations and provided both the Commission and the public with easy access to station information and documents retained in the public inspection file.

7. Indeed, the Section 73.3613 documents of commercial and noncommercial AM, FM, and television stations are already available via their public inspection files, and such access will continue even without the Section 73.3613 paper filing requirement. Licensees and permittees of these stations currently file ownership reports electronically on FCC Forms 323 and 323–E, and on these ownership reports licensees and permittees are required to list all documents required to be filed pursuant to Section 73.3613 for all of the stations covered by the report. Our public file rules, contained in Section 73.3526 (commercial broadcast stations) and Section 73.3527 (noncommercial broadcast stations) of our rules, require that the licensees and permittees of these stations make the documents listed in their ownership reports—*i.e.,* their Section 73.3613 documents—available for public inspection via their public files. Specifically, the public file rules require these licensees and permittees, at their discretion, to either (i) retain in their public inspection files copies of the documents listed in their ownership reports or (ii) maintain an up-to-date list of such documents in their public inspection files and provide copies to a requesting party within seven days. Our public file rules also require licensees and permittees to retain copies of time brokerage agreements and joint sales agreements involving a commercial AM, FM, or television station in the station's public file. In light of this existing requirement and after evaluating our own document needs, we believe that eliminating the paper filing requirement as discussed herein will not meaningfully impact the ability of the Commission and other interested parties to review Section 73.3613 documents, and will reduce burdens on licensees.

8. Accordingly, consistent with comments to the *Media Modernization Initiative Public Notice,* we tentatively conclude that relying on the existing public file rules—subject to the proposed modifications discussed herein—will provide the Commission and the public with sufficient access to Section 73.3613 documents for commercial and noncommercial AM, FM, and television stations. We seek comment on this tentative conclusion. Our existing public file rules provide these stations with flexibility to select the disclosure method that is less burdensome with respect to Section 73.3613 documents. We therefore propose to eliminate the Section 73.3613 requirement that licensees and permittees of commercial and noncommercial AM, FM, and television stations file paper copies of such documents with the Commission. Instead, we propose that stations make such documents available to the Commission and the public via the options set forth in the existing public file requirement. We seek comment on this proposal.

9. As discussed above, our existing public file rules currently give stations the option of either (i) retaining copies of the documents listed in their ownership reports in the public file or (ii) maintaining an up-to-date list of such documents in the public file and providing copies to a requesting party within seven days. In order to preserve the current level of access to these documents, we propose to clarify that a station must ensure that its inventory of Section 73.3613 documents in its public file is up to date, regardless of whether the station chooses to retain copies or a list of documents in the public file, and provide copies of its Section 73.3613 documents to the Commission and the public within seven days upon request. We seek comment on this proposal.

10. For additional clarity, we also seek comment on whether to revise the relevant public file rules to refer specifically to Section 73.3613, instead of referencing the documents listed in ownership reports (which are the same as the Section 73.3613 documents). In the alternative, we seek comment on whether to eliminate Section 73.3613 of the rules entirely—subject to the discussion of international broadcast stations below—and instead list these same documents in Sections 73.3526 and 73.3527 of our rules. Which approach would most effectively keep licensees informed of their obligations? If we eliminate Section 73.3613, how should we address the documents currently specified in Section 73.3613(e), which need not be filed with the Commission but must be kept at the station and made available for inspection upon request by the Commission under the current rule? Similarly, how should we address Section 73.3613(a)(1), which currently includes a definition of ''network'' that is cross-referenced in the Telecommunications Act of 1996 and in the Commission's Dual Network Rule? We seek comment on these issues.

11. Under Section 73.3613, documents are required to be filed within 30 days after execution. By contrast, the public file rules do not explicitly state how quickly licensees and permittees must add the documents listed in their most recent ownership report or update the list of such documents, though licensees and permittees are expected to update their files in a timely fashion and to maintain orderly files. Is the existing practice for public file updates sufficient or should we adopt a specific timeframe for updating the Section 73.3613 documents in the station's public file? If so, how long (*e.g.,* continue to require updates within 30 days after execution, consistent with the current practice under Section 73.3613)? In addition to the specific issues discussed in Section B of this *NPRM,* we invite comment on any other modifications or conforming changes to Section 73.3613, or any other Commission rule, that are necessary or appropriate to implement the proposals discussed in this *NPRM* and on any alternative proposals for making these documents available in a less costly and more effective manner.

12. *International Broadcast Stations.* Unlike AM, FM, and television stations, international broadcast stations do not serve local communities in the United States. These stations, which are authorized on a seasonal basis, employ frequencies allocated to the broadcasting service between 5900 and 26100 kHz, the transmissions of which are intended to be received in foreign countries. Currently, two seasons exist: A summer season and a winter season. International broadcast stations, which are often operated by churches and other religious organizations, typically do not have network affiliations and do not enter into time brokerage arrangements or joint sales agreements. As of December 13, 2017, there were 16 international broadcast stations operating. These stations are subject to the Section 73.3613 filing requirements but do not have public file obligations like those applicable to AM, FM, and television stations. Similarly, these stations are not currently subject to the

routine ownership reporting obligations applicable to other broadcast services.

13. Based upon our review, we tentatively conclude that the current justifications for requiring disclosure of Section 73.3613 documents by commercial and noncommercial AM, FM, and television stations do not apply to international broadcast stations. As mentioned above, for example, licensees and permittees of commercial and noncommercial AM, FM, and television stations are required to list Section 73.3613 documents in the broadcast ownership reports they file with the Commission and make copies of such documents available via a public inspection file, but international broadcast stations are not subject to such obligations. Previously, international broadcast stations were subject to the ownership reporting requirements that applied to AM, FM, and television stations, but this is no longer the case. While the disclosure of Section 73.3613 documents by commercial and noncommercial AM, FM, and television stations supplements the ownership information that they must routinely report to the Commission, the same is not true for international broadcast stations. Furthermore, these stations are not subject to the ownership rules applicable to commercial AM, FM, and television stations, nor are they subject to the relevant operational provisions applicable to noncommercial stations. Moreover, it does not appear that the Section 73.3613 documents that international broadcast stations are required to file with the Commission have been reviewed by Commission staff in the recent past. Accordingly, we tentatively conclude that there is no need to continue requiring the licensees and permittees of international broadcast stations to routinely file Section 73.3613 documents with the Commission.

14. Instead, we believe that the Commission's information needs can be met by retaining our ability to obtain these documents from licensees and permittees of international broadcast stations upon request, as needed. For example, if there are concerns about the ownership or control of an international broadcast station, the Commission could request copies of the relevant Section 73.3613 documents as part of an investigation. For purposes of enforcing the statutory bar against *de facto* transfers of control of an international broadcast station without prior Commission authorization, we believe that it is sufficient to retain our ability to obtain Section 73.3613 documents from licensees and permittees of international broadcast stations upon request. We seek comment on how to implement this requirement. Should the Commission's rules continue to delineate the documents subject to disclosure (either in Section 73.3613 or in a new rule section relevant only to international broadcast stations) or is the Commission's general authority to request relevant information during an investigation or to otherwise fulfill its statutory obligations sufficient?

15. We seek comment on these proposals. Is there a continuing need for these licensees and permittees to routinely file paper copies of Section 73.3613 documents with the Commission? What is the value, if any, of retaining the Section 73.3613 paper filing requirement for international broadcast stations for the Commission and the public? Would eliminating the requirement and retaining our ability to obtain Section 73.3613 documents upon request adequately ensure that the Commission will have access to information concerning ownership and control of international broadcast stations and compliance with our rules? Are there any reasons that would support a requirement that international broadcast stations make these documents available to members of the public? If so, what is the least costly and most effective manner of doing so? We note that these stations transmit programming that is intended to be received in foreign countries and are not required to have public inspection files, and thus do not currently make Section 73.3613 documents available to the U.S. public in that manner. And, considering the very small number of stations operating nationally, Section 73.3613 documents of international broadcast stations may be of little relevance to the U.S. public. We seek comment on these issues.

16. *Time Brokerage Agreements and Joint Sales Agreements.* A time brokerage agreement (TBA), also referred to as local marketing agreement (LMA), involves the sale by a licensee of discrete blocks of time to a broker that supplies the programming to fill that time and sells the commercial spot announcements in it. A joint sales agreement (JSA) is an agreement that authorizes a broker to sell some or all of the advertising time on the brokered station. Pursuant to Section 73.3613(d), attributable TBAs and attributable JSAs must be filed with the Commission by the brokering station. In addition, our existing public file rule for commercial stations requires that all TBAs and JSAs involving commercial stations, regardless of their attribution status, also be placed in the public inspection file for all participating stations; that is, under the current rules commercial broadcast stations cannot elect merely to list these agreements in their public files. Because Section 73.3613(d) duplicates an existing public file requirement for a limited subset of TBAs and JSAs, we tentatively conclude that we may eliminate this requirement as it applies to commercial stations. We believe that elimination is appropriate, regardless of the disclosure requirement that may ultimately be selected. Under the current rule, attributable TBAs and attributable JSAs—like all other Section 73.3613 documents—must be filed with the Commission within 30 days of execution. However, our existing public file rules do not explicitly state how quickly licensees and permittees must add these documents to their public file. As noted above, however, we are seeking comment on whether to adopt a specific timeframe for updating Section 73.3613 documents. We seek comment on this issue.

17. Unlike commercial stations, noncommercial stations are not currently required to maintain copies of all TBAs or JSAs in their public inspection files; rather, under our public file rules, these stations have the option of only maintaining a list of all Section 73.3613 documents, including certain TBAs and JSAs, and must provide a copy of these documents to requesting parties. When the Commission adopted the public file rules requiring that all TBAs and/or JSAs involving commercial stations be placed in the public inspection file, it did not discuss a similar requirement for noncommercial stations. Given the nature of and rules applicable to the noncommercial service, it is likely that TBAs and JSAs involving noncommercial stations are not as prevalent as those involving commercial stations. Accordingly, no change to Section 73.3613(d) is necessary with respect to noncommercial stations, which are already required to list these agreements in their public files and make them available upon request. We seek comment on this issue.

18. *Redaction of Confidential or Proprietary Information.* Section 73.3613 explicitly allows the redaction of confidential or proprietary information for attributable TBAs and JSAs, provided that unredacted versions of the agreements shall be provided to the Commission upon request. A similar rule applies to TBAs and JSAs required to be placed in the public inspection file. Section 73.3613 does not currently provide for redaction of other agreements filed pursuant to the provision. However, the Commission's

general rules provide a procedure for seeking such redactions, and other agreements filed pursuant to this section that contain confidential or proprietary information are routinely submitted to the Commission in both redacted and unredacted forms along with a request for confidential treatment. We have no evidence that this practice—both the specific provisions allowing the redaction of TBAs and JSAs and the routine submission of redacted and unredacted versions of other 73.3613 documents pursuant to Section 0.459 of the Commission's rules—has impaired the ability of the Commission or other interested parties to evaluate these agreements. Accordingly, we tentatively conclude that Section 73.3613's specific provision allowing the redaction of TBAs and JSAs, including the requirement that unredacted copies shall be made available to the Commission upon request, should apply to all Section 73.3613 documents to the extent that they contain confidential or proprietary information. Under our proposal herein, redaction would only be necessary when a document is posted to the online public file or provided to the Commission or the public upon request. We seek comment on this tentative conclusion.

Procedural Matters

19. *Initial Paperwork Reduction Act Analysis.* This document contains proposed modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection requirements contained in this document, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

20. *Ex Parte Rules.* This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

21. *Comments and Replies.* Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415 and 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/*.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

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

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

22. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW, CY–A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

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

24. *Additional Information.* For additional information on this proceeding, contact Christopher Clark of the Industry Analysis Division, Media Bureau, at (202) 418–2609.

Initial Regulatory Flexibility Act Analysis

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

26. *Need for, and Objectives of, the Proposed Rules.* In this *NPRM,* the Commission seeks comment on how to modernize Section 73.3613 of the Commission's rules, which requires each licensee or permittee of a commercial and noncommercial AM, FM, television, or international broadcast station to file certain contracts and other documents with the Commission within 30 days after execution. The types of documents that must be filed with the Commission under the current rule include network affiliation agreements between a television station and a national network; documents that relate to ownership or control of the licensee or permittee; contracts that relate to management of a station by someone other than a regular employee, officer, or director of the station, or by any person where the contract also provides for both a percentage of profits and sharing in losses; attributable time brokerage agreements; and attributable joint sales agreements. In addition, the current rule also requires that the following documents be kept at the station and made available for inspection upon request by the Commission: Subchannel leasing agreements for Subsidiary Communications Authorization operation; franchise/leasing agreements for operation of telecommunications services on the television vertical blanking interval and in the visual signal; time sales contracts with the same sponsor for four or more hours per day, except where the length of the events broadcast is not under control of the station; and contracts with chief operators. The potential rule changes discussed in the *NPRM* stem from a Public Notice issued by the Commission in May 2017 launching an initiative to modernize the Commission's media regulations. Several commenters in the proceeding have argued that the Commission should amend Section 73.3613 to eliminate the paper filing requirement and other duplicate or unnecessary filing requirements.

27. The *NPRM* proposes to eliminate the Section 73.3613 paper filing requirement for licensees and permittees of commercial and noncommercial AM, FM, television, and international broadcast stations. In addition, the *NPRM* also seeks comment on other proposed modifications to broadcasters' current obligations under Section 73.3613, including, among other things, eliminating certain redundant filing obligations and providing enhanced confidentiality protections. The rule revisions on which the *NPRM* seeks comment are intended to reduce unnecessary regulation and regulatory burdens that can impede competition and innovation in the media marketplace.

28. *Legal Basis.* The proposed action is authorized pursuant to Sections 1, 4(i), 4(j), 303(r), 309, 310, and 336 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 303(r), 309, 310, and 336.

29. *Description and Estimates of the Number of Small Entities to Which the Proposed Rules Will Apply.* The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA. Application of the statutory criteria of dominance in its field of operation and independence are sometimes difficult to apply in the context of broadcast television. Accordingly, the Commission's statistical account of television stations may be over-inclusive.

30. The rules proposed herein will directly affect small radio, television, and international broadcast stations. Below, we provide a description of these small entities, as well as an estimate of the number of such small entities, where feasible.

31. *Radio Stations.* This Economic Census category comprises establishments primarily engaged in broadcasting aural programs by radio to the public. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has established a small business size standard for this category as firms having $38.5 million or less in annual receipts. Economic Census data for 2012 shows that 2,849 radio station firms operated during that year. Of that number, 2,806 firms operated with annual receipts of less than $25 million per year, 17 with annual receipts between $24,999,999 and $50 million, and 26 with annual receipts of $50 million or more. Therefore, based on the SBA's size standard the majority of such entities are small entities.

32. According to Commission staff review of the BIA/Kelsey, LLC's Media Access Pro Radio Database on January 8, 2018, about 11,372 (or about 99.9 percent) of 11,383 commercial radio stations had revenues of $38.5 million or less and thus qualify as small entities under the SBA definition. The Commission has estimated the number of licensed commercial AM radio stations to be 4,639 stations and the number of commercial FM radio stations to be 6,744, for a total number of 11,383. We note the Commission has also estimated the number of licensed noncommercial (NCE) FM radio stations to be 4,120. Nevertheless, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

33. We also note, that in assessing whether a business entity qualifies as small under the above definition, business control affiliations must be included. Business concerns are affiliates of each other when one concern controls or has the power to control the other, or a third party or parties controls or has power to control both. The Commission's estimate therefore likely overstates the number of small entities that might be affected by its action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, to be determined a ''small business,'' an entity may not be dominant in its field of operation. We further note that it is difficult at times to assess these criteria in the context of media entities, and the estimate of small businesses to which these rules may apply does not exclude any radio station from the definition of a small business on these basis; thus, our estimate of small businesses may therefore be over-inclusive. Also, as noted above, an additional element of the definition of ''small business'' is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities, and the estimates of small businesses to which they apply may be over-inclusive to this extent.

34. *Television Broadcasting.* This Economic Census category comprises establishments primarily engaged in broadcasting images together with sound. These establishments operate television broadcast studios and facilities for the programming and transmission of programs to the public. These establishments also produce or transmit visual programming to affiliated broadcast television stations, which in turn broadcast the programs to

the public on a predetermined schedule. Programming may originate in their own studio, from an affiliated network, or from external sources. The SBA has created the following small business size standard for such businesses: Those having $38.5 million or less in annual receipts. The 2012 Economic Census reports that 751 firms in this category operated in that year. Of this number, 656 had annual receipts of $25 million or less, 25 had annual receipts between $24,999,999 and $50 million, and 70 had annual receipts of $50 million or more. Based on this data we therefore estimate that the majority of commercial television broadcasters are small entities under the applicable SBA size standard.

35. The Commission has estimated the number of licensed commercial television stations to be 1,377. Of this total, 1,257 stations had revenues of $38.5 million or less, according to Commission staff review of the BIA Kelsey Inc. Media Access Pro Television Database (BIA) on January 8, 2018, and therefore these licensees qualify as small entities under the SBA definition. In addition, the Commission has estimated the number of licensed noncommercial educational (NCE) television stations to be 390. Notwithstanding, the Commission does not compile and otherwise does not have access to information on the revenue of NCE stations that would permit it to determine how many such stations would qualify as small entities.

36. We note, however, that in assessing whether a business concern qualifies as ''small'' under the above definition, business (control) affiliations must be included. Business concerns are affiliates of each other when one concern controls or has the power to control the other or a third party or parties controls or has the power to control both. Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, another element of the definition of ''small business'' requires that an entity not be dominant in its field of operation. We are unable at this time to define or quantify the criteria that would establish whether a specific television broadcast station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply does not exclude any television station from the definition of a small business on this basis and is therefore possibly over-inclusive. Also, as noted above, an additional element of the definition of ''small business'' is that the entity must be independently owned and operated. The Commission notes that it is difficult at times to assess these criteria in the context of media entities and its estimates of small businesses to which they apply may be over-inclusive to this extent.

37. *International Broadcast Stations.* Neither the Commission nor the SBA has developed a definition of small entities specifically applicable to International Broadcast Stations. The closest applicable SBA size standards and U.S. Census Bureau category is Radio Stations. Establishments in this industry are primarily engaged in broadcasting aural programs by radio to the public with programming that may originate in their own studio, from an affiliated network, or from external sources. The SBA small business size standard for this category is firms having $38.5 million or less in annual receipts. U.S. Census Bureau data for 2012 shows that 2,849 radio station firms operated during that year. Of that number, 2,806 firms operated with annual receipts of less than $25 million per year, 17 with annual receipts between $24,999,999 and $50 million, and 26 with annual receipts of $50 million or more. Therefore, based on the SBA's size standard the majority of entities in this industry are small entities.

38. According to the Commission's records there were 16 international broadcast stations operating as of December 13, 2017. The Commission however does not request nor collect annual revenue information; therefore, the Commission is unable to estimate the number of international broadcast stations that would constitute a small business under the SBA definition.

39. *Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements.* In this section, we identify the reporting, recordkeeping, and other compliance requirements proposed in the *NPRM* and consider whether small entities are affected disproportionately by any such requirements.

40. *Reporting Requirements.* The *NPRM* seeks comment on how quickly licensees and permittees must update the Section 73.3613 documents in their public file or update the list of such documents. Presently, licensees and permittees are expected to update their files in a timely fashion and to maintain orderly files. The *NPRM* seeks comment on whether to retain the existing practice for public file updates or to adopt a specific timeframe for updating the Section 73.3613 documents in the station's public file (*e.g.,* continue to require updates within 30 days after execution, consistent with the current practice under Section 73.3613).

41. *Recordkeeping Requirements.* The existing public file rules currently give stations the option of either (i) retaining copies of the documents listed in their ownership reports in the public file or (ii) maintaining an up-to-date list of such documents in the public file and providing copies to a requesting party within seven days. To preserve the current level of access to these documents, the *NPRM* proposes to clarify that a station must maintain an up-to-date inventory of its Section 73.3613 documents in its public file, regardless of whether the station chooses to retain copies or a list of documents in the public file, and provide copies of its Section 73.3613 documents to the Commission and the public within seven days upon request.

42. *Other Compliance Requirements.* Section 73.3613 explicitly allows the redaction of confidential or proprietary information for attributable TBAs and JSAs, provided that unredacted versions of the agreements shall be provided to the Commission upon request. The rule does not currently provide for redaction of other agreements filed pursuant to the provision. The *NPRM* tentatively concludes that Section 73.3613's specific provision allowing the redaction of TBAs and JSAs, including the requirement that unredacted copies shall be made available to the Commission upon request, should apply to all Section 73.3613 documents to the extent that they contain confidential or proprietary information. Under this proposal, redaction would only be necessary when a document is posted to the online public file or provided to the Commission or the public upon request.

43. The proposed revisions to Section 73.3613 will relieve affected broadcast stations, including smaller stations, of the obligation to file certain information with the Commission. And although there were not any comments filed providing specific information quantifying the costs and administrative burdens of complying with the existing Section 73.3613 filing requirements, and we cannot precisely estimate the impact on small entities of eliminating those requirements, no party in the Media Modernization proceeding, including smaller entities, has opposed the proposals discussed in the *NPRM.* We therefore find it reasonable to conclude that the benefits of adopting the proposals discussed therein would outweigh any costs.

44. *Steps Taken to Minimize Significant Economic Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an

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

45. The *NPRM* proposes to amend Section 73.3613 to eliminate the paper filing requirement for Section 73.3613 documents, and seeks comment on other proposed modifications to broadcasters' current obligations under Section 73.3613, including, among other things, eliminating certain redundant filing obligations and providing enhanced confidentiality protections. Under the proposal in the *NPRM,* redaction of confidential or proprietary information would only be necessary when a document is posted to the online public file or provided to the Commission or the public upon request. The rule changes proposed in the *NPRM,* if adopted, would relieve broadcast licensees and permittees, including small entities, of the time and expense associated with filing paper copies of Section 73.3613 documents with the Commission.

46. For licensees and permittees of commercial and noncommercial AM, FM, and television stations, the *NPRM* proposes to rely instead on the Commission's existing public file rules, which already require that these licensees and permittees make copies of Section 73.3613 documents available to the public. The existing public file rules provide these licensees and permittees with flexibility to select the disclosure method that is less burdensome with respect to Section 73.3613 documents, while still ensuring timely access to the documents by the public and the Commission. For international broadcast stations, the *NPRM* proposes that the Commission retain its ability to obtain Section 73.3613 documents from licensees and permittees of these stations upon request, as needed.

47. We anticipate that affected small entities will only benefit from the revisions proposed in the *NPRM.* However, in an effort to better understand the impact and identify alternative actions that can be taken to minimize any significant economic impact on small entities, the Commission has invited comment on modifications or conforming changes to Section 73.3613, or any other Commission rule, that are necessary or appropriate to implement the proposals discussed in the *NPRM* and on any alternative proposals for making these documents available in a less costly and more effective manner. The Commission will review and analyze any information received in promulgating any final rules in this proceeding.

48. *Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rule.* None.

49. *Ordering Clauses.* Accordingly, it is ordered that, pursuant to the authority found in sections 1, 4(i), 4(j), 303(r), 309, 310, and 336 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 154(j), 303(r), 309, 310, and 336, this Notice of Proposed Rulemaking is adopted.

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

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2018–03098 Filed 2–14–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 170627600–8076–01]

RIN 0648–BG99

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Mutton Snapper and Gag Management Measures

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes to implement management measures described in a framework action to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), as prepared by the Gulf of Mexico (Gulf) Fishery Management Council (Gulf Council). This proposed rule would revise the mutton snapper commercial and recreational minimum size limits, the recreational bag limit, and the stock annual catch limit (ACL). In addition, this proposed rule would revise the gag commercial minimum size limit. The purpose of this proposed rule is to reduce harvest of mutton snapper to prevent overfishing while also achieving optimum yield (OY), and to streamline management measures to help increase compliance with the fishing regulations for mutton snapper and gag in the exclusive economic zone (EEZ) of the Gulf off Florida.

DATES: Written comments must be received by March 17, 2018.

ADDRESSES: You may submit comments on the proposed rule, identified by ''NOAA–NMFS–2017–0082'' by either of the following methods:

- *Electronic Submission:* Submit all electronic comments via the Federal Rulemaking Portal. Go to *www.regulations.gov/*NOAA–NMFS–2017–0082, click the ''Comment Now!'' icon, complete the required fields, and enter your attached comments.
- *Mail:* Submit all written comments to Rich Malinowski, NMFS Southeast Regional Office (SERO), 263 13th Avenue South, St. Petersburg, FL 33701.

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

Electronic copies of the framework action, which includes an environmental assessment, Regulatory Flexibility Act (RFA) analysis, and a regulatory impact review, may be obtained from *www.regulations.gov* or the SERO website at *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/reef_fish/2017/mutton_gag/mutton_gag_index.html.*

FOR FURTHER INFORMATION CONTACT: Rich Malinowski, NMFS SERO, telephone: 727–824–5305, email: *Rich.Malinowski@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Gulf reef fish fishery includes mutton snapper and gag and is managed under

the FMP. The FMP was prepared by the Gulf Council and is implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Steven Act) (16 U.S.C. 1801, *et seq.*).

Background

The Magnuson-Stevens Act requires NMFS and regional fishery management councils to prevent overfishing and achieve, on a continuing basis, the OY from federally managed fish stocks. These mandates are intended to ensure that fishery resources are managed for the greatest overall benefit to the nation, particularly with respect to providing food production and recreational opportunities, while also protecting marine ecosystems. To further attain this goal, the Magnuson-Stevens Act requires fishery managers to consider, among other things, efficiency in the utilization of fishery resources.

In the Gulf and South Atlantic, mutton snapper are harvested by both commercial and recreational fishers, and landings come predominantly from waters adjacent to Florida. In the Gulf, 68 percent of recreational landings come from Florida state waters, but only 2 percent of the commercial landings come from Florida state waters.

Mutton snapper are managed separately by the Gulf Council and the South Atlantic Fishery Management Council (South Atlantic Council), but it is a single genetic stock throughout both regions. The stock acceptable biological catch (ABC) is apportioned 18 percent to the Gulf and 82 percent to the South Atlantic. The Gulf stock ACL is equal to the Gulf portion of the ABC and is not allocated between sectors. The Gulf Council established an annual catch target (ACT) set 14 percent below the ACL. However, this ACT is not codified and is not used for management purposes.

The 2015 Southeast Data, Assessment, and Review (SEDAR) 15A Update determined that the mutton snapper stock is not overfished and not experiencing overfishing, but that the adult population was smaller than previously estimated through SEDAR 15A (2008). Therefore, the SEDAR 15A Update includes lower overfishing limits (OFLs). These OFLs increase through 2020 but are still well below the OFL included in SEDAR 15A. The Gulf and South Atlantic Councils' Scientific and Statistical Committees (SSCs) reviewed the update assessment, agreed with the stock status determinations, and recommended new stock ABCs based on the revised stock OFLs produced by the assessment.

Management Measures Contained in This Proposed Rule

For mutton snapper, this proposed rule would revise the stock ACL (given in round weight), the commercial and recreational minimum size limits, and the recreational bag limit. This proposed rule would also revise the gag commercial minimum size limit.

Mutton Snapper Stock ACL

The current stock ACL for mutton snapper is 203,000 lb (92,079 kg), round weight, and was initially established in 2011 (76 FR 82044; December 29, 2011). This proposed rule would set the Gulf mutton snapper stock ACL at 134,424 lb (60,974 kg) for the 2018 fishing year, 139,392 lb (63,227 kg) for the 2019 fishing year, and 143,694 lb (65,179 kg) for the 2020 fishing year and subsequent fishing years. These ACLs are based on the ABCs recommended by the SSCs and adopted by the Gulf Council in the framework action. The ACLs are consistent with the current apportionment between the Gulf and South Atlantic and are equal to the Gulf ABCs. The Council did not establish ACTs.

Mutton Snapper Recreational Bag Limit

The recreational bag and possession limit for mutton snapper in the Gulf EEZ is 10 fish per day within the 10-snapper aggregate recreational bag limit, as established by Amendment 1 to the FMP (55 FR 2078; January 22, 1990). On January 1, 2017, the Florida Fish and Wildlife Conservation Commission (FWC) decreased the state's recreational bag limit from 10 mutton snapper per person per day to 5 mutton snapper per person per day within the 10-snapper aggregate bag limit. On January 11, 2018, NMFS published a final rule that changes the recreational bag limit in the South Atlantic EEZ to 5 mutton snapper per person per day within the 10-snapper aggregate bag limit (83 FR 1305). This final rule reduces the recreational bag limit applicable to the Gulf EEZ to 5 mutton snapper per person per day within the 10-snapper aggregate bag limit to be consistent with the Florida state bag limit and South Atlantic bag limit. Consistent mutton snapper recreational bag limits across the Gulf and South Atlantic EEZs and Florida state waters is expected to improve compliance and decrease the burden for law enforcement.

During the development of this framework action, the public expressed concern regarding the impacts of fishing effort on mutton snapper spawning aggregations in the Florida Keys during the April through June peak spawning season. This reduction in the recreational bag limit could reduce impacts to the stock that may occur during the mutton snapper spawning season.

Mutton Snapper Minimum Size Limit

In the Gulf Federal waters, the commercial and recreational minimum size limit for mutton snapper is 16 inches (40.6 cm), total length (TL), as established by Amendment 16B to the FMP (64 FR 57403; October 25, 1999). On August 24, 2017, the FWC increased the mutton snapper commercial and recreational minimum size limit to 18 inches (45.7 cm), TL, in Florida state waters. In addition, on January 11, 2018, NMFS published a final rule to change the mutton snapper commercial and recreational minimum size limit to 18 inches (45.7 cm), TL, in the South Atlantic EEZ (83 FR 1305). This rule revises the mutton snapper commercial and recreational minimum size limits to 18 inches (45.7 cm), TL, in the Gulf EEZ to be consistent with Florida and South Atlantic minimum size limits. As with the proposed change to the recreational bag limit, this change increases regulatory consistency, to improve compliance and decrease the burden for law enforcement.

Generally, increasing the minimum size limit for a species increases the age of harvested fish, making it more likely that an individual reaches sexual maturity before leaving the population and also slows harvest rates. However, more than 95 percent of mutton snapper landings from the Gulf are from the commercial sector and 95 percent of the commercial landings are larger than 20 inches (50.8 cm). Therefore, NMFS expects little effect on the spawning population and harvest rates as a result of this proposed change.

Gag Commercial Minimum Size Limit

In the Gulf EEZ, the commercial minimum size limit for gag is 22 inches (55.8 cm), TL, and was put into place through Amendment 32 to the FMP (72 FR 6988; February 10, 2012) to reduce discard mortality of gag. This proposed rule would increase the Gulf gag commercial minimum size limit to 24 inches (60.9 cm), TL to make the commercial minimum size limit consistent with the Gulf recreational minimum size limit as well as consistent with the South Atlantic and Florida commercial and recreational size limits.

Over 98 percent of Gulf commercial gag landings come from waters adjacent to Florida, and a recent analysis of Gulf

commercial landings from 2013 through 2015 indicates that 94.5 percent of commercially harvested gag in the Gulf waters are at least 24 inches (60.9 cm), TL. Therefore, increasing the commercial minimum is expected to improve compliance and decrease the burden for law enforcement by increasing regulatory consistency, but it is not expected to increase regulatory discards of gag.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator has determined that this proposed rule is consistent with the framework action, the FMP, the Magnuson-Stevens Act, and other applicable law, subject to further consideration after public comment.

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

NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) for this proposed rule, as required by section 603 of the RFA, 5 U.S.C. 603. The IRFA describes the economic impact that this proposed rule, if implemented, would have on small entities. A description of the proposed rule, why it is being considered, and the objectives of, and legal basis for this proposed rule are contained at the beginning of this section in the preamble and in the **SUMMARY** section of the preamble. A copy of the full analysis is available from the NMFS (see **ADDRESSES**). A summary of the IRFA follows.

The Magnuson-Stevens Act provides the statutory basis for this proposed rule. No duplicative, overlapping, or conflicting Federal rules have been identified. In addition, no new reporting, record-keeping, or other compliance requirements are introduced by this proposed rule. Accordingly, this proposed rule does not implicate the Paperwork Reduction Act.

This proposed rule, if implemented, would be expected to directly affect all commercial vessels that harvest Gulf mutton snapper and/or gag under the FMP. Changes to recreational ACLs, minimum size limits, or recreational bag limits in this framework and proposed rule would not directly apply to or regulate charter vessel and headboat (for-hire) businesses. Any impact to the profitability or competitiveness of for-hire fishing businesses would be the result of changes in for-hire angler demand and would therefore be indirect in nature. The RFA does not consider recreational anglers, who would be directly affected by this proposed rule, to be small entities, so they are outside the scope of this analysis and only the effects on commercial vessels were analyzed. For RFA purposes only, NMFS has established a small business size standard for businesses, including their affiliates, whose primary industry is commercial fishing (see 50 CFR 200.2). A business primarily engaged in commercial fishing (NAICS code 11411) is classified as a small business if it is independently owned and operated, is not dominant in its field of operation (including affiliates), and has combined annual receipts not in excess of $11 million for all its affiliated operations worldwide.

As of July 8, 2017, there were 839 vessels with valid or renewable Federal Gulf reef fish commercial vessel permits. From 2010 through 2015, an average of 119 vessels per year landed mutton snapper in state and Federal waters of the Gulf. These vessels, combined, averaged 429 trips per year in the Gulf on which mutton snapper were landed and 1,594 other trips taken in the Gulf on which no mutton snapper were landed or were taken in the South Atlantic. The average annual total dockside revenue (2015 dollars) was approximately $0.22 million from mutton snapper, approximately $4.34 million from other species co-harvested with mutton snapper (on the same trips), and approximately $12.10 million from other trips by these vessels in the Gulf on which no mutton snapper were harvested or occurred in the South Atlantic. Total average annual revenue from all species harvested by vessels harvesting mutton snapper in the Gulf was approximately $16.66 million, or approximately $138,764 per vessel. For the same period, an average of 375 vessels per year landed gag in the Gulf. These vessels, combined, averaged 2,936 trips per year in the Gulf on which gag were landed and 2,416 trips taken either in the Gulf on which gag were not harvested or trips taken in the South Atlantic. The average annual total dockside revenue (2015 dollars) for these 375 vessels was approximately $2.39 million from gag, approximately $25.32 million from other species co-harvested with gag (on the same trips in the Gulf), and approximately $17.06 million from the other trips taken by these vessels. The total average annual revenue from all species harvested by these 375 vessels was approximately $44.77 million, or approximately $120,238 per vessel. Based on the foregoing revenue information, all commercial vessels affected by the proposed rule may be assumed to be small entities.

Because all entities expected to be directly affected by this proposed rule are assumed to be small entities, NMFS has determined that this proposed rule would affect a substantial number of small entities; however, the issue of disproportionate effects on small versus large entities does not arise in the present case.

Relevant to commercial vessels, the proposed rule would modify the 2018–2020, and subsequent years', ACLs for the Gulf apportionment of mutton snapper; increase the minimum size limit for commercial mutton snapper in the Gulf to 18 inches (45.7 cm) TL; and, increase the commercial minimum size limit for gag in the Gulf to 24 inches (60.9 cm) TL.

Modifying the ACLs for mutton snapper would result in ACL reductions each year from 2018 through 2020. Vessel revenue reductions corresponding to these reduced ACLs would be approximately $166,000 in 2018, $154,000 in 2019, and $143,000 in 2020, or an annual average of approximately $160,000 for the four-year period. If distributed equally among the 119 vessels, average annual revenue loss would be approximately $1,350 per vessel. This annual revenue loss per vessel would be approximately 1 percent of average per vessel revenues from all species.

Increasing the Gulf mutton snapper minimum size limit from 16 inches (40.6 cm), TL, to 18 inches (45.7 cm), TL, would affect approximately 0.2 percent of commercial landings, or approximately $495 annually in total vessel revenues. This revenue reduction is minimal, and it is also unlikely to be in addition to the estimated revenue losses from the reductions in ACLs, because NMFS expects fishermen to catch the full amount of the ACLs even with an increase in the minimum size limit for mutton snapper.

Increasing the commercial gag minimum size limit in the Gulf from 22 inches (55.8 cm), TL, to 24 inches (60.9 cm), TL, could potentially reduce commercial gag landings by 12,207 lb (5,537 kg) annually, or approximately $61,890 in total vessel revenues. These landings and revenue loss, however, appear unlikely because gag are managed under an individual fishing quota (IFQ) program, and IFQ participants would likely adjust their trip level catch composition throughout the year or sell a portion of their annual gag allocation to other fishers, rather than suffer a loss in revenues.

The following discussion analyzes the alternatives that were considered by the Council, including those that were not selected as preferred by the Council.

Three alternatives, including the preferred alternative described in this proposed rule, were considered for

establishing ACLs for Gulf mutton snapper. The first alternative, the no-action alternative, would maintain the current economic benefits to all participants in the mutton snapper component of the reef fish fishery. This alternative, however, would be inconsistent with the best scientific information available and would allow more harvest than is recommended by the SSCs based on the most recent stock assessment.

The second alternative, which is the preferred alternative, includes two options, one of which is the preferred option. The non-preferred option would apply the Gulf's ACL/ACT control rule, with the resultant ACT being 12 percent less than the ACL. Because the ACT is not currently used for management purposes, the economic effects of this option would be the same as that of the preferred option.

The third alternative would establish ACLs that would be lower than the ACLs in the preferred alternative, and thus would be expected to result in larger revenue losses than the preferred alternative.

Three alternatives, one of which includes the preferred alternative described in this proposed rule, were considered for modifying the mutton snapper minimum size limit. The first alternative, the no-action alternative, would maintain the 16-inch (40.6 cm), TL, minimum size limit for commercial and recreational mutton snapper, and thus would not be expected to change the economic benefits from fishing for mutton snapper. However, this alternative would not achieve one of the stated goals of changing the minimum size limit, which is to establish consistent size limit regulations between the Gulf EEZ, the South Atlantic EEZ, and Florida state waters.

The second alternative would increase the minimum size limit for commercial and recreational mutton snapper to 20 inches (50.8 cm), TL. This alternative would be expected to result in larger revenue reductions to commercial vessels than the preferred alternative.

Two alternatives, including the preferred alternative described in this proposed rule, were considered for modifying the commercial gag minimum size limit. The only alternative to the preferred action is the no-action alternative which would retain the 22-inch (55.8 cm), TL, minimum size limit for gag. However, this alternative would not establish consistent size limit regulations between the Gulf EEZ, the South Atlantic EEZ, and Florida state waters. Furthermore, although the preferred alternative would be expected to reduce vessel revenues by approximately $61,890 relative to the no-action alternative, as previously noted, such revenue reduction is deemed unlikely under an IFQ program.

List of Subjects in 50 CFR Part 622

Fisheries, Fishing, Gag, Gulf of Mexico, Mutton snapper, South Atlantic.

Dated: February 12, 2018.

Samuel D. Rauch III,

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

For the reasons set out in the preamble, 50 CFR part 622 is proposed to be amended as follows:

PART 622—FISHERIES OF THE CARIBBEAN, GULF, AND SOUTH ATLANTIC

■ 1. The authority citation for part 622 continues to read as follows:

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

■ 2. In § 622.37, revise paragraphs (a)(5) and (b)(1) to read as follows:

§ 622.37 Size limits.

* * * * *

(a) * * *

(5) *Mutton snapper*—18 inches (45.7 cm), TL.

(b) * * *

(1) *Gag*—24 inches (61.0 cm), TL.

* * * * *

■ 3. In § 622.38, revise paragraph (b)(4) to read as follows:

§ 622.38 Bag and possession limits.

* * * * *

(b) * * *

(4) *Snappers, combined, excluding red, lane, and vermilion snapper*—10. In addition, within the 10-fish aggregate snapper bag limit, no more than 5 fish may be mutton snapper.

* * * * *

■ 4. In § 622.41, revise the last sentence of paragraph (o) to read as follows:

§ 622.41 Annual catch limits (ACLs), annual catch targets (ACTs), and accountability measures (AMs).

* * * * *

(o) * * * The stock ACL for mutton snapper, in round weight, is 134,424 lb (60,974 kg) for 2018, 139,392 lb (63,227 kg) for 2019, and 143,694 lb (65,179 kg) for 2020 and subsequent fishing years.

* * * * *

[FR Doc. 2018–03180 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 83, No. 32
Thursday, February 15, 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

National Agricultural Statistics Service

Notice of Intent To Seek Reinstatement of an Information Collection

AGENCY: National Agricultural Statistics Service, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the National Agricultural Statistics Service (NASS) to seek reinstatement of an information collection, the 2018 Census of Aquaculture. Revision to previous burden hours may be needed due to changes in the size of the target population, sampling design, and/or questionnaire length.

DATES: Comments on this notice must be received by April 16, 2018 to be assured of consideration.

ADDRESSES: You may submit comments, identified by docket number 0535–0237, by any of the following methods:

- *Email: ombofficer@nass.usda.gov.* Include the docket number above in the subject line of the message.
- *E-fax:* (855) 838–6382.
- *Mail:* Mail any paper, disk, or CD–ROM submissions to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.
- *Hand Delivery/Courier:* Hand deliver to: David Hancock, NASS Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW, Washington, DC 20250–2024.

FOR FURTHER INFORMATION CONTACT: Kevin L. Barnes, Associate Administrator, National Agricultural Statistics Service, U.S. Department of Agriculture, (202) 720–2707. Copies of this information collection and related instructions can be obtained without charge from David Hancock, NASS—OMB Clearance Officer, at (202) 690–2388 or at *ombofficer@nass.usda.gov*.

SUPPLEMENTARY INFORMATION:

Title: 2018 Census of Aquaculture.

OMB Control Number: 0535–0237.

Type of Request: Statement to Seek Reinstatement of an Information Collection.

Abstract: The population for the 2018 Census of Aquaculture will include all operations in each State that produced and sold or had the potential to sell $1,000 or more of aquaculture or aquaculture products during 2018. The aquaculture census will provide data on the number of farms, acreage, method of production, production and sales by aquaculture species, and sales outlets. Census data are used by the farmers, their representatives, the government, and many other groups of people concerned with the aquaculture industry. The census will provide a comprehensive inventory of aquaculture farms and their production. Results from the census will be used to evaluate new programs, disburse Federal funds, analyze market trends, and help determine the economic impact aquaculture has on the economy. The aquaculture census will provide the only source of dependable, comparable data by State.

Authority: The census of agriculture and subsequent follow-on censuses are required by law under the ''Census of Agriculture Act of 1997,'' Public Law 105–113, 7 U.S.C. 2204(g). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985 as amended, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents. This Notice is submitted in accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501, *et seq.*) and Office of Management and Budget regulations at 5 CFR part 1320.

NASS also complies with OMB Implementation Guidance, ''Implementation Guidance for Title V of the E-Government Act, Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA),'' **Federal Register,** Vol. 72, No. 115, June 15, 2007, p. 33362. The law guarantees farm operators that their individual information will be kept confidential. NASS uses the information only for statistical purposes and publishes only tabulated total data.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 30 minutes per positive response, 2 minutes per screen-out, and 2 minutes per refusal. The sample will equal the number of respondents who reported positive aquaculture data in the 2017 Census of Agriculture.

Respondents: Farmers and Farm Managers.

Estimated Number of Respondents: 6,000.

Estimated Total Annual Burden on Respondents: 3,000 hours.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, technological or other forms of information technology collection methods.

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

Signed at Washington, DC, February 2, 2018.

Kevin L. Barnes,

Associate Administrator.

[FR Doc. 2018–03142 Filed 2–14–18; 8:45 am]

BILLING CODE 3410–20–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Delaware Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of monthly planning meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission

on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the Delaware State Advisory Committee to the Commission will convene by conference call, on Monday, March 19, 2018 at 10:00 a.m. (EST). The purpose of the meeting is to review/discuss the panel summaries that were prepared by several Committee members. This review will help the Committee focus on next steps, as it moves toward drafting the Committee report.

DATES: Monday, March 19, 2018, at 10:00 a.m. (EST).

Public Call-in Information: Conference call number: 1–800–210–9006 and conference call ID: 4124362.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1–800–210–9006 and conference call ID: 4124362. Please be advised that before placing them into the conference call, the conference call operator may ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number herein.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call number: 1–800–210–9006 and conference call ID: 4124362.

Members of the public are invited to submit written comments; the comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, or emailed to Evelyn Bohor at *ero@usccr.gov*. Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://facadatabase.gov/committee/meetings.aspx?cid=240;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda: Monday, March 19, 2018 at 10:00 a.m.

I. Welcome and Introductions
Rollcall
II. Planning Meeting
Review/Discuss Panel Summaries
III. Other Business
IV. Open Comment
V. Adjournment

Dated: February 10, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–03122 Filed 2–14–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Colorado Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), thata planning meeting of the Colorado Advisory Committee to the Commission will by teleconference at 5:00 p.m. (MST) on Friday, March 2, 2018. The purpose of the meeting is to review, discuss and possibly vote on a draft of the No Aid Report.

DATES: Friday, March 2, 2018, at 5:00 p.m. MST.

Public Call–in Information: Conference call-in number: 1–888–695–0608 and conference call 9211407.

FOR FURTHER INFORMATION CONTACT: Evelyn Bohor, at *ebohor@usccr.gov* or by phone at 303–866–1040.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call-in number: 1–888–695–0608 and conference call 9211407. Please be advised that before placing them into the conference call, the conference call operator will ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free conference call-in number.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–800–877–8339 and providing the operator with the toll-free conference call-in number: 1–888–695–0608 and conference call 9211407.

Members of the public are invited to make statements during the open comment period of the meeting or submit written comments. The comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Rocky Mountain Regional Office, U.S. Commission on Civil Rights, 1961 Stout Street, Suite 13–201, Denver, CO 80294, faxed to (303) 866–1040, or emailed to Evelyn Bohor at *ebohor@usccr.gov*. Persons who desire additional information may contact the Rocky Mountain Regional Office at (303) 866–1040.

Records and documents discussed during the meeting will be available for public viewing as they become available at *https://www.facadatabase.gov/committee/meetings.aspx?cid=238;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Rocky Mountain Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Rocky Mountain Regional Office at the above phone numbers, email or street address.

Agenda: Friday, March 2, 2018, 5:00 (MST).

- Rollcall and Welcome
- Review, Discuss and Possible Vote on No Aid Report
- Open Comment
- Adjourn

Dated: February 10, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–03119 Filed 2–14–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the District of Columbia Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of monthly planning meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the District of Columbia Advisory Committee to the Commission will convene at 11:30 a.m. (EST) Tuesday, March 13, 2018 at the offices of the U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue NW, Suite 1150, Washington, DC 20425. The purpose of the planning meeting is to discuss project planning, identify Committee members who will serve on the Planning Workgroup as the Committee plans the review of its review of civil rights project on criminal justice, homelessness, and the mental health court in the District of Columbia.

DATES: March 13, 2018 at 11:30 a.m. (EST).

ADDRESSES: 1331 Pennsylvania Avenue NW, Suite 1150, Washington, DC 20425.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Persons with accessibility needs should contact the Eastern Regional Office no later than 10 working days before the scheduled meeting by sending an email to the following email address at *ero@usccr.gov*.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by April 13, 2018. Comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425 or emailed to Evelyn Bohor at *ero@usccr.gov*. Persons who desire additional information may contact the Eastern Regional Office at 202–376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://facadatabase.gov/committee/meetings.aspx?cid=241;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone numbers, email or street address.

Agenda: Tuesday, March 13, 2018

I. Welcome and Introductions
—Rollcall
II. Planning Meeting
—Discuss Project Planning, Including Briefing Meeting Tasks, and
—Identify Committee Members for Planning Workgroup
III. Other Business
IV. Open Comment
V. Adjourn

Dated: February 10, 2018.

David Mussatt,

Chief, Regional Programs Unit.

[FR Doc. 2018–03121 Filed 2–14–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the New Jersey Advisory Committee

AGENCY: Commission on Civil Rights.

ACTION: Announcement of monthly planning meetings.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a planning meeting of the New Jersey State Advisory Committee to the Commission will convene by conference call, on Friday, March 16, 2018 at 11:30 a.m. (EDT). The purpose of the meeting is to select additional officers and begin discussing topics for a civil rights project.

DATES: Friday, March 16, 2018, at 11:30 a.m. (EDT).

Public Call-In Information: Conference call number: 1–888–778–9069 and conference call ID: 6970676.

FOR FURTHER INFORMATION CONTACT: Ivy L. Davis, at *ero@usccr.gov* or by phone at 202–376–7533.

SUPPLEMENTARY INFORMATION: Interested members of the public may listen to the discussion by calling the following toll-free conference call number: 1–888–778–9069 and conference call ID: 6970676. Please be advised that before placing them into the conference call, the conference call operator may ask callers to provide their names, their organizational affiliations (if any), and email addresses (so that callers may be notified of future meetings). Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number herein.

Persons with hearing impairments may also follow the discussion by first calling the Federal Relay Service at 1–888–364–3109 and providing the operator with the toll-free conference call number: 1–888–778–9069 and conference call ID: 6970676.

Members of the public are invited to submit written comments; the comments must be received in the regional office approximately 30 days after each scheduled meeting. Written comments may be mailed to the Eastern Regional Office, U.S. Commission on Civil Rights, 1331 Pennsylvania Avenue, Suite 1150, Washington, DC 20425, or emailed to Evelyn Bohor at *ero@usccr.gov*. Persons who desire additional information may contact the Eastern Regional Office at (202) 376–7533.

Records and documents discussed during the meeting will be available for public viewing as they become available at *http://facadatabase.gov/committee/meetings.aspx?cid=240;* click the ''Meeting Details'' and ''Documents'' links. Records generated from this meeting may also be inspected and reproduced at the Eastern Regional Office, as they become available, both before and after the meetings. Persons interested in the work of this advisory committee are advised to go to the Commission's website, *www.usccr.gov,* or to contact the Eastern Regional Office at the above phone number, email or street address.

Agenda: Friday, March 16, 2018 at 11:30 a.m. (EDT).

I. Welcome and Introductions
Rollcall
II. Selection of Additional Officers
III. Project Planning
Civil Rights Project Discussions
IV. Other Business
V. Open Comment
VI. Adjournment

Dated: February 12, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–03153 Filed 2–14–18; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Indiana Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Indiana Advisory Committee (Committee) will hold a meeting on

Wednesday February 21, 2018, at 3:00 p.m. EST for the purpose of preparing for its public meeting on voting rights issues in the state.

DATES: The meeting will be held on Wednesday, February 21, 2018, at 3:00 p.m. EST.

Public Call Information: Dial: 888–791–4321, Conference ID: 9801162.

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

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

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

Records generated from this meeting may be inspected and reproduced at the Regional Programs Unit Office, as they become available, both before and after the meeting. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Indiana Advisory Committee link (*http://www.facadatabase.gov/committee/meetings.aspx?cid=247*). Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Unit Office at the above email or street address.

Agenda

Welcome and Roll Call
Discussion: Voting Rights in Indiana
Public Comment
Future Plans and Actions
Adjournment

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given less than 15 calendar days prior to the meeting because of the exceptional circumstance of this Committee doing work on the FY 2018 statutory enforcement report.

Dated: February 12, 2018.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2018–03181 Filed 2–14–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

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

Agency: U.S. Census Bureau.

Title: Manufacturers' Shipments, Inventories, and Orders (M3) Survey.

OMB Control Number: 0607–0008.

Form Number(s): M–3(SD).

Type of Request: Extension of a currently approved collection.

Number of Respondents: 5,000.

Average Hours per Response: 20 minutes.

Burden Hours: 20,000.

Needs and Uses: The U.S. Census Bureau is requesting an extension of the currently approved collection for the Manufacturers' Shipments, Inventories, and Orders (M3) survey. This survey collects monthly data from domestic manufacturers on Form M–3 (SD), which is mailed at the end of each month. Data requested are shipments, new orders, unfilled orders, and inventories by stage of fabrication. It is currently the only survey that provides broad-based monthly statistical data on the economic conditions in the domestic manufacturing sector. The survey is designed to measure current industrial activity and to provide an indication of future production commitments. The value of shipments measures the value of goods delivered during the month by domestic manufacturers. Estimates of new orders serve as an indicator of future production commitments and represent the current sales value of new orders received during the month, net of cancellations. Substantial accumulation or depletion of backlogs of unfilled orders measures excess (or deficient) demand for manufactured products. The level of inventories, especially in relation to shipments, is frequently used to monitor the business cycle.

The M3 survey has been conducted monthly by the U.S. Census Bureau since 1957. The Advance Report on Durable Goods, Manufacturers' Shipments, Inventories and Orders is an advance snapshot of the current value of manufacturing in the U.S. It is available about 18 working days after each month. The M3 survey also produces the Full Report on Manufacturers' Shipments, Inventories and Orders. This report details information on the durable goods industries, and also includes the non-durable goods industries. In addition, the Full Report captures late receipts, and is available about 23 working days after each month.

This survey provides an essential component of the current economic indicators needed for assessing the evolving status of the economy and formulating economic policy. The Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB) has designated this survey as a principal federal economic indicator. The shipments and inventories data are essential inputs to the gross domestic product (GDP), while the orders data are direct inputs to The Conference Board Leading Economic Index (LEI), which is a composite index of ten key elements designed to monitor the business cycle (*https://www.conference-board.org/data/bcicountry.cfm?cid=1*). The GDP and the LEI would be incomplete without these data. Orders for durable goods are an important leading economic indicator. Businesses and consumers generally place orders for durable goods when they are confident the economy is improving. A durable goods report showing an increase in orders is a sign that the economy is trending upwards. Durable goods orders tell investors what to expect from the manufacturing sector, a major component of the economy. The M3 survey also provides valuable and timely domestic manufacturing data for economic planning and analysis to business firms, trade associations, research and consulting agencies, and academia.

The data are used for analyzing short- and long-term trends, both in the manufacturing sector and as related to other sectors of the economy. The data on value of shipments, especially when adjusted for change in inventories, measure current levels of production. New orders figures serve as an indicator of future production commitments. Changes in the level of unfilled orders, because of excess or shortfall of new orders compared with shipments, are used to measure the excess (or deficiency) in the demand for manufactured products. Changes in the level of inventories and the relation of these to shipments are used to project future movements in manufacturing activity. These statistics are valuable for analysts of business cycle conditions, including members of the Council of Economic Advisers (CEA), the Bureau of Economic Analysis (BEA), the Federal Reserve Board (FRB), the Department of the Treasury, The Conference Board, business firms, trade associations, private research and consulting agencies, and the academic community.

Affected Public: Business or other for-profit.

Frequency: Monthly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Sections 131, 182, and 193.

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

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

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–03131 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of National Advisory Council on Innovation and Entrepreneurship Meeting

AGENCY: Economic Development Administration, Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The National Advisory Council on Innovation and Entrepreneurship (NACIE) will hold a public meeting via teleconference on Wednesday, March 14, 2018. During this time, members will discuss, consider, and vote on an innovation and entrepreneurship policy framework and related principles.

DATES:

Wednesday, March 14, 2018

Time: 2:00 p.m.–2:45 p.m. Eastern Time (ET)

ADDRESSES: This meeting will be held by teleconference; a physical address is therefore not applicable. In order to make a statement during the public comment portion of the meeting, please submit a brief statement summarizing your comments to Craig Buerstatte (see contact information below) no later than 11:59 p.m. ET on Friday, March 9, 2018, and please limit comments to five minutes or less.

Teleconference Information

Toll-Free: +1 877 950 4778
Passcode: 4423486

SUPPLEMENTARY INFORMATION: The Council was first chartered on November 10, 2009, to advise the Secretary of Commerce on matters related to innovation and entrepreneurship in the United States. NACIE's overarching focus is recommending transformational policies to the Secretary that will help U.S. communities, businesses, and the workforce become more globally competitive. The Council operates as an independent entity within the Office of Innovation and Entrepreneurship (OIE), which is housed within the U.S. Commerce Department's Economic Development Administration. NACIE members are a diverse and dynamic group of successful entrepreneurs, innovators, and investors, as well as leaders from nonprofit organizations and academia.

The purpose of this meeting is to discuss and consider an innovation and entrepreneurship policy framework and related principles. The final agenda will be posted on the NACIE website at *http://www.eda.gov/oie/nacie/* prior to the meeting. Any member of the public may submit pertinent questions and comments concerning the Council's affairs at any time before or after the meeting. Comments may be submitted to the Office of Innovation and Entrepreneurship at the contact information below. Copies of the meeting minutes will be available by request within 90 days of the meeting date.

FOR FURTHER INFORMATION CONTACT: Craig Buerstatte, Office of Innovation and Entrepreneurship, Room 78018, 1401 Constitution Ave. NW, Washington, DC 20230; email: *nacie@doc.gov;* telephone: +1 202 482 8001; facsimile: +1 202 273 4781. Please reference ''NACIE March 14, 2018'' in the subject line of your correspondence.

Dated: February 9, 2018.

Craig Buerstatte,

Acting Director, Office of Innovation and Entrepreneurship.

[FR Doc. 2018–03141 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–837]

Certain Magnesia Carbon Bricks From Mexico: Rescission of Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: The Department of Commerce (Commerce) is rescinding its administrative review of the antidumping duty order on certain magnesia carbon bricks from Mexico for the period of review (POR) September 1, 2016, through August 31, 2017.

DATES: Applicable February 15, 2018.

FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1280.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 2016, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on certain magnesia carbon bricks from Mexico for the POR.[1] Commerce received a timely request from the Magnesia Carbon Bricks Fair Trade Committee (the petitioner), in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), to conduct an administrative review of this antidumping duty order.[2]

On November 13, 2017, Commerce published in the **Federal Register** a

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 82 FR 41595 (September 1, 2017).

[2] *See* Letter from the petitioner, regarding ''Certain Magnesia Carbon Bricks from Mexico: Request For Administrative Review,'' dated October 2, 2017.

notice of initiation with respect to RHI-Refmex SA de C.V. and Vesuvius Mexico S.A. de C.V.[3] On January 29, 2018, the petitioner timely withdrew its request for an administrative review for both companies.[4]

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. The petitioner withdrew its request for review by the 90-day deadline, and no other party requested an administrative review of this order. Therefore, we are rescinding the administrative review of the antidumping duty order on certain magnesia carbon bricks from Mexico covering the period September 1, 2016, through August 31, 2017.

Assessment

Commerce 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 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 directly to CBP 41 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only 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 may result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 52268, 52270 (November 13, 2017).

[4] *See* Letter from the petitioner, regarding ''Certain Magnesia Carbon Bricks from Mexico: Withdrawal of Request For Administrative Review,'' dated January 29, 2018.

Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: February 9, 2018.

James Maeder,

Associate Deputy Assistant Secretary, for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–03163 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Proposed Information Collection; Comment Request; Survey of International Air Travelers

AGENCY: International Trade Administration, 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 16, 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 and instructions should be directed to Richard Champley or Claudia Wolfe, ITA National Travel & Tourism Office (NTTO), 1401 Constitution Ave. NW, Washington, DC 20230, Contact information: *richard.champley@trade.gov* (202) 482–4753 or *claudia.wolfe@trade.gov* (202) 482–4555.

SUPPLEMENTARY INFORMATION:

I. Abstract

The ''Survey of International Air Travelers'' (Survey) program, administered by the National Travel and Tourism Office (NTTO) of the International Trade Administration provides source data required to (1) estimate international travel and passenger fare exports, imports and the trade balance for the United States, (2) comply with the U.S. Travel Promotion Act of 2009 (Pub. L. 111–145), collect a one percent sample of inbound travelers, analyze and report information to government and industry stakeholders, and support the increase of U.S. exports, (3) to comply with the 1961, 1981, and 1996 travel and tourism related acts to collect and publish comprehensive international travel and tourism, statistics and other marketing information, and (4) support the continuation of the Travel & Tourism Satellite Accounts for the United States, which provide the only spending and employment figures for the industry, and (5) to support the goals of objectives of the National Travel & Tourism Strategy.

The Survey program contains the core data that is collected, analyzed and communicated by NTTO with other government agencies, associations and businesses that share the same objective of increasing U.S. international travel exports. The Survey assists NTTO in assessing the economic impact of international travel on state and local economies, providing visitation estimates, key market intelligence, and identifying traveler and trip characteristics. The U.S. Department of Commerce assists travel industry enterprises to increase international travel and passenger fare exports for the country as well as outbound travel on U.S. carriers. The Survey program provides the only available estimates of nonresident visitation to the states and cities within the United States, as well as U.S. resident travel abroad.

A revised survey instrument (questionnaire) (English version plus its translations into eleven foreign languages) was implemented in 2012. It reflects input from over 70 respondents, including: Travel Industry (airlines, travel associations, destinations, lodging); Consultants; Financial Firms; Educational Institutions; and other U.S. Government Agencies. A minor ('non-substantive') change was implemented

in 2016 to better reflect the visitor's entry experience into the U.S. This was requested by the U.S. Department of Commerce Travel and Tourism Advisory Board to measure compliance with U.S. National Goals.

The revised Survey questionnaire reflects changes in various questions relating to: Trip purpose; Payment methods; Booking/Information sources; additional package components, health care/vaccinations, travel insurance information, additional transportation utilized, Assessment of the visitor's entry and overall experience; and intentions for further travel to the United States; Ethnicity/race. Several questions from the pre-existing 1996 questionnaire were eliminated to further streamline the survey.

II. Method of Collection

The survey instrument/questionnaire ('Survey of International Air Travelers', a/k/a SIAT) continues to be in paper format and is self-administered by the passenger who volunteers to take the survey, either while in the departure gate area or on-board the flight. The flights are selected randomly and this approach is described as 'cluster sampling.' The majority (90%) of the passenger surveys are collected in U.S. airport departure gate areas. About 10% of all the passenger surveys are collected during flight (on-board) post departure (Canada is not part of the program). U.S. and foreign flag airlines that volunteer to participate in the Survey program enable the collection either in U.S. departure gate areas or on-board flights.

NTTO is planning to change the format to electronic or to an equally statistically valid process once compelling results have been attained. To date there have been four 'e-Survey' tests: The first test in partnership with Global Distribution Systems (GDS), the second and third tests with major airlines in their respective boarding areas to leverage passenger's personal electronic devices (PED) and Wi-Fi capabilities in the airports and on-board certain flights, and the fourth test used 'tablet' devices to capture passenger responses in the airport gate areas. Other tests are planned in the foreseeable future based on the results of NTTO's recent request for information as preparation for the next contract cycle.

III. Data

OMB Control Number: 0625–0227.

Form Number(s): None.

Type of Review: Regular submission [extension of a current information collection].

Affected Public: Individuals or households.

Estimated Number of Respondents: 300,000 due to mandate of the Travel Promotion Act of 2009 which requires a 'one percent' sample of overseas arrivals.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 75,000.

Estimated Total Annual Cost to Public: $0.

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. 2018–03132 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India: Final Determination of No Shipments; Antidumping Duty Administrative Review; 2016–2017

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

SUMMARY: On November 7, 2017, the Department of Commerce (Commerce) published the preliminary results of the administrative review of the antidumping duty order on stainless steel bar (SSB) from India. The period of review (POR) is February 1, 2016, through January 31, 2017. In the preliminary results, Commerce rescinded the administrative review for Ambica Stainless Steels Limited. The review covers two producers or exporters of subject merchandise: Ambica Steels Limited (Ambica), and Bhansali Bright Bars Pvt. Ltd. (Bhansali). We invited parties to comment on the preliminary results. None were received. Accordingly, for the final results, we continue to find that Ambica and Bhansali had no shipments during the POR.

DATES: Applicable February 15, 2018.

FOR FURTHER INFORMATION CONTACT: Mark Kennedy, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7883.

SUPPLEMENTARY INFORMATION:

Background

On November 7, 2017, Commerce published the *Preliminary Results*.[1] In the *Preliminary Results,* we determined that Ambica and Bhansali had no shipments of subject merchandise during the POR. Commerce gave interested parties an opportunity to comment on the *Preliminary Results*. We received no comments. Commerce conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). 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 March 12, 2018.[2]

Scope of the Order

The merchandise subject to the order is SSB. SSB means articles of stainless steel in straight lengths that have been either hot-rolled, forged, turned, cold-drawn, cold-rolled or otherwise cold-finished, or ground, having a uniform solid cross section along their whole length in the shape of circles, segments of circles, ovals, rectangles (including

[1] See *Stainless Steel Bar from India: Preliminary Determination of No Shipments and Partial Rescission of the Antidumping Duty Administrative Review; 2016–2017,* 82 FR 51601 (November 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, ''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.

squares), triangles, hexagons, octagons, or other convex polygons. SSB includes cold-finished SSBs that are turned or ground in straight lengths, whether produced from hot-rolled bar or from straightened and cut rod or wire, and reinforcing bars that have indentations, ribs, grooves, or other deformations produced during the rolling process.

Except as specified above, the term does not include stainless steel semi-finished products, cut-to-length flat-rolled products *(i.e.,* cut-to-length rolled products which if less than 4.75 mm in thickness have a width measuring at least 10 times the thickness, or if 4.75 mm or more in thickness having a width which exceeds 150 mm and measures at least twice the thickness), wire *(i.e.,* cold-formed products in coils, of any uniform solid cross section along their whole length, which do not conform to the definition of flat-rolled products), and angles, shapes, and sections.

Imports of these products are currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule (HTS). Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Final Determination of No Shipments

As noted in the *Preliminary Results,* Commerce received a claim of no shipments from Ambica and Bhansali. In the *Preliminary Results,* Commerce preliminarily found that Ambica and Bhansali did not have reviewable entries during the POR.

After issuing the *Preliminary Results,* Commerce received no comments from interested parties, and has not received any information that would cause it to alter its preliminary determination. Therefore, for these final results, Commerce continues to find that both Ambica and Bhansali had no shipments during the POR.

Assessment of Antidumping Duties

In accordance with Commerce's practice, for entries of subject merchandise during the POR for which Ambica or Bhansali did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate such entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Ambica and Bhansali will remain unchanged from the rate assigned to each company in the completed segment for the most recent period for each company; (2) for other producers and exporters covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the completed segment for the most recent period of this proceeding in which that producer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the producer is, then the cash deposit rate will be the rate established for the completed segment for the most recent period of this proceeding for the producer of subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 12.45 percent, the all-others rate established in the investigation.[3] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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 the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Orders

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

Notification to Interested Parties

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: February 9, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–03160 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–DS–P

[3] *See Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from India,* 59 FR 66915, 66921 (December 28, 1994).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG017

Atlantic Highly Migratory Species; Meeting of the Atlantic Highly Migratory Species Advisory Panel

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

ACTION: Notice of public meeting and webinar/conference call.

SUMMARY: NMFS will hold a 3-day Atlantic Highly Migratory Species (HMS) Advisory Panel (AP) meeting in March 2018. The intent of the meeting is to consider options for the conservation and management of Atlantic HMS. The meeting is open to the public.

DATES: The AP meeting and webinar will be held from 9:30 a.m. to 6 p.m. on Wednesday, March 7, from 8:30 a.m. to 5:30 p.m. on Thursday, March 8, and from 8:30 a.m. to 12 p.m. on Friday, March 9.

ADDRESSES: The meeting will be held at the Sheraton Silver Spring Hotel, 8777 Georgia Avenue, Silver Spring, MD 20910. The meeting presentations will also be available via WebEx webinar/conference call.

The meeting on Wednesday, March 7, Thursday, March 8, and Friday, March 9, 2018, will also be accessible via conference call and webinar. Conference call and webinar access information are available at: *https://www.fisheries.noaa.gov/event/march-2018-hms-advisory-panel-meeting.*

Participants are strongly encouraged to log/dial in 15 minutes prior to the meeting. NMFS will show the presentations via webinar and allow

public comment during identified times on the agenda.

FOR FURTHER INFORMATION CONTACT: Peter Cooper or Randy Blankinship at (301) 427–8503.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.,* as amended by the Sustainable Fisheries Act, Public Law 104–297, provided for the establishment of an AP to assist in the collection and evaluation of information relevant to the development of any FMP or FMP amendment for Atlantic HMS. NMFS consults with and considers the comments and views of AP members when preparing and implementing FMPs or FMP amendments for Atlantic tunas, swordfish, billfish, and sharks.

The AP has previously consulted with NMFS on: Amendment 1 to the Billfish FMP (April 1999); the HMS FMP (April 1999); Amendment 1 to the HMS FMP (December 2003); the Consolidated HMS FMP (October 2006); and Amendments 1, 2, 3, 4, 5a, 5b, 6, 7, 8, 9, and 10 to the 2006 Consolidated HMS FMP (April and October 2008, February and September 2009, May and September 2010, April and September 2011, March and September 2012, January and September 2013, April and September 2014, March and September 2015, and March, September, and December 2016, and May and September 2017), among other things.

The intent of this meeting is to consider alternatives for the conservation and management of all Atlantic tunas, swordfish, billfish, and shark fisheries. We anticipate discussing:

- Domestic implementation of recommendations from the 2017 meeting of the International Commission for the Conservation of Atlantic Tunas to include an emergency rule for shortfin mako sharks, Draft Amendment 11 on shortfin mako sharks, bluefin tuna and northern albacore tuna quotas, and issues for 2018;
- Three-year review of Amendment 7 on bluefin tuna management;
- Progress updates on various other rulemakings, including shark fishery closure criteria, evaluation of existing bluefin tuna management-related gear restricted areas, and evaluation of existing fishing gear modification;
- Recreational fishery issues;
- Closed area data collection and an update regarding the exempted fishing permit request to conduct research in pelagic longline closed areas; and
- Updates on shark stock assessments.

We also anticipate inviting other NMFS offices to provide updates, if available, on their activities relevant to HMS fisheries such as listings under the Endangered Species Act and Pelagic Longline Take Reduction Team rulemaking. Finally, we intend to invite other NMFS offices and the United States Coast Guard to provide updates on their activities relevant to HMS fisheries.

Additional information on the meeting and a copy of the draft agenda will be posted prior to the meeting at: *https://www.fisheries.noaa.gov/event/march-2018-hms-advisory-panel-meeting.*

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Peter Cooper at (301) 427–8503 at least 7 days prior to the meeting.

Dated: February 9, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–03114 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF776

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Gull and Climate Research in Glacier Bay National Park, Alaska

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to the National Park Service to take, by harassment, one species of marine mammal incidental to glaucous winged gull and climate monitoring research activities in Glacier Bay National Park (GLBA NP), Alaska.

DATES: This IHA is applicable from March 1, 2018 through February 28, 2019.

FOR FURTHER INFORMATION CONTACT: Jonathan Molineaux, Office of Protected Resources, NMFS, and (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Availability

An electronic copy of the IHA and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *www.nmfs.noaa.gov/pr/permits/incidental/research.htm.* In case of problems accessing these documents, please call the contact listed above (see **FOR FURTHER INFORMATION CONTACT**).

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

An IHA for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined ''negligible impact'' in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term ''take'' means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Summary of Request

On August 31 2017, NMFS received a request from the NPS for an IHA to take marine mammals incidental to glaucous-winged gull and climate monitoring research activities in GLBA NP, Alaska. The application was considered adequate and complete on November 1, 2017. NPS's request is for take of harbor seals by Level B harassment. NMFS previously issued four IHAs to the NPS for similar work (82 FR 24681, May 20, 2017; 81 FR 34994, June 1, 2016; 80 FR 28229, March 24, 2015; 79 FR 56065, September 18, 2014). Neither NPS nor NMFS expect mortality to result from the research and, therefore, an IHA is appropriate.

Description of the Specified Activity

A detailed description of the planned GLBA NP project is provided in the **Federal Register** notice for the proposed IHA (82 FR 56953; December 1, 2017). Since that time, no changes have been made to the planned activities. Therefore, we provide only a summary here. Please refer to that **Federal Register** notice for the full description of the specific activity.

NPS plans to conduct two research projects within GLBA NP, southeast Alaska: (1) Glaucous-winged gull monitoring and (2) the installation and maintenance of a weather station operation for long-term climate monitoring. NPS will conduct ground and vessel surveys at four study sites within GLBA NP for gull monitoring: Boulder Island, Lone Island, Geikie Rock, and Flapjack Island. These sites will be accessed up to five times per year. In addition, NPS will access Lone Island an additional four times per year for weather station installation, maintenance, and operation bringing the total number of site visits to Lone Island to nine. This includes adding one additional trip for any emergency repairs that may be needed. Researchers accessing the islands for gull monitoring and weather station operation may occasionally cause behavioral disturbance (or Level B harassment) of harbor seals. NPS expects that the disturbance to harbor seals from both projects will be minimal and only limited to Level B harassment.

The purposes for the above-mentioned research activities are as follows. Gull monitoring studies are mandated by a Record of Decision of a Legislative Environmental Impact Statement (LEIS) (NPS 2010) which states that NPS must initiate a monitoring program for glaucous-winged gulls (*Larus glaucescens*) to inform future native egg harvest by the Hoonah Tlingit in Glacier Bay, Alaska. Installation of a new weather station on Lone Island is being planned as one of several installations intended to fill coverage gaps among existing weather stations in GLBA NP (NPS 2015a). These new stations will be operated as the foundation of a new long-term climate-monitoring program for GLBA NP.

Comments and Responses

A notice of NMFS's proposal to issue an IHA to the NPS was published in the **Federal Register** on December 1, 2017 (82 FR 56953). That notice described, in detail, GLBA NP's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. During the 30-day public comment period, NMFS received one comment letter from the Marine Mammal Commission (Commission).

Comment 1: The Commission recommended that NMFS enumerate the number of harbor seals that could be taken during the planned activities by applying standard rounding rules before summing the numbers of estimated takes across survey sites and survey days.

Response: Calculating predicted take is not an exact science and there are arguments for taking different mathematical approaches in different situations, and for making qualitative adjustments in other situations. NMFS is currently engaged in developing a protocol to guide more consistent take calculation given certain circumstances. We believe, however, that the methodology for this action remains appropriate.

Description of Marine Mammals in the Area of Specified Activities

A detailed description of the species likely to be affected by the NPS project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, are provided in NPS's application and the **Federal Register** notice for the proposed IHA (82 FR 56953; December 1, 2017). We are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please refer to additional species information available in the NMFS SARs for Alaska at *http://www.nmfs.noaa.gov/pr/sars/region.htm*.

TABLE 1—MARINE MAMMALS THAT COULD OCCUR IN THE PROJECT AREA

Common name	Scientific name	Stock	ESA/MMPA status; Strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions)						
Steller's sea lion	*Eumetopias jubatus* ..	Eastern U.S.	-/-; N	41,638 (n/a, 41,638, 2015).	306	236
		Western U.S.	E/D; Y	50,983	2,498	108
Family Phocidae (earless seals)						
Harbor seal	*Phoca vitulina richardii*.	Glacier Bay/Icy Strait	-/-; N	7,210 (n.a.; 5,647; 2011).	169	104

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.nmfs.noaa.gov/pr/sars/*. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

Note: *Italicized species not authorized for take.*

Both species in Table 1 are protected under the MMPA and the Steller sea lion is listed as endangered (Western Distinct Population Segment) under the Endangered Species Act (ESA). It was determined that take will not occur for Steller sea lions based on available survey data and for the fact that NPS will maintain a distance of 100 meters from all Steller sea lions in the action area. Therefore, Steller sea lions are not discussed further in this IHA.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The **Federal Register** notice for the proposed IHA (82 FR 56953; December 1, 2017) included a discussion of the effects of disturbance on marine mammals and their habitat, therefore that information is not repeated here; please refer to the **Federal Register** notice (82 FR 56953; December 1, 2017) for that information. We provide only a summary here.

The project will not result in permanent impacts to habitats used directly by marine mammals, such as haul out sites, nor impacts to food sources. Based on the available data, previous monitoring reports from GLBA NP, and studies described in the proposed IHA, we anticipate that any pinnipeds found in the vicinity of the project could have short-term behavioral reactions (*i.e.,* may result in marine mammals avoiding certain areas) due to noise and visual disturbance generated by: (1) Motorboat approaches and departures and (2) human presence during gull research activities. We expect pinnipeds to return to a haul out site within minutes to hours of the stimulus based on previous research (Johnson and Acevedo-Gutierrez, 2007; Allen *et al.,* 1985). Pinnipeds may be temporarily displaced from their haul out sites, but we do not expect that the pinnipeds will permanently abandon a haul out site during site monitoring as activities are short in duration (30 minutes to up to 2 hours), and previous surveys have demonstrated that seals have returned to their haul out sites and have not permanently abandoned the sites.

Estimated Take

This section provides the amount of take authorized in the IHA, which informs both NMFS's consideration of whether the number of takes is ''small'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes will be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to motorboats and the presence of NPS personnel. Based on the nature of the activity, Level A harassment is neither anticipated nor authorized. As described previously, no mortality is anticipated or authorized for this activity. Below we describe how the take is estimated.

Harbor seals may be disturbed when vessels approach or researchers go ashore for the purpose of monitoring gull colonies and for the installation and maintenance of the Lone Island weather tower. Harbor seals tend to haul out in small numbers at study sites. Using monitoring report data from 2015 to 2017 (see raw data from Tables 1 of the 2017, 2016 and 2015 Monitoring Reports), the average number of harbor seals per survey visit was calculated to estimate the approximate number of seals observers will find on any given survey day. As a result, the following averages were determined for each island: Boulder Island—average 3.45 seals, Flapjack Island—average 10.10 seals, Geikie Rock—average 9.58 seals, and Lone Island average of 18.63 seals (See Table 5). Estimated take for gull and climate monitoring was calculated by multiplying the average number of seals observed during past gull monitoring surveys (2015–2017) by the number of total site visits. This includes five visits to Boulder Island, Flapjack Island, and Geikie Rock and nine visits to Lone Island (to include four site visits for climate monitoring activities). Therefore, the total incidents of harassment equals 283 (See Table 5).

During climate monitoring, which is expected to take place between March 2018 to April 2018, and October 2018 to February 2019, seal numbers are expected to dramatically decline within the action area. Although harbor seal survey data within GLBA NP is lacking during the months of October through February, results from satellite telemetry studies suggest that harbor seals travel extensively beyond the boundaries of GLBA NP during the post-breeding season (September–April) (Womble and Gende, 2013b). Therefore, using observation data from past gull monitoring activities (that occurred from May to September) is applicable when estimating take for climate monitoring activities, as it will provide the most conservative estimates.

TABLE 2—LEVEL B TAKES BY HARASSMENT DURING NPS GULL AND CLIMATE MONITORING ACTIVITIES

Site for survey	Average number of seals observed per visit *	Number of site visits	Level B take [1]	Percentage of population
Boulder Island	3.45	5	17.27	0.24
Flapjack Island	10.10	5	50.50	0.70
Geikie Rock	9.58	5	47.92	0.66
Lone Island	18.63	**9	167.73	2.33
Total			283	3.93

[1] See Table 3 for NMFS' three-point scale that categorizes pinniped disturbance reactions by severity. NMFS only considers responses falling into Levels 2 and 3 as harassment (Level B) under the MMPA.

* Data from 2015–2017 NPS gull surveys (NPS 2015b; NPS 2016; NPS 2017).
** Number includes four additional days for climate monitoring activities.

Mitigation

In order to issue an IHA under Section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, ''and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking'' for certain subsistence uses. NMFS regulations require applicants for IHAs to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned) and;

(2) the practicability of the measures for applicant implementation, which may consider such things as cost and impact on operations.

Mitigation for Marine Mammals and Their Habitat

To reduce the potential for disturbance from acoustic and visual stimuli associated with gull and climate monitoring activities within GBLA NP, several mitigation measures for marine mammals were selected for the NPS to conduct. The following is a summation of those mitigation measures presented in the final IHA:

Pre-Survey Monitoring

Prior to deciding to land onshore to conduct gull and climate monitoring, NPS researchers will use high-powered image stabilizing binoculars from their watercraft to document the number, species, and location of hauled-out marine mammals at each island. The vessels will maintain a distance of 328 to 1,640 ft (100 to 500 m) from the shoreline to allow the researchers to conduct pre-survey monitoring. If offshore predators, harbor seal pups of less than one week of age, or Steller sea lions are observed, researchers will follow the protocols for site avoidance discussed below. If neither of these instances occur, researchers will then perform a controlled landing on the survey site.

Site Avoidance

If a harbor seal pup less than one week old is observed near or within the action area, researchers will not go ashore to conduct the gull or climate monitoring activities. Also, if Steller sea lions are observed within or near the study site, researchers will maintain a distance of at least 100 m from the animals at all times.

Controlled Landings

The researchers will determine whether to approach the island based on type of animals present. Researchers will approach the island by motorboat at a speed of approximately 2 to 3 knots (2.3 to 3.4 mph). This will provide enough time for any marine mammals present to slowly enter the water without panic (flushing). The researchers will also select a pathway of approach farthest from the hauled-out harbor seals to minimize disturbance.

Minimize Predator Interactions

If the researchers visually observe marine predators (*i.e.,* killer whales) present in the vicinity of hauled-out marine mammals, the researchers will not approach the study site.

Disturbance Reduction Protocols

While onshore at study sites, the researchers will remain vigilant for hauled-out marine mammals. If marine mammals are present, the researchers will move slowly and use quiet voices to minimize disturbance to the animals present.

Based on our evaluation of the applicant's measures, as well as other measures considered by NMFS, NMFS has determined that the mitigation measures provide the means of effecting the least practicable impact on marine mammal species or stocks and their habitat, paying particular attention to rookeries, mating grounds, areas of similar significance, and on the availability of such species or stock for subsistence uses.

Monitoring and Reporting

In order to issue an IHA for an activity, Section 101(a)(5)(D) of the MMPA states that NMFS must set forth, requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

GLBANP submitted a marine mammal monitoring plan in section 13 of their application. Monitoring requirement NMFS prescribes shall improve our understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (*e.g.,* presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

NPS will conduct marine mammal monitoring during the project, in order to implement the mitigation measures that require real-time monitoring and to gain a better understanding of marine mammals and their impacts to the project's activities. The researchers will monitor the area for pinnipeds during all research activities. Monitoring activities will consist of conducting and recording observations of pinnipeds within the vicinity of the proposed research areas. The monitoring notes will provide dates, location, species, the researcher's activity, behavioral state, numbers of animals that were alert or moved greater than one meter, and numbers of pinnipeds that flushed into the water.

The method for recording disturbances is based on those developed by Mortenson (1996). NPS will record disturbances on a three-point scale that represents an increasing seal response to the disturbance (Table 3). NPS will record the time, source, and duration of the disturbance, as well as an estimated distance between the source and haul out. NMFS considers only responses falling into Levels 2 and 3 as harassment under the MMPA.

TABLE 3—SEAL RESPONSE TO DISTURBANCE

Level	Type of response	Definition
1	Alert	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length. Alerts will be recorded, but not counted as a 'take'.
2	Movement	Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees. These movements will be recorded and counted as a 'take'.
3	Flush	All retreats (flushes) to the water. Flushing into the water will be recorded and counted as a 'take'.

Previous Monitoring Results

As described in the notice of proposed IHA, NPS has complied with the monitoring requirements under the previous authorizations. NMFS posted the 2017 report on our website at *www.nmfs.noaa.gov/pr/permits/incidental/research.htm* and the results from the previous NPS monitoring reports. These reports support our findings that the mitigation measures required under the 2014–2017 IHAs provide the means of effecting the least practicable impact on the species or stock.

Coordination

NPS will add to the knowledge of pinnipeds in the proposed action area by noting observations of: (1) Unusual behaviors, numbers, or distributions of pinnipeds, such that any potential follow-up research can be conducted by the appropriate personnel; (2) tag-bearing carcasses of pinnipeds, allowing transmittal of the information to appropriate agencies and personnel; and (3) rare or unusual species of marine mammals for agency follow-up. NPS actively monitors harbor seals at breeding and molting haul out locations to assess trends over time (*e.g.,* Mathews & Pendleton, 2006; Womble *et al.* 2010, Womble and Gende, 2013b). This monitoring program involves collaborations with biologists from the Alaska Department of Fish and Game, and NMFS' Alaska Fisheries Science Center. NPS will continue these collaborations and encourage continued or renewed monitoring of marine mammal species. NPS will coordinate with state and Federal marine mammal biologists to determine what additional data or observations may be useful for monitoring marine mammals and haul outs in GLBA NP. Additionally, NPS will report vessel-based counts of marine mammals, branded, or injured animals, and all observed disturbances to the appropriate state and Federal agencies.

Reporting

NPS is required to submit a draft monitoring report to NMFS no later than 90 days after the expiration of the Incidental Harassment Authorization or sixty days prior to the issuance of any subsequent IHA for this project, whichever comes first. The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in the Authorization. NPS will submit a final report to NMFS within 30 days after receiving comments on the draft report. If NPS receives no comments from NMFS on the report, NMFS will consider the draft report to be the final report.

The report will describe the operations conducted and sightings of marine mammals near the proposed project. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The report will provide:

1. A summary and table of the dates, times, and weather during all research activities;

2. Species, number, location, and behavior of any marine mammals observed throughout all monitoring activities;

3. An estimate of the number (by species) of marine mammals exposed to acoustic or visual stimuli associated with the research activities; and

4. A description of the implementation and effectiveness of the monitoring and mitigation measures of the Authorization and full documentation of methods, results, and interpretation pertaining to all monitoring.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the authorization, such as an injury (Level A harassment), serious injury, or mortality (*e.g.,* vessel-strike, stampede, etc.), NPS shall immediately cease the specified activities and immediately report the incident to the Office of Protected Resources, NMFS and the Alaska Regional Stranding Coordinator. The report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Description and location of the incident (including tide level if applicable);
- Environmental conditions (*e.g.,* wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available).

NPS shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. NMFS will work with NPS to determine what is necessary to minimize the likelihood of further prohibited take and

ensure MMPA compliance. NPS may not resume their activities until notified by us via letter, email, or telephone.

In the event that NPS discovers an injured or dead marine mammal, and the lead researcher determines that the cause of the injury or death is unknown and the death is relatively recent (*i.e.,* in less than a moderate state of decomposition as we describe in the next paragraph), NPS will immediately report the incident to the Office of Protected Resources, NMFS and the Alaska Regional Stranding Coordinator. The report must include the same information identified in the paragraph above this section. Activities may continue while we review the circumstances of the incident. We will work with NPS to determine whether modifications in the activities are appropriate.

In the event that NPS discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (*e.g.,* previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), NPS will report the incident to the Office of Protected Resources, NMFS and the Alaska Regional Stranding Coordinator within 24 hours of the discovery. NPS researchers will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us. NPS can continue their research activities.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.,* population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be ''taken'' through harassment, NMFS considers other factors, such as the likely nature of any responses (*e.g.,* intensity, duration), the context of any responses (*e.g.,* critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (*e.g.,* as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Due to the project's minimal levels of visual and acoustic disturbance, NMFS does not expect NPS's specified activities to cause long-term behavioral disturbance, abandonment of the haul out area, injury, serious injury, or mortality. Additional factors for our negligible impact determination are listed below:

- The takes from Level B harassment will be due to potential behavioral disturbance. The effects of the research activities will be limited to short-term startle responses and localized behavioral changes due to the short and sporadic duration of the research activities;
- The proposed activities will not take place in areas of significance for marine mammal feeding, resting, breeding, or pupping and will not adversely impact marine mammal habitat;
- The proposed activities will affect a small portion of harbor seal habitat within GLBA NP for only a short amount of time. This, combined with a large availability of alternate areas for pinnipeds to haul out enables the seals to effectively avoid disturbances from research operations;
- Anecdotal observations and results from previous monitoring reports show that the pinnipeds returned to the various sites and did not permanently abandon haul out sites after NPS conducted their research activities; and
- Harbor seals may flush in the water despite researchers' best efforts to keep calm and quiet around seals; however, injury or mortality has never been documented nor is anticipated from flushing events. Researchers will approach study sites slowly to provide enough time for any marine mammals present to slowly enter the water without panic.

As stated, NMFS does not anticipate any injuries, serious injuries, or mortalities to result from NPS's proposed activities and we do not propose to authorize injury, serious injury, or mortality. Harbor seals may exhibit behavioral modifications, including temporarily vacating the area during the proposed gull and climate research activities to avoid human disturbance. Further, these proposed activities will not take place in areas of significance for marine mammal feeding, resting, breeding, or pupping and will not adversely impact marine mammal habitat. Due to the nature, degree, and context of the behavioral harassment anticipated, we do not expect the activities to impact annual rates of recruitment or survival.

NMFS does not expect pinnipeds to permanently abandon any area surveyed by researchers, as is evidenced by continued presence of pinnipeds at the sites during annual gull monitoring. In summary, NMFS anticipates that impacts to hauled-out harbor seals during NPS' research activities will be behavioral harassment of limited duration (*i.e.,* up to two hours per visit) and limited intensity (*i.e.,* temporary flushing at most).

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted above, only small numbers of incidental take may be authorized under Section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

As mentioned previously, NMFS estimates that NPS' activities could potentially affect, by Level B harassment only, one species of marine mammal under our jurisdiction. For harbor seals, this estimate is small (3.93 percent, see Table 4) relative to the Glacier Bay/Icy Strait stock of harbor seals (7,210 seals, see Table 1). In addition to this, there is a high probability that repetitive takes of the same animals may occur which reduces the percentage of population even further.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

There are no subsistence uses of the affected marine mammal stocks or species implicated by this action. NPS prohibits subsistence harvest of harbor seals within the GLBA NP (Catton, 1995). Therefore, NMFS has determined that the total taking of affected species or stocks will not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

National Environmental Policy Act

Issuance of an MMPA 101(a)(5)(D) authorization requires compliance with the National Environmental Policy Act.

NMFS determined the issuance of the proposed IHA is consistent with categories of activities identified in CE B4 (issuance of incidental harassment authorizations under section 101(a)(5)(A) and (D) of the MMPA for which no serious injury or mortality is anticipated) of the Companion Manual for NAO 216–6A and we have not identified any extraordinary circumstances listed in Chapter 4 of the Companion Manual for NAO 216–6A that would preclude this categorical exclusion.

Endangered Species Act (ESA)

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Authorization

NMFS has issued an IHA to the NPS at Glacier Bay NP for the harassment of small numbers of harbor seals incidental to conducting monitoring and research studies on glaucous-winged gulls within GLBA NP, Alaska provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: February 9, 2018.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–03099 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0147]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Survey of Postgraduate Outcomes for the Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Program (Tracking Survey)

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 a new information collection.

DATES: Interested persons are invited to submit comments on or before March 19, 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–0147. 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 Sara Starke, 202–453–7681.

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: Survey of Postgraduate Outcomes for the Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) Program (Tracking Survey).

OMB Control Number: 1840–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 90.

Total Estimated Number of Annual Burden Hours: 23.

Abstract: This survey will be used by the Postgraduate Outcomes for the Fulbright-Hays Doctoral Dissertation Research Abroad (DDRA) grantee institutions and fellows to provide information used by the Department in responding to DDRA GPRA performance and efficiency measures. Fellows will complete the survey online, and the Department will access and report on the collected data regarding fellows' postgraduate employment. The survey is necessary in order to respond to GPRA.

Dated: February 12, 2018.

Kate Mullan,

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

[FR Doc. 2018–03123 Filed 2–14–18; 8:45 am]

BILLING CODE 4000–01–P

FEDERAL COMMUNICATIONS COMMISSION

Radio Broadcasting Services; AM or FM Proposals To Change the Community of License

AGENCY: Federal Communications Commission.

ACTION: Notice.

DATES: The agency must receive comments on or before April 16, 2018.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, 202–418–2054.

SUPPLEMENTARY INFORMATION: The following applicants filed AM or FM proposals to change the community of license: CENTRAL FLORIDA EDUCATIONAL FOUNDATION, INC, WMYZ, Fac. ID No. 27291, Channel 204C2, From CLERMONT, FL, To THE VILLAGES, FL, BPED–20180117ACL; CEDAR COVE BROADCASTING, INC., KAZK, Fac. ID No. 176305, Channel 209C2, From WILLCOX, AZ, To CATALINA, AZ, BPED–20180111AAA; UNITED STATES CP, LLC, KRYE, Fac. ID No. 164276, Channel 285C3, From OLNEY SPRINGS, CO, To RYE, CO, BPH–20180202AAX; ENTRAVISION HOLDINGS, LLC, KVVA–FM, Fac. ID No. 1331, Channel 296C3, From APACHE JUNCTION, AZ, To SUN LAKES, AZ, BPH–20171227AAK; and SEBAGO BROADCASTING COMPANY, WCTG, Fac. ID No. 88405, Channel 243A, From CHINCOTEAGUE, VA, To WEST POCOMOKE, MD, BPH–20170707AAP.

The full text of these applications is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 12th Street SW, Washington, DC 20554 or electronically via the Media Bureau's Consolidated Data Base System, *http://licensing.fcc.gov/prod/cdbs/pubacc/prod/cdbs_pa.htm*.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2018–03152 Filed 2–14–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov*.

Agreement No.: 011284–078.

Title: Ocean Carrier Equipment Management Association.

Parties: American President Lines, Ltd.; APL Co. Pte. Ltd.; CMA CGM S.A.; COSCO Shipping Co., Ltd.; Evergreen Line Joint Service Agreement; Hamburg Sud; Hapag-Lloyd AG; Hapag-Lloyd USA, LLC; Hyundai Merchant Marine Co., Ltd.; Kawasaki Kisen Kaisha, Ltd.; Maersk Line A/S; Mediterranean Shipping Company S.A.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Orient Overseas Container Line Limited; Wan Hai Lines Ltd.; Yang Ming Marine Transport Corporation; and Zim Integrated Shipping Services Ltd.

Filing Party: Donald Kassilke; Cozen O'Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The amendment adds Ocean Network Express Pte. Ltd. (''ONE'') as a Party to the Agreement. The amendment also revises the affiliations of certain existing members, specifically Maersk Line A/S and Hamburg-Südamerikanische Dampfschifffahrtsgesellschaft KG shall be treated as one party for all purposes under the Agreement. In addition, the amendment deletes Alianca Navegacao e Logistica Ltda. and United Arab Shipping Co. Ltd. as parties. The parties request expedited review.

Agreement No.: 201238.

Title: Sealand/MSC Vessel Sharing Agreement.

Parties: Maersk Line A/S d/b/a Sealand and MSC Mediterranean Shipping Company S.A.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The agreement authorizes the parties to share vessels in the trade between the U.S. Gulf Coast on the one hand and ports in Panama, Colombia, Guatemala, and Honduras on the other hand.

Agreement No.: 201239.

Title: Sealand/MSC Slot Charter Agreement.

Parties: Maersk Line A/S d/b/a Sealand and MSC Mediterranean Shipping Company S.A.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The Agreement authorizes Sealand to sell space to MSC on its South Atlantic Express service in the trade between ports in Florida on the one hand and ports in Guatemala and Honduras on the other hand.

Agreement No.: 011962–014.

Title: Consolidated Chassis Management Pool Agreement.

Parties: American President Lines, Ltd.; APL Co. Pte. Ltd.; CMA CGM S.A.; COSCO Shipping Lines Co., Ltd.; Evergreen Line Joint Service Agreement; Hamburg Sud; Hapag-Lloyd AG; Hapag-Lloyd USA, LLC; Hyundai Merchant Marine Co., Ltd.; Kawasaki Kisen Kaisha, Ltd.; Maersk Line A/S; Matson Navigation Company, Inc.; Mediterranean Shipping Company S.A.; Mitsui O.S.K. Lines, Ltd.; Nippon Yusen Kaisha; Orient Overseas Container Line Limited; Westwood Shipping Lines, Inc.; Yang Ming Marine Transport Corporation; and Zim Integrated Shipping Services Ltd.

Filing Party: Donald Kassilke; Cozen O'Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The amendment adds Ocean Network Express Pte. Ltd. (''ONE'') as a Party to the Agreement. The amendment also revises the affiliations of certain existing members, specifically Maersk Line A/S and Hamburg-Südamerikanische Dampfschifffahrtsgesellschaft KG shall be treated as one party for all purposes under the Agreement. In addition, the amendment deletes Alianca Navegacao e Logistica Ltda. as a party to the Agreement.

Dated: February 12, 2018.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2018–03146 Filed 2–14–18; 8:45 am]

BILLING CODE 6731–AA–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the mandatory disclosure requirements associated with CFPB's Regulation DD (Truth in Savings Act) (FR DD; OMB No. 7100–0271).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Board may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: Disclosure Requirements Associated with CFPB's Regulation DD (Truth in Savings Act (TISA)).

Agency form number: FR DD.

OMB control number: 7100–0271.

Frequency: Monthly.

Respondents: State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and insured state branches of foreign banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.

Estimated number of respondents: 936.

Estimated average hours per response: Account disclosures, 1 hour; Change in terms notices, 1.5 hours; Notices prior to maturity, 1.5 hours; Periodic statement disclosure, 8 hours; and Advertising, 30 minutes.

Estimated annual burden hours: Account disclosures: 11,232 hours; Change in terms notices: 16,848 hours; Notices prior to maturity: 16,848 hours; Periodic statement disclosure: 89,856 hours; and Advertising: 5,616 hours.

General description of report: TISA was contained in the Federal Deposit Insurance Corporation Improvement Act of 1991. The purpose of TISA and its implementing regulation is to assist consumers in comparing deposit accounts offered by institutions, principally through the disclosure of fees, the annual percentage yield (APY), and other account terms. TISA requires depository institutions to disclose key terms for deposit accounts at account opening, upon request, when certain changes in terms occur, and in periodic statements. It also includes rules about advertising for deposit accounts. TISA does not provide exemptions from compliance for small institutions.

Legal authorization and confidentiality: The Board's Legal Division has determined that section 269 of TISA specifically authorizes the CFPB ''to prescribe regulations'' to carry out the purposes and provisions of the Act, as well as to adopt model forms and clauses for common disclosures to facilitate compliance (12 U.S.C. 4308). FR DD implements this statutory provision (12 CFR part 1030). The Board's imposition of the disclosure requirements on Board-supervised institutions is authorized by Section 270 of TISA, 12 U.S.C. 4309, and the provisions of Regulation DD (12 CFR 1030.1(a), 1030.2(j)). An institution's disclosure obligations under Regulation DD are mandatory. The Board does not collect any information; therefore, no issue of confidentiality arises.

Current actions: On November 22, 2017, the Board published a notice in the **Federal Register** (82 FR 55608) requesting public comment for 60 days on the extension, without revision, of the Disclosure Requirements Associated with CFPB's Regulation DD (Truth in Savings Act (TISA)). The comment period for this notice expired on January 22, 2018. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, February 12, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–03149 Filed 2–14–18; 8:45 am]

BILLING CODE 6210–01–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 12, 2018.

A. Federal Reserve Bank of Kansas City (Dennis Denney, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001:

1. FFP Group, Inc., and its newly formed merger subsidiary, FFP Merger Sub, Inc., both of Denver, Colorado; to become bank holding companies by acquiring Raton Capital Corporation, Raton, New Mexico and thereby acquire International Bank, Raton, New Mexico.

Board of Governors of the Federal Reserve System, February 12, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–03158 Filed 2–14–18; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting a proposal to extend for three years, without revision, the Recordkeeping and Disclosure Requirements Associated with Securities Transactions Pursuant to Regulation H (Reg H–3; OMB No. 7100–0196).

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Nuha Elmaghrabi—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC, 20551 (202) 452–3829. Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–6974.

SUPPLEMENTARY INFORMATION: On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board authority under the Paperwork Reduction Act (PRA) to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Final approval under OMB delegated authority of the extension for three years, without revision, of the following report:

Report title: Recordkeeping and Disclosure Requirements Associated with Securities Transactions Pursuant to Regulation H.

Agency form number: Reg H–3.

OMB control number: 7100–0196.

Frequency: Event-generated.

Respondents: State member banks.

Estimated number of respondents: State member banks (de novo): 1; state member banks *with* trust departments: 228; state member banks *without* trust departments: 601.

Estimated average hours per response: State member banks (de novo): Recordkeeping, 40 hours. State member banks *with* trust departments: Recordkeeping, 2 hours; disclosure, 16 hours. State member banks *without* trust departments: Recordkeeping, 15 minutes; disclosure, 5 hours.

Estimated annual burden hours: State member banks (de novo): Recordkeeping, 40 hours. State member banks *with* trust departments: Recordkeeping, 12,768 hours; disclosure, 43,776 hours. State member banks *without* trust departments: Recordkeeping, 4,207 hours; disclosure, 36,060 hours.

General description of report: These recordkeeping and disclosure requirements are pursuant to Sections 208.34(c), (d), and (g) of the Board's Regulation H, which require that state member banks effecting securities transactions for customers establish and maintain a system of records of these transactions, furnish confirmations of transactions to customers that disclose certain information, and establish written policies and procedures relating to securities trading. State member banks are required to maintain records created per these requirements for three years following a securities transaction. These requirements are necessary to protect the customer, to avoid or settle customer disputes, and to protect the institution against potential liability arising under the anti-fraud and insider trading provisions of the Securities Exchange Act of 1934 (''Securities Exchange Act'').

Legal authorization and confidentiality: The Board has determined that the Regulation H requirements are authorized by Section 23 of the Securities Exchange Act, 15 U.S.C. 78w, which empowers the Board to make rules and regulations implementing those portions of the Securities Exchange Act for which it is responsible. The requirements of 12 CFR 208.34(c), (d), and (g) also are impliedly authorized by Section 9 of the Federal Reserve Act (12 U.S.C. 321–328a), which establishes the Board's supervisory authority with respect to the safety and soundness of state member banks. Accordingly, the Board is authorized to impose these recordkeeping, disclosure, and policy establishment requirements. The obligation of a state member bank to comply with the Regulation H requirements is mandatory, save for the limited exceptions set forth in 12 CFR 208.34(a).

Inasmuch as the Board does not collect or receive any information concerning securities transactions pursuant to these requirements, no issues of confidentiality normally will arise. If, however, these records were to come into the possession of the Board, they may be protected from disclosure pursuant to exemption 4 of the Freedom of Information Act (''FOIA''), 5 U.S.C. 552(b)(4), under the standards set forth in *National Parks & Conservation Ass'n* v. *Morton,* 498 F.2d 765 (DC Cir. 1974), to the extent an institution can establish the potential for substantial competitive harm. They also may be subject to withholding under FOIA exemption 6, 5 U.S.C. 552(b)(6), should disclosure constitute an unwarranted invasion of personal privacy. Additionally, if such information were included in the work papers of System examiners or abstracted in System reports of examination, the information also may be protected under exemption 8 of FOIA, 5 U.S.C. 552(b)(8). Any withholding determination would be made on a case-by-case basis in response to a specific request for disclosure of the information.

Current actions: On November 27, 2017, the Board published a notice in the **Federal Register** (82 FR 56022) requesting public comment for 60 days on the extension, without revision, of the Recordkeeping and Disclosure Requirements Associated with Securities Transactions Pursuant to Regulation H (Reg H–3). The comment period for this notice expired on January 26, 2018. The Board did not receive any comments.

Board of Governors of the Federal Reserve System, February 12, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–03148 Filed 2–14–18; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than March 6, 2018.

A. Federal Reserve Bank of Atlanta (Kathryn Haney, Director of Applications) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Chirag J. Bhavsar, Orlando, Florida; James M. Seneff, Jr., Winter Springs, Florida; Rice Financial Holdings, LLC, Jacksonville, Florida; C. Daniel Rice, Jacksonville, Florida; Lee E. Hanna, Jacksonville, Florida; Heath Ritenour, Longwood, Florida; Valli Ritenour, Longwood, Florida; Insurance Office of American, Inc., Longwood, Florida; Nimesh Bhavsar, Orlando, Florida;*

Jashvantlal Bhavsar and Ranjan Bhavsar, Ocala, Florida; Brian Bankston, Winter Springs, Florida; Phil N. Bravo, Jacksonville, Florida; I-Ting K. Chiu, Orlando, Florida; Paul B. Ellis, Orlando, Florida; John Greeley and Mary Greeley, Windermere, Florida; Andy Hyltin and Cynthia Hyltin, Orlando, Florida; JOSCA LLC, Orlando, Florida; Emma F. Kosanda, Atlanta, Georgia; Mitchel J. Laskey IRA, Longwood, Florida; Jack Liberty and Debra Liberty, Orlando, Florida; Susan K. Miller, St. Johns, Florida; Jeffrey A. Miller, Charlotte, North Carolina; Jerald P. Menozzi, Jr., Maitland, Florida; Newman Holdings, L.P., Ponte Verdra Beach, Florida; Charles W. Newman and Diane G. Newman, Ponte Verdra Beach, Florida; and Benjamin J. Patz, Windermere, Florida; to acquire voting shares of Pinnacle Bank Holding Company, Inc., and thereby acquire its subsidiary, Pinnacle Bank, both of Orange City, Florida.

Board of Governors of the Federal Reserve System, February 12, 2018.

Ann Misback,

Secretary of the Board.

[FR Doc. 2018–03159 Filed 2–14–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: Pre-testing of Evaluation Data Collection Activities.

OMB No.: 0970–0355.

Description: The Office of Planning, Research, and Evaluation (OPRE), in the Administration for Children and Families (ACF) at the U.S. Department of Health and Human Services (HHS) intends to request approval from the Office of Management and Budget (OMB) to renew a generic clearance to pre-test data collection instruments with more than nine participants to identify and resolve any question or procedural problems in survey administration.

OPRE studies ACF programs, and the populations they serve, through rigorous research and evaluation projects. These include evaluations of existing programs, evaluations of innovative approaches to helping low-income children and families, research syntheses and descriptive and exploratory studies. To improve the development of its research and evaluation surveys, OPRE uses the pre-testing of evaluation surveys generic clearance to employ a variety of techniques including cognitive and usability laboratory and field techniques, behavior coding, exploratory interviews, respondent debriefing questionnaires, split sample experiments, focus groups, and pilot studies/pre-tests. These activities allow OPRE to identify if and when a survey may be simplified for respondents, respondent burden may be reduced, and other possible improvements.

Following standard OMB requirements, OPRE will submit a change request for each individual data collection activity under this generic clearance. Each request will include the individual instrument(s), a justification specific to the individual information collection, and any supplementary documents. OMB should review within 10 days of receiving each change request.

The information collected in this effort will not be the primary subject of any published ACF reports; however, information may be made public through methodological appendices or footnotes, reports on instrument development, instrument user guides, descriptions of respondent behavior, and other publications or presentations describing findings of methodological interest. When necessary, results will be labeled as exploratory in nature. The results of this pre-testing research may be prepared for presentation at professional meetings or publication in professional journals.

Respondents: Participants in ACF programs being evaluated; participants in ACF demonstrations; recipients of ACF Grants and individuals served by ACF Grantees; comparison group members; and other relevant populations, such as individuals at risk of needing ACF services.

ANNUAL BURDEN ESTIMATES

Instrument	Total number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Survey development field tests, respondent debriefing questionnaires, cognitive interviews, split sample experiments, focus groups	3,825	1	1	3,825

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *OPREinfocollection@acf.hhs.gov*.

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV*, Attn: Desk Officer for the Administration, for Children and Families.

Mary Jones,

ACF/OPRE, Certifying Officer.

[FR Doc. 2018–03106 Filed 2–14–18; 8:45 am]

BILLING CODE 4184–79–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects: Immediate Disaster Case Management Intake Assessment (hardcopy and electronic versions).

Title: Immediate Disaster Case Management Intake Assessment.

OMB No.: 0970—NEW.

Description: Section 426 of the Robert T. Stafford Disaster Relief and

Emergency Assistance Act (Stafford Act), as amended, 42 U.S.C. 5189d authorizes the Federal Emergency Management Agency (FEMA) and the U.S. Department of Health Services' Administration for Children and Families (ACF) to provide Immediate Disaster Case Management (IDCM) services under the federal Disaster Case Management Program (DCMP).

The use of the Electronic Case Management Record System (ECMRS) is aligned with Executive Order of the President 13589 and the memorandum to the Heads of Executive Departments and Agencies M–12–12 from the Office of Management and Budget to ''Promote Efficient Spending to Support Agency Operations.''

The primary purpose of the information collection pertains to ACF/OHSEPR's initiative to improve the intake process and delivery of case management services to individuals and households impacted by a disaster. Further, the information collection will be used to support ACF/OHSEPR's goal to quickly identify critical gaps, resources, needs, and services to support State, local and non-profit capacity for disaster case management and to augment and build capacity where none exists. All information gathered will be exclusively used to inform the delivery of disaster case management services and programmatic strategies and improvements.

Respondents: Individuals impacted by a disaster.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Burden hours per response	Total burden hours
IDCM Intake Assessment	3,500	1	40 minutes	2,333

Estimated Total Annual Burden Hours: 2,333 hours or 140,000 minutes.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW, Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2018–03105 Filed 2–14–18; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0408]

Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Oncologic Drugs Advisory Committee. The general function of the committee is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on March 7, 2018, from 8 a.m. to 12:30 p.m.

ADDRESSES: FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20993–0002. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm*.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–0408. The docket will close on March 6, 2018. Submit either electronic or written comments on this public meeting by March 6, 2018. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before March 6, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of March 6, 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.

Comments received on or before February 26, 2018, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.

• If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

• *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

• For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–0408 for ''Oncologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSSES**), 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.'' FDA 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 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 the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Lauren D. Tesh, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *ODAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committee will discuss supplemental biologic license application (sBLA) 125557/S–013, for BLINCYTO (blinatumomab) injection for intravenous use, application submitted by Amgen, Inc. The proposed indication (use) for this product is for the treatment of minimal residual disease-positive B-cell precursor acute lymphoblastic leukemia.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before February 26, 2018. Oral presentations from the public will be scheduled between approximately 10:30 a.m. to 11:30 a.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 21, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 22, 2018.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Lauren D. Tesh at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03174 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2016–E–2501 and FDA–2016–E–2502]

Determination of Regulatory Review Period for Purposes of Patent Extension; ADDYI

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 ADDYI 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 16, 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 14, 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 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 16, 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–2501 and FDA–2016–E–2502 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ADDYI.'' 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 ADDYI (flibanserin). ADDYI is indicated for the treatment of premenopausal women with acquired, generalized hypoactive sexual desire disorder as characterized by low sexual desire that causes a marked distress or interpersonal difficulty and is NOT due to: (1) A co-existing medical or psychiatric condition, (2) problems within the relationship, or (3) the effects of a medication or other drug substance. Subsequent to this approval, the USPTO received patent term restoration applications for ADDYI (U.S. Patent Nos. 7,151,103 and 7,420,057) from Sprout Pharmaceuticals, Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated September 23, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of ADDYI 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 ADDYI is 6,852 days. Of this time, 4,730 days occurred during the testing phase and 2,122 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 15, 1996. FDA has verified Sprout Pharmaceuticals, Inc. claims that November 15, 1996, 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 of the FD&C Act:* October 27, 2009. FDA has verified the applicant's claims that the new drug application (NDA) for ADDYI (NDA 22–526) was initially submitted on October 27, 2009.

3. *The date the application was approved:* August 18, 2015. FDA has verified the applicant's claims that NDA 22–526 was approved on August 18, 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 5 years 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 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03130 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–E–2524]

Determination of Regulatory Review Period for Purposes of Patent Extension; BRIDION

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 BRIDION 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 16, 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 14, 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 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 16, 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–2524 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; BRIDION.'' 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 BRIDION (sugammadex sodium). BRIDION is indicated for the reversal of neuromuscular blockade induced by rocuronium bromide and vecuronium bromide in adults undergoing surgery. Subsequent to this approval, the USPTO received a patent term restoration application for BRIDION (U.S. Patent No. RE44733) from Merck Sharp & Dohme, B.V., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated September 23, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of BRIDION 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 BRIDION is 4,265 days. Of this time, 1,297 days occurred during the testing phase of the regulatory review period, while 2,968 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:* April 13, 2004. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on April 13, 2004.

2. *The date the application was initially submitted with respect to the human drug product under section 505 of the FD&C Act:* October 31, 2007. FDA has verified the applicant's claim that the new drug application (NDA) for BRIDION (NDA 022225) was initially submitted on October 31, 2007.

3. *The date the application was approved:* December 15, 2015. FDA has verified the applicant's claim that NDA 022225 was approved on December 15, 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 1,826 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 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03137 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–E–1179]

Determination of Regulatory Review Period for Purposes of Patent Extension; AVEED

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 AVEED 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 16, 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 14, 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 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 16, 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–2015–E–1179 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; AVEED.'' 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.

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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 AVEED (testosterone undecanoate). AVEED is indicated for testosterone replacement therapy in adult males for the following conditions that are associated with a deficiency or absence of endogenous testosterone:

- Primary hypogonadism (congenital or acquired)
- Hypogonadotropic hypogonadism (congenital or acquired)

Subsequent to this approval, the USPTO received a patent term restoration application for AVEED (U.S. Patent No. 8,338,395) from Bayer Intellectual Property GmbH, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated November 2, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of AVEED 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 AVEED is 2,923 days. Of this time, 541 days occurred during the testing phase of the regulatory review period, while 2,382 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:* March 6, 2006. The applicant claims March 3, 2006, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was March 6, 2006, which was 30 days after FDA receipt of the 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:* August 28, 2007. FDA has verified the applicant's claim that the new drug application (NDA) for AVEED (NDA 022219) was initially submitted on August 28, 2007.

3. *The date the application was approved:* March 5, 2014. FDA has verified the applicant's claim that NDA 022219 was approved on March 5, 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 435 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 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03136 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2014–E–2326]

Determination of Regulatory Review Period for Purposes of Patent Extension; FETZIMA

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 FETZIMA 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 16, 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 14, 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 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time

at the end of April 16, 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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- 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–2014–E–2326 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; FETZIMA.'' 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.

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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 FETZIMA (levomilnacipran hydrochloride). FETZIMA is indicated for treatment of Major Depressive Disorder. Subsequent to this approval, the USPTO received a patent term restoration application for FETZIMA (U.S. Patent No. RE43879) from Pierre Fabre Medicament, and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated November 3, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of FETZIMA 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 FETZIMA is 1,602 days. Of this time, 1,298 days occurred during the testing phase of the regulatory review period, while 304 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:* March 8, 2009. FDA has verified the Pierre Fabre Medicament claim that March 8, 2009, 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 25, 2012. The applicant claims September 24, 2012, as the date the NDA for FETZIMA was initially submitted. However, FDA records indicate that new drug application (NDA) 204168 was submitted on September 25, 2012.

3. *The date the application was approved:* July 25, 2013. FDA has verified the applicant's claim that NDA 204168 was approved on July 25, 2013.

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 954 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 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 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03129 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2015–E–2604 and FDA–2015–E–2619]

Determination of Regulatory Review Period for Purposes of Patent Extension; ZYDELIG—New Drug Application 205858

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 ZYDELIG based on new drug application (NDA) 205858 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 and that NDA.

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 16, 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 14, 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 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 16, 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.

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- 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'').

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- 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–2015–E–2604 and FDA–2015–E–2619 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ZYDELIG—NDA 205858.'' 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 ZYDELIG (idelalisib). As approved in both NDA 206545 and NDA 205858, ZYDELIG is indicated for treatment of patients with:

- Relapsed chronic lymphocytic leukemia in combination with rituximab, in patients for whom rituximab alone would be considered appropriate therapy due to other co-morbidities.
- Relapsed follicular B-cell non-Hodgkin lymphoma (FL) in patients who have received at least two prior systemic therapies.
- Relapsed small lymphocytic lymphoma (SLL) in patients who have received at least two prior systemic therapies.

Accelerated approval was granted for FL and SLL based on overall response rate. Improvement in patient survival or disease related symptoms has not been established. Continued approval for these indications may be contingent upon verification of clinical benefit in confirmatory trials.

Subsequent to the approvals, the USPTO received patent term restoration applications for ZYDELIG (U.S. Patent Nos. RE44599 and RE44638) from ICOS Corporation, and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated November 4, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approvals of ZYDELIG under NDA 206545 and NDA 205858 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 ZYDELIG based on NDA 205858 is 2,247 days. Of this time, 1,931 days occurred during the testing phase of the regulatory review period, while 316 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:* May 30, 2008. FDA has verified the applicant's claim that the date the investigational new drug application (IND) became effective was on May 30, 2008. This is the same IND and the same date FDA determined as the beginning of the regulatory review period for ZYDELIG approved under NDA 206545. The regulatory review period for ZYDELIG approved under NDA 206545 is publishing in this issue of the **Federal Register**.

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 11, 2013. FDA has verified the applicant's claim that NDA 205858 for ZYDELIG was initially submitted on September 11, 2013.

3. *The date the application was approved:* July 23, 2014. FDA has verified the applicant's claim that NDA 205858 was approved on July 23, 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 537 days or 751 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 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03134 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0800]

Regulatory Classification of Pharmaceutical Co-Crystals; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance for industry entitled ''Regulatory Classification of Pharmaceutical Co-Crystals.'' This guidance provides applicants planning to submit new drug applications and abbreviated new drug applications with information on the appropriate regulatory classification of pharmaceutical co-crystal solid-state forms. It also provides information about the data that applicants should submit to support the appropriate classification of a co-crystal as well as the regulatory implications of the classification. This guidance finalizes the draft guidance for industry entitled ''Regulatory Classification of Pharmaceutical Co-Crystals'' published in August 2016.

DATES: The announcement of the guidance is published in the **Federal Register** on February 15, 2018.

ADDRESSES: You may submit either electronic or written comments on Agency guidances 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–2011–D–0800 for ''Regulatory Classification of Pharmaceutical Co-Crystals.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff office between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov*. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT: Richard (Rik) Lostritto, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 4148, Silver Spring, MD 20993–0002, 301–796–1697.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a guidance for industry entitled ''Regulatory Classification of Pharmaceutical Co-Crystals.'' This guidance provides applicants planning to submit new drug applications and abbreviated new drug applications with information on the appropriate regulatory classification of pharmaceutical co-crystal solid-state forms. This guidance also provides information about the data that applicants should submit to support the appropriate classification of a co-crystal as well as the regulatory implications of the classification.

The recommendations in this guidance apply to materials that the Agency has not previously evaluated and determined to be pharmaceutical

co-crystals. The recommendations do not apply to materials that the Agency has previously designated as salts, complexes, or other non-co-crystalline forms.

Co-crystals are crystalline materials composed of two or more different molecules, typically active pharmaceutical ingredient (API) and co-crystal formers (''coformers''), in the same crystal lattice. Pharmaceutical co-crystals have provided opportunities for engineering solid-state forms beyond conventional solid-state forms of an API, such as salts and polymorphs. Co-crystals can be tailored to enhance drug product bioavailability and stability and to enhance the processability of APIs during drug product manufacture. Another advantage of co-crystals is that they generate a diverse array of solid-state forms for APIs that lack ionizable functional groups, which is a prerequisite for salt formation.

This guidance addresses the public comments received in response to the draft guidance for industry ''Regulatory Classification of Pharmaceutical Co-Crystals'' issued in August 2016. In response to this and other feedback from stakeholders, FDA has clarified the appropriate classification of co-crystals and addresses the concern by further clarifying that co-crystals can be viewed as a special case of solvates and hydrates, wherein the second component, the coformer, is not a solvent (including water), and is typically nonvolatile.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on ''Regulatory Classification of Pharmaceutical Co-Crystals.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information found in FDA regulations. This guidance refers to information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR 314.50(d)(1) and 314.94(a)(5) and (a)(9) have been approved under OMB control number 0910–0001.

III. Electronic Access

Persons with access to the internet may obtain the guidance at either *https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *https://www.regulations.gov*.

Dated: February 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03133 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2015–E–1665]

Determination of Regulatory Review Period for Purposes of Patent Extension; ZONTIVITY

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 ZONTIVITY 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 16, 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 14, 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 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 16, 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–2015–E–1665 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ZONTIVITY.'' 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 ZONTIVITY (vorapaxar sulfate). ZONTIVITY is indicated for the reduction of thrombotic cardiovascular events in patients with a history of myocardial infarction (MI) or with peripheral arterial disease (PAD). ZONTIVITY has been shown to reduce the rate of a combined endpoint of cardiovascular death, MI, stroke, and urgent coronary revascularization. Subsequent to this approval, the USPTO received a patent term restoration application for ZONTIVITY (U.S. Patent No. 7,304,078) from Merck Sharp & Dohme Corp., and the USPTO requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated November 4, 2015, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of ZONTIVITY 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 ZONTIVITY is 3,401 days. Of this time, 3,037 days occurred during the testing phase of the regulatory review period, while 364 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:* January 16, 2005. FDA has verified the Merck Sharp & Dohme Corp. claim that January 16, 2005, 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 of the FD&C Act:* May 10, 2013. FDA has verified the applicant's claim that the new drug application (NDA) for ZONTIVITY (NDA 204886) was initially submitted on May 10, 2013.

3. *The date the application was approved:* May 8, 2014. FDA has verified the applicant's claim that NDA 204886 was approved on May 8, 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 1,357 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 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03170 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2011–N–0424; FDA–2014–N–0192; FDA–2008–N–0094; FDA–2010–N–0062; FDA–2010–N–0588; FDA–2010–N–0110; FDA–2010–N–0493; FDA–2017–N–1095; FDA–2013–D–0349; FDA–2016–N–2683]

Agency Information Collection Activities; Announcement of Office of Management and Budget Approvals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is publishing a list of information collections that have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995.

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: The following is a list of FDA information collections recently approved by OMB under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). The OMB control number and expiration date of OMB approval for each information collection are shown in table 1. Copies of the supporting statements for the information collections are available on the internet at *https://www.reginfo.gov/public/do/PRAMain*. 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.

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB

Title of collection	OMB control No.	Date approval expires
Temporary Marketing Permit Applications	0910–0133	11/30/2020
Establishing and Maintaining Lists of U.S. Milk Product Manufacturers/Processors with Interest in Exporting	0910–0509	11/30/2020
Channels of Trade Policy for Commodities with Residues of Pesticide Chemicals for Which Tolerances Have been Revoked, Suspended, or Modified by the EPA	0910–0562	11/30/2020
Medical Devices; Exception from General Requirements for Informed Consent	0910–0586	11/30/2020
Exceptions or Alternatives to Labeling Requirements for Products Held by the Strategic National Stockpile	0910–0614	11/30/2020
Prescription Drug Advertisements	0910–0686	11/30/2020
Additional Criteria and Procedures for Classifying Over-the-Counter Drugs as Generally Recognized as Safe and Effective and Not Misbranded	0910–0688	11/30/2020
Electronic Submission of Allegations of Regulatory Misconduct Associated with Medical Devices	0910–0769	11/30/2020
Providing Waiver-Related Materials in Accordance With the Guidance for Industry on Providing Post-Market Periodic Safety Reports in the International Conference on Harmonisation E2C(R2) Format	0910–0771	11/30/2020
Data To Support Social and Behavioral Research as Used by the Food and Drug Administration	0910–0847	11/30/2020

Dated: February 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03128 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2014–E–2362 and FDA–2014–E–2363]

Determination of Regulatory Review Period for Purposes of Patent Extension; SYLVANT

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for SYLVANT 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 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 16, 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 14, 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 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 16, 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–2014–E–2362 and FDA–2014–E–2363 For Determination of Regulatory Review Period for Purposes of Patent Extension; SYLVANT. 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 human 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 human 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 biological product SYLVANT (siltuximab). SYLVANT is indicated for the treatment of patients with multicentric Castleman's disease who are human immunodeficiency virus negative and human herpesvirus-8 negative. Subsequent to this approval, the USPTO received patent term restoration applications for SYLVANT (U.S. Patent Nos. 7,612,182 and 7,291,721) from Janssen Biotech, Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated October 30, 2015, FDA advised the USPTO that this human biological product had undergone a regulatory review period and that the approval of SYLVANT 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 SYLVANT is 3,747 days. Of this time, 3,510 days occurred during the testing phase of the regulatory review period, while 237 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:* January 21, 2004. The applicant claims January 8, 2004, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was January 21, 2004, which was 30 days after FDA receipt of the IND.

2. *The date the application was initially submitted with respect to the human biologic product under section 351 of the Public Health Service Act (42 U.S.C. 262):* August 30, 2013. FDA has verified the applicant's claim that the biologic license application (BLA) for SYLVANT (BLA 125496/0) was initially submitted on August 30, 2013.

3. *The date the application was approved:* April 23, 2014. FDA has verified the applicant's claim that BLA 125496/0 was approved on April 23, 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 applications for patent extension, this applicant seeks 936 or 1,300 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 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03126 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2016–E–1301; FDA–2016–E–1302; and FDA–2016–E–1299]

Determination of Regulatory Review Period for Purposes of Patent Extension; ORKAMBI

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 ORKAMBI 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 16, 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 14, 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 16, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 16, 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–1301; FDA–2016–E–1302; and FDA–2016–E–1299 for ''Determination of Regulatory Review Period for Purposes of Patent Extension; ORKAMBI.'' 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 ORKAMBI (lumacaftor and ivacaftor). ORKAMBI is indicated for the treatment of cystic fibrosis (CF) in patients age 12 years and older who are homozygous for the *F508del* mutation in the *CFTR* gene. Subsequent to this approval, the USPTO received patent term restoration applications for ORKAMBI (U.S. Patent Nos. 8,653,103; 8,741,933; and 8,846,718) from Vertex Pharmaceuticals Inc., and the USPTO requested FDA's assistance in determining the patents' eligibility for patent term restoration. In a letter dated July 12, 2016, FDA advised the USPTO that this human drug product had undergone a regulatory review period and that the approval of ORKAMBI 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 ORKAMBI is 2,785 days. Of this time, 2,545 days occurred during the testing phase of the regulatory review period, while 240 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:* November 18, 2007. FDA has verified the applicant's claim that November 18, 2007, 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:* November 5, 2014. FDA has verified the applicant's claim that the new drug application (NDA) for ORKAMBI (NDA 206038) was initially submitted on November 5, 2014.

3. *The date the application was approved:* July 2, 2015. FDA has verified the applicant's claim that NDA 206038 was approved on July 2, 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 210 or 317 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 9, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03127 Filed 2–14–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; 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 of Environmental Health Sciences Special Emphasis Panel; K99/R00 Career Development in Environmental Research.

Date: March 1, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Environmental Health Sciences, Keystone Building, 530 Davis Drive, Research Triangle Park, NC 27709 (Virtual Meeting).

Contact Person: Laura A. Thomas, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, National Institute of Environmental Health Sciences, Research Triangle Park, NC 27709 919–541–2824, *laura.thomas@nih.gov*.

Name of Committee: National Institute of Environmental Health Sciences Special Emphasis Panel; Evaluation of U01 Grant Applications: DNA Repair Capacity (DRC) Assay Measures in Population-Based Studies.

Date: March 6, 2018.

Time: 8:30 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Fairfield Inn & Suites Durham Southpoint, 7807 Leonardo Drive, Durham, NC 27713.

Contact Person: Leroy Worth, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research and Training, Nat. Institute of Environmental Health Sciences, P.O. Box 12233, MD EC–30/Room 3171, Research Triangle Park, NC 27709, (919) 541–0670, *worth@niehs.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: February 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–03110 Filed 2–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel Training in Comparative and Veterinary Medicine.

Date: March 8, 2018.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Alexander Gubin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6046B, MSC 7892, Bethesda, MD 20892, 301–408–9655, *gubina@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR Panel: Perception and Cognition Research to Inform Cancer Image Interpretation.

Date: March 9, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: Maribeth Champoux, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7848, Bethesda, MD 20892, 301–594–3163, *champoum@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel PAR–17–144: Limited Competition: National Primate Research Centers (P51).

Date: March 11–14, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bourbon Orleans Hotel, 717 Orleans Street, New Orleans, LA 70116.

Contact Person: Biao Tian, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3089B, MSC 7848, Bethesda, MD 20892, (301) 402–4411, *tianbi@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Small Business: Cancer Diagnostics and Treatments.

Date: March 12–13, 2018.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road, NW, Washington, DC 20015.

Contact Person: Zhang-Zhi Hu, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6186, MSC 7804, Bethesda, MD 20892, (301) 437–8135, *huzhuang@csr.nih.gov*.

Name of Committee: AIDS and Related Research Integrated Review Group AIDS Clinical Studies and Epidemiology Study Section.

Date: March 13–14, 2018.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Zoe, 425 North Point, San Francisco, CA 94133.

Contact Person: Dimitrios Nikolaos Vatakis, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3190, Bethesda, MD 20892, 301–827–7480, *dimitrios.vatakis@nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Small Business: HIV/AIDS Innovative Research Applications.

Date: March 13, 2018.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Mark P Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301–435–1775, *rubertm@csr.nih.gov*.

Name of Committee: Center for Scientific Review Special Emphasis Panel Member Conflict: Child Psychopathology and Developmental Disorders.

Date: March 13, 2018.

Time: 12:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Serena Chu, Ph.D., Scientific Review Officer, BBBP IRG, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, 301–500–5829, *sechu@csr.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 9, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–03108 Filed 2–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; 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 of Allergy and Infectious Diseases Special Emphasis Panel PHS 2018–1: Small Business Innovation Research (SBIR) Program Contract Solicitation (Topic 57).

Date: March 1, 2018.

Time: 11:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Dharmendar Rathore, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G30, National Institutes of Health/NIAID, 5601 Fishers Lane, Drive, MSC 9823, Bethesda, MD 20892–9823, 240–669–5058, *rathored@mail.nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel NIAID Investigator Initiated Program Project Applications (P01).

Date: March 12–13, 2018.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Zhuqing (Charlie) Li, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room # 3G41B National Institutes of Health/NIAID, 5601 Fishers Lane, MSC9823 Bethesda, MD 20892–9823, (240) 669–5068, *zhuqing.li@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: February 9, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–03109 Filed 2–14–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0007]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Alien Change of Address Card

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until April 16, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0007 in the body of the letter, the agency name and Docket ID USCIS–2008–0018. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2008–0018;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2008–0018 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Alien Change of Address Card.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* AR–11; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The Form AR–11SR, Alien's Change of Address Card, has been used to report changes of address of aliens subject to ''special registration'' requirements contained in INA 263 and 8 CFR 264.1(f).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection AR–11 (paper) is 170,306 and the estimated hour burden per response is .20 hours; the estimated total number of respondents for the information collect AR–11 (electronic) is 1,075,917 and the estimated hour burden per response is .17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 216,967 hours.

(7) *An estimate of the total public burden (in cost) associated with the*

collection: The estimated total annual cost burden associated with this collection of information is $638,648.

Dated: February 9, 2018.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–03102 Filed 2–14–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0137]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for Employment Authorization for Abused Nonimmigrant Spouse

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information or new collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until April 16, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0137 in the body of the letter, the agency name and Docket ID USCIS–2016–0004. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2016–0004;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2016–0004 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Employment Authorization for Abused Nonimmigrant Spouse.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–765V; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. U.S. Citizenship and Immigration Services (USCIS) will use Form I–765V, Application for Employment Authorization for Abused Nonimmigrant Spouse, to collect the information that is necessary to determine if the applicant is eligible for an initial EAD or renewal EAD as a qualifying abused nonimmigrant spouse. Aliens are required to possess an EAD as evidence of work authorization. To be authorized for employment, an alien must be lawfully admitted for permanent residence or authorized to be so employed by the INA or under regulations issued by DHS. Pursuant to statutory or regulatory authorization, certain classes of aliens are authorized to be employed in the United States without restrictions as to location or type of employment as a condition of their admission or subsequent change to one of the indicated classes. USCIS may determine the validity period assigned to any document issued evidencing an alien's authorization to work in the United States.

USCIS also collects biometric information from EAD applicants to verify the applicant's identity, check or update their background information, and produce the EAD card.

USCIS is submitting this request in order for qualifying abused nonimmigrant spouses to seek safety and financial stability from their abuser.

The Form I–765V, Application for Employment Authorization for Abused Nonimmigrant Spouse, permits battered spouses of nonimmigrants admitted under subparagraph (A), (E)(iii), (G), or (H) of section 101(a)(15) of the Act to apply for employment authorization based on section 106 of the INA.

To be eligible for employment authorization issued under INA section 106, credible evidence must be submitted demonstrating that the applicant:

1. Is married to a qualifying principal nonimmigrant spouse, or was married to a qualifying principal nonimmigrant spouse and

a. The spouse died within two years of filing the EAD application,

b. The spouse lost qualifying nonimmigrant status due to an incident of domestic violence, or

c. The marriage to the principal spouse was terminated within the two years prior to filing for the INA section 106 employment authorization, and there is a connection between the termination of the marriage and the battery or extreme cruelty;

2. Was last admitted as a nonimmigrant under INA section 101(a)(15)(A), (E)(iii), (G), or (H);

3. Was battered or has been subjected to extreme cruelty, or whose child was battered or subjected to extreme cruelty, perpetrated by the principal nonimmigrant spouse during the marriage and after admission as a nonimmigrant under INA section 101(a)(15)(A), (E)(iii), (G), or (H); and

4. Currently resides in the United States.

Form I–765V will provide the information needed to determine eligibility for employment authorization based on INA section 106. If the applicant remarries prior to adjudication of the application, he or she is ineligible for initial issuance or renewal of employment authorization under INA section 106.

In addition, if an applicant for employment authorization is filing based on a claim that his or her child was battered or subjected to extreme cruelty, USCIS requires submission of evidence establishing the applicant's parental relationship with the abused child.

Confidentiality provisions of Title 8, United States Code, section 1367 extend to applicants for employment authorization under INA section 106.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–765V is 500 and the estimated hour burden per response is 3.75 hours; the estimated total number of respondents for the information collection Biometric Processing is 500 and the estimated hour burden per response is 1.17 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 2,460 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $125,000.

Dated: February 9, 2018.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–03107 Filed 2–14–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0012]

Agency Information Collection Activities; Extension, Without Change, of a Currently Approved Collection: Petition for Alien Relative

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed extension of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until April 16, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0012 in the body of the letter, the agency name and Docket ID USCIS–2007–0037. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0037;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0037 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov*.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, Without Change, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Petition for Alien Relative.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–130; I–130A; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households. Form I–130 allows U.S. citizens or lawful permanent residents of the United States to petition on behalf of certain alien relatives who wish to immigrate to the United States. Form I–130A allows for the collection of additional information for spouses of the petitioners necessary to facilitate a decision.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection I–130 is 978,500 and the estimated hour burden per response is 2 hours. The estimated total number of respondents for the information collection I–130A is 45,614 and the estimated hour burden per response is .883 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 1,994,996 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $391,400,000.

Dated: February 9, 2018.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–03103 Filed 2–14–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0003]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application To Extend/Change Nonimmigrant Status

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until April 16, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0003 in the body of the letter, the agency name and Docket ID USCIS–2007–0038. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0038;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION:

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2007–0038 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application to Extend/Change Nonimmigrant Status.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–539; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. This form will be used for nonimmigrants to apply for an extension of stay, for a change to another nonimmigrant classification, or for obtaining V nonimmigrant classification.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The estimated total number of respondents for the information collection Form I–539 is 251,500 and the estimated hour burden per response is 2.03 hours; biometrics processing is 377,250 total respondents requiring an estimated 1.17 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 951,082 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated total annual cost burden associated with this collection of information is $48,896,120.

Dated: February 9, 2018.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–03104 Filed 2–14–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7009–N–03]

HUD Supportive Services Demonstration/Integrated Wellness in Supportive Housing: Privacy Act of 1974; System of Records

AGENCY: Office of Policy Development and Research, HUD.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, as amended, notice is hereby given that the Office of Policy Development and Research (PD&R), U.S. Department of Housing and Urban Development (HUD), provides public notice regarding its System of Records for the HUD Supportive Services Demonstration (SSD)/Integrated Wellness in Supportive Housing (IWISH). The demonstration will test a model of housing and supportive services in HUD-assisted Multifamily housing with the potential to delay or avoid nursing home care for low-income elderly residents in HUD-assisted housing. Primary data collection includes a Resident Assessment and uses a standardized, web-based platform to capture and store self-reported demographic and health and social status information from demonstration participants, including personally identifying information (PII) and protected health information (PHI). A more detailed description of the proposed system of records is contained in the purpose section of this notice.

DATES: This notice will become applicable March 19, 2018.

ADDRESSES: You may submit comments, identified by docket number and title by one of the following methods: Interested persons are invited to submit comments regarding this notice to the Rules Docket Clerk, Office of General Counsel, Department of Housing and Urban Development, 451 Seventh Street SW, Room 10276, Washington, DC 20410. Comments may be filed electronically by accessing: *www.regulations.gov. Regulations.gov* provides clear instructions on how to submit a public comment on a rule. Communications should refer to the above docket number and title. Faxed comments are not accepted. A copy of each communication submitted will be available for public inspection and copying between 8 a.m. and 5 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: John Bravacos, Senior Agency Official for Privacy, at 451 7th Street SW, Room 10139; U.S. Department of Housing and Urban Development; Washington, DC 20410–0001; telephone number 202–708–3054 (this is not a toll-free number). Individuals who are hearing- or speech-impaired may access this telephone number via TTY by calling the Federal Relay Service at 800–877–8339 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: The new System of Records will encompass data collected by PD&R to implement the HUD Supportive Services Demonstration (SSD)/Integrated Wellness in Supportive Housing (IWISH). HUD's Office of Policy Development and Research and Office of Multifamily Housing, are launching the Supportive Services Demonstration (SSD), which was authorized under the Fiscal Year 2014 Consolidated Appropriations Act.

The demonstration will test a model of housing and supportive services with the potential to delay or avoid nursing home care for low-income elderly residents in HUD-assisted Multifamily housing. The 3-year demonstration will be implemented in 40 HUD-assisted multifamily properties in California, Illinois, Maryland, Massachusetts, Michigan, New Jersey, and South Carolina. Each property will enter into a cooperative agreement with HUD's Office of Multifamily Housing and receive funds to employ a Resident Wellness Director and Wellness Nurse to assess elderly residents' social service and healthcare needs, connect residents with services, and liaise with providers.

The Resident Wellness Director and Wellness Nurse teams will conduct a Resident Assessment and use a standardized, web-based platform to capture and store self-reported demographic and health and social status information from demonstration participants, including personally identifying information (PII) and protected health information (PHI). The web-based platform, Population Health Logistics (PHL), is provided by Preferred Population Health Management, LLC (PPHM). HUD has a contract with The Lewin Group to support the implementation of the Supportive Services Demonstration; The Lewin Group has a subcontract with PPHM to use PHL for the demonstration.

The new notice states the name and location of the record system, the authority for and manner of its operations, the categories of individuals that it covers, the type of records that it contains, the sources of the information for the records, the routine uses made of the records, and the types of exemptions in place for the records. The notice also includes the business address of the HUD officials who will inform interested persons of how they may gain access to and/or request amendments to records pertaining to themselves.

Publication of this notice allows the Department to provide new information about its system of records notices in a clear and cohesive format. The new system of records will incorporate Federal privacy requirements and Department's policy requirements. The Privacy Act places on Federal agencies principal responsibility for compliance with its provisions, by requiring Federal agencies to safeguard an individual's records against an invasion of personal privacy; protect the records contained in an agency system of records from unauthorized disclosure; ensure that the records collected are relevant, necessary, current, and collected only for their intended use; and adequately

safeguard the records to prevent misuse of such information. In addition, this notice demonstrates the Department's focus on industry best practices to protect the personal privacy of the individuals covered by this SORN.

Pursuant to the Privacy Act and the Office of Management and Budget (OMB) guidelines, a report of the system of records was submitted to OMB, the Senate Committee on Homeland Security and Governmental Affairs, and the House Committee on Oversight and Government Reform, as instructed by paragraph 7a of OMB Circular No. A–108, ''Federal Agencies Responsibilities for Review, Reporting, and Publication under the Privacy Act,'' December 23, 2016.

System Name and Number

HUDIPHL Supportive Services Demonstration Data Collection Platform.

SECURITY CLASSIFICATION:

No information in the system is classified.

SYSTEM LOCATION:

Records are stored on Microsoft Azure secure cloud servers administered by Preferred Population Health Management, LLC (PPHM). All data is stored in the Microsoft Azure platform. The primary datacenter is located in Chicago, while the geo-redundant datacenter is in California.

SYSTEM MANAGER(S):

Carol S. Star, Program Evaluation Division, Office of Policy Development and Research, U.S. Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; telephone number 202–402–6139 (this is not a toll-free number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sec. 501 and 502 of the Housing and Urban Development Act of 1970 (Pub. L. 91–609), 12 U.S.C. 1701z–1, 1701z–2.

PURPOSE(S) OF THE SYSTEM:

As an essential part of the Supportive Services Demonstration, Resident Wellness Director and Wellness Nurse teams will conduct a Resident Assessment and use a standardized, third-party web-based platform to capture and store self-reported demographic and health and social status information from demonstration participants, including personally identifying information (PII) and protected health information (PHI).

Use of this platform is essential to the successful implementation of the demonstration because Resident Wellness Directors and Wellness Nurses must be able to adequately assess and track residents' needs, monitor referrals, and ensure access to providers.

The demonstration also requires a web-based platform to support program development and performance monitoring, as well as evaluation efforts. This requires standardized, adaptable, accessible and easy to use web-based platform to administer assessments, securely house and track data, quality assurance measures and outcomes, and produce reports throughout the three-year demonstration period.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Data will be collected from residents who live in 40 HUD-assisted Multifamily housing properties in California, Illinois, Maryland, Massachusetts, Michigan, New Jersey and South Carolina. The vast majority of individuals will be HUD-assisted seniors aged 62 or older.

CATEGORIES OF RECORDS IN THE SYSTEM:

- Participant Details: Full Name, Address, Phone, Email, Date of Birth, Social Security Number, Ethnicity, Race, Gender, Marital Status, Spoken Language, Veteran Status, Consent Form Status
- Household Members
- Emergency Contacts
- Advanced Directives and Powers of Attorney
- Insurance Information
- Clinician Information
- Specialist Information
- Hospital Information
- Service Needs
- Case Manager Information
- Caregiver Information
- Pre-Screens
- Medications
- Health Conditions
- Surgical History Conditions
- Allergies
- Immunizations
- Vitals
- Pain Scale
- Vision/Dental Health/Foot Practice Assessment
- Functional Assessment
- Smoking Assessment
- Nutrition Assessment
- Falls Risk Assessment
- Additional Depression Screening Using the PHQ–9 or the GDS–S
- Generalized Anxiety Disorder Scale (GAD–7)
- Drug and Alcohol Screening Tool (DAST–10)
- Short Michigan Alcoholism Screening Test—Geriatric Version (SMAST–G)
- Mini-Cog

RECORD SOURCE CATEGORIES:

Residents in HUD-assisted Multifamily 40 housing properties in California, Illinois, Maryland, Massachusetts, Michigan, New Jersey and South Carolina who have agreed to participate in the Demonstration.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. Section 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside HUD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To appropriate agencies, entities, and persons for disclosures compatible with the purpose for which the records in this system were collected, as set forth by Appendix I—HUD's Routine Use Inventory Notice, 80 FR 81837 (December 31, 2015).

1. To the National Archives and Records Administration or to the General Services Administration for records having enough historical or other value to warrant continued preservation by the United States Government, or for inspection under Title 44 U.S.C. 2904 and 2906.

2. To a congressional office from the record of an individual, in response to an inquiry from that congressional office made at the request of that individual.

3. To contractors performing or working under a contract with HUD, when necessary to accomplish an agency function related to this system of records. Disclosure requirements are limited to only those data elements considered relevant to accomplishing an agency function. Individuals provided information under these routine use conditions are subject to Privacy Act requirements and disclosure limitations imposed on the Department.

4. To the Department of Justice (DOJ) when seeking legal advice for a HUD initiative or in response to DOD's request for the information, after either HUD or DOJ determine that such information relates to DOJ's representation of the United States or any other components in legal proceedings before a court or adjudicative body, provided that, in each case, the agency also determines prior to disclosure that disclosure of the records to DOJ is a .use of the information in the records that is compatible with the purpose for which HUD collected the records. HUD on its own may disclose records in this system of records in legal proceedings before a court or administrative body after determining that the disclosure of the records to the court or administrative body is a use of the information

contained in the records that is compatible with the purpose for which HUD collected the records.

5. To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities including but not limited to state and local governments, with whom I–IUD has a contract, service agreement, grant, or cooperative agreement. The records may not be used to make decisions concerning the rights, benefits, or privileges of specific individuals, or providers of services with respect to a homeless individual's efforts.

6. To appropriate agencies, entities, and persons when: (a) HUD suspects or has confirmed that the security or confidentiality of information in a system of records has been compromised; (b) HUD has determined that, as a result of the suspected or confirmed compromise, there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of systems or programs (whether maintained by HUD or another agency or entity) that rely upon the compromised information; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm for purposes of facilitating responses and remediation efforts in the event of a data breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored on Microsoft Azure secure cloud servers administered by Preferred Population Health Management, LLC (PPHM). All data is stored in a secure datacenter. The primary datacenter is located in Chicago, while the geo-redundant datacenter is in California. The data management at the facility is built with multiple layers of security and follows best practices for securing sensitive data. Any paper-based records (*e.g.* printed Resident Assessment forms) will be stored in a locked file cabinet, in private offices, at the housing property. Staff will be trained on proper confidentiality and privacy acts prior to enrolling participants.

Records in PHL will be retained throughout the 3-year demonstration period and destroyed at the end of the implementation contract. Prior to destruction of the data, housing property sites will be given an opportunity to continue using PHL outside of the demonstration, with no further involvement from HUD. Many housing providers use similar data platforms to collect resident PII. If housing sites elect to use PHL after the demonstration period, they may do so, but will have to enter in to their own licensing agreements with PHL. Resident Wellness Directors may retain their own records in accordance with Chapter 8 of the Office of Multifamily Housing Management Agent Handbook, which covers the roles and responsibilities of the traditional Service Coordinator Program.

As part of the contract supporting the implementation of the SSD, the implementation contractor is expected to fully cooperate with the evaluation team and share data as necessary. Privacy and security measures governing any data that is transferred to the evaluation contractor will be covered in the evaluation contract and associated SORN.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records will be retrieved by SSD staff (Resident Wellness Directors and Wellness Nurses) to maintain accuracy of data and to verify various program components. Staff will have unique identifiers which will provide them access to only the participants within their property. PHL user logins are tracked and each login is given a unique session ID. Sessions are marked inactive when users log out of the system.

Records will also be retrieved by HUD funded contractors to monitor program performance and model fidelity for the duration of the demonstration. HUD contractors will have unique identifiers which will provide them access to both property and participant-level records.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in PIE, will be retained throughout the three-year demonstration period and destroyed at the end of the implementation contract. Prior to destruction of the data, housing property sites will be given an opportunity to continue using PHL outside of the demonstration, with no further involvement from HUD. If housing sites elect to use PHL after the demonstration period, they may do so, but will have to enter in to their own licensing agreements with PHL. Resident Wellness Directors may retain their own records in accordance with Chapter 8 of the Office of Multifamily Housing Management Agent Handbook, which covers the roles and responsibilities of the traditional Service Coordinator Program.

As part of the contract supporting the implementation of SSD, the implementation contract is expected to fully cooperate with the evaluation team and share data as necessary. Privacy and security measures governing any data that are transferred to the evaluation contractor are covered by the evaluation contract.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The data management at the facility is built with multiple layers of security and follows best practices for securing sensitive data. The main levels of security include: Media and server physical security in the data center, data user access controls, and virtual server security. The data center is physically located within a building having limited, electronic passkey access in addition to physical sign in and identification with security staff. Physical access to the data center is limited to data center staff and few key personnel. Physical access requires photo identification, access cards and passwords along with manual sign in and sign out procedures. The data center is monitored on a 24x7 basis. Desktop computers and laptops in offices outside the data center do not store any data. These user end-points are encrypted, password protected, protected by hardware firewalls and antivirus software. Periodic security audits of all computers are performed along with vulnerability audits. Access to the data on the servers that reside inside the datacenter is limited to access through secure Virtual Private Networks (VPNs).

Access to any server, security, storage, backup, and infrastructure equipment is monitored, restricted to only those with a need-to-have system access, including being secured by administrative password and authentication methods. Data access is limited to data analysts and key members of the IT staff. Prior to receiving PHI access, all staff members will receive HIPAA training and abide by security procedures developed by the management. Each user (*e.g.,* Resident Wellness Directors and Wellness Nurses) are assigned as user type that administrators are able to assign to individual users; users will only have access to the data of the residents they are working with, and no access to data from other sites. PHL also records the user, time, and items clicked on or visited throughout PHL. All staff members are required to sign and abide by data security and privacy agreements required by PHL, as well as HUD policies.

RECORD ACCESS PROCEDURES:

For information, assistance, or inquiry about records, contact John Bravacos,

Senior Agency Official for Privacy, at 451 7th Street SW, Room 10139; U.S. Department of Housing and Urban Development; Washington, DC 20410–0001, telephone number 202–708–3054 (this is not a toll-free number). When seeking records about yourself from this system of records or any other Housing and Urban Development (HUD) system of records, your request must conform with the Privacy Act regulations set forth in 24 CFR part 16. You must first verify your identity, meaning that you must provide your full name, address, and date and place of birth. You must sign your request, and your signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made, under penalty of perjury, as a substitute for notarization. In addition, your request should: Explain why you believe HUD would have information on you.

a. Identify which Office of HUD you believe has the records about you.

c. Specify when you believe the records would have been created.

d. Provide any other information that will help the Freedom of Information Act (FOIA) staff determine which HUD office may have responsive records.

If your request is seeking records pertaining to another living individual, you must include a statement from that individual certifying their agreement for you to access their records. Without the above information, the HUD FOIA Office may not conduct an effective search, and your request may be denied due to lack of specificity or lack of compliance with regulations.

CONTESTING RECORD PROCEDURES:

The Department's rules for contesting contents of records and appealing initial denials appear in 24 CFR part 16, Procedures for Inquiries. Additional assistance may be obtained by contacting John Bravacos, Senior Agency Official for Privacy, at 451 7th Street SW, Room 10139; U.S. Department of Housing and Urban Development; Washington, DC 20410–0001, or the HUD Departmental Privacy Appeals Officers; Office of General Counsel; U.S. Department of Housing and Urban Development; 451 7th Street SW, Washington DC 20410–0001.

NOTIFICATION PROCEDURES:

Individual wishing to determine to whether this system of records contains information about them may do so by contacting their lending institutions or contacting HUD's Privacy Officer or Freedom of Information Act Office at the addresses above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

History: None.

Dated: February 8, 2018.

John Bravacos,

Senior Agency Official for Privacy.

[FR Doc. 2018–03143 Filed 2–14–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[189D0102DM_DS62470000_DMSN00000.000000_DX.62407.CEN00000; OMB Control Number 1085–0001]

Agency Information Collection Activities; Source Directory of American Indian and Alaska Native Owned and Operated Arts and Crafts Businesses

AGENCY: Indian Arts and Crafts Board, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, The Indian Arts and Crafts Board (IACB) is proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before March 19, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to Meridith Z. Stanton, Indian Arts and Crafts Board, U.S. Department of the Interior, MS 2528–MIB, 1849 C Street NW, Washington, DC 20240. If you wish to submit comments by facsimile, the number is (202) 208 5196, or by email to (*iacb@ios.doi.gov*). Please include ''1085–0001'' in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Meridith Z. Stanton, Indian Arts and Crafts Board, U.S. Department of the Interior, MS 2528–MIB, 1849 C Street NW, Washington, DC 20240. If you wish to submit comments by facsimile, the number is (202) 208 5196, or by email to (*iacb@ios.doi.gov*). You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on November 3, 2017 (82 FR 51289). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the IACB; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the IACB enhance the quality, utility, and clarity of the information to be collected; and (5) how might the IACB minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The Source Directory of American Indian and Alaska Native owned and operated arts and crafts enterprises is a program of the Indian Arts and Crafts Board that promotes American Indian and Alaska Native arts and crafts. The Source Directory is a listing of American Indian and Alaska Native owned and operated arts and crafts businesses that may be accessed by the public on the Indian Arts and Crafts Board's website *http://www.doi.gov/iacb.*

The service of being listed in this directory is provided free-of-charge to members of federally recognized tribes. Businesses listed in the Source Directory include American Indian and Alaska Native artists and craftspeople, cooperatives, tribal arts and crafts enterprises, businesses privately-owned-and-operated by American Indian and Alaska Native artists, designers, and

craftspeople, and businesses privately owned-and-operated by American Indian and Alaska Native merchants who retail and/or wholesale authentic Indian and Alaska Native arts and crafts. Business listings in the Source Directory are arranged alphabetically by State.

The Director of the Board uses this information to determine whether an individual or business applying to be listed in the Source Directory meets the requirements for listing. The approved application will be printed in the Source Directory. The Source Directory is updated as needed to include new businesses and to update existing information. There is one type of application form, with a box to check what type of listing they are applying for: (1) New businesses—group; (2) new businesses—individual; (3) businesses already listed—group; and (4) businesses already listed—individual.

Title of Collection: Source Directory of American Indian and Alaska Native Owned and Operated Arts and Crafts Businesses.

OMB Control Number: 1085–0001.

Form Numbers: FWS Forms 3–2354 through 3–2362.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals/households.

Total Estimated Number of Annual Responses: 100.

Total Estimated Number of Annual Burden Hours: 25.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: As needed.

Total Estimated Annual Non-hour Burden Cost: None.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq*).

Meridith Z. Stanton,

Director, Indian Arts and Crafts Board.

[FR Doc. 2018–03176 Filed 2–14–18; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0072]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension Without Change of a Currently Approved Collection Employee Possessor Questionnaire—ATF F 5400.28

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 60-Day notice.

SUMMARY: The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 16, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of the proposed information collection instrument with instructions, or desire any additional information, please contact Shawn Stevens, Federal Explosives Licensing Center, either by mail at 244 Needy Road, Martinsburg, WV 25405, by email at *Shawn.Stevens@atf.gov,* or by telephone at 304–616–4421.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection (*check justification or form 83): Extension, without change, of a currently approved collection.

2. *The Title of the Form/Collection:* Employee Possessor Questionnaire.

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number (if applicable): ATF F 5400.28.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other (if applicable): Business or other for-profit.

Abstract: Persons employed in the explosives business or operations, who have to ship, transport, receive, or possess explosive materials, are required to complete and submit an Employee Possessor Questionnaire and to ATF, in order to determine if they are qualified to be an employee possessor in an explosive business or operation.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 10,000 respondents will utilize the form, and it will take each respondent approximately 20 minutes to complete the form.

6. *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 3,334 hours which is equal to 10,000 (# of respondents) * .3333 (20 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: February 12, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–03124 Filed 2–14–18; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Notice of Lodging Proposed Consent Decree

In accordance with Departmental Policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Lodge/Abbott Investments Associates LLC, et al.,* Civil Action Number 2:18–cv–87–FtM–38MRM, was lodged with the United States District Court for the Middle District of Florida, Fort Myers Division, on February 9, 2018.

This proposed Consent Decree concerns a complaint filed by the United States against Lodge/Abbott Investments Associates LLC and Lodge/Abbott Associates LLC, pursuant to Sections 301 and 404 of the Clean Water Act, 33 U.S.C. 1311 and 1344, to obtain injunctive relief from and impose civil penalties against the Defendants for violating the Clean Water Act by discharging pollutants without a permit into waters of the United States. The proposed Consent Decree resolves these allegations by requiring the Defendants to perform mitigation and to pay a civil penalty. The proposed Consent Decree also subjects Defendants to an injunction.

The Department of Justice will accept written comments relating to this proposed Consent Decree for thirty (30) days from the date of publication of this Notice. Please address comments to Andrew Doyle, Senior Attorney, United States Department of Justice, Environment and Natural Resources Division, Environmental Defense Section, Post Office Box 7611, Washington, DC 20044, and refer to *United States* v. *Lodge/Abbott Investments Associates LLC, et al.,* DJ # 90–5–1–1–21238.

The proposed Consent Decree may be examined at the Clerk's Office, United States District Court for the Middle District of Florida, Fort Myers Division, 2110 First Street, Fort Myers, FL 33901, or in any of its other Divisions in Tampa, Orlando, Ocala, and Jacksonville, FL. In addition, the proposed Consent Decree may be examined electronically at *http://www.justice.gov/enrd/consent-decrees.*

Cherie L. Rogers,

Assistant Section Chief, Environmental Defense Section, Environment and Natural Resources Division.

[FR Doc. 2018–03120 Filed 2–14–18; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On February 9, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Southern District of Ohio in the lawsuit entitled *United States and State of Ohio* v. *City of Middletown, Ohio,* Civil Action No. 18–cv–90.

The Complaint seeks civil penalties and injunctive relief for alleged violations of the Clean Water Act and Middletown's National Pollutant Discharge Elimination System permit, primarily relating to pollutants in discharges from Middletown's wastewater treatment plant and from the city's combined sewer overflow outfalls. Under the proposed Consent Decree, Middletown would implement a Long Term Control Plan (''LTCP'') that includes (1) construction of two storage basins; (2) redirection of approximately 291 acres of storm sewershed away from the sewer system; and (3) redirection of storm water flow to a 1-acre green infrastructure basin. Taken together, these combined sewer overflow (''CSO'') control measures would reduce annual CSOs to six or fewer per typical year. The Consent Decree would require completion of the entire LTCP by January 1, 2043, with completion of one of the two storage facilities (with a capacity of 5.1 million gallons) by 2026. The Consent Decree also requires significant wastewater treatment plant updates and sewer system rehabilitation and pipe replacement. Under the Decree, Middletown would pay a $55,000 civil penalty, to be split evenly between the United States and Ohio, and perform a supplemental environmental project estimated to cost approximately $200,000.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Ohio* v. *City of Middletown, Ohio,* D.J. Ref. No. 90–5–1–1–08978. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $12.40 (25 cents per page reproduction cost) payable to the United States Treasury.

Randall M. Stone,

Acting Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2018–03118 Filed 2–14–18; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Meeting of National Council on the Humanities

AGENCY: National Endowment for the Humanities, National Foundation on the Arts and the Humanities.

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, notice is hereby given that the National Council on the Humanities will meet to advise the Chairman of the National Endowment for the Humanities (NEH) with respect to policies, programs and procedures for carrying out his functions; to review applications for financial assistance under the National Foundation on the Arts and Humanities Act of 1965 and make recommendations thereon to the Chairman; and to consider gifts offered to NEH and make recommendations thereon to the Chairman.

DATES: The meeting will be held on Thursday, March 8, 2018, from 10:30 a.m. until 12:30 p.m., and Friday, March 9, 2018, from 9:00 a.m. until adjourned.

ADDRESSES: The meeting will be held at Constitution Center, 400 7th Street SW, Washington, DC 20506. See **SUPPLEMENTARY INFORMATION** for room numbers.

FOR FURTHER INFORMATION CONTACT: Elizabeth Voyatzis, Committee Management Officer, 400 7th Street SW, 4th Floor, Washington, DC 20506; (202) 606–8322; *evoyatzis@neh.gov.*

SUPPLEMENTARY INFORMATION: The National Council on the Humanities is meeting pursuant to the National Foundation on the Arts and Humanities Act of 1965 (20 U.S.C. 951–960, as amended). The Committee meetings of the National Council on the Humanities will be held on March 8, 2018, as follows: the policy discussion session (open to the public) will convene at 10:30 a.m. until approximately 11:00 a.m., followed by the discussion of specific grant applications and programs before the Council (closed to the public) from 11:00 a.m. until 12:30 p.m.

All Committee meetings will take place at Constitution Center. For specific room numbers, contact Caitlin Cater at (202) 606–8322 or *gencounsel@neh.gov.*

The plenary session of the National Council on the Humanities will convene on March 9, 2018, at 9:00 a.m. in the Conference Center at Constitution Center. The agenda for the morning session (open to the public) will be as follows:

A. Minutes of the Previous Meeting
B. Reports
1. Chairman's Remarks
2. Senior Deputy Chairman's Remarks
3. Assistant Chairman for Programs' Remarks
4. Presentation by Guest Speaker (TBD)
5. Congressional Affairs Report
6. Reports on Policy and General Matters
a. Digital Humanities
b. Education Programs
c. Challenge Grants
d. Federal/State Partnership
e. Preservation and Access
f. Public Programs
g. Research Programs

The remainder of the plenary session will be for consideration of specific applications and therefore will be closed to the public.

As identified above, portions of the meeting of the National Council on the Humanities will be closed to the public pursuant to sections 552b(c)(4), 552b(c)(6), and 552b(c)(9)(B) of Title 5 U.S.C., as amended. The closed sessions will include review of personal and/or proprietary financial and commercial information given in confidence to the agency by grant applicants, and discussion of certain information, the premature disclosure of which could significantly frustrate implementation of proposed agency action. I have made this determination pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings dated April 15, 2016.

Please note that individuals planning to attend the public sessions of the meeting are subject to security screening procedures. If you wish to attend any of the public sessions, please inform NEH as soon as possible by contacting Caitlin Cater at (202) 606–8322 or *gencounsel@neh.gov.* Please also provide advance notice of any special needs or accommodations, including for a sign language interpreter.

Dated: February 12, 2018.

Elizabeth Voyatzis,

Committee Management Officer.

[FR Doc. 2018–03173 Filed 2–14–18; 8:45 am]

BILLING CODE 7537–01–P

NATIONAL SCIENCE FOUNDATION

Agency Information Collection Activities: Comment Request

AGENCY: National Science Foundation.

ACTION: Submission for OMB review; comment request.

SUMMARY: The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995. This is the second notice for public comment; the first was published in the **Federal Register** on December 12, 2017, and no comments were received. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the NSF, including whether the information shall have practical utility; (b) the accuracy of the NSF's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: Comments should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725 7th Street NW, Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Room W18000, Alexandria, Virginia 22314, or send email to *splimpto@nsf.gov.* Copies of the submission may be obtained by calling Ms. Plimpton at (703) 292–7556. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

NSF 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.

SUPPLEMENTARY INFORMATION:

Title: Hispanic-Serving Institutions (HSI) Certification Form.

OMB Control Number: 3145—NEW.

Abstract: To enhance the quality of undergraduate STEM education at Hispanic-serving institutions (HSIs), the National Science Foundation (NSF) established the Improving Undergraduate STEM Education: Hispanic-Serving Institutions (HSI Program), in response to the Consolidated Appropriations Act, 2017 (Pub. L. 115–31) and the American Innovation and Competitiveness Act (Pub. L. 114–329). The lead institution submitting a proposal to the HSI Program must be an HSI as defined by law in section 502 of the Higher Education Act of 1965 (20 U.S.C. 1101a) (*http://legcounsel.house.gov/Comps/HEA65_CMD.pdf*). Hence there is a need for institutions to self-certify via an HSI Certification Form (NSF Form Number 1715).

Expected respondents: Hispanic-Serving Institutions.

Estimate of burden: We anticipate 175 proposals for 2 minutes which is approximately 6 hours.

Dated: February 12, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–03125 Filed 2–14–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Privacy Act of 1974; System of Records

AGENCY: Office of Inspector General, National Science Foundation.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the Privacy Act of 1974, the National Science Foundation (NSF) is providing notice of revisions to an existing system, NSF–52 ''Office of Inspector General—Investigative Files.''

DATES: Sections 552a(e)(4) and (11) of Title 5 of the U.S. Code require that the public have thirty days to comment on the routine uses of systems of records. The new routine uses that are the subject of this notice will take effect 30 days after publication in the **Federal Register**, unless modified by a subsequent notice to incorporate comments received from the public.

ADDRESSES: You may submit comments, identified by [docket number and/or RIN number __], by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* The Acting Senior Agency Official for Privacy, Dorothy Aronson, at *daronson@nsf.gov.* Include [docket number and/or RIN number __] in the subject line of the message.
- *Mail:* Dorothy Aronson, Acting Senior Agency Official for Privacy, Office of Information and Resource Management, National Science Foundation, 2415 Eisenhower Ave., Alexandria, VA 22314.

FOR FURTHER INFORMATION CONTACT: Dorothy Aronson, Acting Senior Agency Official for Privacy, Office of Information and Resource Management, National Science Foundation, 2415 Eisenhower Ave., Alexandria, VA 22314, or *daronson@nsf.gov.*

SUPPLEMENTARY INFORMATION: Routine use 1 is changed to allow OIG to disclose records that may not indicate wrongdoing on their face, but in conjunction with other records may constitute evidence that wrongdoing occurred. It is also changed to clarify that disclosure recipients can include tribal governments. Other nonsubstantive changes are made to remove excess or redundant wording.

Routine use 2 is changed to advance oversight and accountability by permitting disclosure when deemed necessary to further OIG's investigative, audit, and inspection activities; and, following such activities, to facilitate institutional actions to address or prevent misconduct. Regarding the latter, we note that disclosure of information about administrative cases—including those cases that result in research misconduct findings—can be useful for NSF-funded entities affected by the investigation and/or outcome. For example, institutions employing involved individuals may need the information to effectively manage their personnel and to administer their research programs.

Routine use 3 is changed to clarify that disclosure recipients can include tribal governments and to remove excess or redundant wording.

Routine use 4 is changed to clarify that disclosure recipients can include tribal governments and to remove excess or redundant wording.

Routine use 6 is changed to refer to ''research misconduct'' rather than ''misconduct in science'', to reflect the change in terminology in NSF's regulation at 45 CFR part 689 effective April 17, 2002. It is also changed to clarify that disclosure recipients can include tribal governments.

Routine use 11 is removed as an unnecessary routine use, given that the described disclosure is already permissible under the Privacy Act, 5 U.S.C. 552a(b).

Routine use 13 is added to enable OIG to release information to the public when: (a) The matter under investigation has become public knowledge because information about it is publicly available (as is the case with suspensions, debarments, convictions, or civil judgments), (b) the Inspector General or designee determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process, or (c) to demonstrate the accountability of NSF employees or other individuals covered by this system. We note that routine use 13 is consistent with uses published by other federal OIGs and represents a balance between privacy interests and the public's interest in transparency. Disclosure of names pursuant to subpart (c) will help deter misconduct involving the Foundation and/or its funded activities. Public disclosure under this use would only be permissible after the Inspector General or designee initially determines that it would not result in an unwarranted invasion of personal privacy.

Routine use 14 addresses limited disclosures—to complainants, victims, and witnesses—in situations not covered by routine use 13, and is consistent with uses promulgated by other federal OIGs. This use not only advances overall transparency, but, by keeping complainants and victims informed about cases in which they are involved, it will encourage individuals to come forward and to cooperate in future investigations. Providing witnesses with records they initially produced, or which contain their own statements or testimony, will, for example, assist the federal government in ongoing legal proceedings concerning the matter investigated.

SYSTEM NAME AND NUMBER

Office of Inspector General—Investigative Files, NSF–52.

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Office of Inspector General, NSF, 4201 Wilson Boulevard, Arlington, VA 22230.

SYSTEM MANAGER:

Inspector General, OIG, NSF, 4201 Wilson Boulevard, Arlington, VA 22230.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act, as amended, 5 U.S.C. app. 4, 8G.

PURPOSES OF THE SYSTEM:

The Office of the Inspector General (OIG) for the National Science Foundation (NSF) maintains this system of records in order to conduct its responsibilities pursuant to the Inspector General Act of 1978, as amended, 5 U.S.C. app. 4, 8G. The OIG is statutorily directed and authorized to conduct and supervise investigations relating to programs and operations of NSF, to promote economy, efficiency, and effectiveness in the administration of such programs and operations, and to prevent and detect fraud, waste and abuse in such programs and operations. Accordingly, the records are used in investigations of individuals and entities suspected of having committed illegal or unethical acts, and in any resulting criminal prosecutions, civil proceedings, or administrative actions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

In connection with its investigative duties, the Office of Inspector General (OIG) maintains records on the following categories of individuals: (a) Individuals or entities who are or have been the subject of inquiries or investigations conducted by OIG,

including current and former employees of NSF; and current and former contractors (or applicants for contracts), subcontractors, consultants, or the recipients of (or applicants for) NSF grants or cooperative agreements, and their current or former employees, students, or collaborators; and (b) Individuals who are witnesses; complainants; confidential or nonconfidential informants; and parties who have been identified by OIG (on the basis of information received or developed by OIG) as potentially possessing information relevant to an investigation under the jurisdiction of the OIG.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to investigations including: (a) Letters, memoranda, and other documents citing complaints or alleged criminal, civil, or administrative misconduct; (b) Investigative files, which include: Reports of investigations to resolve allegations of misconduct or violations of law or administrative or ethical requirements; exhibits, statements, affidavits, or other records obtained or generated during investigations; prior criminal or noncriminal records of individuals as they relate to the investigations; reports from or to other law enforcement bodies; information obtained from informants and identifying data with respect to such informants; nature of allegations made against suspects and identifying data concerning such subjects; and public source materials.

RECORD SOURCE CATEGORIES:

The subjects of investigations; individuals with whom the subjects of investigations are associated; current and former NSF employees; federal, state, local, and foreign law enforcement and non-law enforcement agencies; private citizens; witnesses; confidential and nonconfidential informants; and public source materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

These records may be disclosed as follows:

1. In the event that records indicate (on their face or in conjunction with other records), or may constitute potential evidence of, a violation or potential violation of a requirement, whether criminal, civil, regulatory, administrative, contractual, or ethical in nature, whether arising by statute, regulation, rule, order, contract, grant, cooperative agreement, or ethical practices or norms, the relevant records in the system of records may be disclosed, as a routine use, to the appropriate entity, whether governmental (federal, state, local, tribal, or international) or non-governmental, charged with the responsibility of investigating or prosecuting such violation or potential violation, or charged with enforcing, implementing, or complying with such statute, regulation, rule, order, contract, or ethical practices or norms.

2. Disclosure may be made to appropriate entities, whether governmental (federal, state, local, tribal, or international) or non-governmental, or to an individual (a) when deemed necessary to further the conduct of OIG investigative, inspection, or audit activities, including instances in which disclosure is necessary to elicit information, or (b) following such activities, when deemed necessary to facilitate institutional actions to address or prevent misconduct.

3. Disclosure may be made to a federal, state, local, tribal, or international entity maintaining civil, criminal, or other relevant information if necessary to obtain information relevant to an OIG decision concerning the assignment, hiring, or retention of an individual and/or employee or disciplinary or other administrative action concerning an employee, the issuance or revocation of a security clearance, the reporting of an investigation of an individual and/or employee, or the award of a contract, grant or cooperative agreement.

4. Disclosure may be made to a federal, state, local, tribal, or international entity in connection with the assignment, hiring, or retention of an individual and/or employee, or disciplinary or other administrative action concerning an employee, the issuance or revocation of a security clearance, the reporting of an investigation of an individual and/or employee, or the award of a contract, grant or cooperative agreement or other benefit by the requesting agency to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

5. Disclosure may be made to the Office of Personnel Management or the Merit Systems Protection Board (including the Office of the Special Counsel) of information relevant and necessary to carrying out their functions.

6. In the event OIG is aware of information about possible research misconduct, disclosure of relevant records may be made by OIG to institutions or entities that have proposed or received contracts, grants, or cooperative agreements so that they can conduct inquiries and investigations into possible research misconduct pursuant to 45 CFR part 689.

7. Disclosure may also be made to independent auditors, contractors, experts, and other individuals who perform a service to or work on or under a contract, or other arrangement with or for the federal government, as necessary to carry out their duties. Such contractors will be required to maintain Privacy Act safeguards with respect to such records.

8. Disclosure may be made to another federal agency, a court, or a party in litigation before a court or in an administrative proceeding being conducted by a federal agency when the government is a party to the judicial or administrative proceeding.

9. In the event that OIG deems it desirable or necessary, in processing a Freedom of Information Act or Privacy Act request, disclosure may be made to the Department of Justice or the Office of Management and Budget for the purpose of obtaining its advice.

10. Disclosure may be made to the Department of Justice, to the extent it is compatible with the purpose for which the record was collected, and is relevant and necessary to litigation or anticipated litigation, in which one of the following is a party or has an interest: (a) NSF or any of its components; (b) an NSF employee in his or her official capacity; (c) an NSF employee in his or her official capacity when the Department of Justice is representing or considering representing the employee; or (d) the United States, when NSF determines that litigation is likely to affect NSF.

11. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

12. Disclosure may be made to representatives of the General Services Administration and the National Archives and Records Administration who are conducting record management inspections under 44 U.S.C. 2904 and 2906.

13. Unless the Inspector General or designee determines that disclosure of the specific information, in the context of a particular case, would constitute an unwarranted invasion of personal privacy, disclosure may be made to the public (a) when the matter under investigation has become public knowledge because information about it is publicly available, (b) when the Inspector General or designee determines that such disclosure is necessary to preserve confidence in the

integrity of the OIG investigative process, or (c) to demonstrate the accountability of NSF employees or other individuals covered by this system.

14. Disclosure may be made to (a) complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the results of the investigation or case arising from the matters about which they complained and/or with respect to which they were a victim, and (b) to an individual who has been interviewed or contacted by OIG pursuant to an investigation, audit, or inspection, to the extent that OIG may provide copies of that individual's statements, testimony, or records produced.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

These records are stored in a variety of media, primarily consisting of file folders, and computer storage equipment.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

The records are retrieved by the names of individuals involved in the investigation or by a unique control number assigned to each investigation.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The Investigative Files are retained in accordance with OIG's records retention schedule.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The paper records are kept in OIG offices within limited access areas of the National Science Foundation during duty hours, and in locked offices at all other times. Passwords are required to access the computer storage equipment.

RECORD ACCESS PROCEDURES:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a(j)(2) or –(k)(2). To the extent that this system of records is not subject to exemption, it is subject to access. A determination as to exemption shall be made at the time a request for access is received. Access requests must be sent to the Privacy Act Officer in accordance with procedures found at 45 CFR part 613.

CONTESTING RECORD PROCEDURES:

The major part of this system is exempted from this requirement pursuant to 5 U.S.C. 552a(j)(2) or –(k)(2). To the extent that this system of records is not subject to exemption, it is subject to contest. A determination as to exemption shall be made at the time a request for contest is received. Requests must be sent to the Privacy Act Officer in accordance with procedures found at 45 CFR part 613.

NOTIFICATION PROCEDURES:

The Privacy Act Officer should be contacted in accordance with procedures found at 45 CFR part 613.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

This system is exempted from 5 U.S.C. 552a except subsections –(b); –(c)(1) and –(2); –(e)(4)(A) through –(F); –(e)(6), –(7), –(9), –(10), and –(11); and –(i) under 552a(j)(2) to the extent the system of records pertains to enforcement of criminal laws; and is exempted from 5 U.S.C. 552a(c)(3), –(d), –(e)(1), –(e)(4)(G), –(H), and –(I), and –(f) under 5 U.S.C. 552a(k)(2) to the extent the system of records consists of investigatory material compiled for law enforcement purposes, other than material within the scope of the exemption at 5 U.S.C. 552a(j)(2). These exemptions are contained in 45 CFR part 613.

HISTORY:

69 FR 29703 (June 2, 1999).

Dated: February 12, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–03147 Filed 2–14–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Privacy Act of 1974; System of Records

AGENCY: National Science Foundation.

ACTION: Notice of a New System of Records.

SUMMARY: The National Science Foundation (NSF) is creating a new system of records: NSF–76 Account Registration and Management. This new system of records will contain records from a new centralized and streamlined account registration process that NSF is transitioning towards to provide each user with a single profile and unique identifier to be used across NSF systems.

DATES: Persons wishing to comment on the changes set out in this notice may do so on or before March 19, 2018.

Applicable Date: This action will be effective without further notice on March 19, 2018 unless modified by subsequent notice to incorporate comments received from the public.

ADDRESSES: You may submit comments, identified by [docket number and/or RIN number _____], by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email:* The Acting Senior Agency Official for Privacy, Dorothy Aronson, at *daronson@nsf.gov.* Include [docket number and/or RIN number _____] in the subject line of the message.
- *Mail:* Dorothy Aronson, Acting Senior Agency Official for Privacy, Office of Information and Resource Management, National Science Foundation, 2415 Eisenhower Ave., Alexandria, VA 22331.

Instructions: NSF will post all comments on the NSF's website (*https://www.nsf.gov/policies/privacy_act.jsp*). 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: If you wish to submit general questions about the proposed new system of records NSF–76, please contact Dorothy Aronson, Acting Senior Agency Official for Privacy, at *daronson@nsf.gov.*

SUPPLEMENTARY INFORMATION: The new system of records, NSF–76 Account Registration and Management, will contain records from a new centralized and streamlined account registration process that NSF is transitioning towards to provide each user a single profile with a unique identifier to be used across NSF systems. The new account management functionality allows users to maintain their own account profiles, including personal information, and request roles to access NSF systems. It will also provide administrators the ability to manage roles for their organizations through a dashboard with functions to approve, disapprove, and assign roles for their organizations.

SYSTEM NAME AND NUMBER

Account Registration and Management Records, NSF–76.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The National Science Foundation, 2415 Eisenhower Ave., Alexandria, VA 22314.

SYSTEM MANAGER(S):

Division Director, Division of Information Systems, 2415 Eisenhower Ave., Alexandria, VA 22314. Phone: (703) 292–8150.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 1870; 44 U.S.C. 3101.

PURPOSE(S) OF THE SYSTEM:

(1) To provide a centralized registration system for individuals that can be used to register and select role(s) necessary for use of NSF systems.

(2) To provide a dashboard for administrators to easily manage NSF system roles for their organizations.

(3) To provide demographic data that NSF may track over time in order to review and evaluate NSF programs.

(4) To provide data that may be used to pre-populate forms and databases for users. This functionality will facilitate proposal submission, reviewer activities and other user functions.

(5) To provide data that may be used for internal NSF compliance with applicable laws and policies, and conflict of interest management.

(6) To provide data that may be used for NSF selection and management of reviewers as well as related merit review functions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who register with NSF and receive an NSF identifier (NSF ID) for accessing NSF systems to engage in a range of activities with the agency. These activities may include: proposal preparation and submission; proposal review activities; organizational account management activities; and fellowship and award activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Registration information, including: name; email; phone number; ORCID digital identifier; and organization affiliation(s).

RECORD SOURCE CATEGORIES:

Individuals who register with NSF to obtain an NSF identification number.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

NSF standard routine uses apply. NSF standard routine uses were last published in full in the **Federal Register** on December 22, 2014. 79 FR 76398–02, 2014. The NSF standard routine uses can also be found on the NSF web page at *www.NSF.gov/privacy.* In addition to the standard routine uses, information may be disclosed to:

(1) Other federal, state, local government agency, or third parties needing information regarding registrations to coordinate programs or policy.

(2) Individual or organizational grant applicants, grantee organizations, and collaborators to provide or obtain data as part of award administration and to facilitate collaboration between and among individuals, organizations and collaborators.

(3) NSF partners and affiliates to carry out studies for or to otherwise assist NSF with program management, evaluation, or reporting.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored on electronic digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by the registrant's name, email, or NSF identifier (NSF ID).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Data collected and maintained pursuant to this System of Records is governed by one of the following records retention schedules:

Grant and Contract Records Schedule N1–307–88–2

Fellowship Records Schedule NC1–307–82–1

Declined and Withdrawn Proposal Case Files NSF Records Schedule NC1–307–77–1/1

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

The National Science Foundation's IT Security and Privacy program includes policies, plans, training, and technical safeguards to protect sensitive information, which includes personally identifiable information (PII). NSF routinely reviews PII in IT systems in addition to monitoring the many controls in place to assure that PII is appropriately protected. NSF's major applications and general support systems are assessed and authorized by NSF's continuous monitoring and ongoing authorization program. The authorization process requires a thorough security and privacy control review.

All NSF systems are covered by a system security plan, and major applications and general support systems are authorized to operate. Applications and devices hosted on the NSF network are subjected to extensive vulnerability scanning and compliance checking against standard security configurations. Robust virus protection capabilities, anti-malware, and network intrusion detection and prevention devices provide 24/7 protection against external threats. NSF's strong access controls ensure that resources are made available only to authorized users, programs, processes or systems by reference to rules of access that are defined by attributes and policies.

NSF uses the capabilities of a Trusted internet Connections (TIC) compliant provider for routing agency network traffic and uses the federally provided intrusion detection system (IDS), including advanced continuous monitoring and risk management analysis. NSF has a well-established computer security incident response program. NSF's incident response procedures include a strong digital forensics capability to investigate and review data and identify relevant evidence and malicious activity.

RECORD ACCESS PROCEDURES:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

CONTESTING RECORD PROCEDURES:

Follow the procedures found at 45 CFR part 613.

NOTIFICATION PROCEDURES:

Follow the procedures found at 45 CFR part 613.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This is a new system of records and has not been previously published in the **Federal Register**.

Dated: February 12, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–03145 Filed 2–14–18; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Privacy Act of 1974; System of Records

AGENCY: National Science Foundation.

ACTION: Notice of a modified system of records.

SUMMARY: The system of records Suspension, Debarment, and Research Misconduct Files NSF–55, contains records about persons considered for government-wide suspension, debarment, and/or research misconduct determination. The National Science Foundation (NSF) is proposing to add one new routine use and an additional statute in the authority section of this system of records.

DATES: Persons wishing to comment on the changes set out in this notice may do so on or before March 19, 2018.

This action will be applicable without further notice on March 19, 2018 unless

modified by subsequent notice to incorporate comments received from the public.

ADDRESSES: You may submit comments, identified by [docket number and/or RIN number ___], by any of the following methods:

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

• *Email:* The Acting Senior Agency Official for Privacy, Dorothy Aronson, at *daronson@nsf.gov.* Include [docket number and/or RIN number ___] in the subject line of the message.

• *Mail:* Dorothy Aronson, Acting Senior Agency Official for Privacy, Office of Information and Resource Management, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

Instructions: NSF will post all comments on the NSF's website (*https://www.nsf.gov/policies/privacy_act.jsp*). 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: If you wish to submit general questions about the proposed new routine use for NSF–55, please contact Dorothy Aronson, Acting Senior Agency Official for Privacy, at *daronson@nsf.gov* or 703–292–8004.

SUPPLEMENTARY INFORMATION: Consistent with the American Innovation and Competitiveness Act, Public Law 114–329, NSF is proposing to modify the system by adding a new routine use that will allow NSF to notify other Federal science agencies of findings of research misconduct. In addition, the American Innovation and Competitiveness Act is being added to the ''authority for maintenance of the system'' section of the system of records notice.

SYSTEM NAME AND NUMBER

Suspension, Debarment, and Research Misconduct Files, NSF–55.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

National Science Foundation headquarters, Virginia.

SYSTEM MANAGER(S):

General Counsel, Office of the General Counsel, NSF headquarters, Virginia.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 11(a), National Science Foundation Act of 1950, as amended, 42 U.S.C. 1870(a); Federal Acquisition Regulation (FAR), 2 CFR 180.800; 45 CFR part 689; and E.O. 12549 (February 18, 1986); American Innovation and Competitiveness Act, Pub. L. 114–329.

PURPOSE(S) OF THE SYSTEM:

Information contained in this system of records is used to protect the federal government from the actions prohibited under applicable suspension, debarment, and research misconduct regulations; make decisions regarding suspension, debarment, and research misconduct; ensure that other federal agencies give effect to suspension, debarment, and research misconduct decisions rendered by NSF; and to ensure that NSF gives effect to suspension, debarment, and research misconduct decisions rendered by other Federal agencies.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Persons, including applicants for NSF grants and contracts, NSF grantees, contractors, and principal investigators, who are the subject of suspension, debarment, or research misconduct proceedings.

CATEGORIES OF RECORDS IN THE SYSTEM:

Case files for persons considered for suspension, debarment or research misconduct; communications between the NSF and the respondent; interagency and intra-agency communications regarding proposed or completed suspensions, debarments, or research misconduct; investigative files; witness statements and affidavits; staff working papers; testimony transcripts; hearing exhibits; and records of any findings.

RECORD SOURCE CATEGORIES:

Federal, state, and local agency officials; the NSF Office of the Inspector General; private persons; and respondents and their legal representatives.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

NSF standard routine uses apply. In addition, information may be disclosed to:

(1) The General Services Administration (GSA) to compile and maintain the System for Award Management.

(2) A federal agency involved in suspension, debarment or research misconduct actions involving the same person.

(3) A federal, state, or local government agency to the extent necessary to allow NSF to obtain information maintained by those agencies in connection with a suspension, debarment, or research misconduct action.

(4) Other persons involved in or affected by a suspension, debarment, or research misconduct actions, including witnesses, awardee institutions, to support NSF objectives.

(5) A federal, state, local government agency, federal contractor, or grantee, for the purpose of verifying the identity of an individual NSF has suspended, debarred, or imposed actions upon pursuant to an administrative agreement or research misconduct determination.

(6) Other Federal science agencies upon a finding that research misconduct has occurred. For purposes of this section ''Federal science agencies'' consists of the following agencies or agency components:

(a) National Aeronautics & Space Administration.

(b) Environmental Protection Agency.

(c) Department of Health & Human Services—National Institutes of Health.

(d) Department of the Interior—U.S. Geological Survey.

(e) Department of Energy—Office of Science.

(f) Department of Commerce—National Institute of Standards and Technology, National Oceanic & Atmospheric Administration.

(g) Department of Agriculture—Agricultural Research Service, National Institute of Food and Agriculture, National Agricultural Statistics Services.

(h) Department of Defense.

(i) Department of Homeland Security—Directorate of Science and Technology, Domestic Nuclear Detection Office.

(j) Department of Transportation—Federal Highway Administration, Federal Aviation Administration.

(k) Department of Veteran Affairs.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored in paper and/or on electronic digital media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by the name of the person and/or entity being considered for suspension, debarment, or a finding of research misconduct.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with NARA approved record schedules.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Records are protected by administrative, technical, and physical safeguards administered by NSF.

RECORD ACCESS PROCEDURES:

Follow the Requesting Access to Records procedures found at 45 CFR part 613.

CONTESTING RECORD PROCEDURES:

Follow the procedures found at 45 CFR part 613.

NOTIFICATION PROCEDURES:

Follow the procedures found at 45 CFR part 613.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

In accordance with 5 U.S.C. 552a(k)(2), investigative material in this system of records compiled for law enforcement purposes is exempt from subsections (c)(3), (d), (e)(1), (e)(4)(G), (H) and (I), and (f) of 5 U.S.C. 552a, provided, however, that if any individual is denied any right, privilege, or benefit that he or she would otherwise be entitled to by federal law, or for which he or she would otherwise be eligible, as a result of the maintenance of these records, such material shall be provided to the individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the government with an express promise that the identity of the source would be held in confidence.

HISTORY:

An amendment to this system of records notice was last published in the **Federal Register** on June 10, 2016, 81 FR 37645–37654.

Dated: February 12, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–03155 Filed 2–14–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Addition of In-Containment Refueling Water Storage Tank (IRWST); Lower Narrow Range Level Instrumentation

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic AP1000 design control document (DCD) and is issuing License Amendment Nos. 100 and 99 to Combined Licenses (COLs), NPF–91 and NPF–92, respectively. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information that is requested in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Jennifer Borges; 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if that document is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by letter dated February 17, 2017 (ADAMS Accession No. ML17048A533) and supplemented by letters dated July 21, 2017 and October 3, 2017 (ADAMS Accession Nos. ML17202U703 and ML17276B556).
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2809; email: *Paul.Kallan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting exemptions from paragraph B of section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment Nos. 100 and 99 to COLs, NPF–91 and NPF–92, respectively, to the licensee. The exemptions are required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee proposes changes to the Updated Final Safety Analysis Report in the form of departures from the Plant-Specific Design Control Document (PS–DCD) Tier 2 information and involves changes to plant-specific Tier 1 information (and corresponding changes to COL Appendix C). Specifically, the amendment proposes changes to the protection and safety monitoring system including the reactor trip system and the engineered safety feature actuation system, the passive core cooling system, the steam generator blowdown system, and the spent fuel pool cooling system. In addition, revisions are proposed to COL Appendix A, Technical Specifications.

Part of the justification for granting the exemptions was provided by the review of the amendments. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemptions and issued the amendments concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemptions met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and Section VIII.A.4 of appendix D to 10 CFR part 52. The license amendments were found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML17284A075.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption

documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML17284A068 and ML17284A069, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML17284A070 and ML17284A073, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated February 17, 2017, and supplemented by letters dated July 21, 2017, and October 3, 2017, the licensee requested from the Commission an exemption from the provisions of 10 CFR part 52, appendix D, section III.B, as part of license amendment request 16–032, ''Addition of In-containment Refueling Water Storage Tank (IRWST) Lower Narrow Range Level Instrumentation (LAR–16–032).''

For the reasons set forth in Section 3.1, ''Evaluation of Exemption,'' of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML17284A075, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendices A and C of the Facility Combined Licenses as described in the licensee's request dated February 17, 2017, and supplemented by letters dated July 21, 2017, and October 3, 2017. This exemption is related to, and necessary for, the granting of License Amendment Nos. 100 and 99, which is being issued concurrently with this exemption.

3. As explained in Section 5.0, ''Environmental Consideration,'' of the NRC staff's Safety Evaluation (ADAMS Accession No. ML17284A075), this exemption meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. These exemptions are effective as of the date of its issuance.

III. License Amendment Request

By letter dated February 17, 2017, and supplemented by letters dated July 21, 2017, and October 3, 2017, the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF–91 and NPF–92. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on March 22, 2017 (82 FR 14760). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on February 17, 2017, and supplemented July 21, 2017 and October 3, 2017.

The exemptions and amendments were issued on November 22, 2017, as part of a combined package to the licensee (ADAMS Accession No. ML17284A066).

Dated at Rockville, Maryland, this 12th day of February 2018.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2018–03169 Filed 2–14–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Emergency Planning ITAAC Revisions

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic AP1000 design control document (DCD) and is issuing License Amendment Nos. 95 and 94 to Combined Licenses (COL), NPF–91 and NPF–92, respectively. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information that is requested in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

• *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For

technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

• *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by letter dated May 5, 2017 (ADAMS Accession No. ML17125A331), and supplemented by letter dated August 3, 2017 (ADAMS Accession No. ML17215B051).

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2809; email: *Paul.Kallan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting exemptions from paragraph B of section III, ''Scope and Contents,'' of appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment Nos. 95 and 94 to COLs, NPF–91 and NPF–92, respectively, to the licensee. The exemptions are required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee proposes to depart from plant-specific (PS) Tier 1 emergency planning (EP) inspections, tests, analyses, and acceptance criteria (ITAAC) information and associated COL Appendix C information. The requested amendment also proposes to revise plant-specific EP ITAAC in Appendix C of the VEGP Units 3 and 4 COLs. The proposed changes do not involve changes to the approved emergency plan or the PS Tier 2 DCD. Also, the proposed changes to COL Appendix C information also include changes to the list of acronyms and abbreviations.

Part of the justification for granting the exemptions was provided by the review of the amendments. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemption and issued the amendment concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemptions met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendments were found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML17256A034.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML17256A030 and ML17256A031, respectively. The exemption is reproduced (with the exception of abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML17256A032 and ML17256A033, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated May 5, 2017, and supplemented by letter dated August 3, 2017, the licensee requested from the Commission an exemption from the provisions of 10 CFR part 52, appendix D, section III.B, as part of license amendment request 17–014, ''Emergency Planning ITAAC Revisions.''

For the reasons set forth in Section 3.1, ''Evaluation of Exemption,'' of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML17256A034, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined Licenses as described in the licensee's request dated May 5, 2017, and supplemented by letter dated August 3, 2017. This exemption is related to, and necessary for, the granting of License Amendment Nos. 95 or 94, which is being issued concurrently with this exemption.

3. As explained in Section 5.0, ''Environmental Consideration,'' of the NRC staff's Safety Evaluation (ADAMS Accession No. ML17256A034), these exemptions meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. These exemptions are effective as of the date of its issuance.

III. License Amendment Request

By letter dated May 5, 2017, and supplemented by letter dated August 3, 2017, the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF–91 and NPF–92. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on

July 5, 2017 (82 FR 31089). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemptions and issued the amendments that the licensee requested on May 5, 2017, and supplemented by letter dated August 3, 2017.

The exemptions and amendments were issued on November 3, 2017, as part of a combined package to the licensee (ADAMS Accession No. ML17256A028).

Dated at Rockville, Maryland, this 12th day of February, 2018.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2018–03168 Filed 2–14–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–025 and 52–026; NRC–2008–0252]

Southern Nuclear Operating Company, Inc.; Vogtle Electric Generating Plant, Units 3 and 4; Addition of Steam Generator System (SGS) Thermal Relief Valves

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption and combined license amendment; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is granting an exemption to allow a departure from the certification information of Tier 1 of the generic AP1000 design control document (DCD) and is issuing License Amendment Nos. 99 and 98 to Combined Licenses (COL), NPF–91 and NPF–92, respectively. The COLs were issued to Southern Nuclear Operating Company, Inc., and Georgia Power Company, Oglethorpe Power Corporation, MEAG Power SPVM, LLC, MEAG Power SPVJ, LLC, MEAG Power SPVP, LLC, and the City of Dalton, Georgia (the licensee); for construction and operation of the Vogtle Electric Generating Plant (VEGP) Units 3 and 4, located in Burke County, Georgia.

The granting of the exemption allows the changes to Tier 1 information that is requested in the amendment. Because the acceptability of the exemption was determined in part by the acceptability of the amendment, the exemption and amendment are being issued concurrently.

ADDRESSES: Please refer to Docket ID NRC–2008–0252 when contacting the NRC about the availability of information regarding this document. You may access information related to this document, which the NRC possesses and is publicly available, using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0252. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The request for the amendment and exemption was submitted by letter dated April 21, 2017 (ADAMS Accession No. ML17111A958), revised on August 15, 2017 (ADAMS Accession No. ML17227A775) and supplemented by letter dated September 18, 2017 (ADAMS Accession No. ML17261B157).
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Paul Kallan, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2809; email: *Paul.Kallan@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is granting exemptions from paragraph B of section III, ''Scope and Contents,'' of Appendix D, ''Design Certification Rule for the AP1000,'' to part 52 of title 10 of the *Code of Federal Regulations* (10 CFR) and issuing License Amendment Nos. 99 and 98 to COLs, NPF–91 and NPF–92, respectively, to the licensee. The exemptions are required by paragraph A.4 of section VIII, ''Processes for Changes and Departures,'' appendix D, to 10 CFR part 52 to allow the licensee to depart from Tier 1 information. With the requested amendment, the licensee proposes changes to plant-specific Tier 1 information and corresponding changes to Appendix C. Specifically, the licensee proposes changes to plant-specific Tier 1, Table 2.2.4–1 and Figure 2.2.4–1 (Sheets 1 and 2) and corresponding changes to Appendix C of the COL to install two main feedwater thermal relief valves and two start-up feedwater thermal relief valves. The main feedwater thermal relief valves will be added to the main feedwater line between the main feedwater isolation valves and main feedwater control valves. The startup feedwater thermal relief valves will be added between the startup feedwater isolation valves and startup feedwater control valves. The proposed plant-specific DCD Tier 1 information and corresponding changes to Appendix C of the COL require additional changes to corresponding Tier 2 information in the Updated Final Safety Analysis Report, Chapter 3, ''Design of Structures, Components, Equipment, and Systems,'' and Chapter 10, ''Steam and Power Conversion.''

Part of the justification for granting the exemptions was provided by the review of the amendments. Because the exemption is necessary in order to issue the requested license amendment, the NRC granted the exemptions and issued the amendments concurrently, rather than in sequence. This included issuing a combined safety evaluation containing the NRC staff's review of both the exemption request and the license amendment. The exemptions met all applicable regulatory criteria set forth in 10 CFR 50.12, 10 CFR 52.7, and section VIII.A.4 of appendix D to 10 CFR part 52. The license amendments were found to be acceptable as well. The combined safety evaluation is available in ADAMS under Accession No. ML17263A074.

Identical exemption documents (except for referenced unit numbers and license numbers) were issued to the licensee for VEGP Units 3 and 4 (COLs NPF–91 and NPF–92). The exemption documents for VEGP Units 3 and 4 can be found in ADAMS under Accession Nos. ML17263A079 and ML17263A078, respectively. The exemption is reproduced (with the exception of

abbreviated titles and additional citations) in Section II of this document. The amendment documents for COLs NPF–91 and NPF–92 are available in ADAMS under Accession Nos. ML17263A077 and ML17263A075, respectively. A summary of the amendment documents is provided in Section III of this document.

II. Exemption

Reproduced below is the exemption document issued to VEGP Units 3 and Unit 4. It makes reference to the combined safety evaluation that provides the reasoning for the findings made by the NRC (and listed under Item 1) in order to grant the exemption:

1. In a letter dated April 21, 2017, revised on August 15, 2017, and supplemented by letter dated September 18, 2017, the licensee requested from the Commission an exemption from the provisions of 10 CFR part 52, appendix D, section III.B, as part of license amendment request 17–012, ''Addition of Steam Generator System (SGS) Thermal Relief Valves.''

For the reasons set forth in Section 3.1, ''Evaluation of Exemption,'' of the NRC staff's Safety Evaluation, which can be found in ADAMS under Accession No. ML17263A074, the Commission finds that:

A. The exemption is authorized by law;

B. the exemption presents no undue risk to public health and safety;

C. the exemption is consistent with the common defense and security;

D. special circumstances are present in that the application of the rule in this circumstance is not necessary to serve the underlying purpose of the rule;

E. the special circumstances outweigh any decrease in safety that may result from the reduction in standardization caused by the exemption; and

F. the exemption will not result in a significant decrease in the level of safety otherwise provided by the design.

2. Accordingly, the licensee is granted an exemption from the certified DCD Tier 1 information, with corresponding changes to Appendix C of the Facility Combined Licenses as described in the licensee's request dated April 21, 2017, revised on August 15, 2017 and supplemented by letter dated September 18, 2017. This exemption is related to, and necessary for, the granting of License Amendment Nos. 99 and 98, which is being issued concurrently with this exemption.

3. As explained in Section 5.0, ''Environmental Consideration,'' of the NRC staff's Safety Evaluation (ADAMS Accession No. ML17263A074), these exemptions meets the eligibility criteria for categorical exclusion set forth in 10 CFR 51.22(c)(9). Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment needs to be prepared in connection with the issuance of the exemption.

4. These exemptions are effective as of the date of its issuance.

III. License Amendment Request

By letter dated April 21, 2017, revised on August 15, 2017 and supplemented by letter dated September 18, 2017, the licensee requested that the NRC amend the COLs for VEGP, Units 3 and 4, COLs NPF–91 and NPF–92. The proposed amendment is described in Section I of this **Federal Register** notice.

The Commission has determined for these amendments that the application complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendment.

A notice of consideration of issuance of amendment to facility operating license or combined license, as applicable, proposed no significant hazards consideration determination, and opportunity for a hearing in connection with these actions, was published in the **Federal Register** on September 12, 2017 (82 FR 42844). No comments were received during the 30-day comment period.

The Commission has determined that these amendments satisfy the criteria for categorical exclusion in accordance with 10 CFR 51.22. Therefore, pursuant to 10 CFR 51.22(b), no environmental impact statement or environmental assessment need be prepared for these amendments.

IV. Conclusion

Using the reasons set forth in the combined safety evaluation, the staff granted the exemption and issued the amendment that the licensee requested on April 21, 2017, revised on August 15, 2017, and supplemented by letter on September 18, 2017.

The exemptions and amendments were issued on November 17, 2017, as part of a combined package to the licensee (ADAMS Accession No. ML17263A070).

Dated at Rockville, Maryland, this 12th day of February, 2018.

For the Nuclear Regulatory Commission.

Jennifer L. Dixon-Herrity,

Chief, Licensing Branch 4, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2018–03167 Filed 2–14–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 6e–2 and Form N–6EI–1, SEC File No. 270–177, OMB Control No. 3235–0177.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 6e–2 (17 CFR 270.6e–2) under the Investment Company Act of 1940 (''Act'') (15 U.S.C. 80a) is an exemptive rule that provides separate accounts formed by life insurance companies to fund certain variable life insurance products, exemptions from certain provisions of the Act, subject to conditions set forth in the rule.

Rule 6e–2 provides a separate account with an exemption from the registration provisions of section 8(a) of the Act if the account files with the Commission Form N–6EI–1, a notification of claim of exemption.

The rule also exempts a separate account from a number of other sections of the Act, provided that the separate account makes certain disclosure in its registration statements (in the case of those separate accounts that elect to register), reports to contractholders, proxy solicitations, and submissions to state regulatory authorities, as prescribed by the rule.

Since 2008, there have been no filings of Form N–6EI–1 by separate accounts. Therefore, there has been no cost or burden to the industry since that time. The Commission requests authorization to maintain an inventory of one burden hour for administrative purposes.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper

performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 9, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03097 Filed 2–14–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. PA–53; File No. S7–01–18]

Privacy Act of 1974; System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Notice of new and modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circular No. A–108, the Securities and Exchange Commission (Commission or SEC) proposes to establish three new systems of records titled, SEC–68: SEC's Division of Corporation Finance Records; SEC–69: SEC's Division of Investment Management Records; and SEC–70: SEC's Division of Trading and Markets Records; and to modify two existing systems of records titled, SEC–31: Office of General Counsel (Adjudication) Working Files; and SEC–39: Personnel Management Employment and Staffing Files. The new and modified systems of records are the result of a consolidation of records currently maintained by the SEC.

DATES: The changes will become applicable March 17, 2018 to permit public comment on the new and revised routine uses. The Commission will publish a new notice if the effective date is delayed to review comments or if changes are made based on comments received. To assure consideration, comments should be received on or before March 17, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–01–18 on the subject line.

Paper Comments

Send paper comments in triplicate to Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to S7–01–18. This file number should be included on the subject line if email is used. To help process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/other.shtml*). Comments are also available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: For general and privacy related questions please contact: Ronnette McDaniel, Privacy and Information Assurance Branch Chief, 202–551–8378 or *privacyhelp@sec.gov.*

SUPPLEMENTARY INFORMATION:

Establishment of Three New Systems of Records

After a comprehensive, collaborative review with system managers, or their designees, in the Division of Corporation Finance, Division of Investment Management, and the Division of Trading and Markets, relevant records related to SEC filings were consolidated into three disparate systems of records. The consolidations provide greater transparency into the records of individuals maintained by these Divisions. The consolidations account for where the collections of information are similar, the purposes for the collections are compatible, and the records maintained within the systems are under common administrative, physical, and technical controls. Each of the new SORNs resulting from the consolidations are described in detail below:

1. SEC–68: SEC's Division of Corporation Finance Records

New SEC–68 would consolidate SEC filing records that are collected, maintained and used to assist the Division of Corporation Finance in executing the Commission's responsibility to oversee corporate disclosure of company filings, reports, and other disclosure records filed pursuant to the Securities Act of 1933, the Securities Exchange Act of 1934, and other Federal securities laws. The records are used to monitor and enhance compliance with disclosure regulations that corporations are required to comply with when stock is initially sold and then on a continuing and periodic basis. These records will be consolidated into a new SORN titled, SEC–68: SEC's Division of Corporation Finance Records. The filings and forms collected are similar in purpose and are used to provide investors with material information about a company's financial condition and business practices so individuals can make informed investment decisions. This consolidation will form one comprehensive system of records that will cover individuals associated with filings and forms submitted to the SEC on behalf of corporations, including but not limited to: Registration statements for initial public offerings and other offerings; proposed sale of securities; prospectus, and proxy solicitation materials; financial statements; beneficial ownership documents; acquisition documents; tender offers; insider trading transaction records; quarterly and annual reports; correspondence; internal staff memoranda; and information relating to the business activities and transactions of public companies and their associated persons. These records are currently covered under one or more legacy SORNs that are outdated and do not accurately reflect changes in technology and agency procedures. These legacy SORNs are proposed for rescindment in a companion **Federal Register** Notice.

2. SEC–69: SEC's Division of Investment Management Records

New SEC–69 would consolidate SEC filing records that are collected, maintained and used to assist the Division of Investment Management in executing the Commission's responsibility for investor protection

and for promoting capital formation through oversight and regulation of the investment management industry. These records will be consolidated into a new SORN titled SEC–69: SEC's Division of Investment Management Records. The filings and forms collected are similar in purpose and are used to oversee the regulation of investment companies, variable insurance products, and federally registered investment advisers. This consolidation will form one comprehensive system of records that will cover individuals associated with filings and forms submitted to the SEC on behalf of investment companies and investment advisers, including but not limited to: Application for registration exemptions, or related adviser records; records that describe or relate to lawsuits, shareholdings, business transactions, relationships to the issuer, and other relevant material business information about individuals; records that describe or relate to business relationships and transactions of directors, lawsuits, investigations, affiliations with other companies, and other relevant personal and business information about the individual that is material to the use of the proxy soliciting materials; records that describe or relate to an investment adviser, the adviser's business, the adviser's compliance with provisions of the Federal securities laws, and includes information on persons associated with investment advisers; records that describe or relate to an individual's relationships and transactions with a registered investment company. These records are currently covered under one or more legacy SORNs that are outdated and do not accurately reflect changes in technology and agency procedures. These legacy SORNs are proposed for rescindment in a companion **Federal Register** Notice.

3. SEC–70: SEC's Division of Trading and Markets Records

New SEC–70 would consolidate SEC filing records that are collected, maintained and used to assist the Division of Trading and Markets in executing the Commission's responsibility to regulate the major securities market participants, including broker-dealers, self-regulatory organizations (such as stock exchanges, FINRA, and clearing agencies), swap participants, funding portals, transfer agents, and other market participants. The identified records will be consolidated into a new SORN titled SEC–70: SEC's Division of Trading and Markets Records. This consolidation will form one comprehensive system of records that will cover individuals associated with filings and forms submitted to the SEC on behalf of applicants for registration or exemption from registration as broker-dealers, self-regulatory organizations (SROs), clearing agencies, transfer agents, security-based swap dealers, security based swap data repositories, major security-based swap participants, security-based swap execution facilities, funding portals and other market participants. The records will support the Commission in regulating the major securities market participants identified above. These records are currently covered under one or more legacy SORNs that are outdated and do not accurately reflect changes in technology and agency procedures. These legacy SORNs are proposed for rescindment in a companion **Federal Register** Notice.

Modification of Two Existing Systems of Records

1. SEC–31: Office of General Counsel (Adjudication) Working Files

Modified SEC–31 would consolidate records collected, maintained and used to assist the Office of General Counsel in providing legal advice and assistance concerning SEC investigations and actions, representing the Commission in judicial and administrative proceedings in which the SEC is involved, preparing Commission opinions, conducting investigations regarding misconduct by SEC employees, and representing SEC personnel who are being sued. These records are currently covered under one or more legacy SORNs that are outdated and do not accurately reflect changes in technology and agency procedures. These legacy SORNs are proposed for rescindment in a companion **Federal Register** Notice.

To more accurately reflect the consolidated records, SEC–31: Office of General Counsel (Adjudication) Working Files will be renamed ''Office of General Counsel Working Files.'' Additional changes to SEC–31 will include: (1) Security Classification: Added as a new section; (2) System Manager: Updated with current position title and mailing address; (3) Authority for Maintenance: Updated the authority relied upon in maintaining the system; (4) Purpose: Added a purpose section which was omitted from the last publication; (5) Categories of Individuals: Expanded to include persons being investigated by the SEC, attorneys, persons involved in litigation with the SEC, persons involved in administrative proceedings, persons involved in appeals from actions by self-regulatory organizations or the Public Company Accounting Oversight Board, persons communicating with the SEC, FOIA/Privacy Act requestors, individuals whose conduct or performance raises concerns, individuals who have filed EEO complaints, individuals named in or involved in litigation in which a third-party subpoena is served, Commission personnel seeking review of articles, speeches, or treatises, and SEC personnel against whom complaints have been lodged; (6) Categories of Records: Added a categories of record section which was omitted from the last publication; (7) Record Source Categories: Updated the sources from which records are received; (8) Routine Uses: Added new routine uses located at numbers 1, 4, 12, 13, and 20 through 24; (9) Storage: Expanded to include storage of electronic formats and devices; (10) Retrieval: Updated to clarify paper and electronic retrieval practices; (11) Safeguards: Updated to clarify the administrative, technical and physical safeguards; (12) Access, Contesting Records and Notification Procedures sections: Updated each section to reflect SEC's current mailing address; (13) History: Added as a new section; and (14) Exemptions: Added exemption from several provisions of the Privacy Act regarding records that contain investigatory materials complied for law enforcement purposes. This exemption was originally adopted in 40 FR 44068, (September 24, 1975), but omitted from earlier publications.

2. SEC–39 Personnel Management Employment and Staffing Files

Modified SEC–39 would consolidate records collected, maintained and used to assist the Office of Human Resources in maintaining an official repository of personnel actions on current and former SEC employees including internal and external training, labor management activities, promotions, and verification of employment and qualifications.

To more accurately reflect the consolidated records, SEC–39: Personnel Management Employment and Staffing Files will be renamed Personnel Management Employment and Staffing/Training Files. Additional changes to SEC–39 will include: (1) Categories of records: Updated the type of records maintained in the system to include official position description, training files, employee name, social security number, organization, assigned training form number, vendor name, instructor name, category of training, dates of training, course title and location; (2) Authority for maintenance: Deleted authority no longer relied upon and added new authority, 5 U.S.C. 3101

and Executive Order 9397, as amended by 13478; (3) Purpose: Added the purpose for the system which was omitted from previous publications; (4) Routine uses: Added new routine uses located at numbers 1, 2, 9, 13 and 14; and (5) Record source: Updated the sources from which records are received.

Accordingly, the Commission is proposing the new and modified systems of records to read as follows:

SYSTEM NAME AND NUMBER

SEC–68: SEC's Division of Corporation Finance Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549. Records are also maintained in SEC Regional Offices.

SYSTEM MANAGER(S):

Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Securities Act of 1933, 15 U.S.C. 77a *et seq.;* Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.;* and rules and regulations adopted by the Commission under the Securities Act of 1933 and the Securities Exchange Act of 1934.

PURPOSE(S) OF THE SYSTEM:

To ensure that investors are provided with material information in order to make informed investment decisions, both when a company initially offers its securities to the public and on an ongoing basis as it continues to give information to the market place.

1. To monitor and enhance compliance with disclosure and accounting requirements.

2. To issue comments to companies to elicit better compliance with applicable discourse requirements.

3. To improve investor protection and to facilitate capital formation.

4. To provide interpretive assistance to companies with respect to SEC rules and forms and to make recommendations to the Commission regarding new rules and revisions to existing rules.

5. To investigate possible violations of Federal securities laws.

6. To prepare, on a periodic basis or pursuant to specific requests tabulations of beneficial ownership for public inspection, classified variously by issuer, reporting persons, and in any other matter deemed necessary and appropriate.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers individuals having a relationship with public companies, investment companies, and small businesses who trade securities on the public market, are required to disclose to the public certain business and financial information, and have public reporting obligations. Additional related individuals covered include: Officers, directors, principal shareholders, controlling persons, controlling affiliates, employees, owners, persons who own beneficially more than 5 percent of any equity security of a class, persons making a tender offer to acquire more than 5 percent of equity securities, individuals who are required by statute or rule to file reports concerning their beneficial ownership of certain securities, persons for whose account securities are proposed to be sold pursuant to rules adopted by the Commission, and persons other than management who are required to file proxy soliciting material with the Commission in advance of its use. Records may also concern persons, directly or indirectly, with whom public companies or their affiliates have client relations or business arrangements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information related to the categories of individuals listed above may include: Name, mailing address, telephone number, email address, central index key (CIK) number, IRS tax identification number, IP address, transaction history, and financial information. Additionally, records include registration statements for IPOs and other offerings, proposed sale of securities, prospectus, and proxy solicitation materials, financial statements, beneficial ownership documents, acquisition documents, tender offers, ownership reports, insider trading transaction records, quarterly and annual reports, correspondence, internal staff memoranda, and information relating to the business activities and transactions of public companies and their associated persons.

RECORD SOURCE CATEGORIES:

Record sources are primarily filers required to file registration statements, reports, and other disclosure and accounting documents under the Securities Act of 1933 and Securities Exchange Act of 1934. Additional record sources are derived from SEC correspondence and any other forms of communication related to the filings.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the Commission as a routine use pursuant to 5 U.S.C. 552 a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (1) the SEC suspects or has confirmed that there has been a breach of the system of records, (2) The SEC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the SEC (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To other Federal, state, local, or foreign law enforcement agencies; securities self-regulatory organizations; and foreign financial regulatory authorities to assist in or coordinate regulatory or law enforcement activities with the SEC.

3. To national securities exchanges and national securities associations that are registered with the SEC, the Municipal Securities Rulemaking Board; the Securities Investor Protection Corporation; the Public Company Accounting Oversight Board; the Federal banking authorities, including, but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation; state securities regulatory agencies or organizations; or regulatory authorities of a foreign government in connection with their regulatory or enforcement responsibilities.

4. By SEC personnel for purposes of investigating possible violations of, or to conduct investigations authorized by, the Federal securities laws.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity.

6. In connections with proceedings by the Commission pursuant to Rule 102(e) of its Rules of Practice, 17 CFR 201.102(e).

7. To a bar association, state accountancy board, or other Federal, state, local, or foreign licensing or

oversight authority; or professional association or self-regulatory authority to the extent that it performs similar functions (including the Public Company Accounting Oversight Board) for investigations or possible disciplinary action.

8. To a Federal, state, local, tribal, foreign, or international agency, if necessary to obtain information relevant to the SEC's decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit.

9. To a Federal, state, local, tribal, foreign, or international agency in response to its request for information concerning the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

11. To any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)) or pursuant to the Commission's Rules of Practice, 17 CFR 201.100–900 or the Commission's Rules of Fair Fund and Disgorgement Plans, 17 CFR 201.1100–1106, or otherwise, where such trustee, receiver, master, special counsel, or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice or the Rules of Fair Fund and Disgorgement Plans.

12. To any persons during the course of any inquiry, examination, or investigation conducted by the SEC's staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

13. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

14. In reports published by the Commission pursuant to authority granted in the Federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), which authority shall include, but not be limited to, section 21(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(a).

15. To members of advisory committees that are created by the Commission or by Congress to render advice and recommendations to the Commission or to Congress, to be used solely in connection with their official designated functions.

16. To any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735–1 to 200.735–18, and who assists in the investigation by the Commission of possible violations of the Federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

17. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

18. To members of Congress, the press, and the public in response to inquiries relating to particular Registrants and their activities, and other matters under the Commission's jurisdiction.

19. To prepare and publish information relating to violations of the Federal securities laws as provided in 15 U.S.C. 78c(a)(47), as amended.

20. To respond to subpoenas in any litigation or other proceeding.

21. To a trustee in bankruptcy.

22. To members of Congress, the General Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

23. To any governmental agency, governmental or private collection agent, consumer reporting agency or commercial reporting agency, governmental or private employer of a debtor, or any other person, for collection, including collection by administrative offset, Federal salary offset, tax refund offset, or administrative wage garnishment, of amounts owed as a result of Commission civil or administrative proceedings.

24. To another Federal agency or Federal entity, when the SEC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases, magnetic disc, tape and/or digital media. Paper records and records on computer disc are stored in locked file rooms and/or file cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are accessed by the file number assigned to the company. No individual name access is provided, although the Commission's Name-Relationship Index system cross-indexes names with company officers. Records are also searched through CIK. Hard copy records are accessed by name and/or file number assigned to the reporting individual. Computer tabulations derived from data contained in the hard copy records are accessed by company or by name of the reporting individual.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

These records are retained for various lengths of time in accordance with the National Archives and Records Administration records schedules. The

records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with the SEC's records retention schedule, as approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to SEC facilities, data centers, and information or information systems is limited to authorized personnel with official duties requiring access. SEC facilities are equipped with security cameras and 24-hour security guard service. The records are kept in limited access areas during duty hours and in locked file cabinets and/or locked offices or file rooms at all other times. Computerized records are safeguarded in a secured environment. Security protocols meet the promulgating guidance as established by the National Institute of Standards and Technology (NIST) Security Standards from Access Control to Data Encryption and Security Assessment & Authorization (SA&A). Records are maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include: Firewalls, intrusion detection and prevention systems, and role-based access controls. Additional safeguards will vary by program. All records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include: Restricting access to authorized personnel who have a ''need to know;'' using locks; and password protection identification features. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

New SORN.

SYSTEM NAME AND NUMBER

SEC–69: SEC's Division of Investment Management Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549. Records are also maintained in SEC Regional Offices.

SYSTEM MANAGER(S):

Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Securities Exchange Act of 1934,15 U.S.C. 78a *et seq.,* Investment Company Act of 1940, 15 U.S.C. 80a–3 *et seq.,* and Investment Advisers Act of 1940, 15 U.S.C. 80b–1 *et seq.*

PURPOSE(S) OF THE SYSTEM:

1. To assist the Commission in executing its responsibility for investor protection and for promoting capital formation through oversight and regulation of the investment management industry.

2. To assist the Commission in interpreting laws and regulations for the public.

3. To review investment company and investment adviser filings.

4. To assist the Commission in enforcement matters involving investment companies and advisors.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records include information on officers, directors, principal shareholders, and certain other persons having relationship with or a transaction with a registrant; an individual or their affiliates related to a reporting entity, or an entity seeking exemption from Federal securities laws and/or seeking ''no-action'' or interpretive advice; institutional investment managers or their affiliates; individuals related to investment advisers; officers, directors, and certain shareholders of issuers required to file periodic reports with the Commission; officers, directors, and certain stockholders of an issuer and persons other than management who are required to file proxy soliciting material with the Commission in advance of its use; investment advisers registered with the Commission and persons associated with registered investment advisers; individuals associated with registered investment companies; officers, directors, principal shareholders, or other individuals related to advisers; individuals or their affiliates related to business development companies; individual or their affiliates related to variable insurance products; federally registered or unregistered investment advisers; professional fund managers or their affiliates that have client relations or business arrangements.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records covered by this SORN may include, but not limited to: Records that describe or relate to the individual's relationship to a registrant, reporting entity and/or other relevant material business information about the individual; records describe or related to an application for registration exemption, or relate to adviser records such as name, date of birth, mailing address, email address, telephone numbers, social security number, education, employment history, disciplinary history, business relationships and other similar related information; records that describe or relate to initial information and changes regarding beneficial ownership of the securities of certain issuers such as name of the reporting person, the inside control number assigned to the individual, the relationship of the reporting person, the nature of the ownership, and financial transaction data with regard to the securities holdings of the reporting person; records that describe or relate to lawsuits, shareholdings, business transactions, relationships to the issuer and other relevant material business information about the individual; records that describe or relate to business relationships and transactions of director, lawsuits, investigations, affiliations with other companies, and other relevant personal and business information about the individual that is material to the use of the proxy soliciting materials; records that describe or relate to an investment adviser, the adviser's business, the adviser's compliance with provisions of the Federal securities laws and include information on persons associated with investment advisers; records that describe or relate to an individual's relationships and transactions with a registered investment company.

RECORD SOURCE CATEGORIES:

Records sources are primarily maintained by the Division of

Investment Management that relate to primary filers that are required to file registration statements, applications, reports, correspondence, and other related disclosure and accounting documents under the Securities Act of 1933, the Securities Exchange Act of 1934, the Investment Company Act of 1940 and the Investment Advisers Act of 1940.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the Commission as a routine use pursuant to 5 U.S.C. 552 a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (1) the SEC suspects or has confirmed that there has been a breach of the system of records, (2) The SEC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the SEC (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To other Federal, state, local, or foreign law enforcement agencies; securities self-regulatory organizations; and foreign financial regulatory authorities to assist in or coordinate regulatory or law enforcement activities with the SEC.

3. To national securities exchanges and national securities associations that are registered with the SEC, the Municipal Securities Rulemaking Board; the Securities Investor Protection Corporation; the Public Company Accounting Oversight Board; the Federal banking authorities, including, but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation; state securities regulatory agencies or organizations; or regulatory authorities of a foreign government in connection with their regulatory or enforcement responsibilities.

4. By SEC personnel for purposes of investigating possible violations of, or to conduct investigations authorized by, the Federal securities laws.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity.

6. In connections with proceedings by the Commission pursuant to Rule 102(e) of its Rules of Practice, 17 CFR 201.102(e).

7. To a bar association, state accountancy board, or other Federal, state, local, or foreign licensing or oversight authority; or professional association or self-regulatory authority to the extent that it performs similar functions (including the Public Company Accounting Oversight Board) for investigations or possible disciplinary action.

8. To a Federal, state, local, tribal, foreign, or international agency, if necessary to obtain information relevant to the SEC's decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit.

9. To a Federal, state, local, tribal, foreign, or international agency in response to its request for information concerning the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

11. To any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)) or pursuant to the Commission's Rules of Practice, 17 CFR 201.100–900 or the Commission's Rules of Fair Fund and Disgorgement Plans, 17 CFR 201.1100–1106, or otherwise, where such trustee, receiver, master, special counsel, or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice or the Rules of Fair Fund and Disgorgement Plans.

12. To any persons during the course of any inquiry, examination, or investigation conducted by the SEC's staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

13. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

14. In reports published by the Commission pursuant to authority granted in the Federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), which authority shall include, but not be limited to, section 21(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(a).

15. To members of advisory committees that are created by the Commission or by Congress to render advice and recommendations to the Commission or to Congress, to be used solely in connection with their official designated functions.

16. To any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735–1 to 200.735–18, and who assists in the investigation by the Commission of possible violations of the Federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

17. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

18. To members of Congress, the press, and the public in response to inquiries relating to particular Registrants and their activities, and other matters under the Commission's jurisdiction.

19. To prepare and publish information relating to violations of the Federal securities laws as provided in 15 U.S.C. 78c(a)(47), as amended.

20. To respond to subpoenas in any litigation or other proceeding.

21. To a trustee in bankruptcy.

22. To members of Congress, the General Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

23. To any governmental agency, governmental or private collection agent, consumer reporting agency or commercial reporting agency, governmental or private employer of a debtor, or any other person, for collection, including collection by administrative offset, Federal salary offset, tax refund offset, or administrative wage garnishment, of amounts owed as a result of Commission civil or administrative proceedings.

24. To another Federal agency or Federal entity, when the SEC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases and/or electronic storage devices. Paper records and records on electronic storage devices may be stored in locked file rooms and/or file cabinets and/or secured buildings.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information is indexed by name of the Regulated Entity or by certain SEC identification numbers. Information regarding individuals may be obtained through the use of cross-reference methodology or some form of personal identifier. Access for inquiry purposes is via a computer terminal.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

These records are retained for various lengths of time in accordance with the National Archives and Records Administration records schedules. The records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with the SEC's records retention schedule, as approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to SEC facilities, data centers, and information or information systems is limited to authorized personnel with official duties requiring access. SEC facilities are equipped with security cameras and 24-hour security guard service. Covered records are kept in limited access areas during duty hours and secured areas at all other times. Computerized records are safeguarded in secured, encrypted environment. Security protocols meet the promulgating guidance as established by the National Institute of Standards and Technology (NIST) Security Standards from Access Control to Data Encryption, and Security Assessment & Authorization (SA&A). Records will be maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include: Firewalls, intrusion detection and prevention systems, and role-based access controls. Additional safeguards will vary by program. All records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include: Restricting access to authorized personnel who have a ''need to know''; using locks; and password protection identification features. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

New SORN.

SYSTEM NAME AND NUMBER

SEC–70: SEC's Division of Trading and Markets Records.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549. Records are also maintained in SEC Regional Offices.

SYSTEM MANAGER(S):

Chief Information Officer, Office of Information Technology, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Securities Act of 1933, 15 U.S.C. 77a *et seq.;* Securities Exchange Act of 1934, 15 U.S.C. 78a *et seq.;* Investment Company Act of 1940, 15 U.S.C. 80a–1 *et seq.,* Investment Advisers Act of 1940, 15 U.S.C. 80b–1 *et seq.,* and rules and regulations adopted by the Commission under the Securities Act of 1933 and the Securities Exchange Act of 1934.

PURPOSE(S) OF THE SYSTEM:

1. To maintain standards for fair, orderly, and efficient markets.

2. To regulate the major securities market participants, including broker-dealers, self-regulatory organizations, clearing agencies, transfer agents, securities information processors, and other registered intermediaries.

3. To carry out the Commission's financial integrity program for broker-dealers.

4. To review and in some cases approve proposed new rules and proposed changes to existing rules filed by self-regulatory organizations.

5. To assist in establishing rules and issuing interpretations on matters affecting the operation of the securities markets.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system of records covers applicants for registration or exemption

from registration as broker-dealers, self-regulatory organizations (SROs), clearing agencies, transfer agents, security-based swap dealers, security based swap data repositories, major security-based swap participants, security-based swap execution facilities, funding portals, and persons associated with the entities above. Records may also concern persons, directly or indirectly, with whom market participants or their affiliates have client relations or business arrangements.

CATEGORIES OF RECORDS IN THE SYSTEM:

Information related to the categories of individuals listed above may include: Name, business address, residential address (for sole proprietor only), telephone/cellular/facsimile number, email address, website or IP address, IRS employer identification number, IA SEC File Number, Broker Dealer SEC File Number, CRD Number, areas of business, other SEC registrations, SRO memberships, and related information; past and present employment; disciplinary history; business relationships; and similar information relating to the categories of individuals covered by the system. Paper records may include, but are not limited to, application and other forms, notices, records, or documents relating to registration; letters, facsimiles, imaged documents, and other forms of written communication; and related documentation.

RECORD SOURCE CATEGORIES:

Record Sources are primarily market participants required to register with the SEC and file applications for registration, reports, and other disclosure and accounting documents filed Pursuant to the Securities Exchange Act of 1934, and other Federal securities laws.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the Commission as a routine use pursuant to 5 U.S.C. 552 a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (1) the SEC suspects or has confirmed that there has been a breach of the system of records, (2) The SEC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the SEC (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To other Federal, state, local, or foreign law enforcement agencies; securities self-regulatory organizations; and foreign financial regulatory authorities to assist in or coordinate regulatory or law enforcement activities with the SEC.

3. To national securities exchanges and national securities associations that are registered with the SEC, the Municipal Securities Rulemaking Board; the Securities Investor Protection Corporation; the Public Company Accounting Oversight Board; the Federal banking authorities, including, but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation; state securities regulatory agencies or organizations; or regulatory authorities of a foreign government in connection with their regulatory or enforcement responsibilities.

4. By SEC personnel for purposes of investigating possible violations of, or to conduct investigations authorized by, the Federal securities laws.

5. In any proceeding where the Federal securities laws are in issue or in which the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity.

6. In connections with proceedings by the Commission pursuant to Rule 102(e) of its Rules of Practice, 17 CFR 201.102(e).

7. To a bar association, state accountancy board, or other Federal, state, local, or foreign licensing or oversight authority; or professional association or self-regulatory authority to the extent that it performs similar functions (including the Public Company Accounting Oversight Board) for investigations or possible disciplinary action.

8. To a Federal, state, local, tribal, foreign, or international agency, if necessary to obtain information relevant to the SEC's decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit.

9. To a Federal, state, local, tribal, foreign, or international agency in response to its request for information concerning the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

11. To any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)) or pursuant to the Commission's Rules of Practice, 17 CFR 201.100–900 or the Commission's Rules of Fair Fund and Disgorgement Plans, 17 CFR 201.1100–1106, or otherwise, where such trustee, receiver, master, special counsel, or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities laws or the Commission's Rules of Practice or the Rules of Fair Fund and Disgorgement Plans.

12. To any persons during the course of any inquiry, examination, or investigation conducted by the SEC's staff, or in connection with civil litigation, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appeared to be relevant at the time to the subject matter of the inquiry.

13. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions,

or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

14. In reports published by the Commission pursuant to authority granted in the Federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), which authority shall include, but not be limited to, section 21(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(a).

15. To members of advisory committees that are created by the Commission or by Congress to render advice and recommendations to the Commission or to Congress, to be used solely in connection with their official designated functions.

16. To any person who is or has agreed to be subject to the Commission's Rules of Conduct, 17 CFR 200.735–1 to 200.735–18, and who assists in the investigation by the Commission of possible violations of the Federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), in the preparation or conduct of enforcement actions brought by the Commission for such violations, or otherwise in connection with the Commission's enforcement or regulatory functions under the Federal securities laws.

17. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

18. To members of Congress, the press, and the public in response to inquiries relating to particular Registrants and their activities, and other matters under the Commission's jurisdiction.

19. To prepare and publish information relating to violations of the Federal securities laws as provided in 15 U.S.C. 78c(a)(47), as amended.

20. To respond to subpoenas in any litigation or other proceeding.

21. To a trustee in bankruptcy.

22. To members of Congress, the General Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

23. To any governmental agency, governmental or private collection agent, consumer reporting agency or commercial reporting agency, governmental or private employer of a debtor, or any other person, for collection, including collection by administrative offset, Federal salary offset, tax refund offset, or administrative wage garnishment, of amounts owed as a result of Commission civil or administrative proceedings.

24. To another Federal agency or Federal entity, when the SEC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases, magnetic disc, tape and/or digital media. Paper records and records on computer disc are stored in locked file rooms and/or file cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information is indexed by name of the Regulated Entity or by certain SEC identification numbers. Information regarding individuals may be obtained through the use of cross-reference methodology or some form of personal identifier. Access for inquiry purposes is via a computer terminal.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

These records are retained for various lengths of time in accordance with the National Archives and Records Administration records schedules. The records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with the SEC's records retention schedule, as approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to SEC facilities, data centers, and information or information systems is limited to authorized personnel with official duties requiring access. SEC facilities are equipped with security cameras and 24-hour security guard service. The records are kept in limited access areas during duty hours and in locked file cabinets and/or locked offices or file rooms at all other times. Computerized records are safeguarded in a secured environment. Security protocols meet the promulgating guidance as established by the National Institute of Standards and Technology (NIST) Security Standards from Access Control to Data Encryption and Security Assessment & Authorization (SA&A). Records are maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include: Firewalls, intrusion detection and prevention systems, and role-based access controls. Additional safeguards will vary by program. All records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include: Restricting access to authorized personnel who have a ''need to know''; using locks; and password protection identification features. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

New SORN.

SYSTEM NAME AND NUMBER

SEC–31: Office of the General Counsel Working Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SYSTEM MANAGER(S):

General Counsel, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 13(b) of the Securities Act of 1933, 15 U.S.C. 77s; rules, regulations,

and orders, 15 U.S.C. 77sss; Appointment and Compensation of Staff and Leasing Authority, 15 U.S.C. 78d (b); rules, regulations, and orders; annual reports, 15 U.S.C. 78w; Investment Company Act, rules, regulations, and orders, 15 U.S.C. 80a–37; and Investment Advisers, rules, regulations, and orders of Commission, 15 U.S.C. 80b–11.

PURPOSE(S) OF THE SYSTEM:

1. To allow staff to render legal advice and provide legal assistance with respect to SEC investigations, actions, and agency operations.

2. To represent the SEC in judicial and administrative proceedings in which the SEC or its personnel are involved as a party, non-party witness, or as amicus curiae.

3. To manage, track, and report on matters and caseloads handled by staff, and keep the staff informed as to litigation and legal matters which may be of interest to the SEC.

4. To respond to communications made to the SEC and to investigate and make recommendations regarding complaints of misconduct by SEC employees.

5. To conduct investigations, bring proceedings, and render legal advice regarding the suspension or reinstatement of an attorney, accountant or other professional with respect to appearing or practicing before the SEC.

6. To prepare comments on pending legislation or rulemaking and to draft proposed legislation or rules.

7. To review articles, treatises, and speeches by Commission personnel relating to the Commission or to statutes and rules administered by the Commission.

8. To interpret, provide legal guidance, and address legal issues arising under the various Federal statutes and other authorities relevant to the SEC's mission.

9. To draft orders and opinions and render legal advice regarding appeals in administrative proceedings or appeals from actions by self-regulatory organizations or the PCAOB.

10. To provide legal advice, assistance, and/or representation in any other SEC matter where such effort is needed.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include persons involved with or related to cases or matters worked on by the Office of the General Counsel (OGC). Records are maintained on persons being investigated by the SEC, including investigations of attorneys for possible suspension or disbarment from appearing and practicing before the SEC and attorneys applying to be reinstated to appear and practice before the SEC. Records are also maintained on persons involved in litigation with the SEC or litigation of interest to the SEC; persons involved in acquisitions and leases with the SEC; persons involved in administrative proceedings; persons involved in appeals from actions by self-regulatory organizations or the Public Company Accounting Oversight Board (PCAOB); persons communicating with the SEC; FOIA/Privacy Act requestors; individuals whose conduct or performance raises concerns; individuals who have filed EEO complaints; individuals named in or involved in litigation in which a third-party subpoena is served; Commission personnel seeking review of articles, speeches, or treatises; and SEC personnel against whom complaints have been lodged. Records are also maintained on SEC users of electronic databases maintained by OGC.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records found in this system include: Court pleadings, documents and orders filed in civil, administrative, or criminal proceedings, or appeals from actions by self-regulatory organizations or the PCAOB; correspondence detailing requests, complaints, and other topics of interest to the author; investigative material regarding allegations of possible staff misconduct; information relevant to SEC investigations; and other memoranda and materials gathered and prepared by staff in performance of their duties. The specific data elements found in these records may include names, social security numbers, mailing addresses, email addresses, employment histories, employee evaluations, disciplinary actions, case-related communications and notes, and audit logs of user access and activities within electronic databases maintained by OGC.

RECORD SOURCE CATEGORIES:

Records sources include documents related to court pleadings, proceedings and appeals; information obtained through correspondence, via letters, telephone calls, emails or any other form of communication; data obtained from investigative material and any relevant information to SEC investigations; materials and information gathered by staff in the performance of their duties; records gathered during the acquisition process; electronic databases maintained by OGC; other SEC files; and from individuals, including where practicable, those to whom the records relate.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the Commission as a routine use as follows:

1. To appropriate agencies, entities, and persons when (1) the SEC suspects or has confirmed that there has been a breach of the system of records, (2) The SEC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the SEC (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To other Federal, state, local or foreign law enforcement agencies; securities self-regulatory organizations; and foreign financial regulatory authorities to assist in or coordinate regulatory or law enforcement activities with the SEC.

3. By SEC personnel for purposes of investigating possible violations of, or to conduct investigations authorized by, the Federal securities laws.

4. To national securities exchanges and national securities associations that are registered with the SEC; the Municipal Securities Rulemaking Board; the Securities Investor Protection Corporation; the Public Company Accounting Oversight Board; the Federal banking authorities, including, but not limited to, the Board of Governors of the Federal Reserve System, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation; state securities regulatory agencies or organizations; or regulatory authorities of a foreign government in connection with their regulatory or enforcement responsibilities.

5. In connection with any proceeding where the Federal securities laws are in issue or in which the Commission or past or present members of its staff is a party or otherwise involved in an official capacity.

6. In connection with proceedings by the Commission pursuant to Rule 102(e) of its Rules of Practice, 17 CFR 201.102(e).

7. To a bar association, state accountancy board, or other Federal, state, local, or foreign licensing or oversight authority; or a professional association or self-regulatory authority to the extent that it performs similar functions (including the Public Company Accounting Oversight Board) for investigations or possible disciplinary action.

8. To a Federal, state, local, tribal, or international agency, if necessary to obtain information relevant to the SEC's decision concerning the hiring or retention of an employee; the issuance of a securities clearance; the letting of a contract; or the issuance of a license, grant, or other benefit.

9. To a Federal, state, local tribal, foreign, or international agency in response to its request for information concerning the hiring or retention of an employee; the issuance of a security clearance; the reporting of an investigation of an employee; the letting of a contract; or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

10. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

11. To any trustee, receiver, master, special counsel, or other individual or entity that is appointed by a court of competent jurisdiction, or as a result of an agreement between the parties in connection with litigation or administrative proceedings involving allegations of violations of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)) or pursuant to the Commission's Rules of Practice, 17 CFR 201.100–900, or the Commission's Rules of Fair Fund and Disgorgement Plans, 17 CFR 201.1100–1106, or otherwise, where such trustee, receiver, master, special counsel, or other individual or entity is specifically designated to perform particular functions with respect to, or as a result of, the pending action or proceeding or in connection with the administration and enforcement by the Commission of the Federal securities law or the Commission's Rules of Practice or the Rules of Fair Fund and Disgorgement Plans.

12. To a trustee in bankruptcy.

13. To any persons during the course of any inquiry, examination, or investigation conducted by the SEC's staff, or in connection with civil litigation or administrative proceedings, if the staff has reason to believe that the person to whom the record is disclosed may have further information about the matters related therein, and those matters appear to be relevant to the subject matter of the inquiry.

14. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

15. In reports published by the Commission pursuant to authority granted in the Federal securities laws (as such term is defined in section 3(a)(47) of the Securities Exchange Act of 1934, 15 U.S.C. 78c(a)(47)), which authority shall include, but not be limited to, section 21(a) of the Securities Exchange Act of 1934, 15 U.S.C. 78u(a).

16. To members of advisory committees that are created by the Commission or by Congress to render advice and recommendations to the Commission or to Congress, to be used solely in connection with their official designated functions.

17. To any person who is or has agreed to be subject to the Commission's Rules of Conduct regarding non-disclosure, particularly 17 CFR 200.735–3(b)(2), or has otherwise agreed to comply with provisions restricting the disclosure of SEC nonpublic information.

18. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

19. To members of Congress, the press, and the public in response to inquiries relating to particular Registrants and their activities, and other matters under the Commission's jurisdiction.

20. To prepare and publish information related to violations of the Federal securities laws as provided in 15 U.S.C. 78c(a)(47), as amended.

21. To respond to subpoenas in any litigation or other proceeding.

22. To members of Congress, the Government Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

23. To any governmental agency, governmental or private collection agent, consumer reporting agency or commercial reporting agency, governmental or private employer of a debtor, or any other person, for collection, including collection by administrative offset, Federal salary offset, tax refund offset, or administrative wage garnishment, of amounts owed as a result of Commission civil or administrative proceedings.

24. To another Federal agency or Federal entity, when the SEC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases and/or electronic storage devices. Paper records and records on electronic storage devices may be stored in locked file rooms and/or file cabinets and/or secured buildings.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Some hard copy records may be accessed by relevant name, subject, date, and/or internal file numbers, although there is not necessarily a method by which the name of a particular individual can be accessed. For electrically stored information, it is often, but not always, possible to search by relevant name, subject, date, mailing address, email address, internal file number, external case number, security number, record type, matter type, or other relevant case attribute.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

These records are retained for various lengths of time in accordance with the National Archives and Records Administration records schedules. The records will be maintained until they become inactive, at which time they

will be retired or destroyed in accordance with the SEC's records retention schedule, as approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to SEC facilities, data centers, and information or information systems is limited to authorized personnel with official duties requiring access. SEC facilities are equipped with security cameras and 24-hour security guard service. The physical records may be kept in limited access areas during duty hours and in locked file cabinets and/or locked offices or file rooms at all other times. Computerized records are safeguarded in a secured environment. Security protocols meet the promulgated guidance as established by the National Institute of Standards and Technology (NIST) Security Standards, including Access Control, Data Encryption, and Security Assessment & Authorization (SA&A). Computerized records are maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include: Firewalls, intrusion detection and prevention systems, audit logs, and role-based access controls. Additional safeguards will vary by program. All computerized records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include: Restricting access to authorized personnel who have a ''need to know''; using locks; and password protection identification features. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street, NE, Mail Stop 5100, Washington, DC 20549–2736.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Under 5 U.S.C. 552a(k)(2), this system of records is exempted from the following provisions of the Privacy Act, 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (H), and (I), and (f) and 17 CFR 200.303, 200.304, and 200.306, insofar as it contains investigatory materials compiled for law enforcement purposes. This exemption is contained in 17 CFR 200.312(a)(5).

HISTORY:

This SORN was last published in full in the **Federal Register** at 40 FR 39253 (August 27, 1975). Subsequent notices of revision can be found at the following citations:

—42 FR 36333 (July 14, 1977)
—46 FR 63439 (December 31, 1981)
—56 FR 24103 (May 29, 1991)
—59 FR 27626 (May 27, 1994)
—62 FR 47884 (September 11, 1997)

SYSTEM NAME AND NUMBER

SEC–39: Personnel Management Employment and Staffing/Training Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SYSTEM MANAGER(S):

Assistant Director, Office of Human Resources, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S. Code § 3101, General authority to employ; 5 U.S. Code § 3109, Employment of experts and consultants; temporary or intermittent; Executive Orders 9397, as amended by 13478, 9830, and 12107; and Civil Service Regulations promulgated thereunder.

PURPOSE(S) OF THE SYSTEM:

1. Records in category (a) below are used by SEC staff to make referrals to supervisors or administrative assistants in offices with vacancies for which applicants may be considered. Offices may retain copies of applications/resumes and evaluations of candidates they interview whom they feel may be contenders for employment offers later in the year.

2. SEC staff uses records in category (b) below for (i) retention of official personnel documents; (ii) verification of employment; (iii) determination of qualifications for jobs and eligibility for training; and (iv) processing of personnel actions.

3. SEC staff uses records in category (c) below for (i) computation of personnel strength of divisions/offices; (ii) verification of employment for credit checks or job applications; and (iii) recording of personnel actions processed.

4. SEC staff uses records in category (d) below to maintain records required by the Office of Human Resources of competitive promotion actions, including (i) records to determine how an announcement for a particular job reads; (ii) records for statistical reports; and (iii) records for program effectiveness studies (to send questionnaires to supervisors who made selections under the program, for example). Supervisory appraisals are scored and used in determining employee's overall standing among all applicants for the job; they are sent to selecting supervisors for review if the employee is certified for consideration (interview).

5. SEC staff uses records in category (e) below to identify Office of Human Resources control numbers for Schedule C positions and to aid in preparing new submissions.

6. SEC staff uses records in category (f) below for statistical reports.

7. SEC staff forwards records in category (g) below to the Office of Human Resources at the end of each month if the applicant is not hired; if applicant is hired, records are retained for one year and then destroyed.

8. SEC staff uses records in category (h) below to monitor personnel actions concerning their staffs (*i.e.,* date of employee's last promotion, employee's position description number, etc.) and to record date personnel action requests and reports were forwarded to the Office of Personnel.

9. SEC Regional Offices use records in category (i) below as a reference in preparing personnel actions requests on employees, determining employee eligibility for training or career development counseling and for back-up data in preparing award nominations, etc.

10. The records may also be used in connection with organizational directories or similar records for internal management purposes.

11. The information allows employees to track their training history, register for classes, access a catalog of courses, and review their training schedule. Also, the system is used by the Office of Human Resources (OHR) for statistical reporting and employee career Counseling, for determining whether mandatory training has been received, and for assessing whether the cost, quality, and appropriateness of courses and sources merit consideration for fulfilling future agency training needs.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Records are maintained on applicants for SEC employment and present and past employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

The system of records includes the following category of records:

a. Applicant files (Resumes, attorney supplements to applications, applicant correspondence and evaluations, official position description, and summer employment files);

b. Official personnel folders (Office of Administrative and Personnel Management Files);

c. Training files (Employee name, social security number, organization, and the assigned training form number; vendor name; instructor name; category of training; date(s) of training; and course title and location.);

d. Merit promotion posting files, including supervisory appraisals for jobs advertised under SEC Merit Promotion Program;

e. Request to Office of Human Resources for Schedule C personnel actions;

f. Chronological copies of personnel actions (Standard Forms 50); and

g. Regional Office employee files, including copies of applications and notifications of personnel action (Standard Forms 50) on the employee concerned.

RECORD SOURCE CATEGORIES:

Records in category (a) are obtained from applicant concerned and interviewer evaluating the applicant. Records in category (b) are obtained from employee and supervisors concerned. Records in category (c) are obtained from official personnel folder of the employee concerned. Records in category (d) are obtained from employees applying for job and their supervisors. Records in category (e) are obtained from employees and supervisors concerned. Records in category (f) are obtained from employees and supervisors concerned. Records in category (g) are obtained from applicant. Records in category (h) are obtained from official personnel actions, employees and supervisors concerned. Records in category (i) are obtained from official personnel actions, employees and supervisors concerned.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the Commission as a routine use to 5 U.S.C. 552 a(b)(3) as follows:

1. To appropriate agencies, entities, and persons when (1) the SEC suspects or has confirmed that there has been a breach of the system of records, (2) the SEC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the SEC (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the SEC's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. In any proceeding where the Federal securities law are in issue or in which the Commission, or past or present members of its staff, is a party or otherwise involved in an official capacity.

3. To a Federal, state, local, tribal, foreign, or international agency, if necessary to obtain information relevant to the SEC's decision concerning the hiring or retention of an employee; the issuance of a security clearance; the letting of a contract; or the issuance of a license, grant, or other benefit.

4. To produce summary descriptive statistics and analytical studies, as a data source for management information, in support of the function for which the records are collected and maintained or for related personnel management functions or manpower studies; may also be used to respond to general requests for statistical information (without personal identification of individuals) under the Freedom of Information Act.

5. To interns, grantees, experts, contractors, and others who have been engaged by the Commission to assist in the performance of a service related to this system of records and who need access to the records for the purpose of assisting the Commission in the efficient administration of its programs, including by performing clerical, stenographic, or data analysis functions, or by reproduction of records by electronic or other means. Recipients of these records shall be required to comply with the requirements of the Privacy Act of 1974, as amended, 5 U.S.C. 552a.

6. To a Congressional office from the record of an individual in response to an inquiry from the Congressional office made at the request of that individual.

7. To members of Congress, the General Accountability Office, or others charged with monitoring the work of the Commission or conducting records management inspections.

8. In connection with any court litigation or administrative action to review personnel action taken by the Commission or the failure by the Commission to take action.

9. To aid in responding to inquiries from an employee, Member of Congress, the press or others concerning personnel action taken with respect to a specified employee or employees.

10. To the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

11. To a commercial contractor in connection with benefit programs administered by the contractor on the Commission's behalf, including, but not limited to, supplemental health, dental, disability, life and other benefit programs.

12. To another Federal agency or Federal entity, when the SEC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are maintained in electronic and paper format. Electronic records are stored in computerized databases, magnetic disc, tape and/or digital media. Paper records and records on computer disc are stored in locked file rooms and/or file cabinets.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are indexed by name.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

These records are retained for various lengths of time in accordance with the National Archives and Records Administration records schedules. The records will be maintained until they become inactive, at which time they will be retired or destroyed in accordance with the SEC's records retention schedule, as approved by the National Archives and Records Administration.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to SEC facilities, data centers, and information or information systems is limited to authorized personnel with official duties requiring access. SEC facilities are equipped with security cameras and 24 hour security guard service. The records are kept in limited access areas during duty hours and in locked file cabinets and/or locked offices or file rooms at all other times. Computerized records are safeguarded in a secured, encrypted environment. Security protocols meet the promulgating guidance as established by the National Institute of Standards and Technology (NIST) Security Standards from Access Control to Data Encryption and Security Assessment & Authorization (SA&A). Records will be maintained in a secure, password-protected electronic system that will utilize commensurate safeguards that may include: Firewalls, intrusion detection and prevention systems, and role-based access controls. Additional safeguards will vary by program. All records are protected from unauthorized access through appropriate administrative, operational, and technical safeguards. These safeguards include: Restricting access to authorized personnel who have a ''need to know''; using locks; and password protection identification features. Contractors and other recipients providing services to the Commission shall be required to maintain equivalent safeguards.

RECORD ACCESS PROCEDURES:

Persons wishing to obtain information on the procedures for gaining access to or contesting the contents of these records may contact the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

CONTESTING RECORD PROCEDURES:

See Record Access Procedures above.

NOTIFICATION PROCEDURES:

All requests to determine whether this system of records contains a record pertaining to the requesting individual may be directed to the FOIA/PA Officer, Securities and Exchange Commission, 100 F Street NE, Mail Stop 5100, Washington, DC 20549–2736.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was last published in full in the **Federal Register** at 40 FR 39253 (August 27, 1975). Subsequent notices of revision can be found at the following citations:

—41 FR 5318 (February 5, 1976)
—41 FR 11631 (March 19, 1976)
—41 FR 41591 (September 22, 1976)
—42 FR 36333 (July 14, 1977)
—46 FR 63439 (December 31, 1981)
—50 FR 37750 (September 17, 1985)
—62 FR 47884 (September 11, 1997)
—72 FR 2036 (January 17, 2007)

By the Commission.

Dated: February 9, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–03100 Filed 2–14–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. PA–54; File No. S7–02–18]

Privacy Act of 1974; System of Records

AGENCY: Securities and Exchange Commission.

ACTION: Rescindment of system of records notice.

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A–108, the Securities and Exchange Commission (Commission or SEC) purposes to rescind 33 existing systems of records. The Notice of Rescindment identifies the system of records, explains why the SORN is being rescinded, and provides an account of what will happen to the records previously maintained in the system.

DATES: The rescindments will become effective on March 27, 2018.

ADDRESSES: Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/other.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number S7–02–18 on the subject line.

Paper Comments

Send paper comments in triplicate to Brent J. Fields, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to S7–02–18. This file number should be included on the subject line if email is used. To help process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/other.shtml*). Comments are also available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. All comments received will be posted without change; we do not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

FOR FURTHER INFORMATION CONTACT: Ronnette McDaniel, Privacy and Information Assurance Branch Chief, 202–551–8378 or *privacyhelp@sec.gov.*

SUPPLEMENTARY INFORMATION: Thirty-three systems were identified for rescindment from the SEC's Privacy Act systems of records inventory. SORNs were identified for rescindment for one of four reasons: The records (1) are not Privacy Act records; (2) will be maintained as part of a new or modified system of records; (3) are duplicative, and covered by another SEC system of records; or (4) are obsolete and no longer maintained by the SEC. A description of each rescindment justification, the applicable SORNs, and an account of what happened to the records is as follows:

1. Not a Privacy Act System of Records

Mere maintenance of personal information about an individual is not enough to create a Privacy Act system of records. To satisfy the elements of a system of records, there must be (1) a group of records; (2) under the control of a government agency; and (3) those records must be retrieved by a name or other personal identifier. When one condition is no longer met, the collection ceases to qualify as a system of records. Accordingly, the following SORNs were identified for rescindment as they no longer qualify as a Privacy Act system of records.

1. SEC–12: Hearings, Proceedings and Studies. These records are no longer retrieved by a personal identifier. Records are now retrieved using a date or the name of an event.

2. SEC–13: No-action and Interpretative Letters. These records are no longer retrieved by a personal identifier. Records are now retrieved by company name and law firm name.

3. SEC–21: Division of Investment Management Correspondence and Memoranda Files. These records are no longer retrieved by a personal identifier. Records are now retrieved by date, title, or company name.

4. SEC–27: Name-Relationship Search Index (NRSI). Under the Privacy Act, a record is defined as ''any item, collection, or grouping of information

about an individual that is maintained by an agency.'' Since 2000, the NRSI has stopped maintaining records on individuals. NRSI is used as a search tool, to search records in other SEC systems; it does not store or maintain data within the system.

2. Maintained as Part of a New or Modified Systems of Records

In accordance with the directive of OMB, ''if records in a system of records will be combined with another system of records or maintained as part of a new system of records, [agencies shall draft a] notice of rescindment [and] shall direct members of the public to the SORN for the system that will include the relevant records.'' Accordingly, the following SORNs were identified for rescindment. The records will be maintained as part of a new or modified system of records as described below:

1. SEC–01: Registration Statements Filed Pursuant to Provisions of the Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940. Records in this system will be consolidated in multiple systems of records. Records collected, maintained and used to assist the Division of Corporation Finance would be consolidated into new SORN SEC–68. Records collected, maintained and used to assist the Division of Investment Management would be consolidated into new SORN SEC–69.

2. SEC–02: Applications for Registration or Exemption under the Investment Company Act of 1940. Records collected, maintained and used to assist the Division of Investment Management would be consolidated into new SORN SEC–69.

3. SEC–03: Notification of Exemption from Registration under the Securities Act of 1933. Records collected, maintained and used to assist the Division of Corporation Finance would be consolidated into new SORN SEC–68.

4. SEC–04: Beneficial Ownership, Acquisition, Tender Offer, and Solicitation Records Filed under the Securities Exchange Act of 1934. Records collected, maintained and used to assist the Division of Corporation Finance would be consolidated into new SORN SEC–68.

5. SEC–05: Ownership Reports and Insider Trading Transaction Records Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940. Records collected, maintained and used to assist the Division of Corporation Finance would be consolidated into new SORN SEC–68.

6. SEC–06: Periodic Reports Filed under the Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940 and Investment Advisers Act of 1940. Records in this system will be consolidated in multiple systems of records. Records collected, maintained and used to assist the Division of Corporation Finance would be consolidated into new SORN SEC–68. Records collected, maintained and used to assist the Division of Investment Management would be consolidated into new SORN SEC–69.

7. SEC–07: Proposed Sale of Securities Records Filed under the Securities Act of 1933. Records collected, maintained and used to assist the Division of Corporation Finance would be consolidated into new SORN SEC–68.

8. SEC–08: Proxy Soliciting Material Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940. Records in this system will be consolidated in multiple systems of records. Records collected, maintained and used to assist the Division of Corporation Finance would be consolidated into new SORN SEC–68. Records collected, maintained and used to assist the Division of Investment Management would be consolidated into new SORN SEC–69.

9. SEC–09: Correspondence Files Pertaining to Registered Broker-Dealers. Records collected, maintained and used to assist the Division of Trading and Markets would be consolidated into new SORN SEC–70.

10. SEC–10: Correspondence Files Pertaining to Registered Investment Advisers. Records collected, maintained and used to assist the Division of Investment Management would be consolidated into new SORN SEC–69.

11. SEC–11: Correspondence Files Pertaining to Registered Investment Companies. Records collected, maintained and used to assist the Division of Investment Management would be consolidated into new SORN SEC–69.

12. SEC–18: Applications for Relief from Disqualification Filed Under the Securities Act of 1933 and the Commission's Rules of Practice. Records in this system will be consolidated in multiple systems of records. Records collected, maintained and used to assist the Office of General Counsel would be consolidated into modified SORN SEC–31. Records collected, maintained and used to assist the Division of Corporation Finance would be consolidated into new SORN SEC–68. Records collected, maintained and used to assist the Division of Investment Management would be consolidated into new SORN SEC–69.

13. SEC–20: Division of Corporation Finance Index for Filings on Schedule 13D and Filings under Regulations A and B. Records collected, maintained and used to assist the Division of Corporation Finance would be consolidated into new SORN SEC–68.

14. SEC–30: Office of General Counsel Work Files. Records collected, maintained and used to assist the Office of General Counsel would be consolidated into modified SORN SEC–31.

15. SEC–32: Rule 102(e) of the Commission's Rules of Practice—Appearance and Practice Before the Commission. Records collected, maintained and used to assist the Office of General Counsel would be consolidated into modified SORN SEC–31.

16. SEC–37: Automated Personnel Management Information System. Records collected, maintained and used to assist the Office of Human Resources would be consolidated into modified SORN SEC–39.

17. SEC–40: Office of Personnel Training Files. Records collected, maintained and used to assist the Office of Human Resources would be consolidated into modified SORN SEC–39.

18. SEC–49: Broker-Dealer Records. Records collected, maintained and used to assist the Division of Trading and Markets would be consolidated into new SORN SEC–70.

19. SEC–50: Investment Adviser Records. Records collected, maintained and used to assist the Division of Investment Management would be consolidated into new SORN SEC–69.

3. Duplicative of Another SEC SORN

OMB requires that each agency provide assurance that systems of records do not duplicate any existing agency or government-wide systems of records. Accordingly, the following SORNs were identified for rescindment.

1. SEC–23: Staff Time and Activity Tracking System (STATS). The records in SEC–23 are duplicative of and share the same purpose as the records in SORN SEC–15: Payroll, Attendance, Retirement and Leave Records, 75 FR 17978 (April 8, 2010).

2. SEC–25: Office of Public Affairs, Policy Evaluation and Research Records. The following records in SEC–25 are no longer used or maintained by the Office of Public Affairs and are

recommended for elimination from the notice: Speeches by Commissioners and other Commission officials. The remaining item in the categories of records is a contact list, which contains the names, telephone numbers and addresses of news reporters and editors. The contact list is essential and necessary in order to conduct official business and is duplicative of records maintained in SEC–56: Mailing, Contact and Other Lists, 74 FR 36281 (July 22, 2009).

3. SEC–34: Administrative Proceedings Records Cards. The records in SEC–34 are duplicative of and share the same purpose as the records in SORN SEC–36: Administrative Proceeding Files, 79 FR 69894 (November 24, 2014).

4. SEC–53: Automated Emergency Notification System. The records in SEC–53 are duplicative of the records in SORN SEC–51: Emergency Contingency Plan System, 68 FR 23168 (April 30, 2003).

5. SEC–59: Office of Interpretation and Guidance Log; Office of Broker-Dealer Finances NRSRO Log; Office of Financial Responsibility Log. The records related to broker-dealer finances were consolidated in to the new SORN SEC–70. All remaining records in SEC–59 are duplicative of and share the same purpose as the records in SORN SEC–56: Mailing, Contact and Other Lists, 74 FR 36281 (July 22, 2009).

4. Obsolete Systems

The Privacy Act provides that an agency may only collect or maintain in its records information about individuals that is relevant and necessary to accomplish a purpose that is required by a statute or executive order. If a system of records is comprised of records that no longer meet this standard, the Privacy Act may require agencies to stop maintaining the system and expunge the records in accordance with the requirements in the SORN and the applicable record retention or disposition schedule approved by the National Archives and Records Administration. System managers have deemed the following systems obsolete and have declared that the records are no longer relevant to accomplish an agency mission/purpose. Accordingly, the following SORNs were identified for rescindment:

1. SEC–22: Executive/Congressional Personnel Referrals
2. SEC–26: Confidential Treatment Request Imaging System
3. SEC–35: Securities Violations Records and Bulletin
4. SEC–44: Ridesharing System
5. SEC–47: Disgorgement and Penalties Tracking System

SYSTEM NAME AND NUMBER

1. SEC–01 Registration Statements Filed Pursuant to Provisions of the Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

2. SEC–02 Applications for Registration or Exemption under the Investment Company Act of 1940.

3. SEC–03 Notification of Exemption from Registration under the Securities Act of 1933.

4. SEC–04 Beneficial Ownership, Acquisition, Tender Offer, and Solicitation Records Filed under the Securities Exchange Act of 1934.

5. SEC–05 Ownership Reports and Insider Trading Transaction Records Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

6. SEC–06 Periodic Reports Filed under the Securities Act of 1933, Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940 and Investment Advisers Act of 1940.

7. SEC–07 Proposed Sale of Securities Records Filed under the Securities Act of 1933.

8. SEC–08 Proxy Soliciting Material Filed under the Securities Exchange Act of 1934, Public Utility Holding Company Act of 1935, and Investment Company Act of 1940.

9. SEC–09 Correspondence Files Pertaining to Registered Broker-Dealers.

10. SEC–10 Correspondence Files Pertaining to Registered Investment Advisers.

11. SEC–11 Correspondence Files Pertaining to Registered Investment Companies.

12. SEC–12, Hearings, Proceedings and Studies.

13. SEC–13, No-action and Interpretative Letters.

14. SEC–18 Applications for Relief From Disqualification Filed Under the Securities Act of 1933 and the Commission's Rules of Practice.

15. SEC–20 Division of Corporation Finance Index for Filings on Schedule 13D and Filings under Regulations A and B.

16. SEC–21, Division of Investment Management Correspondence and Memoranda Files.

17. SEC–22, Executive/Congressional Personnel Referrals.

18. SEC–23: Staff Time and Activity Tracking System (STATS).

19. SEC–25, Office of Public Affairs, Policy Evaluation and Research Records.

20. SEC–26, Confidential Treatment Request Imaging System.

21. SEC–27, Name-Relationship Search Index (NRSI).

22. SEC–30 Office of General Counsel Work Files.

23. SEC–32 Rule 102(e) of the Commission's Rules of Practice—Appearance and Practice Before the Commission.

24. SEC–34, Administrative Proceedings Records Cards.

25. SEC–35, Securities Violations Records and Bulletin.

26. SEC–37: Automated Personnel Management Information System.

27. SEC–40: Office of Personnel Training Files.

28. SEC–44, Ridesharing System.

29. SEC–47, Disgorgement and Penalties Tracking System.

30. SEC–49 Broker-Dealer Records.

31. SEC–50 Investment Adviser Records.

32. SEC–53, Automated Emergency Notification System.

33. SEC–59, Office of Interpretation and Guidance Log; Office of Broker-Dealer Finances NRSRO Log; Office of Financial Responsibility Log.

HISTORY:

System No.	**Federal Register** No. and publication date
SEC–01	40 FR 39253 (August 27, 1975).
SEC–02	40 FR 39253 (August 27, 1975); 64 FR 69051 (December 9, 1999); and 66 FR 7820 (January 25, 2001).
SEC–03	40 FR 39253 (August 27, 1975) and 46 FR 44328 (September 3, 1981).
SEC–04	40 FR 39253 (August 27, 1975).
SEC–05	40 FR 39253 (August 27, 1975).
SEC–06	40 FR 39253 (August 27, 1975) and 59 FR 27626 (May 27, 1994).
SEC–07	40 FR 39253 (August 27, 1975) and 59 FR 27626 (May 27, 1994).
SEC–08	40 FR 39253 (August 27, 1975) and 59 FR 27626 (May 27, 1994).
SEC–09	40 FR 39253 (August 27, 1975); 59 FR 27626 (May 27, 1994); and 62 FR 47884 (September 11, 1997).

System No.	**Federal Register** No. and publication date
SEC–10	40 FR 39253 (August 27, 1975); 59 FR 27626 (May 27, 1994); and 62 FR 47884 (September 11, 1997).
SEC–11	40 FR 39253 (August 27, 1975) and 62 FR 47884 (September 11, 1997).
SEC–12	40 FR 39258 (August 27, 1975); 59 FR 27626 (May 27, 1994); and 62 FR 47884 (September 14, 1997).
SEC–13	40 FR 39258 (August 27, 1975); 59 FR 27626 (May 27, 1994); and 62 FR 47884 (September 14, 1997).
SEC–18	40 FR 39253 (August 27, 1975); 59 FR 27626 (May 27, 1994); and 62 FR 47884 (September 11, 1997).
SEC–20	40 FR 39253 (August 27, 1975); 59 FR 27626 (May 27, 1994); and 62 FR 47884 (September 11, 1997).
SEC–21	40 FR 39253 (August 27, 1975); 77 FR 65913 (October 31, 2012); and 78 FR 41962 (July 12, 2013).
SEC–22	40 FR 39253 (August 27, 1975); 41 FR 5321 (February 5, 1976); 56 FR 24103 (May 27, 1994); and 62 FR 47884 (September 14, 1997).
SEC–23	44 FR 7002 (February 5, 1979); 59 FR 27626 (May 27, 1994); and 62 FR 47884 (September 14, 1997).
SEC–25	41 FR 5318 (February 5, 1976); 42 FR 36333 (July 14, 1977); 46 FR 22091 (April 15, 1981); 49 FR 28498 (July 12, 1984); 59 FR 27626 (May 27, 1994) and 62 FR 47884 (September 11, 1997).
SEC–26	62 FR 47889 (September 11, 1997).
SEC–27	40 FR 39253 (August 27, 1975); 41 FR 5321 (February 5, 1976); 49 FR 28498 (July 12, 1984); 56 FR 24103 (May 27, 1994); and 62 FR 47884 (September 14, 1997).
SEC–30	40 FR 39253 (August 27, 1975); 59 FR 27626 (May 27, 1994); and 62 FR 47884 (September 11, 1997).
SEC–32	40 FR 39253 (August 27, 1975) and 62 FR 47884 (September 11, 1994).
SEC–34	40 FR 39253 (August 27, 1975); 59 FR 27626 (May 27, 1994) and 62 FR 47884 (September 11, 1997).
SEC–35	40 FR 39253 (August 27, 1975).
SEC–37	43 FR 21769 (May 19, 1978); 46 FR 31128 (June 12, 1981); 56 FR 24103 (June 3, 1991); 57 FR 14594 (April 21, 1992); 59 FR 27626 (May 27, 1994) and 62 FR 47884 (September 14, 1997).
SEC–40	40 FR 39253 (August 27, 1975); 41 FR 5321 (February 5, 1976); 42 FR 36333 (July 14, 1977); 56 FR 24103 (June 1, 1991); and 62 FR 479884 (September 11, 1997).
SEC–44	63 FR 37423 (July 10, 1998).
SEC–47	64 FR 19840 (April 22, 1999).
SEC–49	64 FR 69051 (December 9, 1999).
SEC–50	66 FR 7820 (January 25, 2001).
SEC–53	71 FR 3907 (January 24, 2006).
SEC–59	74 FR 36281 (July 22, 2009).

By the Commission.

Dated: February 9, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–03101 Filed 2–14–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736.

Rule 17g–8 & 9, SEC File No. 270–645, OMB Control No. 3235–0693.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17g–8 and 17g–9 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).[1] The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17g–8 contains certain requirements for Nationally Recognized Statistical Rating Organizations (''NRSROs'') to have policies and procedures with respect to the procedures and methodologies the NRSRO uses to determine credit ratings, with respect to the symbols, numbers, or scores it uses to denote credit ratings, to address instances in which a look-back review determines that a conflict of interest influenced a credit rating, and to consider certain prescribed factors for an effective internal structure. Rule 17g–9 contains requirements for NRSROs to ensure that any person employed by an NRSRO to determine credit ratings meets standards necessary to produce accurate ratings. Currently, there are 10 credit rating agencies registered as NRSROs with the Commission. The Commission estimates that the total burden for respondents to comply with Rule 17g–8 is 1,450 hours and to comply with Rule 17g–9 is 25,004 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F St NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

Dated: February 9, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03096 Filed 2–14–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of FOIA Services,

[1] *See* 17 CFR 240.17g–1 and 17 CFR 249b.300.

100 F Street NE, Washington, DC 20549–2736.

Extension:

Rule 17g–7, SEC File No. 270–0656, OMB Control No. 3235–0656

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 17g–7 under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).[1] The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17g–7 contains disclosure requirements for Nationally Recognized Statistical Rating Organizations (''NRSROs'') including certain information to be published when taking a rating action with respect to a credit rating. Currently, there are 10 credit rating agencies registered as NRSROs with the Commission. The Commission estimates that the total burden for respondents to comply with Rule 17g–7 is 695,797 hours.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

Please direct your written comments to: Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F St NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov.*

[1] *See* 17 CFR 240.17g–1 and 17 CFR 249b.300.

Dated: February 9, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03095 Filed 2–14–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82678; File No. SR–ICEEU–2018–002]

Self-Regulatory Organizations; ICE Clear Europe Limited; Notice of Filing of Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Relating to Amendments to the ICE Clear Europe Limited CDS Procedures, CDS Risk Policy, and CDS Risk Model Description

February 9, 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 February 6, 2018, ICE Clear Europe Limited (''ICE Clear Europe'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule changes described in Items I, II, and III below, which Items have been prepared primarily by ICE Clear Europe. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

ICE Clear Europe Limited proposes to modify certain provisions of its CDS Procedures to support clearing of a new single-name CDS transaction type and to modify its CDS Risk Policy and CDS Risk Model Description to enhance risk management relating to CDS involving European banks.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICE Clear Europe included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. ICE Clear Europe has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICE Clear Europe proposes to modify certain provisions of its CDS Procedures to support clearing of a new single-name CDS transaction type. ICE Clear Europe also proposes to amend its CDS Risk Policy and CDS Risk Model Description to better address certain risks associated with CDS referencing European banks relating to the issuance of new debt structures by those banks. These revisions do not involve any changes to the ICE Clear Europe Clearing Rules.

Proposed Amendments to the CDS Procedures

The purpose of the proposed changes to the CDS Procedures is to support clearing of a new single-name CDS transaction type: Standard European Senior Non-Preferred Financial Corporate. ICE Clear Europe understands that market participants generally propose to commence trading of this transaction type as of March 20, 2018, and relevant standard documentation for the transaction type has recently been published by the International Swaps and Derivatives Association, Inc. (''ISDA''). Transactions under such standard documentation, will be generally similar to Standard European Financial Corporate transactions currently cleared by the Clearing House, but will have a reference obligation that will be subordinated to other senior obligations, but will rank senior to so-called ''tier 2'' obligations that are subordinated for purposes of European Union bank regulatory capital requirements. ICE Clear Europe proposes amending its CDS Procedures to provide for the clearance of contracts referencing this new transaction type. ICE Clear Europe believes the addition of these contracts will benefit the market for credit default swaps by providing market participants the benefits of clearing, including reduction in counterparty risk and safeguarding of margin assets pursuant to Clearing House Rules.

Specifically, ICE Clear Europe proposes amending Paragraph 4.3(c)(ii) of the CDS Procedures to reference Standard European Senior Non-Preferred Financial Corporate as a transaction type eligible to be submitted for clearing. Similarly, Paragraph 11.3(i) is amended in the definition of 'Non-STEC Single Name Contract' to include Standard European Senior Non-Preferred Financial Corporate in the list of types of Reference Entities eligible to be cleared by ICE Clear Europe. ICE

Clear Europe also proposes amending the definition of 'Single Name Contract Reference Obligations' in Paragraph 11.3(j) to remove a requirement that the relevant obligation must be a ''senior level'' obligation, and add instead that the obligation be of the applicable seniority level for the terms of the contract (to accommodate the seniority level of Senior Non-Preferred transactions, as discussed above).

Proposed Amendments to the CDS Risk Model Description

ICE Clear Europe's risk management methodology incorporates considerations of idiosyncratic credit events and the associated potential losses. These credit event losses are termed Loss-Given-Default (''LGD''). In order to support clearing of the new transaction type, ICE Clear Europe proposes certain LGD enhancements to its risk model. A description of these changes is set forth below.

ICE Clear Europe first proposes Risk Factor (''RF'') level LGD enhancements. These proposed RF level enhancements are designed to better capture the LGD risk associated with the issuance of new debt structures by European banks, and provide a consistent recovery rate scenario approach to different sub-factors.

Under ICE Clear Europe's risk model, every Single Name (''SN'') reference entity is deemed an RF. Each combination of definition, doc-clause, tier and currency for a given SN RF determines a SN Risk Sub-Factor (''RSF''). Currently, ICE Clear Europe measures losses associated with credit events (''LGD'') by means of a stress-based approach, which utilizes three recovery rate (''RR'') scenarios: minimum RR, expected RR, and maximum RR. Outright and index-derived RSF exposures are combined at each RR scenario.

The results of these RR scenarios are used as an input into the Profit/Loss-Given Default (''P/LGD'') calculations at both the RSF and RF levels. For each RSF, P/LGD is calculated as the worst credit event outcome, and for each RF, P/LGD is calculated as the sum of the worst credit outcomes per RSF. These final P/LGD results are used as part of the determination of risk requirements.

ICE Clear Europe proposes enhancements to the RF level LGD calculation. Specifically, ICE Clear Europe proposes a change to the calculation by incorporating a more consistent approach in the calculation of the P/LGD by using the same RR scenarios applied to the different RSFs which form part of the considered RF.

For each RF, ICE Clear Europe will continue to calculate an ''extreme outcome'' as the sum of the worst RSF P/LGDs across all scenarios. ICE Clear Europe will also, for each RF, calculate an ''expected outcome'' as the worst sum of all the RSF P/LGDs across all of the same scenarios. Under the proposed approach, ICE Clear Europe will then combine the results of the ''extreme outcome'' calculation and the ''expected outcome'' calculation to compute the total LGD for each RF.

ICE Clear Europe also proposes to expand its LGD analysis to Risk Factor Groups (''RFG''). Under the proposed changes, a collection of related RFs will form a RFG. These related RFs will be defined as a RFG based on either (1) having a common majority parental sovereign ownership (*e.g.* quasi-sovereigns and sovereigns), or (2) being a majority owned subsidiary of a common parent entity according to the Bloomberg Related Securities Analysis. A RFG can consist of only one RF. This change will better capture the risk exposure dynamics of related RFs, and will allow ICE Clear Europe the ability to provide limited LGD benefits across RFs with opposite exposures, as well as allow for the ability to capture accumulation of directional exposure for related RFs.

Under the proposed approach, the total quantity LGD will be calculated on a RFG level, and account for the exposure due to credit events associated with the reference entities within a given RFG. If a RFG contains only one RF, the LGD will continue to be computed as the risk exposure due to a credit event for a given underlying reference entity. Under the proposed approach, ICE Clear Europe will sum the P/LGDs for each RF in a given RFG, with limited offsets in the event RFs exhibit positive PLGD. Using the results of the above calculation, ICE Clear Europe will obtain the RFG level LGD. The proposed approach also includes a calculation which allows for the RFG level LGD to be attributed to each RF within the considered RFG.

ICE Clear Europe proposes changes to the 'Loss Given Default Risk Analysis' section of the CDS Risk Model Description Document to reflect the described RF and RFG LGD calculation changes. ICE Clear Europe also proposes conforming changes to other sections of the CDS Risk Model Description to incorporate these methodology changes and reflect the RFG analysis.

ICE Clear Europe proposes a revision to the 'Uncollateralized Loss Given Default' calculation in order to incorporate the RFG level LGD attribution calculation mentioned above.

ICE Clear Europe proposes changes to the 'Idiosyncratic Jump-to-Default Requirements' section of the CDS Risk Model Description document. Currently, the portfolio Jump to Default (''JTD'') approach collateralizes the worst uncollateralized LGD (''ULGD'') exposure among all RFs. Under the proposed approach, the portfolio JTD approach will collateralize, through the portfolio JTD IM requirement that accounts for the RFG-specific LGD collateralization, the worst ULGD exposure among all RFGs. The ULGD exposure for a given RFG will be calculated as a sum of the associated RF ULGDs.

ICE Clear Europe also proposes minor edits to the 'SWWR' (Specific Wrong Way Risk) and 'GWWR' (General Wrong Way Risk) sections to update language and calculation descriptions to accommodate the introduction of the RFG to the 'Idiosyncratic Jump-to-Default Requirements' section.

ICE Clear Europe proposes changes to the 'Guaranty Fund Methodology' section. ICE Clear Europe's risk management approach establishes GF to provide for the mutualization of losses under extreme credit market scenarios. Specifically, the ICE Clear Europe GF is designed to provide adequate funds to cover losses associated with the default of the two Clearing Member (''CM'') affiliate groups that would potentially cause the largest aggregate credit exposure to ICE Clear Europe under extreme, but plausible market conditions. ICE Clear Europe's current GF methodology includes, among other assumptions and adverse market conditions, the assumption that up to three credit events, different from the ones associated with CMs, occur during the established risk horizon. ICE Clear Europe proposes expanding this analysis to the RFG level. Under this proposed approach, it will be assumed that credit events associated with up to three RFGs, different from the ones associated with the CMs and the RFs that are in the RFGs as the CMs, occur during the established risk horizon. As such, the uncollateralized losses, used in the Guaranty Fund analysis, reflect the proposed expansion to the RFG level.

ICE Clear Europe also proposes clarifications to the calculation for the Specific Wrong Way Risk component of the Guaranty Fund. Currently, for a given CM, the Specific Wrong Way Risk component is based on self-referencing positions arising from one or more RFs; ICE Clear Europe proposes clarifying

this analysis to be based on the RFG level.

The amendments to the CDS Risk Model Description also contain typographical corrections and similar technical corrections and clarifications.

Proposed Amendments to the CDS Risk Policy

ICE Clear Europe also proposes conforming changes to the CDS Risk Policy consistent with those described above.

Specifically, the definition of a Risk Sub-Factor is proposed to be amended that it will be defined as a specific combination of SN, tier and currency (as well as documentation clause), where the union of all Risk Sub-Factors that share the same underlying SN forms a SN Risk Factor.

The CDS Risk Policy is also being amended such that instead of the worst SN, the worst LGD associated with a Risk Factor Group (''RFG''), will be selected to establish the portfolio JTD requirement. The amendments also clarify that a Risk Factor Group is a set of Risk Factors related by a common parental ownership.

With respect to the guaranty fund calculation, provisions in respect of two uncollateralized LGD relating to the guaranty fund calculation is being amended such that instead of the GF LGD being estimated for every SN based on the total portfolio positions in the SNs, the GF LGD will be estimated for every RFG based on the total portfolio positions in the SNs belonging to the same RFG.

The amendments to the CDS Risk Policy also contain typographical corrections and similar technical corrections and clarifications.

(b) Statutory Basis

Section 17A(b)(3)(F) of the Act [3] requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions, and to the extent applicable, derivative agreements, contracts and transactions and to comply with the provisions of the Act and the rules and regulations thereunder. ICE Clear Europe believes that the proposed rule changes are consistent with the requirements of the Act and the rules and regulations thereunder applicable to ICE Clear Europe, in particular, to Section 17(A)(b)(3)(F),[4] because ICE Clear Europe believes that the proposed rule changes will promote the prompt and accurate clearance and settlement of securities transactions, derivatives agreements, contracts, and transactions.

In regards to the proposed amendments to the Procedures, contracts referencing the Standard European Senior Non-Preferred Financial Corporate transaction type are similar to the Non-STEC Single Name contracts currently cleared by ICE Clear Europe, and will be cleared pursuant to ICE Clear Europe's existing clearing arrangements and related financial safeguards, protections and risk management procedures (with the modifications to the CDS Risk Policy and CDS Risk Model Description discussed herein). Clearing of these contracts will allow market participants an increased ability to manage risk and will ensure the safeguarding of related margin assets pursuant to Clearing House Rules. ICE Clear Europe believes that acceptance of these contracts, on the terms and conditions set out in the Rules, is consistent with the prompt and accurate clearance of and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICE Clear Europe, the safeguarding of securities and funds in the custody or control of ICE Clear Europe, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[5]

Clearing of contracts referencing the Standard European Senior Non-Preferred Financial Corporate transaction type will also satisfy the requirements of Rule 17Ad–22.[6] In particular, in terms of financial resources, ICE Clear Europe will apply its existing initial margin methodology to the contracts (with the modifications to the CDS Risk Policy and CDS Risk Model Description discussed herein). ICE Clear Europe believes that this model (as proposed to be amended) will provide sufficient initial margin requirements to cover its credit exposure to its Clearing Members from clearing such contracts, consistent with the requirements of Rule 17Ad–22(b)(2) and (e)(6).[7] In addition, ICE Clear Europe believes its Guaranty Fund, under its methodology as proposed to be revised, will, together with the required initial margin, provide sufficient financial resources to support the clearing of the contracts consistent with the requirements of Rule 17Ad–22(b)(3) and (e)(4).[8] ICE Clear Europe also believes that its existing operational and managerial resources will be sufficient for clearing of the contracts, consistent with the requirements of Rule 17Ad–22(e)(17),[9] as the new contracts are substantially the same from an operational perspective as existing contracts. Similarly, ICE Clear Europe will use its existing settlement procedures and account structures for the new contracts, consistent with the requirements of Rule 17Ad–22(e)(8), (9) and (10) [10], as to the finality and accuracy of its daily settlement process and addressing the risks associated with physical deliveries. ICE Clear Europe determined to accept the contracts for clearing in accordance with its governance process, consistent with the requirements of Rule 17Ad–22(e)(2).[11] Finally, ICE Clear Europe will apply its existing default management policies and procedures for the contracts. ICE Clear Europe believes that these procedures allow for it to take timely action to contain losses and liquidity pressures and to continue meeting its obligations in the event of Clearing Member insolvencies or defaults in respect of the additional single names, in accordance with Rule 17Ad–22(e)(13).[12]

With regards to the LGD enhancements, the proposed risk model revisions enhance ICE Clear Europe's risk methodology and are expected to impose more conservative requirements, which would enhance the financial resources available to ICE Clear Europe and thereby facilitate its ability to promptly and accurately clear and settle its cleared CDS contracts. In addition, the proposed revisions are consistent with the relevant requirements of Rule 17Ad–22.[13] In particular, the LGD related amendments will enhance the financial resources available to the Clearing House, and continue to ensure that ICE Clear Europe maintains sufficient financial resources to withstand a default by the two Clearing Member families to which it has the largest aggregate exposure in extreme, but plausible market conditions, and are therefore reasonably designed to meet the margin and financial resource requirements of Rule 17Ad–22(b)(2–3) and (e)(4) and (e)(6).[14]

(B) Clearing Agency's Statement on Burden on Competition

ICE Clear Europe does not believe the proposed rule changes would have any

[3] 15 U.S.C. 78q–1(b)(3)(F).

[4] Id.

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 17 CFR 240.17Ad–22.

[7] 17 CFR 240.17Ad–22(b)(2) and (e)(6).

[8] 17 CFR 240.17Ad–22(b)(3) and (e)(4).

[9] 17 CFR 240.17Ad–22(e)(17).

[10] 17 CFR 240.17Ad–22(e)(8), (9) and (10).

[11] 17 CFR 240.17Ad–22(e)(2).

[12] 17 CFR 240.17Ad–22(e)(13).

[13] 17 CFR§ 240.17Ad–22.

[14] 17 CFR§ 240.17Ad–22(b)(2–3) and (e)(4) and (e)(6).

impact, or impose any burden, on competition not necessary or appropriate in furtherance of the purpose of the Act. Contracts referencing the Standard European Senior Non-Preferred Financial Corporate transaction type will be available to all ICE Clear Europe participants for clearing. The clearing of these contracts by ICE Clear Europe does not preclude the offering of the contracts for clearing by other market participants. Additionally, the LGD enhancements apply uniformly across all Clearing Members. Therefore, ICE Clear Europe does not believe the proposed rule changes impose any burden on competition that is inappropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed amendments have not been solicited or received by ICE Clear Europe. ICE Clear Europe will notify the Commission of any comments received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The proposal shall not take effect until all regulatory actions required with respect to the proposal are completed.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, security-based swap submission or advance notice 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–ICEEU–2018–002 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–ICEEU–2018–002. 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, security-based swap submission or advance notice that are filed with the Commission, and all written communications relating to the proposed rule change, security-based swap submission or advance notice between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Europe and on ICE Clear Europe's website at *https://www.theice.com/clear-europe/regulation#rule-filing.*

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–ICEEU–2018–002 and should be submitted on or before March 8, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[15]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03112 Filed 2–14–18; 8:45 am]

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[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82676; File No. SR–NSCC–2017–807]

Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of No Objection to an Advance Notice To Increase the Authorized Amount Under the Prefunded Liquidity Program

February 9, 2018.

On December 12, 2017, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–NSCC–2017–807 (''Advance Notice'') pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'') [1] and Rule 19b–4(n)(1)(i) [2] under the Securities Exchange Act of 1934 (''Exchange Act'').[3] The Advance Notice was published for comment in the **Federal Register** on January 2, 2018.[4] The Commission received one comment on the Advance Notice. The comment letter was supportive, but brief, and without specific reasons for the view.[5] This publication serves as notice that the Commission does not object to the changes set forth in the Advance Notice.

I. Description of the Advance Notice

The Advance Notice is a proposal by NSCC to address liquidity risk that is present when NSCC acts as central counterparty (''CCP'') to a transaction with an NSCC member. Liquidity risk can arise for NSCC where there is a member default and NSCC must continue to complete end-of-day settlement on an ongoing basis. In such circumstances, NSCC will need to complete settlement of guaranteed transactions by delivering to its other members cash or securities on the failing member's behalf from the date of default through the remainder of the settlement cycle.

[1] 12 U.S.C. 5465(e)(1). The Financial Stability Oversight Council designated NSCC a systemically important financial market utility on July 18, 2012. *See* Financial Stability Oversight Council 2012 Annual Report, Appendix A, *http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.* Therefore, NSCC is required to comply with the Clearing Supervision Act and file advance notices with the Commission. *See* 12 U.S.C. 5465(e).

[2] 17 CFR 240.19b–4(n)(1)(i).

[3] 15 U.S.C. 78s(b)(1).

[4] Securities Exchange Act Release No. 82403 (December 26, 2017), 83 FR 176 (January 2, 2017) (File No. SR–NSCC–2017–807) (''Notice'').

[5] *See* letter from Alexandre Blais, dated January 1, 2018 (''[I] am all for this.'').

One of the resources NSCC uses to manage liquidity risk arising from a member default is its Prefunded Liquidity Program, which NSCC established through a previous advance notice to which the Commission did not object.[6] Currently, the Prefunded Liquidity Program provides NSCC with the authority to raise up to $5 billion through the private placement of unsecured debt (commercial paper and extendible notes, collectively ''Notes'').[7] NSCC holds the cash proceeds from the issuance of the Notes in a cash deposit account at the Federal Reserve Bank of New York or a bank counterparty that has been approved pursuant to the Clearing Agency Investment Policy.[8] In the event of a default by an NSCC member, NSCC can use the cash to manage the resultant liquidity need and complete settlement.[9] NSCC may not access or use the cash for any other purpose.[10]

NSCC filed the Advance Notice to increase the authorized amount under its Prefunded Liquidity Program. Under the Advance Notice, NSCC seeks to increase the amount available to it under the Prefunded Liquidity Program from $5 billion to $10 billion.[11] According to NSCC, the proposed expanded authorized amount under NSCC's Prefunded Liquidity Program would enable NSCC to continue to maintain a sufficient amount of liquid resources in compliance with its regulatory requirements through the issuance of additional Notes in the event its liquidity needs increase.[12] Specifically, NSCC stated that it would provide NSCC with the flexibility to reduce its reliance on its credit facility, as necessary.[13] NSCC has observed varying levels of interest by the credit markets in recent years and stated that it cannot be certain that it will be able to continue to renew the credit facility at levels that would meet its projected liquidity needs in future years.[14]

II. Discussion and Commission Findings

Although the Clearing Supervision Act does not specify a standard of review for an advance notice, the stated purpose of the Clearing Supervision Act is instructive: To mitigate systemic risk in the financial system and promote financial stability by, among other things, promoting uniform risk management standards for systemically important financial market utilities and strengthening the liquidity of systemically important financial market utilities.[15]

Section 805(a)(2) of the Clearing Supervision Act[16] authorizes the Commission to prescribe regulations containing risk-management standards for the payment, clearing, and settlement activities of designated clearing entities engaged in designated activities for which the Commission is the supervisory agency. Section 805(b) of the Clearing Supervision Act[17] provides the following objectives and principles for the Commission's risk management standards prescribed under Section 805(a):

- Promote robust risk management;
- promote safety and soundness;
- reduce systemic risks; and
- support the stability of the broader financial system.

Section 805(c) provides, in addition, that the Commission's risk-management standards may address such areas as risk-management and default policies and procedures, among others areas.[18]

The Commission has adopted risk-management standards under Section 805(a)(2) of the Clearing Supervision Act[19] and the Exchange Act (''Rule 17Ad–22'').[20] Rule 17Ad–22 requires each covered clearing agency, among other things, to establish, implement, maintain, and enforce written policies and procedures that are reasonably designed to meet certain minimum requirements for operations and risk-management practices on an ongoing basis.[21] As such, it is appropriate for the Commission to review advance notices for consistency with the objectives and principles for risk-management standards described in Section 805(b) of the Clearing Supervision Act[22] and Rule 17Ad–22.[23]

The Commission believes the proposal in the Advance Notice is consistent with the objectives and principles described in Section 805(b) of the Clearing Supervision Act,[24] and Rule 17Ad–22, in particular Rule 17Ad–22(e)(7)(i) and (ii),[25] as described in detail below.

A. Consistency With Section 805(b) of the Clearing Supervision Act

The Commission believes the Advance Notice proposal is consistent with the stated objectives and principles of Section 805(b) of the Clearing Supervision Act.[26] Specifically, the Commission believes that the changes proposed in the Advance Notice are consistent with promoting robust risk management in the area of liquidity risk and promoting safety and soundness.

The Commission believes that the proposed expanded authorized amount under NSCC's Prefunded Liquidity Program would enhance NSCC's ability to access liquid resources that, in turn, would allow NSCC to continue to meet its settlement obligations to its clearing members in a timely fashion, thereby promoting robust liquidity risk management at NSCC. While the Commission notes that the proposed expansion permits NSCC to increase its reliance upon the Prefunded Liquidity Program, and hence the financial risks that accompany such reliance (*e.g.,* maturity risk, rollover risk, and interest rate risk), NSCC has a variety of liquidity risk management tools at its disposal[27] and the Commission believes that the ability of NSCC to increase the Prefunded Liquidity Program, in lieu of or in combination with NSCC's other liquidity tools, promotes NSCC's ability to manage liquidity risk through an overall diversified range of risk management tools.

The Commission also believes that expanding the authorized amount under NSCC's Prefunded Liquidity Program from $5 billion to $10 billion, as proposed, would promote safety and soundness by enabling NSCC to obtain additional liquid resources to cover a liquidity gap that could arise in the event of a member default. By covering such a gap, the proposal bolsters NSCC's ability to meet its settlement obligations in the event of a member default, thereby reducing the risk of loss contagion (*i.e.,* the risk of losses arising at other NSCC members if NSCC is unable to deliver cash or securities on

[6] Securities Exchange Act Release No. 75730 (August 19, 2015), 80 FR 51638 (August 25, 2015) (SR–NSCC–2015–802).

[7] Notice, 83 FR at 177.

[8] *Id.*

[9] *Id.* at 178.

[10] *Id.*

[11] *Id.* at 177.

[12] *Id.*

[13] *Id.; see* Securities Exchange Act Release No. 80605 (May 5, 2017), 82 FR 21850 (May 10, 2017) (SR–DTC–2017–802; SR–NSCC–2017–802) (authorizing NSCC to enter into a 364-day credit facility with a consortium of banks).

[14] Notice, 83 FR at 177.

[15] *See* 12 U.S.C. 5461(b).

[16] 12 U.S.C. 5464(a)(2).

[17] 12 U.S.C. 5464(b).

[18] 12 U.S.C. 5464(c).

[19] 12 U.S.C. 5464(a)(2).

[20] 15 U.S.C. 78q–1.

[21] 17 CFR 240.17Ad–22.

[22] 12 U.S.C. 5464(b).

[23] 17 CFR 240.17Ad–22.

[24] 12 U.S.C. 5464(b).

[25] 17 CFR 240.17Ad–22(e)(7)(i) and (ii).

[26] 12 U.S.C. 5464(b).

[27] NSCC's other liquidity tools include: (1) NSCC's Clearing Fund (consisting of cash and U.S. treasury securities); (2) NSCC's committed 364-day credit facility with a consortium of banks (''Line of Credit''); and (3) Supplemental Liquidity Deposits, which are cash deposits designed to cover the heightened liquidity exposure arising around monthly option expiry periods by members whose activity would pose the largest liquidity exposure to NSCC during such periods.

the defaulting member's behalf). Reducing the risk of loss contagion during a member default, in turn, enhances the ability of NSCC and its clearing members to continue to provide stability and safety to the financial markets that they serve. Therefore, by enhancing NSCC's ability to address losses and liquidity pressures that otherwise might cause financial distress to NSCC or its clearing members, the Advance Notice promotes safety and soundness.

Consistent with the conclusions discussed above, the Commission also believes that NSCC's proposal is consistent with reducing systemic risks and supporting the stability of the broader financial system. Reducing the risk of loss contagion would attenuate the transmission of financial shocks from defaulting members to non-defaulting members. Accordingly, the proposed changes would support the stability of the broader financial system. Thus, the Commission believes that the proposal contained in the Advance Notice is consistent with the stated objectives and principles of Section 805(b) of the Clearing Supervision Act.

B. Consistency With Rules 17Ad–22(e)(7)(i) and (ii)

The Commission believes that the changes proposed in the Advance Notice are consistent with the requirements of Rules 17Ad–22(e)(7) under the Exchange Act. Rule 17Ad–22(e)(7) requires NSCC to establish, implement, maintain and enforce written policies and procedures reasonably designed to effectively measure, monitor, and manage liquidity risk that arises in or is borne by NSCC, including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity, as specified in the rule.

In particular, Rule 17Ad–22(e)(7)(i) under the Exchange Act requires that each covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to ''effectively measure, monitor, and manage the liquidity risk that arises in or is borne by [it], including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by . . . [m]aintaining sufficient liquid resources at the minimum in all relevant currencies to effect same-day . . . settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios that includes, but is not limited to, the default of the participant family that would generate the largest aggregate payment of obligation for the covered clearing agency in extreme but plausible conditions.''

As described above, the proposed expansion of the authorized amount under NSCC's Prefunded Liquidity Program would increase the readily-available liquidity resources available to NSCC to continue to meet its liquidity obligations in a timely fashion in the event of a member default. The increased funds could thereby help maintain sufficient liquidity resources to effect same-day settlement of payment obligations with a high degree of confidence under a wide range of foreseeable stress scenarios. Additionally, the increased size of the Prefunded Liquidity Program is designed to help ensure that NSCC has sufficient, readily-available qualifying liquid resources to meet the cash settlement obligations of its largest family of affiliated members. Therefore, the Commission finds that the proposal is consistent with Rule 17Ad–22(e)(7)(i).

Rule 17Ad–22(e)(7)(ii) under the Exchange Act requires each covered clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to ''effectively measure, monitor, and manage the liquidity risk that arises in or is borne by [it], including measuring, monitoring, and managing its settlement and funding flows on an ongoing and timely basis, and its use of intraday liquidity by . . . holding qualifying liquid resources sufficient'' to satisfy payment obligations owed to clearing members. Rule 17Ad–22(a)(14) under the Exchange Act defines ''qualifying liquid resources'' to include, among other things, cash held either at the central bank of issue or at creditworthy commercial banks.

As described above, the proposed expansion of the authorized amount under NSCC's Prefunded Liquidity Program would enable NSCC to hold additional cash proceeds from the issuance of the Notes in a cash deposit account at the Federal Reserve Bank of New York or a bank counterparty that has been approved pursuant to the Clearing Agency Investment Policy. Because the funds would be held at the Federal Reserve Bank of New York or a bank counterparty, they would qualify as qualifying liquid resource. Therefore, the Commission believes that the proposal is consistent with Rule 17Ad–22(e)(7)(ii).

III. Conclusion

It is therefore noticed, pursuant to Section 806(e)(1)(I) of the Clearing Supervision Act,[28] that the Commission *does not object* to the Advance Notice (SR–NSCC–2017–807) and that *NSCC* is *authorized* to implement the proposed change as of the date of this notice.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03094 Filed 2–14–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82684; File No. SR–NYSEArca–2017–69]

Self-Regulatory Organizations; NYSE Arca, Inc.; 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 No. 2, To List and Trade Shares of ProShares QuadPro Funds Under NYSE Arca Rule 8.200–E

February 9, 2018.

On July 31, 2017, NYSE Arca, Inc. (''Exchange'' or ''NYSE Arca'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade shares of ProShares QuadPro U.S. Large Cap, ProShares QuadPro Short U.S. Large Cap, ProShares QuadPro U.S. Small Cap, and ProShares QuadPro Short U.S. Small Cap under NYSE Arca Rule 8.200–E. The proposed rule change was published for comment in the **Federal Register** on August 18, 2017.[3] On September 28, 2017, pursuant to Section 19(b)(2) of the Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On September 29, 2017, the Exchange filed Amendment No. 1 to the proposed rule change, which amended and superseded the proposed rule change as originally filed. On November 14, 2017, the Exchange filed

[28] 12 U.S.C. 5465(e)(1)(I).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 81388 (August 14, 2017), 82 FR 39477.

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 81746, 82 FR 46315 (October 4, 2017). The Commission designated November 16, 2017, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

Amendment No. 2 to the proposed rule change, which amended and superseded the proposed rule change as modified by Amendment No. 1.[6] On November 16, 2017, the Commission published notice of Amendment No. 2 and instituted proceedings under Section 19(b)(2)(B) of the Act[7] to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 2.[8] The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act[9] provides that, after initiating disapproval proceedings, the Commission shall issue an order approving or disapproving the proposed rule change not later than 180 days after the date of publication of notice of filing of the proposed rule change. The Commission may extend the period for issuing an order approving or disapproving the proposed rule change by not more than 60 days if the Commission determines that a longer period is appropriate and publishes the reasons for such determination. The proposed rule change was published for notice and comment in the **Federal Register** on August 18, 2017. February 14, 2018 is 180 days from that date, and April 15, 2018 is 240 days from that date.

The Commission finds it appropriate to designate a longer period within which to issue an order approving or disapproving the proposed rule change so that it has sufficient time to consider the proposed rule change, as modified by Amendment No. 2. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,[10] designates April 15, 2018 as the date by which the Commission shall either approve or disapprove the proposed rule change (File No. SR–NYSEArca–2017–69), as modified by Amendment No. 2.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03113 Filed 2–14–18; 8:45 am]

BILLING CODE 8011–01–P

[6] Amendment No. 2 is available at *https://www.sec.gov/comments/sr-nysearca-2017-69/nysearca201769-2688277-161489.pdf.*

[7] 15 U.S.C. 78s(b)(2)(B).

[8] *See* Securities Exchange Act Release No. 82105, 82 FR 55699 (November 22, 2017).

[9] 15 U.S.C. 78s(b)(2).

[10] *Id.*

[11] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82675; File No. SR–LCH SA–2018–001]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change, Security-Based Swap Submission, or Advance Notice Relating to Self-Referencing Transactions

February 9, 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 31, 2018, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change described in Items I, II, and III below, which items have been prepared primarily by LCH SA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is proposing to amend its CDS Clearing Supplement and Section 4 of the CDS Clearing Procedures in order to allow acceptation of client's self-referencing transactions on their clearing broker. The text of the proposed rule change has been annexed as Exhibit 5.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. LCH SA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of these statements.

A. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In connection with the clearing of single name CDS referencing banks which are clearing members of CDSClear, LCH SA proposes to modify its eligibility requirements to allow for the clearing of clients ''self-referencing transactions'' on their clearing broker.

A ''self-referencing transaction'' refers to a single name CDS referencing a reference entity which is:

—In the case of a house transaction, either the clearing member itself or an affiliate of the clearing member;

—In the case of a client transaction, either the client itself or an affiliate of the client, or the clearing broker of the client or an affiliate of the clearing broker.

Currently, clearing of both house and client self-referencing transactions are prohibited by LCH SA whereas clients commonly trade single name CDS referencing banks in the uncleared world (as they face directly their counterparty). Not allowing for the clearing of those transactions as a consequence of the intermediation of a clearing member required for clients to clear would thus impact their ability to continue trading the financial CDS single name market, as well as restrict their choice for clearing brokers.

LCH SA is proposing to allow clients self-referencing transactions when the reference entity referenced by the single name CDS is either the client's clearing broker or an affiliate of the client's clearing broker.

The risk arising from clients self-referencing transactions on their clearing broker would be captured by the existing framework and more specifically by the Self-Referencing Margin which charges the minimum between zero and the net Profit and Loss resulting from a credit event of the self-referenced name across all index, single name and index swaption transactions using a Recovery Rate of 0%. The net Profit and Loss calculation allows for netting of the exposures arising from index, index swaption and single name CDS transactions if they reference the same contractual definition and transaction type.

The proposed rule change will consist in amending the following provisions of the CDS Clearing Supplement and Section 4 of the Procedures:

—The eligibility requirement in respect of single names in Section 4 of the Procedures (paragraph 4.1(c)(iii)(B)(11)) to make the distinction between house and clients self-referencing transactions so as to allow clients to clear single name CDS transactions referencing their clearing broker or one of their affiliates but neither clients self-referencing transactions referencing the client itself nor house self-referencing transactions; and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

—the provisions on the self referencing transactions in Part A and B of the CDS Clearing Supplement (Sections 1.2 and 9 and Appendix XIII of Parts A and B) to make a distinction between the remedies for house and client self-referencing transactions. More specifically, following the occurrence of a house self-referencing transaction, the clearing member shall notify LCH SA and the affected transactions could be auctioned and liquidated, whereas following the occurrence of a client self-referencing transaction, the clearing broker of such client shall only notify LCH SA when it is a self-referencing transaction on the client itself (or one of its affiliates) in which case the positions could be auctioned and liquidated, but if the self-referencing transactions reference the clearing broker, then no specific action is required from the clearing broker.

LCH SA is also taking this opportunity to make the following minor amendments to the CDS Clearing Supplement:

—Adding a missing reference to the Standard European Financial Corporate transaction types (Section 2.3 of Part B); and

—adding a reference to the Standard European Senior Non Preferred Financial Corporate transaction type (Section 2.3 of Part B) for which no change is needed in LCH SA's risk methodology as the specific risks arising from adding Senior Non Preferred transactions will be captured by the exact same framework developed when HoldCo entities were added; and

—clarifying that the underlying index transaction of an index swaption is an LCH cleared index transaction (Sections 1.2 and 7.1 of Part C).

2. Statutory Basis

LCH SA believes that the proposed rule change in connection with the clearing of clients self-referencing transactions referencing the clearing broker is consistent with the requirements of Section 17A of the Securities Exchange Act of 1934 [3] (the ''Act'') and the regulations thereunder, including the standards under Rule 17Ad–22.[4]

Specifically, Section 17(A)(b)(3)(F) of the Act requires, among other things, that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.[5] As noted above, the current risk management framework and more specifically the Self-Referencing Margin, already appropriately manages the risk arising from the clearing of clients self-referencing transactions on their clearing broker such that the proposed rule change will have no impact on the safeguarding of securities and funds under control of LCH SA.

LCH SA believes that the proposed change satisfies the requirements of Rule 17Ad–22(b)(2), (b)(3), (e)(1), (e)(4), and (e)(6).[6]

Rule 17Ad–22(b)(2) requires a clearing agency to use margin requirements to limit its credit exposures to participants under normal market conditions and to use risk-based models and parameters to set margin requirements.[7] Rule 17Ad–22(b)(3) requires each clearing agency acting as a central counterparty for security-based swaps to maintain sufficient financial resources to withstand, at a minimum, a default by the two participant families to which it has the largest exposure in extreme but plausible market conditions (the ''cover two standard''). Rule 17Ad–22(e)(4) requires a covered clearing agency to effectively identify, measure, monitor, and manage its credit exposures to participants and those arising from its payment, clearing and settlement processes by maintaining sufficient financial resources,[8] and Rule 17Ad–22(e)(6) requires a covered clearing agency that provides central counterparty services to cover its credit exposures to its participants by establishing a risk-based margin system that meets certain minimum requirements.[9]

As described above, the Self-Referencing Margin in LCH SA current risk framework captures the worst potential Profit and Loss impact on a clearing member client portfolio resulting from the default of such clearing member which implies that the margin requirements set by LCH SA and use of such margin requirements limit LCH SA's credit exposures to participants in clearing clients self-referencing transactions referencing their clearing broker under normal market conditions, consistent with Rule 17Ad–22(b)(2). LCH SA also believes that its current risk-based margin methodology, including the Self-Referencing Margin) takes into account, and generates margin levels commensurate with, the risks and particular attributes of clients self-referencing transactions on their clearing broker at the product and portfolio levels, appropriate to the relevant market it serves, consistent with Rule 17Ad–22(e)(6)(i) and (v). In addition, LCH SA believes that the margin calculation under the current CDSClear margin framework would sufficiently account for the 5-day liquidation period for house account portfolio and 7-day liquidation period for client portfolio and therefore, is reasonably designed to cover LCH SA's potential future exposure to participants in the interval between the last margin collection and the close out of positions following a participant default, consistent with Rule 17Ad–22(e)(6)(iii).

Further, Rule 17Ad–22(b)(3) requires a clearing agency acting as a central counterparty for security-based swaps to establish policies and procedures reasonably designed to maintain the ''cover two standard''.[10] Similarly, Rule 17Ad–22(e)(4)(ii) requires a covered clearing agency that provides central counterparty services for security-based swaps to maintain financial resources additional to margin to enable it to cover a wide range of foreseeable stress scenarios that include, but are not limited to, meeting the cover two standard.[11] LCH SA believes that its current Default Fund methodology will appropriately incorporate the risk of clearing clients self-referencing transactions on their clearing broker, as together with the existing CDSClear margin framework (and more specifically the Self-Referencing Margin), will be reasonably designed to ensure that LCH SA maintains sufficient financial resources to meet the cover two standard, in accordance with Rule 17Ad–22(b)(3) and (e)(4)(ii).[12]

LCH SA also believes that the proposed rule change is consistent with Rule 17Ad–22(e)(1), which requires each covered clearing agency's policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions.[13] As described above, the proposed rule change would make a clear distinction on the clearing eligibility and remedies for house versus

[3] 15 U.S.C. 78q–1.

[4] 17 CFR 240.17Ad–22.

[5] 15 U.S.C. 78q–1(b)(3)(F).

[6] 17 CFR 240.17Ad–22(b)(2), (b)(3), (e)(1), (e)(4), and (e)(6).

[7] 17 CFR 240.17Ad–22(b)(22) [*sic*].

[8] 17 CFR 240.17Ad–22(e)(4)(i).

[9] 17 CFR 240.17Ad–22(e)(6)(i).

[10] 17 CFR 240.17Ad–22(b)(3).

[11] 17 CFR 240.17Ad–22(e)(4)(ii).

[12] 17 CFR 240.17Ad–22(b)(3) and (e)(4)(ii).

[13] 17 CFR 240.17Ad–22(e)(1).

clients self-referencing transactions. LCH SA believes that this change would provide for a clear and transparent legal basis for CDSClear clearing eligibility requirements, consistent with Rule 17Ad–22(e)(1).

For the reasons stated above, LCH SA believes that the proposed rule change is consistent with the requirements of prompt and accurate clearance and settlement of securities transactions and derivatives agreements, contracts and transactions, and assuring the safeguarding of securities and funds in the custody or control of the clearing agency or for which it is responsible, in accordance with Rule 17A(b)(3)(F) of the Act.[14]

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[15] LCH SA does not believe that the proposed rule change would impose burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act.

Indeed, firstly the proposed rule change would apply equally to all CDSClear members and clients, and secondly it would give clients access to clearing of the same universe of products irrespective of their clearing broker.

Further, the proposed rule change does not adversely affect the ability of such clearing members or other market participants generally to engage in cleared transactions or to access clearing services offered by LCH SA.

Therefore, LCH SA does not believe that the proposed rule change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–LCH SA–2018–001 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–LCH SA–2018–001. 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 LCH SA and on LCH SA's website at *http://www.lch.com/asset-classes/cdsclear.*

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–LCH SA–2018–001 and should be submitted on or before March 8, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03111 Filed 2–14–18; 8:45 am]

BILLING CODE 8011–01–P

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 15 U.S.C. 78q–1(b)(3)(I).

[16] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) requires federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before April 16, 2018.

ADDRESSES: Send all comments to Carol Fendler, Director, Licensing and Program Standards Office of Investment and Innovation, Small Business Administration, 409 3rd Street, 6th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Carol Fendler, Director, Licensing and Program Standards Office of Investment and Innovation 202–205–7559, *carol.fendler@sba.gov,* or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: Small Business Investment Companies will use this form to request a determination of eligibility for SBA leverage in form of a deferred interest ''energy saving debenture'' which can be used only to make an ''Energy Saving Qualified Investment'' Eligibility is based on whether the Small Business to be financed with leverage proceeds ''primarily engaged'' in Energy Savings Activities as defined in the SBIC program regulations.

Solicitation of Public Comments:

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

Title: Financing Eligibility Statement for Usage of Energy Saving Debenture.

Description of Respondents: Small Business Investment Companies.

Form Number: SBA Form 2428.

Total Estimated Annual Responses: 5.

Total Estimated Annual Hour Burden: 50.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2018–03179 Filed 2–14–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2017–102]

Petition for Exemption; Summary of Petition Received; Delta Air Lines, Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before March 7, 2018.

ADDRESSES: Send comments identified by docket number FAA–2017–1193 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

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

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

FOR FURTHER INFORMATION CONTACT: Maria G. Delgado, AIR–673, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98057–3356, phone 425–227–2775, email *Maria.G.Delgado@faa.gov;* or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, phone 202–267–4713, email *Alphonso.Pendergrass@faa.gov.*

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on February 9, 2018.

Suzanne Masterson,

Acting Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2017–1193.

Petitioner: Delta Air Lines, Inc.

Section(s) of 14 CFR Affected: § 121.310(b)(2)(ii).

Description of Relief Sought: Delta is seeking relief from 14 CFR 121.310(b)(2)(ii), which requires passenger emergency exit markings to be manufactured to meet the interior emergency exit marking requirements under which the airplane was type certificated. Specifically, Delta is proposing the use of graphical/symbolic exit signs rather than the conventional, red text-based signs on its Boeing Model 777 series airplanes.

[FR Doc. 2018–03115 Filed 2–14–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2018–00665]

Notice of Final Federal Agency Actions on Proposed Highway Project in Rhode Island

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of correction.

SUMMARY: This notice corrects information in the January 19, 2018, Notice of Limitation on Claims for Judicial Review of Actions at 83 FR 2867 in reference to deletion of incorrect information regarding FHWA's assumed environmental responsibilities and Executive Order references that are not applicable.

DATES: Per the original notice, any claim seeking review of the Federal agency actions on this highway project will be barred unless filed on or before June 18, 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 questions about this technical correction, please contact Mr. Carlos E. Padilla-Fresse, MSCE, Program Delivery Supervisor, Federal Highway Administration Rhode Island Division, 380 Westminster Mall, Suite 601, Providence, Rhode Island 02903; (401) 528–4577; *Carlos.Padilla@dot.gov.* For the Rhode Island Department of Transportation (RIDOT), please contact Mr. David Fish, P.E., Administrator of Project Management, Rhode Island Department of Transportation, Two Capitol Hill, Providence, Rhode Island 02903–1124, (401) 222–2023, *david.fish@dot.ri.gov.* Business hours for FHWA and RIDOT are 8:00 a.m. to 4:30 p.m. (Eastern Standard Time), Monday through Friday, except Federal Holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

An electronic copy of this document is available on the **Federal Register** website at *http://www.archives.gov* and the Government Publishing Office's database at *http://www.access.gpo.gov/nara.*

Background

On January 19, 2018, FHWA posted a **Federal Register** notice at 83 FR 2867 announcing a limitation of claims for the following highway project in the State of Rhode Island: Toll Locations 1 and 2 in the Towns of Hopkinton, Richmond, and Exeter. The actions by FHWA, and the laws under which such actions were taken, are described in the Environmental Assessment (EA) for the project approved on December 15, 2017, and a Finding of No Significant Impact (FONSI) issued on December 20, 2017. The EA, FONSI, and other project records are available by contacting FHWA or the Rhode Island Department of Transportation at the addresses provided above. The EA and FONSI can be viewed and downloaded from the project website at *http://www.dot.ri.gov/rhodeworks/.*

The January 19 notice incorrectly stated that FHWA assumed environmental responsibilities for this project pursuant to 23 U.S.C. 327. The FHWA clarifies that 23 U.S.C. 327 is not applicable here and that Federal environmental review responsibilities remain with FHWA for this project. That notice also incorrectly listed 5 Executive Orders in paragraph 10: E.O. 11514, Protection and Enhancement of Environmental Quality; E.O. 11593, Protection and Enhancement of Cultural Resources; E.O. 13007, Indian Sacred Sites; E.O. 13287, Preserve America; and E.O. 13112, Invasive Species. The FHWA clarifies that it only intended to list the following: E.O. 11990, Protection of Wetlands; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11988, Floodplain Management; and E.O. 13175, Consultation and Coordination with Indian Tribal Governments.

Authority: 23 U.S.C. 139(*l*)(1).

Issued on: February 8, 2018.

Carlos C. Machado,

FHWA Rhode Island Division Administrator, Providence, Rhode Island.

[FR Doc. 2018–03139 Filed 2–14–18; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5578; FMCSA–2001–10578; FMCSA–2002–12844; FMCSA–2003–14223; FMCSA–2003–16564; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2005–23099; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2009–0291; FMCSA–2009–0303; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2011–0325; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2015–0053; FMCSA–2015–0055; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0347; FMCSA–2015–0348]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 85 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before March 19, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–1999–5578; FMCSA–2001–10578; FMCSA–2002–12844; FMCSA–2003–14223; FMCSA–2003–16564; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2005–23099; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2007–0071; FMCSA–2007–27897; FMCSA–2009–0291; FMCSA–2009–0303; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2011–0325; FMCSA–2011–0365; FMCSA–2011–0366; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2015–0053; FMCSA–2015–0055; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0347; FMCSA–2015–0348 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
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Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, ET, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 85 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 85 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (64 FR 27027; 64 FR 51568; 66 FR 48504; 66 FR 53826; 66 FR 66966; 67 FR 68719; 68 FR 2629; 68 FR 10301; 68 FR 19596; 68 FR 54775; 68 FR 69434; 68 FR 74699; 69 FR 10503; 70 FR 7545; 70 FR 25878; 70 FR 48797; 70 FR 48798; 70 FR 48799; 70 FR 48800; 70 FR 53412; 70 FR 57353; 70 FR 71884; 70 FR 72689; 70 FR 74102; 71 FR 4194; 71 FR 4632; 71 FR 6829; 71 FR 13450; 71 FR 32183; 71 FR 41310; 72 FR 32705; 72 FR 40362; 72 FR 46261; 72 FR 54972; 72 FR 62896; 72 FR 67340; 73 FR 1395; 73 FR 5259; 73 FR 6242; 73 FR 6246; 73 FR 8392; 73 FR 9158; 73 FR 16950; 73 FR 60398; 74 FR 26464; 74 FR 43222; 74 FR 53581; 74 FR 60021; 74 FR 60022; 74 FR 64124; 74 FR 65842; 74 FR 65845; 75 FR 1450; 75 FR 1451; 75 FR 4623; 75 FR 8184; 75 FR 9477; 75 FR 9482; 75 FR 9484; 76 FR 34135; 76 FR 37169; 76 FR 50318; 76 FR 53710; 76 FR 64171; 76 FR 75942; 76 FR 75943; 76 FR 78728; 77 FR 539; 77 FR 543; 77 FR 545; 77 FR 3552; 77 FR 3554; 77 FR 5874; 77 FR 7233; 77 FR 10604; 77 FR 10606; 77 FR 10608; 77 FR 13689; 77 FR 13691; 77 FR 17117; 78 FR 63302; 78 FR 64274; 78 FR 67452; 78 FR 67454; 78 FR 68137; 78 FR 76704; 78 FR 76705; 78 FR 76707; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 78 FR 78477; 79 FR 1908; 79 FR 3919; 79 FR 4531; 79 FR 4803; 79 FR 6993; 79 FR 10602; 79 FR 10619; 79 FR 12565; 79 FR 13085; 79 FR 14328; 79 FR 14331; 79 FR 14333; 80 FR 40122; 80 FR 44188; 80 FR 59230; 80 FR 62161; 80 FR 62163; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 79414; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 6573; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 20433; 81 FR 28136; 81 FR 44680; 81 FR 48493; 81 FR 60117). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of March and are discussed below:

As of March 2, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 49 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 27027; 64 FR 51568; 66 FR 48504; 66 FR 53826; 66 FR 66966; 68 FR 10301; 68 FR 19596; 68 FR 54775; 68 FR 69434; 70 FR 25878; 70 FR 48797; 70 FR 48798; 70 FR 48799; 70 FR 48800; 70 FR 53412; 70 FR 57353; 70 FR 71884; 70 FR 72689; 70 FR 74102; 71 FR 4632; 71 FR 32183; 71 FR 41310; 72 FR 32705; 72 FR 46261; 72 FR 54972; 72 FR 62896; 72 FR 67340; 73 FR 1395; 73 FR 5259; 73 FR 6246; 73 FR 60398; 74 FR 26464; 74 FR 43222; 74 FR 53581; 74 FR 60021; 74 FR 60022; 74 FR 65842; 74 FR 65845; 75 FR 1450; 75 FR 1451; 75 FR 4623; 75 FR 9482; 76 FR 34135; 76 FR 37169; 76 FR 50318; 76 FR 53710; 76 FR 64171; 76 FR 75942; 76 FR 75943; 76 FR 78728; 77 FR 539; 77 FR 543; 77 FR 545; 77 FR 3554; 77 FR 10604; 77 FR 10608; 78 FR 63302; 78 FR 64274; 78 FR 67452; 78 FR 67454; 78 FR 68137; 78 FR 76704; 78 FR 76705; 78 FR 76707; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 78 FR 78477; 79 FR 3919; 79 FR 4531; 79 FR 4803; 79 FR 6993; 79 FR 10619; 80 FR 40122; 80 FR 44188; 80 FR 59230; 80 FR 62161; 80 FR 62163; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 79414; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 20433; 81 FR 44680; 81 FR 48493; 81 FR 60117):

John P. Bails (IA)
Garry A. Baker (OH)
Howard D. Barton (IN)
Craig J. Belles (NY)
Steven A. Blinco (MT)
Cris D. Bush (TN)
Johnnie E. Byler (PA)
Stewart K. Clayton (TX)
David N. Cleveland (ME)
James J. Coffield (NM)
Richard A. Congdon, Jr. (OR)
Albion C. Doe, Sr. (NH)
Bruce J. Dowd (CT)
David E. Evans (NC)
Mark A. Farnsley (IN)
Jason L. Hoovan (UT)
Amos W. Husley (AL)
Darryl H. Johnson (WV)
Freddie H. Johnson (ID)
David B. Jones (FL)
Alfred Keehn (AZ)
Volga Kirkwood (MO)
Michael S. Maki (MN)
Kevin D. Mendoza (WA)
Ralph S. Miller (WV)
John M. Moore (PA)
Kenneth R. Murphy (WA)
Millard F. Neace, II (WV)
William E. Norris (NC)
Daniel F. Perez (CA)
Dean B. Ponte (MA)
Jack E. Potts, Jr. (PA)
Richard E. Purvenas, Jr. (DE)
Robert C. Reid (KY)

Steven S. Reinsvold (WI)
Glenn T. Riley (OH)
Migeul A. Sanchez (NM)
Donald L. Schoendienst (MO)
Tigran Semerjyan (CA)
James A. Shepard (NY)
Robert L. Simpson (NC)
John R. Snyder (WA)
Timothy R. Steckman (IL)
Warren Supulski (NC)
Dustin W. Tharp (IA)
Kirk A. Thelen (MI)
Robert E. Whitney (IL)
Reginald Wuethrich (IL)
Chadwick L. Wyatt (NC)

The drivers were included in docket numbers FMCSA–1999–5578; FMCSA–2001–10578; FMCSA–2003–14223; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–24783; FMCSA–2007–0017; FMCSA–2007–27897; FMCSA–2009–0291; FMCSA–2009–0303; FMCSA–2011–0140; FMCSA–2011–0141; FMCSA–2011–0325; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2015–0053; FMCSA–2015–0055; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345; FMCSA–2015–0347. Their exemptions are applicable as of March 2, 2018, and will expire on March 2, 2020.

As of March 5, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 74699; 69 FR 10503; 70 FR 57353; 70 FR 72689; 71 FR 6829; 73 FR 8392; 75 FR 8184; 77 FR 7233; 79 FR 10602; 81 FR 20433):

Barton C. Caldara (WI)
Allan Darley (UT)
Richard Hailey, Jr. (DC)
Robert V. Hodges (IL)
Edward D. Pickle (GA)
James T. Worthham, Jr. (GA)

The drivers were included in docket numbers FMCSA–2003–16564; FMCSA–2005–22194. Their exemptions are applicable as of March 5, 2018, and will expire on March 5, 2020.

As of March 7, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 3552; 77 FR 13691; 79 FR 12565; 81 FR 20433): Samuel V. Holder, (IL); Jake F. Richter, (KS); Robert J. Townsley, (VA).

The drivers were included in docket number FMCSA–2011–0365. Their exemptions are applicable as of March 7, 2018, and will expire on March 7, 2020.

As of March 10, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 6573; 81 FR 28136):

Thomas M. Bowman (OH)
Robert W. Fawcett (PA)
Harry J. Glynn (LA)
Cody N. McDonnell (OR)
Dennis C. Rokes (IA)
Brian W. Roughton (MO)
Steven A. Van Raalte (IL)
Marvin L. Wernimont (IA)
Brian J. Yole (TX)

The drivers were included in docket number FMCSA–2015–0348. Their exemptions are applicable as of March 10, 2018, and will expire on March 10, 2020.

As of March 13, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 1908; 79 FR 14333; 81 FR 20433):

Norvan D. Brown (IA)
Jackie K. Curlin (KY)
Justin W. Demarchi (OH)
Jimmey C. Harris (TX)
David G. Henry (TX)
Rogelio C. Hernandez (CA)
Harold D. Pressley (TX)
Jason C. Sadler (KY)
Michael O. Thomas (NC)

The drivers were included in docket number FMCSA–2013–0174. Their exemptions are applicable as of March 13, 2018, and will expire on March 13, 2020.

As of March 15, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following three individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (67 FR 68719; 68 FR 2629; 70 FR 7545; 71 FR 4194; 71 FR 13450; 72 FR 40362; 73 FR 9158; 74 FR 64124; 75 FR 9484; 77 FR 10606; 79 FR 14328; 81 FR 20433):

Gene Bartlett, Jr., (VT);
Wayne H. Holt, (UT);
William B. Wilson, (KY).

The drivers were included in docket numbers FMCSA–2002–12844; FMCSA–2005–23099. Their exemptions are applicable as of March 15, 2018, and will expire on March 15, 2020.

As of March 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Glenn R. Theis (MN) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 5874; 77 FR 17117; 79 FR 13085; 81 FR 20433).

The driver was included in docket number FMCSA–2011–0366. The exemption is applicable as of March 23, 2018, and will expire on March 23, 2020.

As of March 31, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (73 FR 6242; 73 FR 16950; 75 FR 9477; 77 FR 13689; 79 FR 14331; 81 FR 20433):

Gary W. Ellis (NC)
K. L. Guse (OH)
Steven W. Halsey (MO)
Thomas M. Leadbitter (PA)
Jonathan P. Lovel (IL)

The drivers were included in docket number FMCSA–2007–0071. Their exemptions are applicable as of March 31, 2018, and will expire on March 31, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 85 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: February 7, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–03060 Filed 2–14–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1998–4334; FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2000–7006; FMCSA–2001–10578; FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–24015; FMCSA–2007–0017; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2007–29019; FMCSA–2009–0121; FMCSA–2009–0303; FMCSA–2011–0189; FMCSA–2011–0298; FMCSA–2011–0299; FMCSA–2011–26690; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2015–0049; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 113 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before March 19, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–1998–4334; FMCSA–1999–5748; FMCSA–1999–6156; FMCSA–2000–7006; FMCSA–2001–10578; FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–24015; FMCSA–2007–0017; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2007–29019; FMCSA–2009–0121; FMCSA–2009–0303; FMCSA–2011–0189; FMCSA–2011–0298; FMCSA–2011–0299; FMCSA–2011–26690; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2015–0049; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0345 using any of the following methods:

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Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 113 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 113 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (57 FR 57266; 63 FR 66226; 64 FR 16517; 64 FR 40404; 64 FR 54948; 64 FR 66962; 65 FR 159; 65 FR 57230; 66 FR 41656; 66 FR 53826; 66 FR 66966; 66 FR 66969; 67 FR 17102; 68 FR 52811; 68 FR 54775; 68 FR 61860; 68 FR 69432; 68 FR 69434; 69 FR 51346; 69 FR 62741; 70 FR 48797; 70 FR 48801; 70 FR 50799; 70 FR 53412; 70 FR 57353; 70 FR 61165; 70 FR 61493; 70 FR 71884; 70 FR 72689; 70 FR 74102; 71 FR 14566; 71 FR 30227; 71 FR 4632; 71 FR 50970; 71 FR 62147; 71 FR 644; 72 FR 39879; 72 FR 46261; 72 FR 52419; 72 FR 52421; 72 FR 54971; 72 FR 54972; 72 FR 58359; 72 FR 58362; 72 FR 62896; 72 FR 62897; 72 FR 64273; 72 FR 67340; 72 FR 67344; 72 FR 71995; 73 FR 1395; 73 FR 20245; 73 FR 27014; 73 FR 48269; 73 FR 5259; 73 FR 75806; 74 FR 26461; 74 FR 34630; 74 FR 41971; 74 FR 43221; 74 FR 43223; 74 FR 49069; 74 FR 57553; 74 FR 60021; 74 FR 60022; 74 FR 62632; 74 FR 64124; 74 FR 65845; 74 FR 65847; 75 FR 1451; 75 FR 4623; 75 FR 50799; 75 FR 8184; 76 FR 37168; 76 FR 53708; 76 FR 54530; 76 FR 55465; 76 FR 55469; 76 FR 62143; 76 FR 64169; 76 FR 67246; 76 FR 70210; 76 FR 70212; 76 FR 70213; 76 FR 70215; 76 FR 73769; 76 FR 75942; 76 FR 75943; 76 FR 78728; 76 FR 79760; 76 FR 8809; 77 FR 17108; 77 FR 3547; 77 FR 541; 77 FR 543; 77 FR 545; 78 FR 18667; 78 FR 34143; 78 FR 47818; 78 FR 51268; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 64280; 78 FR 65032; 78 FR 66099; 78 FR 67452; 78 FR 67454; 78 FR 74223; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 76707; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 78 FR 78477; 79 FR 2247; 79 FR 2748; 79 FR 4803; 80 FR 16500; 80 FR 31636; 80 FR 37718; 80 FR 48413; 80 FR 50917; 80 FR 59225; 80 FR 59230; 80 FR 63829; 80 FR 63869; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 79414; 80 FR 80443; 81 FR 11642; 81 FR 1284; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 44680; 81 FR 60117). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of January and are discussed below:

As of January 3, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 56 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (57 FR 57266; 63 FR 66226; 64 FR 16517; 64 FR 40404; 64 FR 54948; 64 FR 66962; 65 FR 159; 65 FR 57230; 66 FR 41656; 66 FR 53826; 66 FR 66966; 66 FR 66969; 67 FR 17102; 68 FR 52811; 68 FR 54775; 68 FR 61860; 68 FR 69432; 68 FR 69434; 69 FR 51346; 69 FR 62741; 70 FR 48797; 70 FR 50799; 70 FR 53412; 70 FR 57353; 70 FR 61165; 70 FR 61493; 70 FR 72689; 70 FR 74102; 71 FR 14566; 71 FR 30227; 71 FR 50970; 71 FR 62147; 71 FR 644; 72 FR 39879; 72 FR 46261; 72 FR 52419; 72 FR 52421; 72 FR 54971; 72 FR 54972; 72 FR 58362; 72 FR 62896; 72 FR 62897; 72 FR 64273; 72 FR 67344; 72 FR 71995; 73 FR 20245; 73 FR 27014; 73 FR 48269; 73 FR 75806; 74 FR 26461; 74 FR 34630; 74 FR 41971; 74 FR 43221; 74 FR 43223; 74 FR 49069; 74 FR 57553; 74 FR 60021; 74 FR 62632; 74 FR 65847; 75 FR 50799; 75 FR 8184; 76 FR 37168; 76 FR 53708; 76 FR 54530; 76 FR 55465; 76 FR 55469; 76 FR 62143; 76 FR 64169; 76 FR 67246; 76 FR 70210; 76 FR 70212; 76 FR 70215; 76 FR 75942; 76 FR 75943; 76 FR 79760; 76 FR 8809; 77 FR 17108; 78 FR 18667; 78 FR 34143; 78 FR 47818; 78 FR 51268; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64274; 78 FR 64280; 78 FR 65032; 78 FR 66099; 78 FR 67452; 78 FR 76395; 78 FR 76705; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78477; 80 FR 16500; 80 FR 31636; 80 FR 37718; 80 FR 48413; 80 FR 50917; 80 FR 59225; 80 FR 59230; 80 FR 63829; 80 FR 63869; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 80443; 81 FR 11642; 81 FR 1284; 81 FR 15401; 81 FR 15404; 81 FR 16265):

Juan A. Adame (TX)
Woodrow E. Bohley (MO)
Jason W. Bowers (OR)
Kenneth E. Bross (MO)
Stacey J. Buckingham (ID)
Edwin L. Bupp (PA)
Benny J. Burke (AL)
Ryan J. Burnworth (MO)
Michael D. Champion (VT)
Ryan M. Coelho (RI)
David J. Comeaux (LA)
Brian W. Cordell (TX)
Aubrey R. Cordrey, Jr. (DE)
Thomas R. Crocker (SC)
Stephen W. Deminie (TX)
Brad M. Donald (MI)
John E. Gannon, Jr. (NV)
Charles D. Grady (GA)
Louis M. Hankins (IL)
Trevor M. Hilton (IL)
Randy L. Huelster (OK)
Jeffrey A. Keefer (OH)
Carol Kelly (IN)
Karen L. Kelly (DE)
Martin D. Keough (NY)
William E. Leimkuehler (OK)
Michael S. Lewis (NC)
Richard L. Loeffelholz (WI)
Raul Martinez (FL)
Herman C. Mash (NC)
Christopher V. May (GA)
Terry W. Moore (LA)
Richard W. O'Neill (WA)
John R. Price (AR)
Thomas J. Prusik (NJ)
Francis D. Reginald (NJ)
Louis A. Requena (NY)
Daniel T. Rhodes (IL)
Michael J. Robinson (WV)
Juan A. Rodriguez (CT)
Ronald L. Roy (IL)
Glen M. Schulz (IA)
Jarrod R. Seirer (KS)
Levi A. Shetler (OH)
Roye T. Skelton (MS)
Rick E. Smith (IL)
Juan E. Sotero (FL)
Paul D. Stoddard (NY)
Aaron M. Vernon (OH)
Cesar Villa (NM)
Larry J. Waldner (SD)
Stephen H. Ward (MO)
Karl A. Weinert (NY)
Dennis E. White (PA)
Lorenzo A. Williams (DE)
Walter M. Yohn, Jr. (AL)

The drivers were included in docket numbers FMCSA–1998–4334; FMCSA–1999–5748; FMCSA–1999–6156;

FMCSA–2000–7006; FMCSA–2001–10578; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2006–24015; FMCSA–2007–27897; FMCSA–2007–28695; FMCSA–2007–29019; FMCSA–2009–0121; FMCSA–2011–0189; FMCSA–2011–26690; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2015–0049; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072. Their exemptions are applicable as of January 3, 2018, and will expire on January 3, 2020.

As of January 5, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, George G. Ulferts, Jr. (IA) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 70213; 77 FR 541; 78 FR 74223; 80 FR 80443).

The driver was included in docket number FMCSA–2011–0298. The exemption is applicable as of January 5, 2018, and will expire on January 5, 2020.

As of January 8, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 13 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (72 FR 67340; 73 FR 1395; 74 FR 65845; 76 FR 78728; 78 FR 76704; 80 FR 76345; 80 FR 80443; 81 FR 60117):

Thomas G. Ashbrook (NY)
Wayne A. Burnett (NC)
George R. Cornell (OH)
Thomas E. Gross (PA)
Ethan A. Hale (KY)
Steven G. Hall (NC)
Jason Huddleston (TX)
Boleslaw Makowski (WI)
Anthony D. Ovitt (VT)
Martin Postma (IL)
Phillip D. Satterfield (GA)
George E. Todd (WV)
Eric C. Weidley (PA)

The drivers were included in docket numbers FMCSA–2007–0017; FMCSA–2015–0344. Their exemptions are applicable as of January 8, 2018, and will expire on January 8, 2020.

As of January 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Juan R. Andrade (TX) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 64271; 79 FR 2748; 80 FR 80443).

The driver was included in docket number FMCSA–2013–0167. The exemption is applicable as of January 9, 2018, and will expire on January 9, 2020.

As of January 15, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following eight individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 64271; 79 FR 2748; 80 FR 80443):

Ronald C. Ashley (GA)
Miguel A. Calderon (CA)
Terry L. Cliffe (IL)
Adam S. Larson (CO)
Glenn H. Lewis (OH)
Leonardo Lopez (NE)
Roy A. Whitaker (TX)
Sammy D. Wynn (GA)

The drivers were included in docket number FMCSA–2013–0167. Their exemptions are applicable as of January 15, 2018, and will expire on January 15, 2020.

As of January 21, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (80 FR 79414; 81 FR 44680):

Gary L. Best (MI)
Therron K. Billings (VA)
Russell A. Wilkinson (FL)
Timothy W. Youngblood, Jr. (TX)

The drivers were included in docket number FMCSA–2015–0345. Their exemptions are applicable as of January 21, 2018, and will expire on January 21, 2020.

As of January 23, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Leonard A. Martin (NV) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 67454; 79 FR 4803; 81 FR 15401).

The driver was included in docket number FMCSA–2013–0170. The exemption is applicable as of January 23, 2018, and will expire on January 23, 2020.

As of January 24, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (76 FR 70213; 76 FR 73769; 77 FR 3547; 77 FR 541; 79 FR 2247; 80 FR 80443):

Adam O. Carson (MS)
Marion J. Coleman, Jr. (KY)
Lex A. Fabrizio (UT)
Mark A. Ferris (IA)
Roger W. Hammack (AL)

The drivers were included in docket numbers FMCSA–2011–0298; FMCSA–2011–0299. Their exemptions are applicable as of January 24, 2018, and will expire on January 24, 2020.

As of January 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following nine individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (68 FR 52811; 68 FR 61860; 70 FR 48801; 70 FR 57353; 70 FR 61165; 70 FR 71884; 70 FR 72689; 71 FR 4632; 72 FR 58359; 72 FR 62897; 73 FR 1395; 73 FR 5259; 74 FR 60021; 74 FR 64124; 74 FR 65845; 75 FR 1451; 77 FR 545; 78 FR 78475; 80 FR 80443):

Arthur L. Bousema (CA)
Norman E. Braden (CO)
Matthew W. Daggs (MO)
Donald R. Date, Jr. (MD)
John E. Kimmet, Jr. (WA)
Jason L. Light (ID)
Michael J. Richard (LA)
Robert E. Sanders (PA)
Robert A. Sherry (PA)

The drivers were included in docket numbers FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–22194; FMCSA–2005–22727. Their exemptions are applicable as of January 27, 2018, and will expire on January 27, 2020.

As of January 28, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following four individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (74 FR 60022; 75 FR 4623; 77 FR 543; 78 FR 76707; 80 FR 80443):

James A. DuBay (MI)
Donald E. Halvorson (NM)
Phillip J.C. Locke (CO)
Brian T. Nelson (MN)

The drivers were included in docket number FMCSA–2009–0303. Their exemptions are applicable as of January 28, 2018, and will expire on January 28, 2020.

As of January 29, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 11 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (78 FR 67454; 79 FR 4803; 80 FR 80443):

Calvin J. Barbour (NY)
Martin D. Bellcour (WI)
Walter A. Breeze (OH)
Donald G. Carstensen (IA)
Jamie D. Daniels (IA)
Michael L. Fiamingo (PA)
Randall Hjelmtveit (MN)
Randy G. Kinney (IL)
Hector Marquez (TX)
Hersehl D. Volentine (LA)

Gary D. Vollertsen (CO)

The drivers were included in docket number FMCSA–2013–0170. Their exemptions are applicable as of January 29, 2018, and will expire on January 29, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/her is self- employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 113 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: February 7, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–03042 Filed 2–14–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–1999–5748; FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–26653; FMCSA–2007–0017; FMCSA–2007–27897; FMCSA–2007–29019; FMCSA–2009–0154; FMCSA–2009–0303; FMCSA–2011–0140; FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2011–0325; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0304; FMCSA–2015–0053; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0347]

Qualification of Drivers; Exemption Applications; Vision

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for 64 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) for interstate commercial motor vehicle (CMV) drivers. The exemptions enable these individuals to continue to operate CMVs in interstate commerce without meeting the vision requirements in one eye.

DATES: Each group of renewed exemptions were applicable on the dates stated in the discussions below and will expire on the dates stated in the discussions below. Comments must be received on or before March 19, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–1999–5748; FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–26653; FMCSA–2007–0017; FMCSA–2007–27897; FMCSA–2007–29019; FMCSA–2009–0154; FMCSA–2009–0303; FMCSA–2011–0140; FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2011–0325; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2013–0174; FMCSA–2014–0304; FMCSA–2015–0053; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344; FMCSA–2015–0347 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., e.t., Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day, e.t., 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., e.t., Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding vision found in 49 CFR 391.41(b)(10) states that a person is physically qualified to driver a CMV if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of a least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing red, green, and amber.

The 64 individuals listed in this notice have requested renewal of their exemptions from the vision standard in 49 CFR 391.41(b)(10), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

Under 49 U.S.C. 31315(b)(1), an exemption may be granted for no longer than two years from its approval date and may be renewed upon application. In accordance with 49 U.S.C. 31136(e) and 31315, each of the 64 applicants has satisfied the renewal conditions for obtaining an exemption from the vision requirement (64 FR 40404; 64 FR 66962; 66 FR 66969; 68 FR 37197; 68 FR 52811; 68 FR 61860; 68 FR 69432; 70 FR 48797; 70 FR 57353; 70 FR 61165; 70 FR 61493; 70 FR 71884; 70 FR 72689; 71 FR 644; 71 FR 4632; 72 FR 8417; 72 FR 36099; 72 FR 39879; 72 FR 52419; 72 FR 54971; 72 FR 58362; 72 FR 62897; 72 FR 64273; 72 FR 67340; 72 FR 67344; 72 FR 71995; 73 FR 1395; 73 FR 6246; 74 FR 37295; 74 FR 48343; 74 FR 49069; 74 FR 53581; 74 FR 57553; 74 FR 60021; 74 FR 60022; 74 FR 62632; 74 FR 65845; 74 FR 65847; 75 FR 1450; 75 FR 4623; 76 FR 37169; 76 FR 50318; 76 FR 62143; 76 FR 64164; 76 FR 64171; 76 FR 70210; 76 FR 70212; 76 FR 70213; 76 FR 70215; 76 FR 75940; 76 FR 78728; 76 FR 79760; 77 FR 539; 77 FR 541; 77 FR 543; 77 FR 545; 77 FR 3554; 77 FR 10608; 78 FR 27281; 78 FR 34143; 78 FR 41188; 78 FR 47818; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 66099; 78 FR 67454; 78 FR 67460; 78 FR 68137; 78 FR 74223; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 76707; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 78 FR 78477; 79 FR 1908; 79 FR 2748; 79 FR 3919; 79 FR 4803; 79 FR 6993; 79 FR 14333; 79 FR 53708; 80 FR 14223; 80 FR 33007; 80 FR 33011; 80 FR 40122; 80 FR 49302; 80 FR 50915; 80 FR 59225; 80 FR 59230; 80 FR 62163; 80 FR 63839; 80 FR 63869; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 80443; 81 FR 1284; 81 FR 1474; 81 FR 11642; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 48493; 81 FR 60117). They have submitted evidence showing that the vision in the better eye continues to meet the requirement specified at 49 CFR 391.41(b)(10) and that the vision impairment is stable. In addition, a review of each record of safety while driving with the respective vision deficiencies over the past two years indicates each applicant continues to meet the vision exemption requirements. These factors provide an adequate basis for predicting each driver's ability to continue to drive safely in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

In accordance with 49 U.S.C. 31136(e) and 31315, the following groups of drivers received renewed exemptions in the month of February and are discussed below:

As of February 9, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following 55 individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (64 FR 40404; 64 FR 66962; 66 FR 66969; 68 FR 37197; 68 FR 52811; 68 FR 61860; 68 FR 69432; 70 FR 48797; 70 FR 57353; 70 FR 61165; 70 FR 61493; 70 FR 71884; 70 FR 72689; 71 FR 644; 71 FR 4632; 72 FR 8417; 72 FR 36099; 72 FR 39879; 72 FR 52419; 72 FR 54971; 72 FR 58362; 72 FR 62897; 72 FR 64273; 72 FR 67340; 72 FR 67344; 72 FR 71995; 73 FR 1395; 73 FR 6246; 74 FR 37295; 74 FR 48343; 74 FR 49069; 74 FR 53581; 74 FR 57553; 74 FR 60021; 74 FR 60022; 74 FR 62632; 74 FR 65845; 74 FR 65847; 75 FR 1450; 75 FR 4623; 76 FR 37169; 76 FR 50318; 76 FR 62143; 76 FR 64164; 76 FR 64171; 76 FR 70210; 76 FR 70212; 76 FR 70213; 76 FR 70215; 76 FR 75940; 76 FR 78728; 76 FR 79760; 77 FR 541; 77 FR 543; 77 FR 545; 77 FR 3554; 78 FR 27281; 78 FR 34143; 78 FR 41188; 78 FR 47818; 78 FR 52602; 78 FR 62935; 78 FR 63302; 78 FR 63307; 78 FR 64271; 78 FR 64274; 78 FR 66099; 78 FR 67454; 78 FR 67460; 78 FR 68137; 78 FR 74223; 78 FR 76395; 78 FR 76704; 78 FR 76705; 78 FR 76707; 78 FR 77778; 78 FR 77780; 78 FR 77782; 78 FR 78475; 78 FR 78477; 79 FR 2748; 79 FR 3919; 79 FR 4803; 79 FR 53708; 80 FR 14223; 80 FR 33007; 80 FR 33011; 80 FR 40122; 80 FR 49302; 80 FR 50915; 80 FR 59225; 80 FR 59230; 80 FR 62163; 80 FR 63839; 80 FR 63869; 80 FR 67472; 80 FR 67476; 80 FR 67481; 80 FR 70060; 80 FR 76345; 80 FR 80443; 81 FR 1284; 81 FR 11642; 81 FR 15401; 81 FR 15404; 81 FR 16265; 81 FR 60117):

Richard D. Becotte (NH)
Timothy A. Bohling (CO)
Scott Brady (FL)
Duane W. Brzuchalski (AZ)
Daryl Carpenter (MD)
Henry L. Chastain (GA)
Martina B. Classen (IA)
Robert L. Cross, Jr. (MO)
Alan J. Daisey (DE)
Rufus A. Dennis (TN)
Albert M. DiVella (NV)
Michael M. Edleston (MA)
Terry D. Elliott (TN)
James P. Fitzgerald (MA)
Russell W. Foster (OH)
Gordon R. Fritz (WI)
Richard L. Gandee (OH)
James E. Goodman (AL)
Christopher L. Granby (MI)
John M. Guilford (AL)
John E. Halcomb (GA)
Mervin M. Hershberger (WI)
Steven M. Hoover (IL)
Frank E. Johnson, Jr. (FL)
Jeremy W. Knott (NC)
Roger D. Kool (IA)
Michael R. Leftwich (GA)
Jose A. Marco (TX)
David Matos (NY)
Dennis L. Maxcy (NY)
George A. McCue (NV)
Cameron S. McMillen (NM)
David L. Menken (NY)
Gregory G. Miller (OH)

Rashawn L. Morris (VA)
Charles D. Oestreich (MN)
Carols A. Osollo (NM)
Robert L. Peason (GA)
Robert M. Pickett, II (MI)
Johnny L. Powell (MD)
Branden J. Ramos (CA)
Andres Regalado (CA)
Thenon D. Ridley (TX)
Christopher M. Rivera (NM)
Richard S. Robb (NM)
Angelo D. Rogers (AL)
David J. Rothermal (RI)
Sonny Scott (OH)
James J. Slemmer (PA)
John T. Thor (MN)
Donald L. Urmston (OH)
Paul J. Vines (AL)
Jackie G. Wells (VA)
Joseph A. Wells (IL)
James D. Zimmer (OH)

The drivers were included in docket numbers FMCSA–1999–5748; FMCSA–2003–15268; FMCSA–2003–15892; FMCSA–2005–21711; FMCSA–2005–22194; FMCSA–2005–22727; FMCSA–2006–26653; FMCSA–2007–0017; FMCSA–2007–27897; FMCSA–2007–29019; FMCSA–2009–0154; FMCSA–2009–0303; FMCSA–2011–0140; FMCSA–2011–0275; FMCSA–2011–0298; FMCSA–2013–0028; FMCSA–2013–0029; FMCSA–2013–0165; FMCSA–2013–0166; FMCSA–2013–0167; FMCSA–2013–0168; FMCSA–2013–0169; FMCSA–2013–0170; FMCSA–2014–0304; FMCSA–2015–0053; FMCSA–2015–0056; FMCSA–2015–0070; FMCSA–2015–0071; FMCSA–2015–0072; FMCSA–2015–0344. Their exemptions are applicable as of February 9, 2018, and will expire on February 9, 2020.

As of February 12, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following six individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (81 FR 1474; 81 FR 48493):

Charles H. Baim (PA)
Dana L. Colberg (OR)
Joseph T. Saba (MN)
LeRoy W. Scharkey (MN)
Walton W. Smith (VA)
Aaron D. Tillman (DE)

The drivers were included in docket number FMCSA–2015–0347. Their exemptions are applicable as of February 12, 2018, and will expire on February 12, 2020.

As of February 22, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, the following two individuals have satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (77 FR 539; 77 FR 10608; 79 FR 6993; 81 FR 15401):

Brian K. Cline (NC)

Mickey Lawson (NC)

The drivers were included in docket number FMCSA–2011–0325. Their exemptions are applicable as of February 22, 2018, and will expire on February 22, 2020.

As of February 27, 2018, and in accordance with 49 U.S.C. 31136(e) and 31315, Danielle Wilkins (CA) has satisfied the renewal conditions for obtaining an exemption from the vision requirement in the FMCSRs for interstate CMV drivers (79 FR 1908; 79 FR 14333; 81 FR 15401).

The driver was included in docket number FMCSA–2013–0174. The exemption is applicable as of February 27, 2018, and will expire on February 27, 2020.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must undergo an annual physical examination (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the requirements in 49 CFR 391.41(b)(10), and (b) by a certified Medical Examiner, as defined by 49 CFR 390.5, who attests that the driver is otherwise physically qualified under 49 CFR 391.41; (2) each driver must provide a copy of the ophthalmologist's or optometrist's report to the Medical Examiner at the time of the annual medical examination; and (3) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file or keep a copy of his/her driver's qualification if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the 64 exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the vision requirement in 49 CFR 391.41(b)(10), subject to the requirements cited above. In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: February 7, 2018.

Larry W. Minor.

Associate Administrator for Policy.

[FR Doc. 2018–03036 Filed 2–14–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–2006–25854; FMCSA–2013–0108; FMCSA–2014–0382]

Qualification of Drivers; Exemption Applications; Epilepsy and Seizure Disorders

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

ACTION: Notice of renewal of exemptions; request for comments.

SUMMARY: FMCSA announces its decision to renew exemptions for five individuals from the requirement in the Federal Motor Carrier Safety Regulations (FMCSRs) that interstate commercial motor vehicle (CMV) drivers have ''no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a CMV.'' The exemptions enable these individuals who have had one or more seizures and are taking anti-seizure medication to continue to operate CMVs in interstate commerce.

DATES: The exemptions were applicable on December 23, 2017. The exemptions expire on December 23, 2019. Comments must be received on or before March 19, 2018.

ADDRESSES: You may submit comments bearing the Federal Docket Management System (FDMS) Docket No. FMCSA–2006–25854; FMCSA–2013–0108; FMCSA–2014–0382; using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building

Ground Floor, Room W12–140, Washington, DC 20590–0001.

- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal Holidays.
- *Fax:* 1–202–493–2251.

Instructions: Each submission must include the Agency name and the docket number(s) for this notice. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below for further information.

Docket: For access to the docket to read background documents or comments, go to *http://www.regulations.gov* at any time or Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The FDMS is available 24 hours each day ET, 365 days each year. If you want acknowledgment that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments online.

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

FOR FURTHER INFORMATION CONTACT: Ms. Christine A. Hydock, Chief, Medical Programs Division, 202–366–4001, *fmcsamedical@dot.gov,* FMCSA, Department of Transportation, 1200 New Jersey Avenue SE, Room W64–224, Washington, DC 20590–0001. Office hours are from 8:30 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. If you have questions regarding viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Background

Under 49 U.S.C. 31136(e) and 31315, FMCSA may grant an exemption for five years if it finds ''such exemption would likely achieve a level of safety that is equivalent to or greater than the level that would be achieved absent such exemption.'' The statute also allows the Agency to renew exemptions at the end of the five-year period. FMCSA grants exemptions from the FMCSRs for a two-year period to align with the maximum duration of a driver's medical certification.

The physical qualification standard for drivers regarding epilepsy found in 49 CFR 391.41(b)(8) states that a person is physically qualified to drive a CMV if that person has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause the loss of consciousness or any loss of ability to control a CMV.

In addition to the regulations, FMCSA has published advisory criteria to assist Medical Examiners in determining whether drivers with certain medical conditions are qualified to operate a CMV in interstate commerce. [49 CFR part 391, APPENDIX A TO PART 391—MEDICAL ADVISORY CRITERIA, section H. Epilepsy: § 391.41(b)(8), paragraphs 3, 4, and 5.]

The five individuals listed in this notice have requested renewal of their exemptions from the epilepsy and seizure disorders prohibition in 49 CFR 391.41(b)(8), in accordance with FMCSA procedures. Accordingly, FMCSA has evaluated these applications for renewal on their merits and decided to extend each exemption for a renewable two-year period.

II. Request for Comments

Interested parties or organizations possessing information that would otherwise show that any, or all, of these drivers are not currently achieving the statutory level of safety should immediately notify FMCSA. The Agency will evaluate any adverse evidence submitted and, if safety is being compromised or if continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315, FMCSA will take immediate steps to revoke the exemption of a driver.

III. Basis for Renewing Exemptions

In accordance with 49 U.S.C. 31136(e) and 31315, each of the five applicants has satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition. The five drivers in this notice remain in good standing with the Agency, have maintained their medical monitoring and have not exhibited any medical issues that would compromise their ability to safely operate a CMV during the previous two-year exemption period. In addition, for Commercial Driver's License (CDL) holders, the Commercial Driver's License Information System (CDLIS) and the Motor Carrier Management Information System (MCMIS) are searched for crash and violation data. For non-CDL holders, the Agency reviews the driving records from the State Driver's Licensing Agency (SDLA). These factors provide an adequate basis for predicting each driver's ability to continue to safely operate a CMV in interstate commerce. Therefore, FMCSA concludes that extending the exemption for each renewal applicant for a period of two years is likely to achieve a level of safety equal to that existing without the exemption.

As of December 23, 2017, and in accordance with 49 U.S.C. 31136(e) and 31315, the following five individuals have satisfied the renewal conditions for obtaining an exemption from the epilepsy and seizure disorders prohibition in the FMCSRs for interstate CMV drivers:

Gary Freeman (AL)
Aaron Gillette (SD)
David L. Kestner (VA)
Chad B. Smith (MA)
Trever A. Williams (MN)

The drivers were included in docket numbers FMCSA–2006–25854; FMCSA–2013–0108; FMCSA–2014–0382. Their exemptions are applicable as of December 23, 2017, and will expire on December 23, 2019.

IV. Conditions and Requirements

The exemptions are extended subject to the following conditions: (1) Each driver must remain seizure-free and maintain a stable treatment during the two-year exemption period; (2) each driver must submit annual reports from their treating physicians attesting to the stability of treatment and that the driver has remained seizure-free; (3) each driver must undergo an annual medical examination by a certified Medical Examiner, as defined by 49 CFR 390.5; and (4) each driver must provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy of his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the exemption when driving, for presentation to a duly authorized Federal, State, or local enforcement official. The exemption will be rescinded if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31136(e) and 31315.

V. Preemption

During the period the exemption is in effect, no State shall enforce any law or regulation that conflicts with this exemption with respect to a person operating under the exemption.

VI. Conclusion

Based upon its evaluation of the five exemption applications, FMCSA renews the exemptions of the aforementioned drivers from the epilepsy and seizure disorders prohibition in 49 CFR 391.41 (b)(8). In accordance with 49 U.S.C. 31136(e) and 31315, each exemption will be valid for two years unless revoked earlier by FMCSA.

Issued on: February 8, 2018.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–03043 Filed 2–14–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF VETERANS AFFAIRS

Cost of Living Adjustments for Service-Connected Benefits

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: As required by the Veterans' Compensation Cost-of-Living Adjustment Act of 2017, Public Law 115–75, the Department of Veterans Affairs (VA) is hereby giving notice of adjustments in certain benefit rates. These adjustments affect the compensation program.

DATES: These adjustments became effective on December 1, 2017, the date provided by Public Law 115–75.

FOR FURTHER INFORMATION CONTACT: Jonathan Hughes, Chief, Policy Staff (211A), Compensation Service, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–9700 (this is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: Section 2 of Public Law 115–175 provides for an increase in each of the rates in sections 1114, 1115(1), and 1162 of title 38, United States Code. VA is required to increase these benefit rates by the same percentage as increases in the benefit amounts payable under title II of the Social Security Act. The increased rates are required to be published in the **Federal Register**.

The Social Security Administration has announced that there will be a 2.0 percent cost-of-living increase in Social Security benefits for 2018. Therefore, applying the same percentage, the following rates for VA's compensation program became effective on December 1, 2017:

Disability evaluation percent	Monthly rate
Disability Compensation [38 U.S.C. 1114]	
10	$136.24
20	269.30
30	417.15
40	600.90
50	855.41
60	1,083.52
70	1,365.48
80	1,587.25
90	1,783.68
100	2,973.86
(38 U.S.C. 1114(k) through (t)):	
38 U.S.C. 1114(k)	105.61
38 U.S.C. 1114(l)	3,700.43
38 U.S.C. 1114(m)	4,083.79
38 U.S.C. 1114(n)	4,645.60
38 U.S.C. 1114(o)	5,192.65
38 U.S.C. 1114(p)	5,192.65
38 U.S.C. 1114(r)	2,227.23; 3,318.14
38 U.S.C. 1114(s)	3,328.70
38 U.S.C. 1114(t)	3,318.14
Additional Compensation for Dependents [38 U.S.C. 1115(1)]	
38 U.S.C. 1115(1):	
38 U.S.C. 1115(1)(A)	$165.81
38 U.S.C. 1115(1)(B)	287.24; 82.38
38 U.S.C. 1115(1)(C)	110.89; 82.38
38 U.S.C. 1115(1)(D)	133.06
38 U.S.C. 1115(1)(E)	317.87
38 U.S.C. 1115(1)(F)	266.13
Clothing Allowance [38 U.S.C. 1162]	
$795.21 per year.	

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veteran Affairs. Gina S. Farrisee, Deputy Chief of Staff, approved this document on February 5, 2018, for publication.

Approved: February 5, 2018.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2018–03154 Filed 2–14–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

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Part II

Department of Commerce

Census County Divisions (CCDs) and Equivalent Entities for the 2020 Census—Proposed Criteria; Notice

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 171002955–7972–01]

Census County Divisions (CCDs) and Equivalent Entities for the 2020 Census—Proposed Criteria

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed program and request for comments.

SUMMARY: The Census Bureau is publishing this notice in the **Federal Register** to request comments from the public and other government agencies on the general guidelines and criteria for identifying Census county divisions (CCDs). The Census Bureau will respond to comments received in the **Federal Register** notice announcing the final CCD criteria. After the final criteria are published in the **Federal Register**, the Census Bureau will offer designated governments or organizations an opportunity to review and, if necessary, suggest updates to the boundaries and attributes of CCDs in their geographic area under the Participant Statistical Areas Program (PSAP). In separate **Federal Register** notices, the PSAP program is seeking comment on the review and update of census tracts, block groups, and census designated places (CDPs).

DATES: Written comments must be submitted on or before May 16, 2018.

ADDRESSES: Please direct all written comments on this proposed program to Vincent Osier, Geographic Standards, Criteria, and Quality Branch, Geography Division, U.S. Census Bureau, Room 4H173, 4600 Silver Hill Road, Washington, DC 20233–7400. Email: *geo.psap.list@census.gov*. Phone: 301–763–3056 (PSAP Hotline).

FOR FURTHER INFORMATION CONTACT: Requests for additional information on this proposed program should be directed to Vincent Osier, Geographic Standards, Criteria, and Quality Branch, Geography Division, U.S. Census Bureau, Room 4H173, 4600 Silver Hill Road, Washington, DC 20233–7400. Email: *geo.psap.list@census.gov*. Phone: 301–763–3056 (PSAP hotline).

SUPPLEMENTARY INFORMATION:

I. History

Census county divisions (CCDs) and equivalent entities are statistical geographic entities established cooperatively by the Bureau of the Census (Census Bureau) and officials of state and local governments in 21 states [1] where minor civil divisions (MCDs) either do not exist or have been unsatisfactory for reporting census data. The Census Bureau's CCD program maintains a set of subcounty [2] units that have stable boundaries and recognizable names.

Before CCDs were introduced with the 1950 Census, few alternatives were available for the provision of statistical data related to relatively stable, subcounty geographic units. Census tracts were defined in only a subset of metropolitan area counties. MCDs existed in all counties, but in some states MCD boundaries changed frequently enough that they were not useful for comparing statistical data from one decade to another.

For much of the period from the 1950 Census through the 1980 Census, county subdivisions (MCDs and CCDs) provided the only subcounty unit of geography at which data users could obtain statistical data for all counties nationwide. The introduction of block numbering areas (BNAs) in counties without census tracts for the 1990 Census offered an alternate subcounty entity for which data could be tabulated. For the 2000 Census, the Census Bureau introduced census tracts nationwide (in many counties, BNAs were simply relabeled as ''census tracts''), increasing the dissemination of, and ability to analyze, data at the census tract level and providing an alternative set of subcounty statistical geographic areas in each county in addition to MCDs and CCDs.

II. General Principles and Criteria for CCDs for the 2020 Census

The proposed criteria outlined herein apply to the United States,[3] Puerto Rico, and the Island Areas.[4]

[1] In Alaska, census subareas are county subdivisions equivalent to CCDs. For purposes of this notice, the term CCD also refers to census subareas in Alaska.

[2] For the Census Bureau's purposes, the term ''county'' includes parishes in Louisiana; boroughs, cities, municipalities, and census areas in Alaska; independent cities in Maryland, Missouri, Nevada, and Virginia; districts and islands in American Samoa; districts in the U.S. Virgin Islands; municipalities in the Commonwealth of the Northern Mariana Islands; municipios in Puerto Rico; and the areas constituting the District of Columbia and Guam. These entities collectively are referred to as ''counties'' in this notice.

[3] For Census Bureau purposes, the United States typically refers to only the fifty states and the District of Columbia, and does not include the U.S. territories (Puerto Rico, the Island Areas, and the U.S. Minor Outlying Islands.

[4] The Island Areas include the U.S. territories American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands.

A. General Principles

1. The primary goal of the CCD program is to establish and maintain a set of subcounty units that have stable boundaries and recognizable names. The boundaries of CCDs usually coincide with visible features or stable, significant legal boundaries, such as the boundary of an American Indian reservation (AIR), federally managed land, or conjoint incorporated places. CCDs have no legal status as statistical geographic entities and are defined only for the tabulation and presentation of statistical data.

2. A CCD usually represents a single contiguous area consisting of one or more communities, economic centers, or, in some instances, major land uses that are relatively compact in shape.

3. A CCD shall have a relationship to existing census tracts, either encompassing one or more census tracts or having two or more CCDs nest within a single census tract. The boundaries of a CCD, or combination of nested CCDs, align with census tract boundaries. Note that a county with a population less than the optimum population for a census tract (less than 4,000 people) may contain more CCDs than census tracts. For example, McCone County, Montana, which has a 2016 estimated population of 1,734, contains only one census tract, but is divided into two CCDs.

4. Since the 1950s, the Census Bureau has worked with state and local officials to replace MCDs with CCDs for the collection, presentation, and analysis of Census Bureau data particularly in states in which MCDs do not provide governmental services and functions and in which MCD boundaries tend to change between decennial censuses. As of the 2020 Census, CCDs were defined in 21 states: Alabama, Alaska, Arizona, California, Colorado, Delaware, Florida, Georgia, Hawaii, Idaho, Kentucky, Montana, Nevada, New Mexico, Oklahoma, Oregon, South Carolina, Texas, Utah, Washington, and Wyoming. North Dakota adopted CCDs for use in tabulating and presenting data from the 1970 Census. Following the 1970 Census, North Dakota requested that the Census Bureau again use MCDs to tabulate and present statistical data. For the 2010 Census, Tennessee requested that the Census Bureau replace its CCDs with county commissioner districts, a type of legal, administrative MCD.

B. Criteria

CCDs must (1) have community orientation, (2) have visible and/or stable boundaries, (3) conform to census

tract boundaries, and (4) have recognizable names.

1. Community Orientation

Each CCD should center on one or more places and encompass additional surrounding territory that forms a cohesive community area. The definition of community should take into account production, marketing, consumption, and local institutions.

The locality on which a CCD is centered usually is an incorporated place or an unincorporated community, which might be identified as a CDP. In some cases, the CCD may center on a major area of significantly different topography, land use, or ownership, such as a large military installation or AIR. A CCD should always comprise a reasonably compact, continuous land area, generally with road access to all areas within the CCD.

2. Visible and/or Stable Boundaries

To make the location of CCD boundaries less ambiguous, the boundaries should follow, wherever possible, visible and identifiable features. The use of visible features makes it easier to locate and identify CCD boundaries over time, as the locations of most visible features in the landscape change infrequently, making data collection easier and more reliable while reducing the possibility for data allocation errors. The Census Bureau requires that CCDs follow state and county boundaries, conform to census tract boundaries. CCDs are allowed to follow the boundaries of federally recognized AIRs, and federal, state, or locally managed land.

The following features are acceptable:

a. County boundaries (always a CCD boundary);

b. Census tract boundaries, which usually follow visible, perennial, natural, and cultural features, such as roads, rivers, canals, railroads, or above-ground, high-tension power lines;

c. Legally defined, federally recognized AIR boundaries;

d. The boundaries of federal, state, or locally managed land, such as national parks, national monuments, national forests, other types of large parks or forests, airports, marine ports, prisons, military installations, or other large facilities;

e. Conjoint city limits (in certain situations, such as city limits that change infrequently); and,

f. When the above types of features are not available for use as CCD boundaries, the Census Bureau may, at its discretion, approve other nonstandard, visible features, such as ridge lines, above-ground pipelines, streams, or fence lines. The Census Bureau may also accept, on a case-by-case basis, the boundaries of selected nonstandard and potentially nonvisible features, such as the boundaries of cemeteries, golf courses, glaciers, or the straight-line extensions of visible features and other lines-of-sight.

3. Census Tract Boundaries and Population Size

Whenever possible, a CCD should encompass one or more contiguous census tracts or multiple CCDs should constitute a single census tract. Therefore, CCD boundaries should be consistent with census tract boundaries. Population size is not as important a consideration with CCDs as it is with census tracts. For CCDs that do not meet the thresholds for a census tract, the Census Bureau encourages creating one or more block groups within a census tract that encompass a CCD. Historically, CCDs have ranged from a few hundred people (in selected situations) to more than one million people. However, data quality and availability may be factors that local governments and planners should consider in defining statistical geographic areas. As a general rule, period estimates of demographic characteristics of small population areas from the American Community Survey will be subject to higher variances than comparable period estimates for areas with larger populations. In addition, the Census Bureau's disclosure rules may restrict the availability and amount of data for areas with small populations.

4. Name Identification

a. The names of existing CCDs shall not be changed unless a compelling reason is provided, such as when the name from which the CCD was derived has changed, as in the case of Bainbridge Island, Washington, when the name of the city (Winslow) changed;

b. A new CCD usually is named after the largest population center or historically central place within it (*e.g.,* Taos, Hobbs, or Zuni Pueblo, New Mexico);

c. Where a CCD contains multiple centers with relatively equal importance, a CCD name may represent the two or three centers (*e.g.,* Mount Pleasant-Moroni, Utah);

d. A CCD may be named after the AIR (*e.g.,* Hualapai, Arizona or Nez Perce, Idaho) or a prominent land use area (*e.g.,* Federal Reservation, Washington or Yellowstone National Park, Wyoming) in which it is significantly or wholly located;

e. A CCD may be named after a prominent physical feature (*e.g.,* Mount Rainier, Washington) or a distinctive region within the county (*e.g.,* Death Valley, California; Everglades or Lower Keys, Florida); and,

f. If there is no clear cultural focus or topographic name that can be applied, a CCD name shall consist of the county name and a compass direction to indicate the portion of the county in the CCD or a place name and a compass direction to give the CCD location relative to the place. The directional indicator precedes a county name (*e.g.,* Northeast Cobb, Georgia). If a place name is used, the directional indicator follows it (*e.g.,* Del Rio Northwest, Texas).

In all cases, the objective is to clearly identify the extent of the CCD by means of an area name since CCD names should always should be meaningful to data users. Any name used as a CCD name must also be recognized by the Board on Geographic Names for federal use and appear in the Geographic Names Information System maintained by the U.S. Geological Survey. This includes any individual names combined to make a hyphenated CCD name.

III. Definitions of Key Terms

American Indian reservation (AIR)—An area of land with boundaries established by final treaty, statute, executive order, and/or court order and over which a federally recognized American Indian tribal government has governmental authority. Along with ''reservation,'' designations such as colonies, communities, pueblos, rancherias, and reserves apply to AIRs.

Block group—A statistical subdivision of a census tract consisting of all census blocks whose numbers begin with the same digit in a census tract. A block group is the smallest geographic entity for which the Census Bureau normally tabulates sample data.

Census block—A geographic area bounded by visible and/or invisible features shown on a map prepared by the Census Bureau. A block is the smallest geographic entity for which the Census Bureau tabulates and publishes decennial census data.

Census county division (CCD)—Areas delineated by the Census Bureau in cooperation with state, tribal, and local officials for statistical purposes. CCDs have no legal function and are not governmental units. CCD boundaries usually follow visible features and usually coincide with census tract boundaries. The name of each CCD is based on a place, county, or well-known local name that identifies its location.

Census designated place (CDP)—A statistical geographic entity equivalent

to an incorporated place with a concentration of population, housing, and commercial and nonresidential structures that is identifiable by name, but is not within an incorporated place.

Census tract—A small, relatively permanent statistical geographic division of a county defined for the tabulation and publication of Census Bureau data. The primary goal of census tracts is to provide a set of nationally consistent, relatively small, statistical geographic units, with stable boundaries that facilitate analysis of data across time and between decennial censuses.

Conjoint—A description of a boundary line shared by two adjacent geographic entities.

Contiguous—A description of areas sharing common boundary lines, more than a single point, such that the areas, when combined, form a single piece of territory. Noncontiguous areas form disjoint pieces.

Federally managed land—Territory that is federally owned and/or administered by an agency of the U.S. federal government, such as the National Park Service, Bureau of Land Management, or Department of Defense.

Incorporated place—A type of governmental unit, incorporated under state law as a city, town (except in New England, New York, and Wisconsin), borough (except in Alaska and New York), or village, generally to provide governmental services for a concentration of people within legally prescribed boundaries.

Minor civil division (MCD)—The primary governmental or administrative division of a county in 28 states and the Island Areas having legal boundaries, names, and descriptions. The MCDs represent many different types of legal entities with a wide variety of characteristics, powers, and functions depending on the state and type of MCD. In some states, some or all of the incorporated places also constitute MCDs.

Nonvisible feature—A map feature that is not visible on the ground and in imagery such as a city or county boundary through space, a property line, or line-of-sight extension of a road.

Visible feature—A map feature that can be seen on the ground and in imagery, such as a road, railroad track, major above-ground transmission line or pipeline, river, stream, shoreline, fence, sharply defined mountain ridge, or cliff. A nonstandard visible feature is a feature that may not be clearly defined on the ground (such as a ridge), may be seasonal (such as an intermittent stream), or may be relatively impermanent (such as a fence). The Census Bureau generally requests verification that nonstandard features used as boundaries for the PSAP geographic areas pose no problem in their location during field work.

Dated: January 22, 2018.

Ron S. Jarmin,

Associate Director for Economic Programs, Performing the Non-Exclusive Functions, and Duties of the Director, Bureau of the Census.

[FR Doc. 2018–02622 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 171002956–7974–01]

Census Designated Places (CDPs) for the 2020 Census—Proposed Criteria

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed program and request for comments.

SUMMARY: The Census Bureau is publishing this notice in the **Federal Register** to request comments from the public and other government agencies on the criteria and guidelines for identifying Census designated places (CDPs). The Census Bureau will respond to the comments in the **Federal Register** notice announcing the final criteria. After the final criteria are published in the **Federal Register**, the Census Bureau will offer designated governments or organizations an opportunity to review and, if necessary, suggest updates to the boundaries and attributes of the CDPs in their geographic area under the Participant Statistical Areas Program (PSAP). In separate **Federal Register** notices, the PSAP program is seeking comment on the review and update of census tracts, block groups, and census county divisions.

DATES: Written comments must be submitted on or before May 14, 2018.

ADDRESSES: Please direct all written comments on this proposed program to Vincent Osier, Geographic Standards, Criteria, and Quality Branch, Geography Division, U.S. Census Bureau, Room 4H173, 4600 Silver Hill Road, Washington, DC 20233–7400. Email: *geo.psap.list@census.gov*. Phone: 301–763–3056 (PSAP Hotline).

FOR FURTHER INFORMATION CONTACT: Requests for additional information on this proposed program should be directed to Vincent Osier, Geographic Standards, Criteria, and Quality Branch, Geography Division, U.S. Census Bureau, Room 4H173, 4600 Silver Hill Road, Washington, DC 20233–7400. Email: *geo.psap.list@census.gov*. Phone: 301–763–3056 (PSAP hotline).

SUPPLEMENTARY INFORMATION:

I. History

Census designated places (CDPs) [1] are statistical geographic entities representing closely settled, unincorporated communities that are locally recognized and identified by name. They are the statistical equivalents of incorporated places, with the primary differences being the lack of both a legally defined boundary and an active, functioning governmental structure, chartered by the state and administered by elected officials. CDPs defined for the 2020 Census will also be used to tabulate American Community Survey, Puerto Rico Community Survey, and Economic Census data after 2020, and potentially data from other Bureau of the Census (Census Bureau) censuses and surveys.

The CDP concept and delineation criteria have evolved over the past six decades in response to data user needs for place-level data. This evolution has taken into account differences in the way in which places were perceived, and the propensity for places to incorporate in various states. The result, over time, has been an increase in the number and types of unincorporated communities identified as CDPs, as well as increasing consistency in the relationship between the CDP concept and the kinds of places encompassed by the incorporated place category, or a compromise between localized perceptions of place and a concept that would be familiar to data users throughout the United States, Puerto Rico, and the Island Areas.

Although not as numerous as incorporated places or municipalities,[2] CDPs have been important geographic entities since their introduction for the 1950 Census (CDPs were referred to as ''unincorporated places'' in the 1950, 1960 and 1970 decennial censuses). For the 1950 Census, CDPs were defined only outside urbanized areas and were required to have at least 1,000 residents. For the 1960 Census, CDPs could also be identified inside urbanized areas outside of New England, but these were required to have at least 10,000 residents. The Census Bureau modified the population threshold within urbanized areas to 5,000 residents in 1970, allowed for CDPs in urbanized areas in New England in 1980, and

[1] The term CDP includes comunidades and zonas urbanas in Puerto Rico.

[2] Known by various terms throughout the United States: Cities, towns (except in the six New England states, New York, and Wisconsin), villages, and boroughs (except in New York and Alaska).

lowered the threshold for CDPs within urbanized areas to 2,500 in 1990. In time, other population thresholds were adopted for identification of CDPs in Alaska, Puerto Rico, the Island Areas, and on American Indian reservations (AIRs). The Census Bureau eliminated all population threshold requirements for Census 2000, achieving consistency between CDPs and incorporated places, for which the Census Bureau historically has published data without regard to population size.

According to the 2010 Census, more than 38.7 million people in the United States,[3] Puerto Rico, and the Island Areas[4] lived in CDPs. The relative importance of CDPs varies from state to state depending on laws governing municipal incorporation and annexation, but also depending on local preferences and attitudes regarding the identification of places.

II. CDP Criteria and Guidelines for the 2020 Census

The criteria proposed herein apply to the United States, including AIRs and off-reservation trust lands, Puerto Rico, and the Island Areas. In accordance with the final criteria, the Census Bureau may modify and, if necessary, reject any proposals for CDPs that do not meet the established criteria. In addition, the Census Bureau reserves the right to modify the boundaries and attributes of CDPs as needed to maintain geographic relationships before the final tabulation geography is set for the 2020 Census.

The Census Bureau proposes the following criteria and guidelines for use in identifying the areas that will qualify for designation as CDPs for use in tabulating data from the 2020 Census, the American Community Survey, the Puerto Rico Community Survey, the Economic Census, and potentially other Census Bureau censuses and surveys.

1. A CDP constitutes a single, closely settled center of population that is named. To the extent possible, individual unincorporated communities should be identified as separate CDPs. Similarly, a single community should be defined as a single CDP rather than multiple CDPs with each part referencing the community name and a directional term (*i.e.,* north, south, east, or west). Since a CDP is defined to provide data for a single, named locality, the Census Bureau generally will not accept combinations of places and hyphenated place names defined as a CDP. In the past, communities were often combined as a single CDP in order to comply with the Census Bureau's former minimum population requirements. The Census Bureau's elimination of population threshold criteria starting with Census 2000 made such combinations unnecessary. Other communities were combined because visible features were not available for use as boundaries for separate CDPs. The Census Bureau's policy to allow the use of some nonvisible boundaries so that participants can separate individual communities has dispensed with the need to have multi-place CDPs.

Multiple communities may only be combined to form a single CDP when the identities of these communities have become so intertwined that the communities are commonly perceived and referenced as a single place. For example, the communities of Arden and Arcade in California have grown together over time and residents commonly use the place name Arden-Arcade. Further, because of the intertwined identity, residents would have difficulty identifying a boundary between the separate, historical communities of Arden and Arcade. Multiple communities may also be defined as a single CDP when there are no distinguishable or suitable features in the landscape that can be used as a boundary between the communities, even if the two communities still have separate identities. For example, the CDP of Ashton-Sandy Spring in Maryland encompasses two communities that still maintain separate identities in common, daily usage. The two communities, however, have grown together to such an extent that a clear break between the two communities is no longer identifiable in the landscape. In general, when considering whether to combine multiple communities as a single CDP, the following questions should be taken into account:

- Do residents commonly perceive and refer to the communities as a single entity?
- Are there landscape elements, such as signs, that use a hyphenated name for the community?
- Can residents or other knowledgeable individuals identify clear, commonly accepted boundaries for the individual communities?

2. A CDP generally consists of a contiguous cluster of census blocks comprising a single piece of territory and containing a mix of residential, nonresidential, and commercial uses similar to that of an incorporated place of similar size. Some CDPs, however, may be predominantly residential. Such places should represent recognizably distinct, locally known communities, but not typical suburban subdivisions. Examples of such predominantly residential communities that can be recognized as CDPs are colonias, small rural communities, and unincorporated resort and retirement communities.

3. A CDP may not be located, either partially or entirely, within an incorporated place or another CDP.

4. A CDP may be located in more than one county but must not cross state boundaries. It is important to note, however, that since county boundaries provide important demarcations for communities, CDPs that cross county lines should be kept to a minimum and identified only when the community clearly sees itself existing on both sides of a county boundary.

5. There are no minimum population or housing unit thresholds for defining CDPs; however, a CDP must contain some population or housing units or both. For the 2020 Census, the Census Bureau will not accept a CDP delineated with zero population and zero housing units. The Census Bureau recognizes that some communities, such as a resort or other kinds of seasonal communities, may lack population at certain times of the year. Nevertheless, there should be some evidence, generally in the form of houses, barracks, dormitories, commercial buildings and/or other nonresidential structures, providing the basis for local perception of the place's existence. The Census Bureau will review the number of housing units within the place, as reported in the previous decennial census or as seen in imagery, and consider whether additional information is needed before recognizing the CDP. Participants submitting boundaries for places with less than ten housing units may be asked to provide additional information attesting to the existence of the CDP.

6. CDP boundaries should follow visible features, except in those circumstances when a CDP's boundary is coincident with the nonvisible boundary of a state, county, minor civil division (in the six New England states, Michigan, Minnesota, New Jersey, New York, Pennsylvania, and Wisconsin), or incorporated place. CDP boundaries may follow other nonvisible features in instances where reliance upon visible features would result in overbounding of the CDP in order to include housing units on both sides of a road or street

[3] For Census Bureau purposes, the United States typically refers to only the fifty states and the District of Columbia and does not include the U.S. territories (Puerto Rico, the Island Areas, and the U.S. Minor Outlying Islands).

[4] The Island Areas include the U.S. territories American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands. There are no CDPs in American Samoa or the Commonwealth of the Northern Mariana Islands because villages are considered incorporated places and cover the entire territory and population in each territory.

feature. Such boundaries might include parcel boundaries and public land survey system lines; fence lines; national, state, or local park boundaries; ridgelines; or drainage ditches.

7. The CDP name should be one that is recognized and used in daily communication by the residents of the community. Because unincorporated communities generally lack legally defined boundaries, a commonly used community name and the geographic extent of its use by local residents is often the best identifier of the extent of a place. The assumption being that if residents associate with a particular name and use it to identify the place in which they live, then the CDP's boundaries can be mapped based on the use of the name. There should be features in the landscape that use the name, such that a non-resident would have a general sense of the location or extent of the community; for example, signs indicating when one is entering the community; highway exit signs that use the name; or businesses, schools, or other buildings that make use of the name. It should not be a name developed solely for planning or other purposes (including simply to obtain data from the Census Bureau) that is not in regular daily use by the local residents and business establishments.

8. A CDP may not have the same name as an adjacent or nearby incorporated place. If the community does not have a name that distinguishes it from other nearby communities, then the community is not a distinct place. The use of directional terms (''north,'' ''south,'' ''east,'' ''west,'' and so forth) to merely differentiate the name of a CDP from a nearby municipality where this name is not in local use is not acceptable. Again, this has much to do with the way in which people typically refer to the places in which they live. It is permissible to change the name of a 2010 CDP for the 2020 Census if the new name provides a better identification of the community.

III. Definitions of Key Terms

American Indian off-reservation trust land—An area of land located outside the boundaries of an AIR whose boundaries are established by deed and which are held in trust by the U.S. federal government for a federally recognized American Indian tribe or members of that tribe.

American Indian reservation (AIR)—An area of land with boundaries established by final treaty, statute, executive order, and/or court order and over which a federally recognized American Indian tribal government has governmental authority. Along with ''reservation,'' designations such as colonies, communities, pueblos, rancherias, and reserves apply to AIRs.

Census block—A geographic area bounded by visible and/or invisible features shown on a map prepared by the Census Bureau. A block is the smallest geographic entity for which the Census Bureau tabulates and publishes decennial census data.

Census county division (CCD)—Areas delineated by the Census Bureau in cooperation with state, tribal, and local officials for statistical purposes. CCDs have no legal function and are not governmental units. CCD boundaries usually follow visible features and usually coincide with census tract boundaries. The name of each CCD is based on a place, county, or well-known local name that identifies its location.

Coextensive—A description of two or more geographic entities that cover exactly the same area, with all boundaries shared.

Colonia—A small, generally unincorporated community located in one of the states on the U.S.-Mexico border where residents often build or provide their own housing and that usually lacks utilities, paved roads, and other infrastructure typically found other similarly sized communities.

Comunidad—A CDP in Puerto Rico that is not related to a municipio's seat of government, called an aldea or a ciudad prior to the 1990 Census.

Contiguous—A description of areas sharing common boundary lines, more than a single point, such that the areas, when combined, form a single piece of territory. Noncontiguous areas form disjoint pieces.

Housing unit—A house, an apartment, a mobile home or trailer, or a group of rooms or a single room occupied as a separate living quarter or, if vacant, intended for occupancy as a separate living quarter. Separate living quarters are those in which the occupants live and eat separately from any other residents of the building and which have direct access from outside the building or through a common hall.

Incorporated place—A type of governmental unit, incorporated under state law as a city, town (except in New England, New York, and Wisconsin), borough (except in Alaska and New York), or village, generally to provide governmental services for a concentration of people within legally prescribed boundaries.

Minor civil division (MCD)—The primary governmental or administrative division of a county in 28 states and the Island Areas having legal boundaries, names, and descriptions. The MCDs represent many different types of legal entities with a wide variety of characteristics, powers, and functions depending on the state and type of MCD. In some states, some or all of the incorporated places also constitute MCDs.

Municipio—A type of governmental unit that is the primary legal subdivision of Puerto Rico. The Census Bureau treats the municipio as the statistical equivalent of a county.

Nonvisible feature—A map feature that is not visible on the ground and in imagery such as a city or county boundary through space, a property line, or line-of-sight extension of a road.

Statistical geographic entity—A geographic entity that is specially defined and delineated, such as block group, CDP, or census tract, so that the Census Bureau may tabulate data for it. Designation as a statistical entity neither conveys nor confers legal ownership, entitlement, or jurisdictional authority.

Urbanized area (UA)—An area consisting of a central place(s) and adjacent urban fringe that together have a minimum residential population of at least 50,000 people and generally an overall population density of at least 1,000 people per square mile. The Census Bureau uses published criteria to determine the qualification and boundaries of UAs at the time of each decennial census.

Visible feature—A map feature that can be seen on the ground and in imagery, such as a road, railroad track, major above-ground transmission line or pipeline, river, stream, shoreline, fence, sharply defined mountain ridge, or cliff. A nonstandard visible feature is a feature that may not be clearly defined on the ground (such as a ridge), may be seasonal (such as an intermittent stream), or may be relatively impermanent (such as a fence). The Census Bureau generally requests verification that nonstandard features used as boundaries for the PSAP geographic areas pose no problem in their location during field work.

Zona urbana—In Puerto Rico, the settled area functioning as the seat of government for a municipio. A zona urbana cannot cross a municipio boundary.

Dated: January 22, 2018.

Ron S. Jarmin,

Associate Director for Economic Programs, Performing the Non-Exclusive Functions and Duties of the Director, Bureau of the Census.

[FR Doc. 2018–02623 Filed 2–14–18; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 171005975–7975–01]

Block Groups for the 2020 Census—Proposed Criteria

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of proposed program and request for comments.

SUMMARY: The Census Bureau is publishing this notice in the **Federal Register** to request comments from the public and other government agencies on block groups. The Census Bureau will respond to the comments received as part of the publication of final criteria in the **Federal Register**. After the final criteria are published in the **Federal Register**, the Census Bureau will offer designated governments or organizations an opportunity to review and, if necessary, suggest updates to the boundaries and attributes of the block groups in their geographic area under the Participant Statistical Areas Program (PSAP). In addition to block groups, the program also encompasses the review and update of census tracts, census designated places, and census county divisions.

DATES: Written comments must be submitted on or before May 16, 2018.

ADDRESSES: Please direct all written comments on this proposed program to Vincent Osier, Geographic Standards, Criteria, and Quality Branch, Geography Division, U.S. Census Bureau, Room 4H173, 4600 Silver Hill Road, Washington, DC 20233–7400. Email: *geo.psap.list@census.gov*. Phone: 301–763–3056 (PSAP Hotline).

FOR FURTHER INFORMATION CONTACT: Requests for additional information on this proposed program should be directed to Vincent Osier, Geographic Standards, Criteria, and Quality Branch, Geography Division, U.S. Census Bureau, Room 4H173, 4600 Silver Hill Road, Washington, DC 20233–7400. Email: *geo.psap.list@census.gov*. Phone: 301–763–3056 (PSAP hotline).

SUPPLEMENTARY INFORMATION: Block groups are statistical geographic subdivisions of a census tract defined for the tabulation and presentation of data from the decennial census and selected other statistical programs. Block groups will also be used to tabulate and publish estimates from the American Community Survey (ACS) [1] after 2020 and potentially data from other Bureau of the Census (Census Bureau) censuses and surveys.

There are no proposed changes to the existing block group criteria from the 2010 Census, only clarification. The history of block groups and changes implemented for the 2010 Census can be found in the **Federal Register** from March 14, 2008 (73 FR 13829).

I. General Principles and Criteria for Block Groups for the 2020 Census

A. General Principles

1. Block groups are statistical geographic subdivisions of a census tract and are the smallest geographic areas for which the Census Bureau provides sample data, primarily from the ACS 5-year period estimates.

2. Block groups form the geographic framework within which census blocks are numbered.

3. In order to ensure a minimal level of reliability in sample data and minimize potential disclosures of sensitive information, a block group should contain either at least 600 people or at least 240 housing units at minimum, and 3,000 people or 1,200 housing units at maximum. The housing unit criterion is used to accommodate areas that are occupied seasonally and may otherwise show a discrepancy between decennial and ACS figures.[2] For the ACS, block groups are not designed to be used individually, rather they provide a smaller geographic area than census tracts that allow data users to combine them to create larger geographic areas that may be more meaningful for their specific use.

4. The Census Bureau also recognizes that there are significant geographic areas that are characterized by unique populations (*e.g.,* prisons or universities) or not characterized by residential populations at all (*e.g.,* National Parks or large bodies of water), which local participants may wish to exclude from populated census tracts and/or block groups for either analytical or cartographic purposes. These areas may be designated as special use census tracts and/or block groups to distinguish them from standard populated census tracts and/or block groups. Special land and/or water use census tracts or block groups are not required, but if delineated they must be designated as a specific type of special use (discussed below); have an official name; ideally have no residential population or housing units or else meet all population or housing thresholds mentioned above; and, must not create noncontiguous block groups or census tracts. If located in an urban area, a special use block group must have an area measurement of approximately one square mile or more. If delineated completely outside an urban area, a special use block group must have an area of approximately 10 square miles or more. The Census Bureau recognizes that some special use areas not intended for residential population, such as parks, may contain some minimal population, such as caretakers or those experiencing homelessness. Since the primary purpose of block groups is to help provide high-quality statistical data about the population, the participant and the Census Bureau must decide if a special use tract would be useful in such a situation.

B. Criteria

The criteria herein apply to the United States, including federally recognized American Indian reservations (AIRs) and off-reservation trust lands (ORTLs), Puerto Rico, and the Island Areas[3]. The Census Bureau may modify and, if necessary, reject any proposals for block groups that do not meet the published criteria. In addition, the Census Bureau reserves the right to modify the boundaries and attributes of block groups as needed to meet the published criteria and/or maintain geographic relationships before or after the final tabulation geography is set for the 2020 Census.

The Census Bureau sets forth the following criteria for use in reviewing, updating, and delineating 2020 Census block groups:

1. Block groups must not cross census tract boundaries.

This criterion takes precedence over all other criteria or requirements. By definition, because census tracts cannot cross county [4] and state boundaries,

[1] The ACS is conducted in the United States and in Puerto Rico. In Puerto Rico, the survey is called the Puerto Rico Community Survey. For ease of discussion, throughout this document the term ACS is used to represent the surveys conducted in the United States and in Puerto Rico.

[2] ''Occupied seasonally'' refers to seasonal communities in which residents often are not present on the date of the decennial census, but will be present at other times of the year and for which estimates may be reflected in the ACS. The ACS is designed to produce local area data as of a 12-month period estimate (or an average).

[3] For Census Bureau purposes, the United States typically refers to only the fifty states and the District of Columbia, and does not include the U.S. territories (Puerto Rico, the Island Areas, and the U.S. Minor Outlying Islands). The Island Areas include American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands. The U.S. Minor Outlying Islands are an aggregation of nine U.S. territories: Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Island.

[4] For the Census Bureau's purposes, the term ''county'' includes parishes in Louisiana; boroughs,

Continued

neither can block groups. It is only permissible to define a block group with fewer than 600 people in a county that has a population less than 600, coextensive with a special use census tract, or as a special use block group delineated within a standard census tract.

2. Block groups must cover the entire land and water area of each census tract.

Because census tracts must cover the entire area of a county, by definition, block groups also must cover the entire area of each county.

3. A block group must comprise a reasonably compact and contiguous land area.

Noncontiguous boundaries are permitted only where a contiguous area or inaccessible area would not meet population or housing unit count requirements for a separate block group, in which case the noncontiguous or inaccessible area must be combined within an adjacent or proximate block group. For example, an island that does not meet the minimum population threshold for recognition as a separate block group should be combined with other proximate land to form a single block group. Each case will be reviewed and accepted at the Census Bureau's discretion.

4. Block group boundaries should follow visible and identifiable features.

To make the location of block group boundaries less ambiguous, wherever possible, block group boundaries should follow significant, visible, easily identifiable features. The use of visible features facilitates the location and identification of block group boundaries in the field, both on the ground and in imagery. The selection of permanent physical features also increases the stability of the boundaries over time, as the locations of many visible features in the landscape tend to change infrequently. If block group boundaries are changed, they should not be moved from a more significant feature (*e.g.,* a highway or a major river) to a less significant feature (*e.g.,* a neighborhood road or a small tributary stream). The Census Bureau also requires the use of state and county boundaries in all states to be used as census tract and block group boundaries. The Census Bureau also permits the use of incorporated place and minor civil division (MCD) boundaries in states where those boundaries tend to remain unchanged over time (see Table 1).

The following features are preferred as block group boundaries for the 2020 Census:

a. State, county, and census tract boundaries must always be block group boundaries. This criterion takes precedence over all other boundary criteria or requirements.

b. AIR and ORTL boundaries.

c. Visible, perennial, stable, relatively permanent natural and constructed features, such as roads, shorelines, rivers, perennial streams and canals, railroad tracks, or above-ground high-tension power lines.

d. Boundaries of legal and administrative entities in selected states. Table 1 identifies by state which MCD and incorporated place boundaries may be used as block group boundaries.

e. Additionally, the following legally defined, administrative boundaries are permitted as block group boundaries:

i. Barrio, barrio-pueblo, and subbarrio boundaries in Puerto Rico;

ii. Census subdistrict and estate boundaries in the U.S. Virgin Islands;

iii. County and island boundaries (both MCD equivalents) in American Samoa;

iv. Election district boundaries in Guam;

v. Municipal district boundaries in the Commonwealth of the Northern Mariana Islands; and,

vi. Alaska Native Regional corporation boundaries in Alaska, at the discretion of the Census Bureau, insofar as such boundaries are unambiguous for allocating living quarters as part of 2020 Census activities.

f. The boundaries of large parks, forests, airports, penitentiaries/prisons, and/or military installations, provided the boundaries are clearly marked or easily recognized in the field in imagery and on the ground.

g. When acceptable visible and governmental boundary features are not available for use as block group boundaries, the Census Bureau may, at its discretion, approve other nonstandard visible features, such as major ridgelines, above-ground pipelines, intermittent streams, or fence lines. The Census Bureau may also accept, on a case-by-case basis, relatively short stretches of boundaries of selected nonstandard and potentially nonvisible features, such as cadastral and parcel boundaries or the straight-line extensions or other lines-of-sight between acceptable visible features.

TABLE 1—ACCEPTABLE MINOR CIVIL DIVISION (MCD) AND INCORPORATED PLACE BOUNDARIES

State	All MCD boundaries	Boundaries of MCDs not coincident with the boundaries of incorporated places that themselves are MCDs	All incorporated place boundaries	Only conjoint incorporated place boundaries
Alabama				X
Alaska				X
Arizona				X
Arkansas				X
California				X
Colorado				X
Connecticut	X		X	
Delaware				X
Florida				X
Georgia				X
Hawaii				X
Idaho				X
Illinois		X		X
Indiana	X			X

city and boroughs, municipalities, and census areas in Alaska; independent cities in Maryland, Missouri, Nevada, and Virginia; districts and islands in American Samoa; districts in the U.S. Virgin Islands; municipalities in the Commonwealth of the Northern Mariana Islands; municipios in Puerto Rico; and, the areas constituting the District of Columbia and Guam. T his notice will refer to all these entities collectively as ''counties.''

TABLE 1—ACCEPTABLE MINOR CIVIL DIVISION (MCD) AND INCORPORATED PLACE BOUNDARIES—Continued

State	All MCD boundaries	Boundaries of MCDs not coincident with the boundaries of incorporated places that themselves are MCDs	All incorporated place boundaries	Only conjoint incorporated place boundaries
Iowa		X[b]		X
Kansas		X[a]		X
Kentucky				X
Louisiana				X
Maine	X		X	
Maryland				X
Massachusetts	X		X	X
Michigan				X
Minnesota				X
Mississippi				X
Missouri				X
Montana				X
Nebraska				X
Nevada				X
New Hampshire	X		X	
New Jersey	X		X	
New Mexico				X
New York	X		X	
North Carolina				X
North Dakota		X		X
Ohio		X		X
Oklahoma				X
Oregon				X
Pennsylvania	X		X	
Rhode Island	X		X	
South Carolina				X
South Dakota				X
Tennessee		X		X
Texas				X
Utah				X
Vermont	X		X	
Virginia				X
Washington				X
West Virginia				X
Wisconsin		X		X
Wyoming				X

[a] Townships only.
[b] Governmental townships only.

5. Population, Housing Unit, and Area Measurement Thresholds

The following are the population, housing unit, and area measurement threshold criteria for block groups (as summarized in Table 2). The same population and housing unit thresholds apply to all types of non-special use block groups, including those delineated for AIRs and ORTLs, the Island Areas, and encompassing group quarters, military installations, and institutions.

TABLE 2—BLOCK GROUP THRESHOLDS

Block group type	Threshold types	Minimum	Maximum
Standard & tribal block groups	Population thresholds	600	3000.
Housing unit thresholds	240		1,200.
Special use block groups	Area measurement thresholds within an urban area.	1 square mile	none.
	Area measurement thresholds outside an urban area.	10 square miles	none.
	Population thresholds	None (or very little), or must be within the standard block group thresholds.	

a. 2010 Census population counts should be used in census block group review in most cases. Housing unit counts should be used for block groups in seasonal communities that have little or no population on Census Day (April 1). Locally produced population and housing unit estimates can be used when reviewing and updating block groups, especially in areas that have experienced considerable growth since the 2010 Census.

b. The housing unit thresholds are based on a national average of 2.5 people per household. The Census Bureau recognizes that there are regional variations to this average, and will take this into consideration when reviewing all census block group proposals.

c. For the 2020 Census, the Census Bureau will allow the delineation of special use census tracts and special land use block groups will be created coextensive with these special use census tracts, but they are not required. A special use census tract, and hence a special use block group, must be designated as a specific use type (*e.g.,* state park), must have an official name (*e.g.,* Jay Cooke State Park), have no (or very little) residential population or meet population or housing unit thresholds, and must not create a noncontiguous census tract/block group. In some instances, multiple areas can be combined to form a single special land use census tract/block group if the land management characteristics are similar, such as a special land use census tract/block group comprising adjacent federal and state parks. If the special land use census tract/block group is delineated in a densely populated, urban area, the census tract/block group must have an area of approximately one square mile or more. If the special land use census tract/block group is delineated completely outside an urban area, the census tract/block group must have an area of approximately 10 square miles or more. Any resulting special use census tract/block group should be at least as large in area as the adjacent standard, populated census tracts/block groups.

6. Identification of Block Groups

a. A block group encompasses a cluster of census blocks. Each standard block group is identified using a single-digit number that will correspond to the first digit in the number of each census block encompassed by the block group. For example, block group 3 includes all census blocks numbered in the 3000 range within a single census tract.

b. The range of acceptable standard block group numbers is 1 through 9.

c. Block group numbers must be unique within a census tract.

7. Block Group Types

Table 3 provides a summary of the types of block groups (with their respective population, housing unit, and area measurement thresholds) that the Census Bureau will use for the 2020 Census.

TABLE 3—SUMMARY OF BLOCK GROUP TYPES

Block group types	Distinction from standard block groups	Population thresholds	Housing unit thresholds	Area measurement thresholds
Standard block groups		Min: 600 Max: 3,000	Min: 240 Max: 1,200	None.
Tribal block groups	Tribal block groups are conceptually similar and equivalent to census block groups defined within the standard state-county-tract-block group geographic hierarchy used for tabulating and publishing statistical data.	Min: 600 Max: 3,000	Min: 240 Max: 1,200	None.
Special use block groups	A block group, usually coextensive with a special census tract, encompassing a large airport, public park, public forest, or large water body with no (or very little) population or housing units.	None (or very little) or within the standard block group thresholds.	None (or very little) or within the standard block group thresholds.	Within an urban area: min. 1 square mile. Outside an urban area: min. 10 square miles.

C. Tribal Block Groups

Tribal block groups are statistical geographic entities defined by the Census Bureau in cooperation with tribal officials to provide meaningful, relevant, and reliable data for small geographic areas within the boundaries of federally recognized AIRs and/or ORTLs. As such, they recognize the unique statistical data needs of federally recognized American Indian tribes. The delineation of tribal block groups allows for an unambiguous presentation of statistical data specific to the federally recognized AIR and/or ORTL without the imposition of state or county boundaries, which might artificially separate American Indian populations located within a single AIR and/or ORTL. To this end, the American Indian tribal participant may define tribal block groups that cross county or state boundaries, or both. For federally recognized American Indian tribes with AIRs and/or ORTLs that have fewer than 1,200 residents, the Census Bureau will define one tribal census tract and one tribal block group coextensive with the AIR and/or ORTL. Tribal block groups must be delineated to meet all other census block group criteria, and must be identified uniquely so as to clearly distinguish them from county-based block groups. The Census Bureau will address the type of identifiers required for tribal block groups in more detail in a separate **Federal Register** notice pertaining to all American Indian areas, including statistical areas defined through PSAP. Tribal block group boundaries will be held as census block boundaries. Census blocks, however, will be numbered uniquely within county-based block groups and thus there will not be a direct relationship between a tribal block group identifier and the census block numbers. Tribal block groups are conceptually similar and equivalent to census block groups defined within the standard state-county-tract-block group geographic hierarchy used for tabulating and publishing statistical data.

In order to provide meaningful statistical geographic areas within the AIR and/or ORTL, as well as make meaningful and reliable data available for these areas and their populations, tribal block group geography is maintained separately from standard, county-based block groups. This change was first introduced for the 2010 Census, creating standard block groups nationwide and maintaining tribal block groups as a completely separate set of geography from standard block groups for both geographic and data presentation purposes, and eliminates, in part, the reliability and availability data issues for the tribal block groups

and the derived standard block groups that were present in Census 2000.[5]

As with standard block groups submitted through this program, the tribal block groups are submitted to the Census Bureau, and are subject to review to ensure compliance with the published criteria. Detailed criteria pertaining to tribal block groups will be published in a separate **Federal Register** notice pertaining to all American Indian areas, including statistical areas defined through PSAP.

I. Definitions of Key Terms

Alaska Native Regional Corporation (ANRC)—A corporate geographic area established under the Alaska Native Claims Settlement Act (Pub. L. 92–203, 85 Stat. 688 (1971)) to conduct both the business and nonprofit affairs of Alaska Natives. Twelve ANRCs cover the entire State of Alaska except for the Annette Island Reserve.

American Indian off-reservation trust land (ORTL)—An area of land located outside the boundaries of an AIR, whose boundaries are established by deed, and which are held in trust by the U.S. federal government for a federally recognized American Indian tribe or members of that tribe.

American Indian reservation (AIR)—An area of land with boundaries established by final treaty, statute, executive order, and/or court order and over which a federally recognized, American Indian tribal government has governmental authority. Along with ''reservation'' designations such as colonies, communities, pueblos, rancherias, and reserves apply to AIRs.

Census county division (CCD)—Areas delineated by the Census Bureau in cooperation with state, tribal, and local officials for statistical purposes. CCDs have no legal function and are not governmental units. CCD boundaries usually follow visible features and usually coincide with census tract boundaries. The name of each CCD is based on a place, county, or well-known local name that identifies its location.

Conjoint—A description of a boundary line shared by two adjacent geographic entities.

Contiguous—A description of areas sharing common boundary lines, more than a single point, such that the areas, when combined, form a single piece of territory. Noncontiguous areas form disjoint pieces.

Group quarters—A location where people live or stay in a group living arrangement that is owned or managed by an entity or organization providing housing and/or services for the residents. This is not a typical household-type living arrangement. These services may include custodial or medical care as well as other types of assistance, and residency is commonly restricted to those receiving these services. People living in group quarters are usually not related to each other. Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.

Incorporated place—A type of governmental unit, incorporated under state law as a city, town (except in New England, New York, and Wisconsin), borough (except in Alaska and New York), or village, generally to provide governmental services for a concentration of people within legally prescribed boundaries.

Minor civil division (MCD)—The primary governmental or administrative division of a county in 28 states and the Island Areas having legal boundaries, names, and descriptions. The MCDs represent many different types of legal entities with a wide variety of characteristics, powers, and functions depending on the state and type of MCD. In some states, some or all of the incorporated places also constitute MCDs.

Nonvisible feature—A map feature that is not visible on the ground and in imagery such as a city or county boundary through space, a property line, or line-of-sight extension of a road.

Retracting—Substantially changing the boundaries of a census tract so that comparability over time is not maintained.

Special use census tract/block group—Type of census tract or block group that must be designated as a specific use type (*e.g.,* state park or large lake) and have an official name (*e.g.,* Jay Cooke State Park or Lake Minnetonka), should have no (or very little) population or housing units, and must not create a noncontiguous census tract/block group. If delineated in a densely populated, urban area, a special use census tract/block group must have an area of at least one square mile. If delineated completely outside an urban area, a special use census tract/block group must have an area of at least 10 square miles.

Statistical geographic entity—A geographic entity that is specially defined and delineated, such as block group, CDP, or census tract, so that the Census Bureau may tabulate data for it. Designation as a statistical entity neither conveys nor confers legal ownership, entitlement, or jurisdictional authority.

Visible feature—A map feature that can be seen on the ground and in imagery, such as a road, railroad track, major above-ground transmission line or pipeline, river, stream, shoreline, fence, sharply defined mountain ridge, or cliff. A nonstandard visible feature is a feature that may not be clearly defined on the ground (such as a ridge), may be seasonal (such as an intermittent stream), or may be relatively impermanent (such as a fence). The Census Bureau generally requests verification that nonstandard features used as boundaries for the PSAP geographic areas pose no problem in their location during field work.

Dated: January 31, 2018.

Ron S. Jarmin,

Associate Director for Economic Programs, Performing the Non-Exclusive Functions and Duties of the Director, Bureau of the Census.

[FR Doc. 2018–02624 Filed 2–14–18; 8:45 am]

BILLING CODE 3510–07–P

[5] For Census 2000, tribal block groups were defined for federally recognized AIRs and/or ORTLs, and standard block groups were identified by superimposing county and state boundaries onto the Census 2000 tribal block groups. For Census 2000 products in which data were presented by state and county, the standard state-county-tract-block group hierarchy was maintained, even for territory contained within an AIR and/or ORTL. In such instances, the state-county portions of tribal block groups were identified as individual block groups, and these standard block groups may not have met the minimum population or housing unit thresholds, potentially limiting sample data reliability or availability for both the tribal block groups and the derived standard block groups.

DEPARTMENT OF COMMERCE

Bureau of the Census

[Docket Number 171005976–7976–01]

Census Tracts for the 2020 Census—Proposed Criteria

AGENCY: Bureau of the Census, Commerce

ACTION: Notice of proposed program and request for comments

SUMMARY: The Census Bureau is publishing this notice in the **Federal Register** to request comments from the public and other government agencies on census tracts. The Census Bureau will respond to the comments received as part of the publication of final criteria in the **Federal Register**. After the final criteria are published in the **Federal Register**,the Census Bureau will offer designated governments or organizations an opportunity to review and, if necessary, suggest updates to the boundaries and attributes of the census tracts in their geographic area under the Participant Statistical Areas Program

(PSAP). In addition to reviewing and updating census tracts, the program also reviews and updates census block groups, census designated places, census county divisions, and statistical tribal geographic areas. The Census Bureau will issue notices in the **Federal Register** for each of these geographies.

DATES: Written comments must be submitted on or before May 16, 2018.

ADDRESSES: Please direct all written comments on this proposed program to Vincent Osier, Geographic Standards, Criteria, and Quality Branch, Geography Division, U.S. Census Bureau, Room 4H173, 4600 Silver Hill Road, Washington, DC 20233–7400. Email: *geo.psap.list@census.gov*. Phone: 301–763–9039, or 301–763–3056 (PSAP Hotline).

FOR FURTHER INFORMATION CONTACT: Requests for additional information on this proposed program should be directed to Vincent Osier, Geographic Standards, Criteria, and Quality Branch, Geography Division, U.S. Census Bureau, Room 4H173, 4600 Silver Hill Road, Washington, DC 20233–7400. Email: *geo.psap.list@census.gov*. Phone: 301–763–9039, or 301–763–3056 (PSAP hotline).

SUPPLEMENTARY INFORMATION: Census tracts are relatively permanent small-area geographic divisions of a county or statistically equivalent entity [1] defined for the tabulation and presentation of data from the decennial census and selected other statistical programs. Census tracts will also be used to tabulate and publish estimates from the American Community Survey (ACS) [2] after 2020 and potentially data from other Bureau of the Census (Census Bureau) censuses and surveys.

There are no proposed changes to the existing census tract criteria from the 2010 Census; this notice provides only clarifications. The history of census tracts and changes implemented for the 2010 Census can be found in the **Federal Register** from March 14, 2008 (73 FR 13836).

I. General Principles and Criteria for Census Tracts for the 2020 Census

A. General Principles

1. The primary goal of the census tract is to provide a set of nationally consistent small, statistical geographic units, with stable boundaries, that facilitate analysis of data across time. A century of census tract use has shown that continuity and comparability in tracts and their boundaries over time are of considerable importance to data users. Pursuant to this goal of maintaining continuity and comparability in tracts, the Census Bureau requests that the outer boundaries of the tract not be changed when a census tract must be updated, for example to meet the minimum or maximum population or housing unit thresholds. Instead, Census requests that updates to a tract split the tract into two or more tracts, or merge the tract with an adjacent tract. The Census Bureau discourages changes to tract boundaries (that is, ''retracting''), except in specified circumstances, which the Census Bureau will review on a case-by-case basis.

2. In order to ensure a minimal level of reliability in sample data and minimize potential disclosures of sensitive information, a census tract should contain 1,200 people or 480 housing units at minimum, and 8,000 people or 3,200 housing units at maximum. A census tract should maintain these minimum thresholds unless it is flagged as a special use tract (discussed below), or is coextensive with a county with fewer than 1,200 people. PSAP participants should aim to create census tracts that meet the optimal population of 4,000 or 1,600 housing units. The housing unit criterion is used to accommodate areas that are occupied seasonally and may otherwise show a discrepancy between decennial and ACS population figures.[3]

3. The Census Bureau also recognizes that there are significant geographic areas that are characterized by unique populations (*e.g.,* prisons or universities) or not characterized by residential populations at all (*e.g.,* national parks or large bodies of water) which local participants may wish to exclude from populated census tracts for either analytical or cartographic purposes. These areas may be designated as special use census tracts to distinguish them from standard populated census tracts. Special use census tracts are not required, but if delineated they must be designated as a specific type of special use (discussed below), have an official name, ideally have no residential population or housing units or at least meet all minimum population or housing thresholds mentioned above, and must not create noncontiguous census tracts. If located in an urban area, a special use census tract must have an area measurement of approximately one square mile or more. If delineated completely outside an urban area, a special use census tract must have an area of approximately 10 square miles or more. The Census Bureau recognizes that some special use areas not intended for residential population, such as parks, may contain some minimal population, such as caretakers or the homeless; since the primary purpose of census tracts is to help provide high-quality statistical data about the population, the participant and the Census Bureau must decide if a special use census tract would be useful in such a situation.

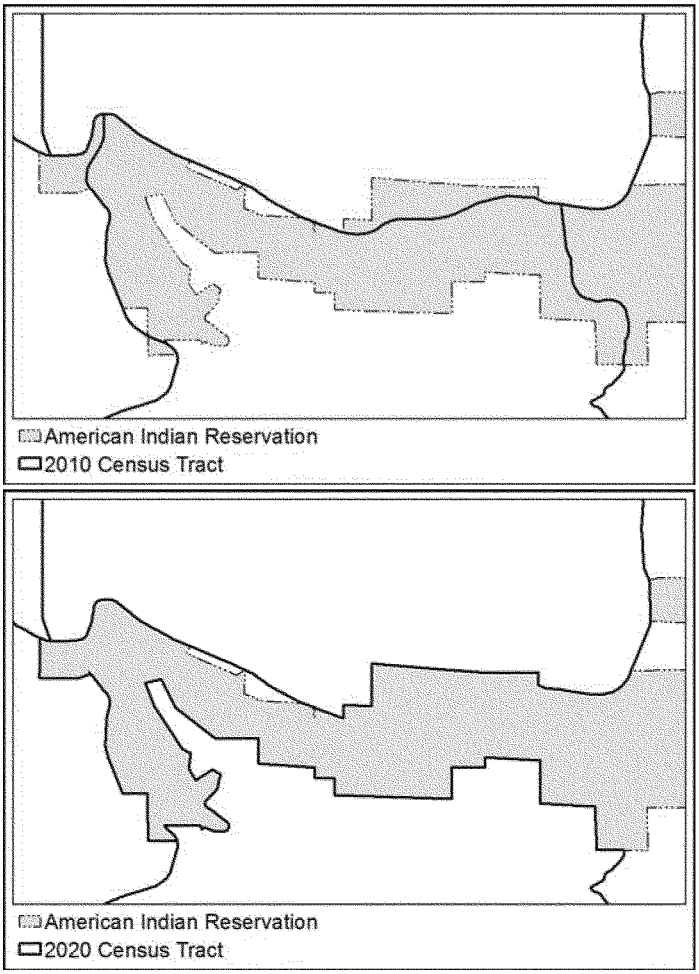
4. To facilitate the analysis of data for American Indian tribes, and to recognize their unique governmental status, program participants are encouraged to merge, split, or redefine census tracts to avoid unnecessarily splitting American Indian reservations (AIRs) and off-reservation trust lands (ORTLs). Each contiguous AIR and/or ORTL should be included, along with any necessary territory outside the AIR and/or ORTL, within a single census tract or as few census tracts as possible for the 2020 Census. This is the only situation in which retracting is encouraged (Figure 1).

[1] For the Census Bureau's purposes, the term ''county'' includes parishes in Louisiana; boroughs, city and boroughs, municipalities, and census areas in Alaska; independent cities in Maryland, Missouri, Nevada, and Virginia; districts and islands in American Samoa; districts in the U.S. Virgin Islands; municipalities in the Commonwealth of the Northern Mariana Islands; municipios in Puerto Rico; and the areas constituting the District of Columbia and Guam. This notice will refer to all these entities collectively as ''counties''.

[2] The ACS is conducted in the United States and in Puerto Rico. In Puerto Rico the survey is called the Puerto Rico Community Survey. For ease of discussion, throughout this document the term ACS is used to represent the surveys conducted in the United States and in Puerto Rico.

[3] 'Occupied seasonally' refers to seasonal communities in which residents often are not present on the date of the decennial census, but will be present at other times of the year and for which estimates may be reflected in the ACS. The ACS is designed to produce local area data based upon a 12-month period estimate (or an average).

Figure 1. – Retracting for American Indian Reservations (AIRs)



B. Criteria

The criteria herein apply to the United States, including federally recognized AIRs and ORTLs, Puerto Rico, and the Island Areas.[4] The Census Bureau may modify and, if necessary, reject any proposals for census tracts that do not meet the published criteria. In addition, the Census Bureau reserves the right to modify the boundaries and attributes of census tracts as needed to meet the published criteria and/or maintain geographic relationships before or after the final tabulation geography is set for the 2020 Census.

The Census Bureau sets forth the following criteria for use in reviewing, updating, and delineating 2020 census tracts:

1. Census tracts must not cross county or state boundaries. This criterion takes precedence over all other criteria or requirements (except for tribal tracts on federally recognized AIRs and/or ORTLs).

2. Census tracts must cover the entire land and water area of a county.

3. Census tracts must comprise a reasonably compact and contiguous land area.

Noncontiguous boundaries are permitted only where a contiguous area or inaccessible area would not meet population or housing unit count requirements for a separate census tract, in which case the noncontiguous or inaccessible area must be combined within an adjacent or proximate tract. For example, an island that does not meet the minimum population threshold for recognition as a separate census tract should be combined with other proximate land to form a single, contiguous census tract. Each case will be reviewed and accepted at the Census Bureau's discretion.

4. Census tract boundaries should follow visible and identifiable features.

To make the location of census tract boundaries less ambiguous, wherever possible, tract boundaries should follow significant, visible, easily identifiable features. The use of visible features facilitates the location and identification of census tract boundaries in the field, both on the ground and in imagery. The selection of permanent physical features also increases the stability of the boundaries over time, as the locations of many visible features in the landscape tend to change infrequently. If census tract boundaries are changed, they should not be moved from a more significant feature (*e.g.,* a highway or a major river) to a less significant feature (*e.g.,* a neighborhood road or a small tributary stream). By definition, state and county boundaries must be used as census tract boundaries. The Census

[4] For Census Bureau purposes, the United States typically refers to only the fifty states and the District of Columbia, and does not include the U.S. territories (Puerto Rico, the Island Areas, and the U.S. Minor Outlying Islands). The Island Areas includes American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the U.S. Virgin Islands. The U.S. Minor Outlying Islands are an aggregation of nine U.S. territories: Baker Island, Howland Island, Jarvis Island, Johnston Atoll, Kingman Reef, Midway Islands, Navassa Island, Palmyra Atoll, and Wake Island.

Bureau also permits the use of incorporated place and minor civil division (MCD) boundaries in states where those boundaries tend to remain unchanged over time (see Table 1).

The following features are preferred as census tract boundaries for the 2020 Census:

a. State and county boundaries must always be census tract boundaries. This criterion takes precedence over all other boundary criteria or requirements.

b. AIR and ORTL boundaries.

c. Visible, perennial, stable, relatively permanent natural and constructed features, such as roads, shorelines, rivers, perennial streams and canals, railroad tracks, or above-ground high-tension power lines.

d. Boundaries of legal and administrative entities in selected states. Table 1 identifies by state which MCD and incorporated place boundaries may be used as census tract boundaries.

e. Additionally, the following legally defined administrative boundaries would be permitted as census tract boundaries:

i. Barrio, barrio-pueblo, and subbarrio boundaries in Puerto Rico;

ii. Census subdistrict and estate boundaries in the U.S. Virgin Islands;

iii. County and island boundaries (both MCD equivalents) in American Samoa;

iv. Election district boundaries in Guam;

v. Municipal district boundaries in the Commonwealth of the Northern Mariana Islands; and

vi. Alaska Native Regional Corporation boundaries in Alaska, at the discretion of the Census Bureau, insofar as such boundaries are unambiguous for allocating living quarters as part of 2020 Census activities.

f. The boundaries of large parks, forests, airports, penitentiaries/prisons, and/or military installations, provided the boundaries are clearly marked or easily recognized in the field in imagery and on the ground.

g. When acceptable visible and governmental boundary features are not available for use as census tract boundaries, the Census Bureau may, at its discretion, approve other nonstandard visible features, such as major ridgelines, above-ground pipelines, intermittent streams, or fence lines. The Census Bureau may also accept, on a case-by-case basis, relatively short stretches of boundaries of selected nonstandard and potentially nonvisible features, such as cadastral and parcel boundaries or the straight-line extensions or other lines-of-sight between acceptable visible features.

TABLE 1—ACCEPTABLE MINOR CIVIL DIVISION (MCD) AND INCORPORATED PLACE BOUNDARIES

State	All MCD boundaries	Boundaries of MCDs not co-incident with the boundaries of incorporated places that themselves are MCDs	All incorporated place boundaries	Only conjoint incorporated place boundaries
Alabama				X
Alaska				X
Arizona				X
Arkansas				X
California				X
Colorado				X
Connecticut	X		X	
Delaware				X
Florida				X
Georgia				X
Hawaii				X
Idaho				X
Illinois		X		X
Indiana	X			X
Iowa		X[b]		X
Kansas		X[a]		X
Kentucky				X
Louisiana				X
Maine	X		X	
Maryland				X
Massachusetts	X		X	X
Michigan				X
Minnesota				X
Mississippi				X
Missouri				X
Montana				X
Nebraska				X
Nevada				X
New Hampshire	X		X	
New Jersey	X		X	
New Mexico				X
New York	X		X	
North Carolina				X
North Dakota		X		X
Ohio		X		X
Oklahoma				X
Oregon				X
Pennsylvania	X		X	

TABLE 1—ACCEPTABLE MINOR CIVIL DIVISION (MCD) AND INCORPORATED PLACE BOUNDARIES—Continued

State	All MCD boundaries	Boundaries of MCDs not co-incident with the boundaries of incorporated places that themselves are MCDs	All incorporated place boundaries	Only conjoint incorporated place boundaries
Rhode Island	X		X	
South Carolina				X
South Dakota				X
Tennessee		X		X
Texas				X
Utah				X
Vermont	X		X	
Virginia				X
Washington				X
West Virginia				X
Wisconsin		X		X
Wyoming				X

[a] Townships only.
[b] Governmental townships only.

5. Population, Housing Unit, and Area Measurement Thresholds.

The following are the population, housing unit, and area measurement threshold criteria for census tracts (as summarized in Table 2). The same population and housing unit thresholds apply to all types of non-special use census tracts, including census tracts delineated for AIRs and ORTLs, the Island Areas, and encompassing group quarters, military installations, and institutions.

TABLE 2—CENSUS TRACT THRESHOLDS

Census tract type	Threshold type	Optimum	Minimum	Maximum
Standard & tribal census tracts	Population threshold	4,000	1,200	8,000.
	Housing unit threshold	1,600	480	3,200.
Special use census tracts	Area measurement threshold within an urban area.	none	1 square mile	none.
Area measurement threshold outside an urban area.	none	10 square miles.	none..	
	Population threshold	None (or very little), or must be within the standard census tract thresholds.		

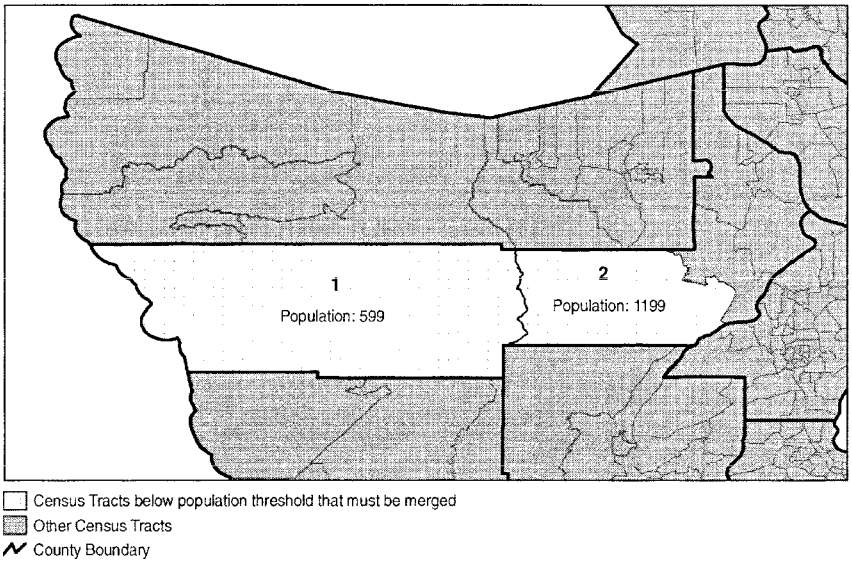
a. 2010 Census population counts should be used in census tract review in most cases. Housing unit counts should be used for census tracts in seasonal communities that have little or no population on Census Day (April 1). Locally produced population and housing unit estimates can be used when reviewing and updating census tracts, especially in areas that have experienced considerable growth since the 2010 Census.

b. The housing unit thresholds are based on a national average of 2.5 persons per household. The Census Bureau recognizes that there are local and regional variations to this average, and will take this into consideration when reviewing all census tract proposals.

c. Any census tract with a population or housing unit count less than the minimum threshold should be merged with an adjacent census tract to form a single tract with at least 1,200 people or at least 480 housing units (Figure 2). The Census Bureau recognizes the complexity that exists between meeting the optimum population or housing unit threshold in a census tract and maintaining census tract comparability over time. For example, if the population or housing unit count based on 2010 Census data was below the minimum thresholds, but significant growth has occurred since 2010 or is expected before 2020 for a census tract, the census tract should not be merged with another census tract.

Supporting evidence may be requested by the Census Bureau. However, if the census tract's population does not increase as expected and does not meet either the minimum population or housing unit thresholds for 2020, this may adversely affect the reliability and availability of any sample estimates for that census tract. For this reason, the Census Bureau suggests merging the census tract with another adjacent census tract if there is a possibility that anticipated growth will not be sufficient to meet minimum thresholds.

Figure 2. Merge Tracts for Comparability



d. For the 2020 Census, the Census Bureau will allow the delineation of special use census tracts, but they are not required. A special use census tract must be designated as a specific use type (*e.g.,* state park), must have an official name (*e.g.,* Jay Cooke State Park), must have no (or very little) residential population or meet population or housing unit thresholds, and must not create a noncontiguous census tract. In some instances, multiple areas can be combined to form a single special use census tract if the land management characteristics are similar, such as a special use census tract comprising adjacent federal and state parks. If the special use census tract is delineated in a densely populated, urban area, the census tract must have an area of approximately one square mile or more. If the special use census tract is delineated completely outside an urban area, the census tract must have an area of approximately 10 square miles or more. Any resulting special use census tract should be at least as large in area the adjacent standard, populated census tracts.

6. Identification of Census Tracts.

a. The Census Bureau assigned each census tract a basic census tract identifier composed of no more than four digits and may have a two-digit decimal suffix.

b. The range of acceptable basic census tract identifiers for the 2020 Census is from 1 to 9989; special use census tracts delineated specifically to complete coverage of large water bodies will be numbered from 9950 to 9989 in each county; census tracts delineated within or to primarily encompass AIRs and/or ORTLs should be numbered from 9400 to 9499.

c. Census tract identifiers must be unique within each county.

d. Once used, census tract identifiers cannot be reused in a subsequent census to reference a completely different area within a county. If a census tract is split, each portion may keep the same basic 4-digit identifier, but each portion must be given a unique suffix. If a census tract that was suffixed for 2010 Census is split, each portion must be given a new suffix.

e. The range of acceptable census tract suffixes is .01 to .98.

7. Census Tract Types.

Table 3 provides a summary of the types of census tracts (with their respective population, housing unit, and area measurement thresholds) that the Census Bureau will use for the 2020 Census.

TABLE 3—SUMMARY OF CENSUS TRACT TYPES

Census tract type	Distinction from standard census tract	Population thresholds	Housing unit thresholds	Area measurement thresholds
Standard census tract		Optimum: 4,000; Min: 1,200; Max: 8,000.	Optimum: 1,600; Min: 480; Max: 3,200.	None.
Tribal census tract	Tribal census tracts are conceptually similar and equivalent to census tracts defined within the standard state-county-tract geographic hierarchy used for tabulating and publishing statistical data.	Optimum: 4,000; Min: 1,200; Max: 8,000.	Optimum: 1,600; Min: 480; Max: 3,200.	None.
Special use census tract	A census tract encompassing a large airport, public park, public forest, or large water body with no (or very little) population or housing units.	None (or very little) or within the standard census tract threshold.	None (or very little) or within the standard census tract threshold.	Within an urban area: min. 1 square mile; Outside an urban area: min. 10 square miles.

C. Tribal Census Tracts

Tribal census tracts are statistical geographic entities defined by the Census Bureau in cooperation with tribal officials to provide meaningful, relevant, and reliable data for small geographic areas within the boundaries of federally recognized AIRs and/or ORTLs. As such, they recognize the unique statistical data needs of federally recognized American Indian tribes. The delineation of tribal census tracts allows for an unambiguous presentation of census tract-level data specific to the federally recognized AIR and/or ORTL without the imposition of state or county boundaries, which might artificially separate American Indian populations located within a single AIR and/or ORTL. To this end, the American Indian tribal participant may define tribal census tracts that cross county or state boundaries, or both. For federally recognized American Indian tribes with AIRs and/or ORTLs that have more than 2,400 residents, the Census Bureau will offer the tribal government the opportunity to delineate tribal census tracts and other tribal statistical geography on their AIR and/or ORTL. For federally recognized tribes with an AIR and/or ORTL that has fewer than 2,400 residents, the Census Bureau will define one tribal census tract coextensive with the AIR and/or ORTL. Tribal census tracts must be delineated to meet all other census tract criteria, and must be identified uniquely so as to clearly distinguish them from county-based census tracts. Tribal census tracts are conceptually similar and equivalent to census tracts defined within the standard state-county-tract geographic hierarchy used for tabulating and publishing statistical data.

In order to provide meaningful statistical geographic areas within the AIR and/or ORTL, as well as make meaningful and reliable data available for these areas and their populations, tribal census tract geography is maintained separately from standard county-based census tracts. This change was first introduced for the 2010 Census, creating standard, county-based census tracts nationwide and maintaining tribal census tracts as a completely separate set of geography from standard census tracts for both geographic and data presentation purposes, and eliminating, in part, the reliability and availability data issues for the tribal census tracts and the derived standard census tracts that were present in Census 2000.[5]

As with standard census tracts submitted through this program, the tribal census tracts are submitted to the Census Bureau, and are subject to review to ensure compliance with the published criteria. Detailed criteria pertaining to tribal census tracts will be published in a separate **Federal Register** notice pertaining to all American Indian areas, including statistical areas defined through the PSAP.

II. Definitions of Key Terms

Alaska Native Regional Corporation (ANRC)—A corporate geographic area established under the Alaska Native Claims Settlement Act (Pub. L. 92–203, 85 Stat. 688 (1971)) to conduct both the business and nonprofit affairs of Alaska Natives. Twelve ANRCs cover the entire state of Alaska except for the Annette Island Reserve.

American Indian off-reservation trust land (ORTL)—An area of land located outside the boundaries of an AIR, whose boundaries are established by deed, and which are held in trust by the U.S. Federal government for a federally recognized American Indian tribe or members of that tribe.

American Indian reservation (AIR)—An area of land with boundaries established by final treaty, statute, executive order, and/or court order and over which a federally recognized American Indian tribal government has governmental authority. Along with reservation, designations such as colonies, communities, pueblos, rancherias, and reserves apply to AIRs.

Block group—A statistical subdivision of a census tract consisting of all census blocks whose numbers begin with the same digit in a census tract. A block group is the smallest geographic entity for which the Census Bureau normally tabulates sample data.

Census block—A geographic area bounded by visible and/or invisible features shown on a map prepared by the Census Bureau. A block is the smallest geographic entity for which the Census Bureau tabulates and publishes decennial census data.

Census county division (CCD)—Areas delineated by the Census Bureau in cooperation with state, tribal, and local officials for statistical purposes. CCDs have no legal function and are not governmental units. CCD boundaries usually follow visible features and usually coincide with census tract boundaries. The name of each CCD is based on a place, county, or well-known local name that identifies its location.

Census designated place (CDP)—A statistical geographic entity equivalent to an incorporated place with a concentration of population, housing, and commercial and nonresidential structures that is identifiable by name, but is not within an incorporated place.

Census tract—A small, relatively permanent statistical geographic division of a county defined for the tabulation and publication of Census Bureau data. The primary goal of census tracts is to provide a set of nationally consistent, relatively small, statistical geographic units, with stable boundaries that facilitate analysis of data across time and between decennial censuses.

Conjoint—A description of a boundary line shared by two adjacent geographic entities.

Contiguous—A description of areas sharing common boundary lines, more than a single point, such that the areas, when combined, form a single piece of territory. Noncontiguous areas form disjoint pieces.

Group quarters—A location where people live or stay, in a group living arrangement, that is owned or managed by an entity or organization providing housing and/or services for the residents. This is not a typical household-type living arrangement. These services may include custodial or medical care as well as other types of assistance, and residency is commonly restricted to those receiving these services. People living in group quarters are usually not related to each other. Group quarters include such places as college residence halls, residential treatment centers, skilled nursing facilities, group homes, military barracks, correctional facilities, and workers' dormitories.

Incorporated place—A type of governmental unit, incorporated under state law as a city, town (except in New England, New York, and Wisconsin), borough (except in Alaska and New York), or village, generally to provide governmental services for a concentration of people within legally prescribed boundaries.

Minor civil division (MCD)—The primary governmental or administrative division of a county in 28 states and the Island Areas having legal boundaries, names, and descriptions. The MCDs represent many different types of legal entities with a wide variety of characteristics, powers, and functions

[5] For Census 2000, tribal tracts were defined for federally recognized AIRs and/or ORTLs and standard census tracts were identified by superimposing county and state boundaries onto the tribal tracts. For Census 2000 products in which data were presented by state and county, the standard state-county-census tract hierarchy was maintained, even for territory contained within an AIR and/or ORTL. In such instances, the state-county portions of a tribal tract were identified as individual census tracts. These standard census tracts may not have met the minimum population thresholds, potentially limiting sample data reliability or availability for both the tribal tract and the derived standard census tracts.

depending on the state and type of MCD. In some states, some or all of the incorporated places also constitute MCDs.

Nonvisible feature—A map feature that is not visible on the ground, such as a city or county boundary through space, a property line, or line-of-sight extension of a road.

Retracting—Substantially changing the boundaries of a census tract so that comparability over time is not maintained.

Special use census tract—Type of census tract that must be designated as a specific use type (*e.g.,* state park or large lake) and have an official name (*e.g.,* Jay Cooke State Park or Lake Minnetonka), must have little or no population or housing units, and must not create a noncontiguous census tract. If delineated in a densely populated, urban area, a special use census tract must have an area of at least one square mile. If delineated completely outside an urban area, a special use census tract must have an area of at least 10 square miles.

Visible feature—A map feature that can be seen on the ground and in imagery, such as a road, railroad track, major above-ground transmission line or pipeline, river, stream, shoreline, fence, sharply defined mountain ridge, or cliff. A nonstandard visible feature is a feature that may not be clearly defined on the ground (such as a ridge), may be seasonal (such as an intermittent stream), or may be relatively impermanent (such as a fence). The Census Bureau generally requests verification that nonstandard features used as boundaries for the PSAP geographic areas pose no problem in their location during field work.

Dated: January 31, 2018.

Ron S. Jarmin,

Associate Director for Economic Programs, Performing the Non-Exclusive Functions and Duties of the Director, Bureau of the Census.

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