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Rules and Regulations

Federal Register
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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0801; Airspace Docket No. 17–ASO–17]

Amendment of Class E Airspace; Greenville, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E surface airspace at Greenville, NC, by removing Pitt County Memorial Hospital Heliport from the Class E surface area airspace associated with Pitt-Greenville Airport. Helicopters departing from the heliport must now receive clearance. Consequently, the cut out from Class E surface airspace is no longer required. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at the airport. This action also updates the geographic coordinates of the airport under Class E surface airspace and Class E airspace extending upward from 700 feet or more above the surface of the earth, to coincide with the FAA's aeronautical database.

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

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1700 Columbia Avenue, College Park, Georgia 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it supports IFR operations at Pitt-Greenville Airport, Greenville, NC.

History

The FAA published a notice of proposed rulemaking in the **Federal Register** (82 FR 50596; November 1, 2017) for Docket No. FAA–2017–0801, to amend Class E surface airspace at Pitt-Greenville Airport, Greenville, NC. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

This amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 amends Class E surface airspace within a 4.4-mile radius of Pitt-Greenville Airport, Greenville, NC. The Pitt County Memorial Hospital Heliport no longer requires the southwest area below 200 feet from the airport for departures from the heliport. This action is for continued safety and management of IFR operations at the airport. The geographic coordinates of the airport are adjusted to coincide with the FAA's aeronautical database in both Class E surface airspace and Class E airspace extending upward from 700 feet above the surface.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA

Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

ASO NC E2 Greenville, NC [Amended]

Pitt-Greenville Airport, NC
(Lat. 35°38′09″ N, long. 77°23′03″ W)

Within a 4.4-mile radius of Pitt-Greenville Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO NC E5 Greenville, NC [Amended]

Pitt-Greenville Airport, NC
(Lat. 35°38′09″ N, long. 77°23′03″ W)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Pitt-Greenville Airport.

Issued in College Park, Georgia, on February 14, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–03657 Filed 2–23–18; 8:45 am]

BILLING CODE 4910–13–P

SECURITIES AND EXCHANGE COMMISSION

17 CFR Parts 229 and 249

[Release Nos. 33–10459; 34–82746]

Commission Statement and Guidance on Public Company Cybersecurity Disclosures

AGENCY: Securities and Exchange Commission.

ACTION: Interpretation.

SUMMARY: The Securities and Exchange Commission (the ''Commission'') is publishing interpretive guidance to assist public companies in preparing disclosures about cybersecurity risks and incidents.

DATES: Applicable February 26, 2018.

FOR FURTHER INFORMATION CONTACT: Questions about specific filings should be directed to staff members responsible for reviewing the documents the company files with the Commission. For general questions about this release, contact the Office of the Chief Counsel at (202) 551–3500 in the Division of Corporation Finance, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

A. Cybersecurity

Cybersecurity risks pose grave threats to investors, our capital markets, and our country.[1] Whether it is the companies in which investors invest, their accounts with financial services firms, the markets through which they trade, or the infrastructure they count on daily, the investing public and the U.S. economy depend on the security and reliability of information and communications technology, systems, and networks. Companies today rely on digital technology to conduct their business operations and engage with their customers, business partners, and other constituencies. In a digitally connected world, cybersecurity presents ongoing risks and threats to our capital markets and to companies operating in all industries, including public companies regulated by the Commission.

As companies' exposure to and reliance on networked systems and the internet have increased, the attendant risks and frequency of cybersecurity incidents also have increased.[2] Today, the importance of data management and technology to business is analogous to the importance of electricity and other forms of power in the past century. Cybersecurity incidents [3] can result from unintentional events or deliberate attacks by insiders or third parties, including cybercriminals, competitors, nation-states, and ''hacktivists.'' [4] Companies face an evolving landscape of cybersecurity threats in which hackers use a complex array of means to perpetrate cyber-attacks, including the use of stolen access credentials, malware, ransomware, phishing, structured query language injection attacks, and distributed denial-of-service attacks, among other means. The objectives of cyber-attacks vary widely and may include the theft or destruction of financial assets, intellectual property, or other sensitive information belonging to companies, their customers, or their business partners. Cyber-attacks may also be directed at disrupting the operations of public companies or their business partners. This includes targeting companies that operate in industries responsible for critical infrastructure.

Companies that fall victim to successful cyber-attacks or experience

[1] The U.S. Computer Emergency Readiness Team defines cybersecurity as ''[t]he activity or process, ability or capability, or state whereby information and communications systems and the information contained therein are protected from and/or defended against damage, unauthorized use or modification, or exploitation.'' U.S. Computer Emergency Readiness Team website, available at *https://niccs.us-cert.gov/glossary#C* (Adapted from: CNSSI 4009, NIST SP 800–53 Rev 4, NIPP, DHS National Preparedness Goal; White House Cyberspace Policy Review, May 2009).

[2] *See* World Economic Forum, Global Risks Report 2017, 12th Ed. (Jan. 2017), available at *https://www.weforum.org/reports/the-global-risks-report-2017* (concluding that ''greater interdependence among different infrastructure networks is increasing the scope for systemic failures—whether from cyber-attacks, software glitches, natural disasters or other causes—to cascade across networks and affect society in unanticipated ways.''). *See also* PwC, ''Turnaround and Transformation in Cybersecurity: Key Findings from the Global State of Information Security Survey 2016'' (Oct. 2015), available at *https://www.pwccn.com/en/retail-and-consumer/rcs-info-security-2016.pdf.* (finding that in 2015 there was a reported 38% increase in detected information security incidents from 2014).

[3] A ''cybersecurity incident'' is ''[a]n occurrence that actually or potentially results in adverse consequences to . . . an information system or the information that the system processes, stores, or transmits and that may require a response action to mitigate the consequences.'' U.S. Computer Emergency Readiness Team website, available at *https://niccs.us-cert.gov/glossary#I.*

[4] One study using a sample of 419 companies in 13 countries and regions noted that 47 percent of data breach incidents in 2016 involved a malicious or criminal attack, 25 percent were due to negligent employees or contractors (human factor) and 28 percent involved system glitches, including both IT and business process failures. *See* Ponemon Institute and IBM Security, 2017 Cost of Data Breach Study: Global Overview (Jun. 2017), available at *https://www.ponemon.org/library/2017-cost-of-data-breach-study-united-states.*

other cybersecurity incidents may incur substantial costs [5] and suffer other negative consequences, which may include:

- Remediation costs, such as liability for stolen assets or information, repairs of system damage, and incentives to customers or business partners in an effort to maintain relationships after an attack; [6]
- increased cybersecurity protection costs, which may include the costs of making organizational changes, deploying additional personnel and protection technologies, training employees, and engaging third party experts and consultants;
- lost revenues resulting from the unauthorized use of proprietary information or the failure to retain or attract customers following an attack;
- litigation and legal risks, including regulatory actions by state and federal governmental authorities and non-U.S. authorities; [7]
- increased insurance premiums;
- reputational damage that adversely affects customer or investor confidence; and
- damage to the company's competitiveness, stock price, and long-term shareholder value.

Given the frequency, magnitude and cost of cybersecurity incidents, the Commission believes that it is critical that public companies take all required actions to inform investors about material cybersecurity risks and incidents in a timely fashion, including those companies that are subject to material cybersecurity risks but may not yet have been the target of a cyber-attack. Crucial to a public company's ability to make any required disclosure of cybersecurity risks and incidents in the appropriate timeframe are disclosure controls and procedures that provide an appropriate method of discerning the impact that such matters may have on the company and its business, financial condition, and results of operations, as well as a protocol to determine the potential materiality of such risks and incidents.[8] In addition, the Commission believes that the development of effective disclosure controls and procedures is best achieved when a company's directors, officers, and other persons responsible for developing and overseeing such controls and procedures are informed about the cybersecurity risks and incidents that the company has faced or is likely to face.

Additionally, directors, officers, and other corporate insiders must not trade a public company's securities while in possession of material nonpublic information, which may include knowledge regarding a significant cybersecurity incident experienced by the company. Public companies should have policies and procedures in place to (1) guard against directors, officers, and other corporate insiders taking advantage of the period between the company's discovery of a cybersecurity incident and public disclosure of the incident to trade on material nonpublic information about the incident, and (2) help ensure that the company makes timely disclosure of any related material nonpublic information.[9] In addition, we believe that companies are well served by considering the ramifications of directors, officers, and other corporate insiders trading in advance of disclosures regarding cyber incidents that prove to be material. We recognize that many companies have adopted preventative measures to address the appearance of improper trading and we encourage companies to consider such preventative measures in the context of a cyber event.

B. CF Disclosure Guidance: Topic No. 2

In October 2011, the Division of Corporation Finance (the ''Division'') issued guidance that provided the Division's views regarding disclosure obligations relating to cybersecurity risks and incidents.[10] The guidance explains that, although no existing disclosure requirement explicitly refers to cybersecurity risks and cyber incidents, companies nonetheless may be obligated to disclose such risks and incidents.[11] After the issuance of the guidance, many companies included additional cybersecurity disclosure, typically in the form of risk factors.[12]

C. Purpose of Release

In light of the increasing significance of cybersecurity incidents, the Commission believes it is necessary to provide further Commission guidance. This interpretive release outlines the Commission's views with respect to cybersecurity disclosure requirements under the federal securities laws as they apply to public operating companies.[13] While the Commission continues to consider other means of promoting appropriate disclosure of cyber incidents, we are reinforcing and expanding upon the staff's 2011 guidance. In addition, we address two topics not developed in the staff's 2011 guidance, namely the importance of cybersecurity policies and procedures and the application of insider trading prohibitions in the cybersecurity context.

First, this release stresses the importance of maintaining comprehensive policies and procedures related to cybersecurity risks and incidents. Companies are required to establish and maintain appropriate and effective disclosure controls and procedures that enable them to make accurate and timely disclosures of material events, including those related to cybersecurity. Such robust disclosure

[5] The average organizational cost of a data breach in the United States in 2016 was $7.35 million based on the sample in the study. *Id.* However, the total costs a company may incur in connection with a particular cyber-attack or incident could be much higher.

[6] A company's costs may also include payments to perpetrators of ransomware attacks in order to attempt to restore operations or protect customer data or other proprietary information. *But see* Federal Bureau of Investigation, ''How To Protect your Network from Ransomware,'' Ransomware Prevention and Response for CISOs, available at *https://www.justice.gov/criminal-ccips/file/872771/download.*

[7] *See, e.g.,* New York State Department of Financial Services, 23 NYCRR 500, Cybersecurity Requirements for Financial Services Companies; European Union General Data Protection Regulation, Council Regulation 2016/679, 2016 O.J. (L 119) 1.

[8] *See* Section II.B.1 below for further discussion of disclosure controls and procedures.

[9] *See* Section II.B.2 below for further discussion of insider trading.

[10] *See* CF Disclosure Guidance: Topic No. 2—Cybersecurity (Oct. 13, 2011), available at *https://www.sec.gov/divisions/corpfin/guidance/cfguidance-topic2.htm.*

[11] *Id.*

[12] For example, Willis North America released a 2013 report that found that approximately 88% of the public Fortune 500 companies and about 78% of the Fortune 501–1000 companies included risk factor disclosure regarding cybersecurity in their annual reports filed in 2012. *See* Willis Fortune 1000 Cyber Disclosure Report (Aug. 2013), available at *http://blog.willis.com/wp-content/uploads/2013/08/Willis-Fortune-1000-Cyber-Report_09–13.pdf.* In 2015, over 88% of Russell 3000 companies disclosed cybersecurity as a risk. *See* Audit Analytics, ''Cybersecurity Disclosure in Risk Factors,'' (Jan. 14, 2016), available at *http://www.auditanalytics.com/blog/cybersecurity-disclosures-in-risk-factors/.*

[13] This release does not address the specific implications of cybersecurity to other regulated entities under the federal securities laws, such as registered investment companies, investment advisers, brokers, dealers, exchanges, and self-regulatory organizations. For example, in 2014 the Commission adopted Regulation Systems Compliance and Integrity, applicable to certain self-regulatory organizations, to strengthen the technology infrastructure of the U.S. securities markets. Final Rule: Regulation Systems Compliance and Integrity, Release No. 34–73639 (Nov. 19, 2014) [79 FR. 72252 (Dec. 5, 2014)], available at *https://www.sec.gov/rules/final/2014/34–73639.pdf.* For additional cybersecurity regulations and resources, *see* the Commission's website page devoted to cybersecurity issues, available at *https://www.sec.gov/spotlight/cybersecurity; see also* Cybersecurity Guidance; IM Guidance Update (April 2015), available at *https://www.sec.gov/investment/im-guidance-2015–02.pdf* (staff guidance on cybersecurity measures for registered investment companies and investment advisers).

controls and procedures assist companies in satisfying their disclosure obligations under the federal securities laws.

Second, we also remind companies and their directors, officers, and other corporate insiders of the applicable insider trading prohibitions under the general antifraud provisions of the federal securities laws and also of their obligation to refrain from making selective disclosures of material nonpublic information about cybersecurity risks or incidents.[14]

The Commission, and the staff through its filing review process, continues to monitor cybersecurity disclosures carefully.

II. Commission Guidance

A. Overview of Rules Requiring Disclosure of Cybersecurity Issues

1. Disclosure Obligations Generally; Materiality

Companies should consider the materiality of cybersecurity risks and incidents when preparing the disclosure that is required in registration statements under the Securities Act of 1933 (''Securities Act'') and the Securities Exchange Act of 1934 (''Exchange Act''), and periodic and current reports under the Exchange Act.[15] When a company is required to file a disclosure document with the Commission, the requisite form generally refers to the disclosure requirements of Regulation S–K [16] and Regulation S–X.[17] Although these disclosure requirements do not specifically refer to cybersecurity risks and incidents, a number of the requirements impose an obligation to disclose such risks and incidents depending on a company's particular circumstances. For example:

- *Periodic Reports:* Companies are required to file periodic reports [18] to disclose specified information on a regular and ongoing basis.[19] These periodic reports include annual reports on Form 10–K,[20] which require companies to make disclosure regarding their business and operations, risk factors, legal proceedings, management's discussion and analysis of financial condition and results of operations (''MD&A''), financial statements, disclosure controls and procedures, and corporate governance.[21] Periodic reports also include quarterly reports on Form 10–Q,[22] which require companies to make disclosure regarding their financial statements, MD&A, and updated risk factors.[23] Likewise, foreign private issuers are required to make many of these same disclosures in their periodic reports on Form 20–F.[24] Companies must provide timely and ongoing information in these periodic reports regarding material cybersecurity risks and incidents that trigger disclosure obligations.

- *Securities Act and Exchange Act Obligations:* Securities Act and Exchange Act registration statements must disclose all material facts required to be stated therein or necessary to make the statements therein not misleading. Companies should consider the adequacy of their cybersecurity-related disclosure, among other things, in the context of Sections 11, 12, and 17 of the Securities Act, as well as Section 10(b) and Rule 10b–5 of the Exchange Act.[25]

- *Current Reports:* In order to maintain the accuracy and completeness of effective shelf registration statements with respect to the costs and other consequences of material cybersecurity incidents,[26] companies can provide current reports on Form 8–K [27] or Form 6–K.[28] Companies also frequently provide current reports on Form 8–K or Form 6–K to report the occurrence and consequences of cybersecurity incidents.[29] The Commission encourages companies to continue to use Form 8–K or Form 6–K to disclose material information promptly, including disclosure pertaining to cybersecurity matters. This practice reduces the risk of selective disclosure, as well as the risk that trading in their securities on the basis of material non-public information may occur.[30]

In addition to the information expressly required by Commission regulation, a company is required to disclose ''such further material information, if any, as may be necessary to make the required statements, in light of the circumstances under which they are made, not misleading.'' [31] The Commission considers omitted information to be material if there is a substantial likelihood that a reasonable investor would consider the information important in making an investment decision or that disclosure of the omitted information would have been viewed by the reasonable investor as having significantly altered the total mix of information available.[32]

In determining their disclosure obligations regarding cybersecurity risks and incidents, companies generally weigh, among other things, the potential

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[14] *See* Final Rule: Selective Disclosure and Insider Trading, Release No. 33–7881 (Aug. 15, 2000) [65 FR 51715 (Aug. 24, 2000)], available at *https://www.sec.gov/rules/final/3-7881.htm.*

[15] Listed companies also should consider any obligations that may be imposed by exchange listing requirements. For example, the NYSE requires listed companies to ''release quickly to the public any news or information which might reasonably be expected to materially affect the market for its securities.'' *See* NYSE Listed Company Manual Rule 202.05—Timely Disclosure of Material News Developments. In addition, in 2015, the NYSE, in partnership with Palo Alto Networks, published a summary of information about legal and regulatory aspects of cybersecurity governance for directors and officers of public companies. *See* Navigating the Digital Age: The Definitive Cybersecurity Guide for Directors and Officers. Chicago: Caxton Business & Legal, Inc., 2015, available at *https://www.securityroundtable.org/wp-content/uploads/2015/09/Cybersecurity-9780996498203-no_marks.pdf.* Similarly, Nasdaq requires listed companies to ''make prompt disclosure to the public of any material information that would reasonably be expected to affect the value of its securities or influence investors' decisions.'' *See* Nasdaq Listing Rule 5250(b)(1).

[16] 17 CFR part 229.

[17] 17 CFR part 210.

[18] An issuer with a class of securities registered under Section 12 or subject to Section 15(d) of the Exchange Act is subject to the periodic and current reporting requirements of Section 13 and 15(d), respectively, of the Exchange Act.

[19] ''Congress recognized that the ongoing dissemination of accurate information by companies about themselves and their securities is essential to effective operation of the trading markets. The Exchange Act rules require public companies to make periodic disclosures at annual and quarterly intervals, with other important information reported on a more current basis. The Exchange Act specifically provides for current disclosure to maintain the currency and adequacy of information disclosed by companies.'' Proposed Rule: Additional Form 8–K Disclosure Requirements and Acceleration of Filing Date, Release No. 33–8106, 3–4 (Jun. 17, 2002) [67 FR 42914 (Jun. 25, 2002)].

[20] 17 CFR 249.310.

[21] *See* Part I, Items 1, 1A and 3 of Form 10–K; Part II, Items 7, 8 and 9A of Form 10–K; and Part III, Item 10 of Form 10–K [17 CFR 249.310].

[22] 17 CFR 249.308a.

[23] *See* Part I, Items 1 and 2 of Form 10–Q; Part II, Item 1A of Form 10–Q [17 CFR 249.308a].

[24] *See* Part I, Items 3.D, 4, 5 and 8 of Form 20–F; Part II, Items 15 and 16G of Form 20–F; Part III, Items 17 and 18 of Form 20–F [17 CFR 249.220f].

[25] 15 U.S.C. 77k; 15 U.S.C. 77l; 15 U.S.C. 77q; 15 U.S.C 78j(b); 17 CFR 240.10b–5.

[26] *See* Item 11(a) of Form S–3 [17 CFR 239.13] and Item 5(a) of Form F–3 [17 CFR 239.33].

[27] 17 CFR 249.308.

[28] 17 CFR 249.306.

[29] ''The registrant may, at its option, disclose under this Item 8.01 [of Form 8–K] any events, with respect to which information is not otherwise called for by this form, that the registrant deems of importance to security holders.'' 17 CFR 308.

[30] *See* Sections II.B.2 and II.B.3 below for further discussion of insider trading and Regulation FD.

[31] Rule 408 of the Securities Act [17 CFR 230.408]; Rule 12b–20 of the Exchange Act [17 CFR 240.12b–20]; and Rule 14a–9 of the Exchange Act [17 CFR 240.14a–9].

[32] This approach is consistent with the standard of materiality articulated by the U.S. Supreme Court in *TSC Industries* v. *Northway,* 426 U.S. 438, 449 (1976) (a fact is material ''if there is a substantial likelihood that a reasonable shareholder would consider it important'' in making an investment decision or if it ''would have been viewed by the reasonable investor as having significantly altered the 'total mix' of information made available'' to the shareholder).

materiality of any identified risk and, in the case of incidents, the importance of any compromised information and of the impact of the incident on the company's operations. The materiality of cybersecurity risks or incidents depends upon their nature, extent, and potential magnitude, particularly as they relate to any compromised information or the business and scope of company operations.[33] The materiality of cybersecurity risks and incidents also depends on the range of harm that such incidents could cause.[34] This includes harm to a company's reputation, financial performance, and customer and vendor relationships, as well as the possibility of litigation or regulatory investigations or actions, including regulatory actions by state and federal governmental authorities and non-U.S. authorities.

This guidance is not intended to suggest that a company should make detailed disclosures that could compromise its cybersecurity efforts—for example, by providing a ''roadmap'' for those who seek to penetrate a company's security protections. We do not expect companies to publicly disclose specific, technical information about their cybersecurity systems, the related networks and devices, or potential system vulnerabilities in such detail as would make such systems, networks, and devices more susceptible to a cybersecurity incident. Nevertheless, we expect companies to disclose cybersecurity risks and incidents that are material to investors, including the concomitant financial, legal, or reputational consequences. Where a company has become aware of a cybersecurity incident or risk that would be material to its investors, we would expect it to make appropriate disclosure timely and sufficiently prior to the offer and sale of securities and to take steps to prevent directors and officers (and other corporate insiders who were aware of these matters) from trading its securities until investors have been appropriately informed about the incident or risk.[35]

Understanding that some material facts may be not available at the time of the initial disclosure, we recognize that a company may require time to discern the implications of a cybersecurity incident. We also recognize that it may be necessary to cooperate with law enforcement and that ongoing investigation of a cybersecurity incident may affect the scope of disclosure regarding the incident. However, an ongoing internal or external investigation—which often can be lengthy—would not on its own provide a basis for avoiding disclosures of a material cybersecurity incident.

We remind companies that they may have a duty to correct prior disclosure that the company determines was untrue (or omitted a material fact necessary to make the disclosure not misleading) at the time it was made [36] (for example, if the company subsequently discovers contradictory information that existed at the time of the initial disclosure), or a duty to update disclosure that becomes materially inaccurate after it is made [37] (for example, when the original statement is still being relied on by reasonable investors). Companies should consider whether they need to revisit or refresh previous disclosure, including during the process of investigating a cybersecurity incident.

We expect companies to provide disclosure that is tailored to their particular cybersecurity risks and incidents. As the Commission has previously stated, we ''emphasize a company-by-company approach [to disclosure] that allows relevant and material information to be disseminated to investors without boilerplate language or static requirements while preserving completeness and comparability of information across companies.'' [38] Companies should avoid generic cybersecurity-related disclosure and provide specific information that is useful to investors.

2. Risk Factors

Item 503(c) of Regulation S–K and Item 3.D of Form 20–F require companies to disclose the most significant factors that make investments in the company's securities speculative or risky.[39] Companies should disclose the risks associated with cybersecurity and cybersecurity incidents if these risks are among such factors, including risks that arise in connection with acquisitions.[40]

It would be helpful for companies to consider the following issues, among others, in evaluating cybersecurity risk factor disclosure:

- The occurrence of prior cybersecurity incidents, including their severity and frequency;
- the probability of the occurrence and potential magnitude of cybersecurity incidents;
- the adequacy of preventative actions taken to reduce cybersecurity risks and the associated costs, including, if appropriate, discussing the limits of the company's ability to prevent or mitigate certain cybersecurity risks;
- the aspects of the company's business and operations that give rise to material cybersecurity risks and the potential costs and consequences of such risks, including industry-specific risks and third party supplier and service provider risks;
- the costs associated with maintaining cybersecurity protections, including, if applicable, insurance coverage relating to cybersecurity incidents or payments to service providers;
- the potential for reputational harm;
- existing or pending laws and regulations that may affect the requirements to which companies are subject relating to cybersecurity and the associated costs to companies; and
- litigation, regulatory investigation, and remediation costs associated with cybersecurity incidents.

In meeting their disclosure obligations, companies may need to

[33] For example, the compromised information might include personally identifiable information, trade secrets or other confidential business information, the materiality of which may depend on the nature of the company's business, as well as the scope of the compromised information.

[34] As part of a materiality analysis, a company should consider the indicated probability that an event will occur and the anticipated magnitude of the event in light of the totality of company activity. *Basic* v. *Levinson,* 485 U.S. 224, 238 (1988) (citing *SEC* v. *Texas Gulf Sulphur Co.,* 401 F. 2d 833, 849 (2d Cir. 1968)). Moreover, no ''single fact or occurrence'' is determinative as to materiality, which requires an inherently fact-specific inquiry. *Basic,* 485 U.S. at 236.

[35] *See* Sections 7 and 10 of the Securities Act; Sections 10(b), 13(a) and 15(d) of the Exchange Act; and Rule 10b–5 under the Exchange Act [15 U.S.C 78j(b); 15 U.S.C. 78m(a); 15. U.S.C. 78o(d); 17 CFR 240.10b–5].

[36] *See Backman* v. *Polaroid Corp.,* 910 F.2d 10, 16–17 (1st Cir. 1990) (en banc) (finding that the duty to correct applies ''if a disclosure is in fact misleading when made, and the speaker thereafter learns of this.'').

[37] *See id.* at 17 (describing the duty to update as potentially applying ''if a prior disclosure 'becomes materially misleading in light of subsequent events''' (quoting *Greenfield* v. *Heublein, Inc.,* 742 F.2d 751, 758 (3d Cir. 1984))). *But see Higginbotham* v. *Baxter Intern., Inc.,* 495 F.3d 753, 760 (7th Cir. 2007) (rejecting duty to update before next quarterly report); *Gallagher* v. *Abbott Laboratories,* 269 F.3d 806, 808–11 (7th Cir. 2001) (explaining that securities laws do not require continuous disclosure).

[38] *See* Business and Financial Disclosure Required by Regulation S–K, Release No. 33–10064 (Apr. 13, 2016) [81 FR 23915 (Apr. 22, 2016)]. *See also* Plain English Disclosure, Release No. 33–7497 (Jan. 28, 1998) [63 FR 6370 (Feb. 6, 1998)]; and Updated Staff Legal Bulletin No. 7: Plain English Disclosure (Jun. 7, 1999) available at *https://www.sec.gov/interps/legal/cfslb7a.htm.*

[39] 17 CFR 229.503(c); 17 CFR 249.220f.

[40] *See* Final Rule: Business Combination Transactions, Release No. 33–6578 (Apr. 23, 1985) [50 FR 18990 (May 6, 1985)].

disclose previous or ongoing cybersecurity incidents or other past events in order to place discussions of these risks in the appropriate context. For example, if a company previously experienced a material cybersecurity incident involving denial-of-service, it likely would not be sufficient for the company to disclose that there is a risk that a denial-of-service incident may occur. Instead, the company may need to discuss the occurrence of that cybersecurity incident and its consequences as part of a broader discussion of the types of potential cybersecurity incidents that pose particular risks to the company's business and operations. Past incidents involving suppliers, customers, competitors, and others may be relevant when crafting risk factor disclosure. In certain circumstances, this type of contextual disclosure may be necessary to effectively communicate cybersecurity risks to investors.

3. MD&A of Financial Condition and Results of Operations

Item 303 of Regulation S–K and Item 5 of Form 20–F require a company to discuss its financial condition, changes in financial condition, and results of operations. These items require a discussion of events, trends, or uncertainties that are reasonably likely to have a material effect on its results of operations, liquidity, or financial condition, or that would cause reported financial information not to be necessarily indicative of future operating results or financial condition and such other information that the company believes to be necessary to an understanding of its financial condition, changes in financial condition, and results of operations.[41] In this context, the cost of ongoing cybersecurity efforts (including enhancements to existing efforts), the costs and other consequences of cybersecurity incidents, and the risks of potential cybersecurity incidents, among other matters, could inform a company's analysis. In addition, companies may consider the array of costs associated with cybersecurity issues, including, but not limited to, loss of intellectual property, the immediate costs of the incident, as well as the costs associated with implementing preventative measures, maintaining insurance, responding to litigation and regulatory investigations, preparing for and complying with proposed or current legislation, engaging in remediation efforts, addressing harm to reputation, and the loss of competitive advantage that may result.[42] Finally, the Commission expects companies to consider the impact of such incidents on each of their reportable segments.[43]

4. Description of Business

Item 101 of Regulation S–K and Item 4.B of Form 20–F require companies to discuss their products, services, relationships with customers and suppliers, and competitive conditions.[44] If cybersecurity incidents or risks materially affect a company's products, services, relationships with customers or suppliers, or competitive conditions, the company must provide appropriate disclosure.

5. Legal Proceedings

Item 103 of Regulation S–K requires companies to disclose information relating to material pending legal proceedings to which they or their subsidiaries are a party.[45] Companies should note that this requirement includes any such proceedings that relate to cybersecurity issues. For example, if a company experiences a cybersecurity incident involving the theft of customer information and the incident results in material litigation by customers against the company, the company should describe the litigation, including the name of the court in which the proceedings are pending, the date the proceedings are instituted, the principal parties thereto, a description of the factual basis alleged to underlie the litigation, and the relief sought.

6. Financial Statement Disclosures

Cybersecurity incidents and the risks that result therefrom may affect a company's financial statements. For example, cybersecurity incidents may result in:

- Expenses related to investigation, breach notification, remediation and litigation, including the costs of legal and other professional services;
- loss of revenue, providing customers with incentives or a loss of customer relationship assets value;
- claims related to warranties, breach of contract, product recall/replacement, indemnification of counterparties, and insurance premium increases; and
- diminished future cash flows, impairment of intellectual, intangible or other assets; recognition of liabilities; or increased financing costs.

The Commission expects that a company's financial reporting and control systems would be designed to provide reasonable assurance that information about the range and magnitude of the financial impacts of a cybersecurity incident would be incorporated into its financial statements on a timely basis as the information becomes available.[46]

7. Board Risk Oversight

Item 407(h) of Regulation S–K and Item 7 of Schedule 14A require a company to disclose the extent of its board of directors' role in the risk oversight of the company, such as how the board administers its oversight function and the effect this has on the board's leadership structure.[47] The Commission has previously said that ''disclosure about the board's involvement in the oversight of the risk management process should provide important information to investors about how a company perceives the role of its board and the relationship between the board and senior management in managing the material risks facing the company.''[48] A company must include a description of how the board administers its risk oversight function.[49] To the extent cybersecurity risks are material to a company's business, we believe this discussion should include the nature of the board's role in overseeing the management of that risk.

In addition, we believe disclosures regarding a company's cybersecurity risk management program and how the board of directors engages with management on cybersecurity issues allow investors to assess how a board of directors is discharging its risk oversight responsibility in this increasingly important area.

[41] 17 CFR 229.303; 17 CFR 249.220f.

[42] A number of past Commission releases provide general interpretive guidance on these disclosure requirements. *See, e.g.,* Commission Guidance Regarding Management's Discussion and Analysis of Financial Condition and Results of Operations, Release No. 33–8350 (Dec. 19, 2003) [68 FR 75056 (Dec. 29, 2003)]; Commission Statement About Management's Discussion and Analysis of Financial Condition and Results of Operations, Release No. 33–8056 (Jan. 22, 2002) [67 FR 3746 (Jan. 25, 2002)]; Management's Discussion and Analysis of Financial Condition and Results of Operations; Certain Investment Company Disclosures, Release No. 33–6835 (May 18, 1989) [54 FR 22427 (May 24, 1989)].

[43] 17 CFR 229.303(a).

[44] 17 CFR 229.101; 17 CFR 249.220f.

[45] 17 CFR 229.103.

[46] *See* Section 13(b)(2)(B) of the Exchange Act [15 U.S.C.78m(b)(2)(B)].

[47] 17 CFR 229.407(h); 17 CFR 240.14a–101—Schedule 14A.

[48] Final Rule: Proxy Disclosure Enhancements, Release No. 33–9089 (Dec. 16, 2009) [74 FR 68334 (Dec. 23, 2009)], available at *http://www.sec.gov/rules/final/2009/33-9089.pdf.*

[49] *See* Item 407(h) of Regulation S–K [17 CFR 229.407(h)].

B. Policies and Procedures

1. Disclosure Controls and Procedures

Cybersecurity risk management policies and procedures are key elements of enterprise-wide risk management, including as it relates to compliance with the federal securities laws. We encourage companies to adopt comprehensive policies and procedures related to cybersecurity and to assess their compliance regularly, including the sufficiency of their disclosure controls and procedures as they relate to cybersecurity disclosure. Companies should assess whether they have sufficient disclosure controls and procedures in place to ensure that relevant information about cybersecurity risks and incidents is processed and reported to the appropriate personnel, including up the corporate ladder, to enable senior management to make disclosure decisions and certifications and to facilitate policies and procedures designed to prohibit directors, officers, and other corporate insiders from trading on the basis of material nonpublic information about cybersecurity risks and incidents.[50]

Pursuant to Exchange Act Rules 13a–15 and 15d–15, companies must maintain disclosure controls and procedures, and management must evaluate their effectiveness.[51] These rules define ''disclosure controls and procedures'' as those controls and other procedures designed to ensure that information required to be disclosed by the company in the reports that it files or submits under the Exchange Act is (1) ''recorded, processed, summarized and reported, within the time periods specified in the Commission's rules and forms,'' and (2) ''accumulated and communicated to the company's management . . . as appropriate to allow timely decisions regarding required disclosure.'' [52]

A company's disclosure controls and procedures should not be limited to disclosure specifically required, but should also ensure timely collection and evaluation of information potentially subject to required disclosure, or relevant to an assessment of the need to disclose developments and risks that pertain to the company's businesses.[53] Information also must be evaluated in the context of the disclosure requirement of Exchange Act Rule 12b–20.[54] When designing and evaluating disclosure controls and procedures, companies should consider whether such controls and procedures will appropriately record, process, summarize, and report the information related to cybersecurity risks and incidents that is required to be disclosed in filings. Controls and procedures should enable companies to identify cybersecurity risks and incidents, assess and analyze their impact on a company's business, evaluate the significance associated with such risks and incidents, provide for open communications between technical experts and disclosure advisors, and make timely disclosures regarding such risks and incidents.

Exchange Act Rules 13a–14 and 15d–14 [55] require a company's principal executive officer and principal financial officer to make certifications regarding the design and effectiveness of disclosure controls and procedures,[56] and Item 307 of Regulation S–K and Item 15(a) of Exchange Act Form 20–F require companies to disclose conclusions on the effectiveness of disclosure controls and procedures.[57] These certifications and disclosures should take into account the adequacy of controls and procedures for identifying cybersecurity risks and incidents and for assessing and analyzing their impact. In addition, to the extent cybersecurity risks or incidents pose a risk to a company's ability to record, process, summarize, and report information that is required to be disclosed in filings, management should consider whether there are deficiencies in disclosure controls and procedures that would render them ineffective.

2. Insider Trading

Companies and their directors, officers, and other corporate insiders should be mindful of complying with the laws related to insider trading in connection with information about cybersecurity risks and incidents, including vulnerabilities and breaches.[58] It is illegal to trade a security ''on the basis of material nonpublic information about that security or issuer, in breach of a duty of trust or confidence that is owed directly, indirectly, or derivatively, to the issuer of that security or the shareholders of that issuer, or to any other person who is the source of the material nonpublic information.'' [59] As noted above, information about a company's cybersecurity risks and incidents may be material nonpublic information, and directors, officers, and other corporate insiders would violate the antifraud provisions if they trade the company's securities in breach of their duty of trust or confidence while in possession of that material nonpublic information.[60]

Beyond the antifraud provisions of the federal securities laws, companies and their directors, officers, and other corporate insiders must comply with all other applicable insider trading related rules. Many exchanges require listed companies to adopt codes of conduct and policies that promote compliance with applicable laws, rules, and regulations, including those prohibiting insider trading.[61] We encourage companies to consider how their codes of ethics [62] and insider trading policies take into account and prevent trading on

[50] *See* Final Rule: Certification of Disclosure in Companies' Quarterly and Annual Reports, Release No. 33–8124 (Aug. 28, 2002) [67 FR 57276 (Sept. 9, 2002)], available at *https://www.sec.gov/rules/final/33-8124.htm* (''We believe that, to assist principal executive and financial officers in the discharge of their responsibilities in making the required certifications, as well as to discharge their responsibilities in providing accurate and complete information to security holders, it is necessary for companies to ensure that their internal communications and other procedures operate so that important information flows to the appropriate collection and disclosure points in a timely manner.''); *see also* Section 10(b) of the Exchange Act and Rule 10b–5 thereunder [15 U.S.C. 78j(b); 17 CFR 240.10b–5].

[51] 17 CFR 240.13a–15; 17 CFR 240.15d–15.

[52] *Id.*

[53] *See* Final Rule: Certification of Disclosure in Companies' Quarterly and Annual Reports, Release No. 33–8124 (Aug. 28, 2002) [67 FR 57276 (Sept. 9, 2002)], available at *https://www.sec.gov/rules/final/33-8124.htm* (''We believe that the new rules will help to ensure that an issuer's systems grow and evolve with its business and are capable of producing Exchange Act reports that are timely, accurate and reliable.'').

[54] 17 CFR 240.12b–20.

[55] 17 CFR 240.13a–14; 17 CFR 240.15d–14.

[56] Section 302 of the Sarbanes-Oxley Act of 2002 required the Commission to adopt final rules under which the principal executive officer or officers and the principal financial officer or officers, or persons providing similar functions, of an issuer each must certify the information contained in the issuer's quarterly and annual reports. Public Law 107–204, 116 Stat. 745 (2002).

[57] 17 CFR 229.307; 17 CFR 249.220f.

[58] In addition to promoting full and fair disclosure, the antifraud provisions of the federal securities laws prohibit insider trading, which harms not only individual investors but also the very foundations of our markets by undermining investor confidence in the integrity of those markets. 17 CFR 243.100. Final Rule: Selective Disclosure and Insider Trading, Release No. 34–43154 (Aug. 15, 2000) [65 FR 51716 (Aug. 24, 2000)].

[59] Rule 10b5–1(a) of the Exchange Act [17 CFR 240.10b–5–1(a)].

[60] This would not preclude directors, officers, and other corporate insiders from relying on Exchange Act Rule 10b5–1 if all conditions of that rule are met.

[61] *See e.g.,* NYSE Listed Company Manual Section 303A.10, which states in relevant part that every NYSE ''listed company should proactively promote compliance with laws, rules and regulations, including insider trading laws. Insider trading is both unethical and illegal, and should be dealt with decisively.'' *See also* NASDAQ Listing Rule 5610 and Section 406(c) of the Sarbanes-Oxley Act of 2002.

[62] Item 406 of Regulation S–K [17 CFR 229.406].

the basis of material nonpublic information related to cybersecurity risks and incidents. The Commission believes that it is important to have well designed policies and procedures to prevent trading on the basis of all types of material non-public information, including information relating to cybersecurity risks and incidents.

In addition, while companies are investigating and assessing significant cybersecurity incidents, and determining the underlying facts, ramifications and materiality of these incidents, they should consider whether and when it may be appropriate to implement restrictions on insider trading in their securities. Company insider trading policies and procedures that include prophylactic measures can protect against directors, officers, and other corporate insiders trading on the basis of material nonpublic information before public disclosure of the cybersecurity incident. As noted above, we believe that companies would be well served by considering how to avoid the appearance of improper trading during the period following an incident and prior to the dissemination of disclosure.

3. Regulation FD and Selective Disclosure

Companies also may have disclosure obligations under Regulation FD in connection with cybersecurity matters. Under Regulation FD, ''when an issuer, or person acting on its behalf, discloses material nonpublic information to certain enumerated persons it must make public disclosure of that information.'' [63] The Commission adopted Regulation FD owing to concerns about companies making selective disclosure of material nonpublic information to certain persons before making full disclosure of that same information to the general public.[64]

In cases of selective disclosure of material nonpublic information related to cybersecurity, companies should ensure compliance with Regulation FD. Companies and persons acting on their behalf should not selectively disclose material, nonpublic information regarding cybersecurity risks and incidents to Regulation FD enumerated persons [65] before disclosing that same information to the public.[66] We expect companies to have policies and procedures to ensure that any disclosures of material nonpublic information related to cybersecurity risks and incidents are not made selectively, and that any Regulation FD required public disclosure is made simultaneously (in the case of an intentional disclosure as defined in the rule) or promptly (in the case of a non-intentional disclosure) and is otherwise compliant with the requirements of that regulation.[67]

By the Commission.

Dated: February 21, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–03858 Filed 2–23–18; 8:45 am]

BILLING CODE 8011–01–P

[63] 17 CFR 243.100. Final Rule: Selective Disclosure and Insider Trading, Release No. 34–43154 (Aug. 15, 2000) [65 FR 51716 (Aug. 24, 2000)].

[64] *Id.*

[65] Regulation FD applies generally to selective disclosures made to persons outside the issuer who are (1) a broker or dealer or persons associated with a broker or dealer; (2) an investment advisor or persons associated with an investment advisor; (3) an investment company or persons affiliated with an investment company; or (4) a holder of the issuer's securities under circumstances in which it is reasonably foreseeable that the person will trade in the issuer's securities on the basis of the information. 17 CFR 243.100(b)(1).

[66] Final Rule: Selective Disclosure and Insider Trading, Release No. 34–43154 (Aug. 15, 2000) [65 FR 51716 (Aug. 24, 2000)].

[67] ''Under the regulation, the required public disclosure may be made by filing or furnishing a Form 8–K, or by another method or combination of methods that is reasonably designed to effect broad, non-exclusionary distribution of the information to the public.'' *Id.* at 3.

DEPARTMENT OF LABOR

Benefits Review Board

20 CFR Part 802

RIN 1290–AA32

Change of Mailing Address for the Benefits Review Board

AGENCY: Benefits Review Board, Labor.

ACTION: Final rule; technical amendment.

SUMMARY: This rule amends one section of the Benefits Review Board's regulations in order to change the mailing address for notices of appeal and correspondence sent to the Board.

DATES: This rule is effective March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Shepherd, Clerk of the Appellate Boards, at 202–693–6319 or *Shepherd.Thomas@dol.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On March 7, 1997, the Department issued a technical amendment to 20 CFR 802.204 to include a U.S. Post Office Box mailing address for filing notices of appeal with the Board. 62 FR 10666. The Department added the P.O. Box to augment timely receipt of incoming mail. Over time, the Department has found this supplemental process is not needed to ensure the timely receipt of mail. Therefore, to save costs, the Department is eliminating the P.O. Box and amending its regulations to direct that all notices of appeal and correspondence filed by mail be sent directly to the Board's offices in the Frances Perkins Department of Labor Building in Washington, DC. This document amends the relevant section in the Code of Federal Regulations governing the procedural rules of the Board in order to present the new mailing address.

II. Statutory Authority

This rule is promulgated by the Secretary of Labor under the authority of 5 U.S.C. 301, as well as the Black Lung Benefits Act, 30 U.S.C. 901 *et seq.,* and the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901 *et seq.*

III. Rulemaking Analyses

A. Administrative Procedure Act

Section 553(b)(3) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(3), provides that an agency is not required to publish a notice of proposed rulemaking in the **Federal Register** for ''rules of agency organization, procedure, or practice.'' 5 U.S.C. 553(b)(3)(A). Rules are also exempt when an agency finds ''good cause'' that notice and comment rulemaking procedures would be ''impracticable, unnecessary, or contrary to the public interest.'' 5 U.S.C. 553(b)(3)(B). The Department has determined that this rulemaking meets the notice and comment exemption requirements in 5 U.S.C. 553(b)(3)(A) and (B). The Department's revision makes a technical and non-substantive change to the rules of procedure before the Benefits Review Board and does not alter any substantive standard. The Department does not believe that public comment is necessary for this minor revision.

B. Regulatory Flexibility Act, Unfunded Mandates Reform Act, and Small Business Regulatory Enforcement Fairness Act

Because no notice of proposed rulemaking is required for this rule under section 553(b) of the APA, the requirements of the Regulatory Flexibility Act at 5 U.S.C. 601(2) do not apply to this rule, and the rule is not

subject to sections 202 or 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1532 and 1535). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate as described in sections 203 and 204 of the UMRA (2 U.S.C. 1533 and 1534).

This action is further not classified as a ''rule'' under Chapter 8 of the Small Business Regulatory Enforcement Fairness Act of 1996, because it pertains to agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties. See 5 U.S.C. 804(3)(C).

C. Paperwork Reduction Act

This rule does not contain a collection of information requirements subject to Office of Management and Budget review under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

D. Executive Order 13132 (Federalism)

The Department has reviewed this rule in accordance with the Executive Order on Federalism (Executive Order 13132, 64 FR 43255, August 10, 1999). This rule does not have federalism implications as outlined in E.O. 13132. The rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

E. Executive Order 13175, Indian Tribal Governments

The Department has reviewed this rule under the terms of Executive Order 13175 (65 FR 67249, November 6, 2000) and determined it does not have ''tribal implications.'' The rule does not have ''substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.'' As a result, no Tribal summary impact statement has been prepared.

F. Executive Order 12866 and Executive Order 13771

This rule has been drafted and reviewed in accordance with Executive Order 12866. The rule is not a ''significant regulatory action'' as defined by section 3(f) of the order. Accordingly, there is no requirement for an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866. In addition, this rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

List of Subjects in 20 CFR Part 802

Administrative practice and procedure, Black lung benefits, Longshore and harbor workers, Workers' compensation.

For the reasons set forth above, the Department of Labor amends 20 CFR part 802 as follows:

PART 802—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 802 is revised to read as follows:

Authority: 5 U.S.C. 301; 30 U.S.C. 901 *et seq.;* 33 U.S.C. 901 *et seq.;* Reorganization Plan No. 6 of 1950, 15 FR 3174; Secretary of Labor's Order 03–2006, 71 FR 4219, January 25, 2006.

■ 2. Section 802.204 is revised to read as follows:

§ 802.204 Place for filing notice of appeal and correspondence.

Any notice of appeal or other correspondence filed by mail shall be sent to the U.S. Department of Labor, Benefits Review Board, ATTN: Office of the Clerk of the Appellate Boards (OCAB), 200 Constitution Ave. NW, Washington, DC 20210–0001. Notices of appeal or other correspondence may be otherwise presented to the Clerk. A copy of the notice of appeal shall be served on the deputy commissioner who filed the decision or order being appealed and on all other parties by the party who files a notice of appeal. Proof of service of the notice of appeal on the deputy commissioner and other parties shall be included with the notice of appeal.

Signed at Washington, DC, this 15th day of February, 2018.

R. Alexander Acosta,

Secretary, Department of Labor.

[FR Doc. 2018–03783 Filed 2–23–18; 8:45 am]

BILLING CODE 4510–HT–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 57

[TD 9830]

RIN 1545–BM52

Health Insurance Providers Fee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations that provide rules for the definition of a covered entity for purposes of the fee imposed by section 9010 of the Patient Protection and Affordable Care Act, as amended. The final regulations supersede and adopt the text of temporary regulations that provide rules for the definition of a covered entity. The final regulations affect persons engaged in the business of providing health insurance for United States health risks.

DATES: *Effective Date:* The final regulations are effective February 22, 2018.

FOR FURTHER INFORMATION CONTACT: Rachel S. Smith at (202) 317–6855 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

Section 9010 of the Patient Protection and Affordable Care Act (PPACA), Public Law 111–148 (124 Stat. 119 (2010)), as amended by section 10905 of PPACA, and as further amended by section 1406 of the Health Care and Education Reconciliation Act of 2010, Public Law 111–152 (124 Stat. 1029 (2010)) (collectively, the Affordable Care Act or ACA) imposes an annual fee on covered entities that provide health insurance for United States health risks. All references in this preamble to section 9010 are references to section 9010 of the ACA. Section 9010 did not amend the Internal Revenue Code (Code) but contains cross-references to specified Code sections. Unless otherwise indicated, all other references to subtitles, chapters, subchapters, and sections in this preamble are references to subtitles, chapters, subchapters, and sections in the Code and related regulations. All references to ''fee'' in this preamble are references to the fee imposed by section 9010.

On November 27, 2013, the Department of the Treasury (Treasury Department) and the IRS published final regulations (TD 9643) relating to the health insurance providers fee in the **Federal Register** (78 FR 71476). On February 26, 2015, the Treasury Department and the IRS published temporary regulations (TD 9711) relating to the health insurance providers fee in the **Federal Register** (80 FR 10333). A notice of proposed rulemaking (REG–143416–14) cross-referencing the temporary regulations was published in the **Federal Register** in the same issue (80 FR 10435). The temporary regulations provided further guidance on the definition of a covered entity for the 2015 fee year and subsequent fee years.

The Treasury Department and the IRS received two written comments with respect to the notice of proposed rulemaking. No public hearing was requested or held. After considering the public written comments, the final regulations adopt the proposed regulations without change and the temporary regulations are removed.

Explanation of Provisions

The temporary regulations provided that, for the 2015 fee year and each subsequent fee year, an entity qualified for an exclusion under section 9010(c)(2) if it qualified for an exclusion either for the entire data year ending on the prior December 31st or for the entire fee year beginning on January 1st. The temporary regulations also generally imposed a consistency requirement that bound an entity to its original selection of either the data year or the fee year (its test year) to determine whether it qualified for an exclusion under section 9010(c)(2) for the 2015 fee year and each subsequent fee year. Next, the temporary regulations imposed a special rule for any entity that uses the fee year as its test year. Finally, the temporary regulations provided that a controlled group must report net premiums written only for each person who is a controlled group member at the end of the day on December 31st of the data year and that would qualify as a covered entity in the fee year if it were a single-person covered entity (that is, not a member of a controlled group).

The Treasury Department and the IRS received two written comments in response to the proposed and temporary regulations. Both commenters agreed with the approach described in the proposed and temporary regulations. One commenter suggested that the final rules add three additional requirements. First, the commenter suggested that entities seeking to claim the non-profit exemption described in section 9010(c)(2)(C) and § 57.2(b)(2)(iii) of the Health Insurance Providers Fee Regulations be required to file a Form 8963, ''Report of Health Insurance Provider Information,'' or similar report indicating its exempt status for either the data year or the fee year. Second, the commenter suggested that such entities claiming exempt status for the fee year should also file a year-end statement certifying that they maintained their exempt status through the end of the fee year. The Treasury Department and the IRS received similar comments prior to issuing the final regulations. The preamble to TD 9643 (78 FR 71476) explains that the Treasury Department and the IRS declined to adopt commenters' suggestions to require an entity qualifying for an exclusion to report its net premiums written because section 9010(g)(1) applies only to covered entities. Furthermore, imposing additional filing requirements for only certain entities is contrary to Executive Order 13789, which directs the Treasury Department to reduce tax regulatory burdens. Imposing additional filing requirements for only certain entities is also contrary to Executive Order 13765, which directs the executive branch to minimize the regulatory burden of the ACA specifically. Therefore, we decline to adopt the commenter's suggestions.

Third, the commenter suggested that any entities that fail to remain exempted for the full duration of the fee year should be subject to a fee assessment at the end of the year. The final regulations do not adopt this suggestion. Section 57.6(c) of the Health Insurance Providers Fee Regulations provides that the IRS will not alter fee calculations on the basis of information provided after the end of the error correction period. Section 9010(g)(2) and § 57.3(b)(1) of the Health Insurance Providers Fee Regulations impose a penalty on covered entities that fail to timely submit Form 8963 without reasonable cause. It is possible that if an entity fails to remain exempted for the full duration of the fee year, such entity will be subject to a penalty provided for by the existing statutory and regulatory framework. An additional fee assessment for such entities is not necessary.

Special Analyses

Certain IRS regulations, including these, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory impact assessment is not required. Because the final regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the temporary regulations that preceded the final regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these final regulations is Rachel S. Smith, Office of the Associate Chief Counsel (Passthroughs and Special Industries). However, other personnel from the Treasury Department and the IRS participated in their development.

List of Subjects in 26 CFR Part 57

Health insurance, Reporting and recordkeeping requirements.

Adoption of Amendments to the Regulations

Accordingly, 26 CFR part 57 is amended as follows:

PART 57—HEALTH INSURANCE PROVIDERS FEE

■ **Paragraph 1.** The authority citation for part 57 continues to read in part as follows:

Authority: 26 U.S.C. 7805; sec. 9010, Pub. L. 111–148 (124 Stat. 119 (2010)). * * *

■ **Par. 2.** Section 57.2 is amended by revising paragraphs (b)(3) and (c)(3)(ii) as follows:

§ 57.2 Explanation of terms.

* * * * *

(b) * * *

(3) *Application of exclusions*—(i) *Test year.* An entity qualifies for an exclusion described in paragraphs (b)(2)(i) through (iv) of this section if it so qualifies in its test year. The term *test year* means either the entire data year or the entire fee year.

(ii) *Consistency rule.* For purposes of paragraph (b)(3)(i) of this section, an entity must use the same test year as it used in its first fee year beginning after December 31, 2014, and in each subsequent fee year. Thus, for example, if an entity used the 2014 data year as its test year for the 2015 fee year, that entity must use the data year as its test year for each subsequent fee year.

(iii) *Special rule for fee year as test year.* For purposes of paragraph (b)(3) of this section, any entity that uses the fee year as its test year but ultimately does not qualify for an exclusion described in paragraphs (b)(2)(i) through (iv) of this section for that entire fee year must use the data year as its test year for each subsequent fee year.

* * *

(c) * * *

(3) * * *

(ii) A person is treated as being a member of the controlled group if it is a member of the group at the end of the day on December 31st of the data year. However, a person's net premiums written are included in net premiums written for the controlled group only if the person would qualify as a covered entity in the fee year if the person were not a member of the controlled group.

* * * * *

§ 57.2T [Removed]

■ **Par. 3.** Section 57.2T is removed.

■ **Par. 4.** Section 57.10 is amended by revising paragraph (b) to read as follows:

§ 57.10 Effective/applicability date.

* * * * *

(b) *Paragraphs (b)(3) and (c)(3)(ii) of § 57.2.* Paragraphs (b)(3) and (c)(3)(ii) of § 57.2 apply on February 22, 2018.

§ 57.10T [Removed]

■ **Par. 5.** Section 57.10T is removed.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

Approved: February 15, 2018.

David J. Kautter,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2018–03884 Filed 2–22–18; 11:15 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

46 CFR Parts 136 and 142

[Docket No. USCG–2017–1060]

RIN 1625–AC43

Harmonization of Fire Protection Equipment Standards for Towing Vessels

AGENCY: Coast Guard, DHS.

ACTION: Interim final rule; request for comments.

SUMMARY: The Coast Guard is issuing an interim final rule to apply changes made by the 2016 final rule, *Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment,* to inspected towing vessels. Applying these updated fire protection requirements to inspected towing vessels will align regulations for inspected towing vessels with other commercial vessel regulations.

DATES: This interim final rule is effective March 28, 2018. Comments and related material must be submitted to the online docket via *http://www.regulations.gov* on or before March 28, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register on March 28, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–1060 using the Federal eRulemaking Portal at *https://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section of this document for further instructions on submitting comments.

Viewing material proposed for incorporation by reference. Make arrangements to view this material by contacting the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this document.

FOR FURTHER INFORMATION CONTACT: For information about this document, call or email LT Alexandra Miller, Office of Design and Engineering Standards, Lifesaving and Fire Safety Division (CG–ENG–4), Coast Guard; telephone 202–372–1356, email *Alexandra.S.Miller@uscg.mil.*

SUPPLEMENTARY INFORMATION:

Table of Contents for Preamble

I. Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
Fire Protection rule *Harmonization of Standards for Fire Protection, Detection, and Extinguishing Equipment* final rule, 81 FR 48220, July 22, 2016
FR Federal Register
IFR Interim final rule
NFPA 10 National Fire Protection Association Standard for Portable Fire Extinguishers, 2010 edition
OMB Office of Management and Budget
RA Regulatory Analysis
§ Section symbol
Subchapter M 46 CFR subchapter M—Towing Vessels
U.S.C. United States Code

II. Basis and Purpose, and Regulatory History

This interim final rule harmonizes fire protection requirements regarding portable and semi-portable fire extinguishers on inspected towing vessels with the requirements for other commercial vessels in Title 46 of the Code of Federal Regulations (CFR), including uninspected towing vessels. The Coast Guard may regulate fire protection equipment on inspected towing vessels under statutory authority found in 46 U.S.C. 3301 and 3306, which was delegated by the Secretary of Homeland Security to the Coast Guard in DHS Delegation Number 0170.1(II)(92).

The Coast Guard issues this rule without prior notice and opportunity for public comment. Section 553(b)(B) of the Administrative Procedure Act provides an exception from notice and comment requirements when an agency finds that notice and comment are ''impracticable, unnecessary, or contrary to the public interest.'' In accordance with 5 U.S.C. 553(b)(B), the Coast Guard finds that notice and comment are unnecessary because this rule would not require a substantive change of fire protection equipment on towing vessels, and would align with regulatory requirements already met by all existing towing vessels. This rule will revise 46 CFR subchapter M to require inspected towing vessels to meet fire protection equipment requirements that already apply to other commercial vessels, including uninspected towing vessels. The Coast Guard updated these standards in its 2016 *Fire Protection* rule. At the time the Coast Guard updated the fire protection equipment requirements for other commercial vessels, there were no towing vessels inspected under subchapter M: The Coast Guard established subchapter M in a June 2016 rule that published one month prior to the *Fire Protection* rule, and, as a practical matter, did not place requirements on any towing vessel until July 2017 or later.[1] Because of the timing of subchapter M requirements, at this time uninspected towing vessels are subject to the more modern *Fire Protection* rule provisions. This rule corrects the anomalous situation whereby a towing vessel transitioning from uninspected to inspected status would be required to comply with the previous standards instead of the updated *Fire Protection* rule. Moreover, all existing marine fire extinguishers already meet the requirements of this interim final rule, and the number of extinguishers required on a vessel will not change. Because this rule will not require any existing vessel to change its equipment or practices, the Coast Guard finds good cause to forgo notice and opportunity to comment.

[1] The *Inspection of Towing Vessels* final rule published on June 20, 2016 (81 FR 40003). It gave existing towing vessels 2 years or more to comply with the rule, and defined ''new towing vessel'' such that no vessel would be subject to new vessel requirements until at least July 20, 2017. See discussion at 81 FR 40061.

III. Discussion of the Rule

Under existing regulations, towing vessels must carry Coast Guard-approved fire extinguishers.[2] Historically, the labels on all Coast Guard-approved fire extinguishers displayed two ratings: A performance rating determined by testing to the industry consensus standard UL 711, and a USCG Type/Size rating based on type of fire and the quantity of extinguishing agent. In its *Fire Protection* rule, the Coast Guard eliminated the USCG Type/Size rating requirement from 46 CFR part 162 in favor of the UL standard, but the fire protection regulations in 46 CFR subchapter M are still framed in terms of USCG Type/Size rating. This rule will change those provisions in part 142 of subchapter M to reflect the UL standard instead, matching the changes made by the *Fire Protection* rule.

This rule does not change the number of extinguishers required, and an extinguisher that displays the USCG Type/Size rating may still be used if it meets all other requirements. This rule adds a grandfathering clause in section 142.231(a), identical to one that appears in 46 CFR 25.30–80 as a result of the *Fire Protection* rule, in order to avoid any new obligation on uninspected vessels that become inspected and subject to subchapter M. For similar reasons, section 142.240 makes semi-portable fire extinguishers subject to the rules for portable extinguishers instead of fixed fire extinguishing systems; this change matches the treatment of semi-portable extinguishers on similar vessels subject to 46 CFR part 25.

In addition, this rule revises maintenance requirements for fire extinguishers. Subchapter M had required extinguisher maintenance in accordance with the industry consensus standard NFPA 10, which requires certified personnel to conduct annual fire extinguishing equipment maintenance. NFPA 10 also requires monthly visual inspections and documentation by certified personnel. Section 142.240 provides for some departures from NFPA 10 to: Allow for the acceptance of state and local licenses for inspections; allow an owner, operator, or qualified crewmember to complete monthly inspections (as opposed to certified personnel); and reduce the requirements of the annual inspection for non-rechargeable extinguishers. These modifications are consistent with those put into place for other commercial vessels, including uninspected towing vessels, by the *Fire Protection* rule. Section 142.240(a) also imports a provision from the *Fire Protection* rule requiring that if the marine inspector or third-party organization finds that equipment or records are not properly maintained, then a qualified servicing facility must perform the required activities. This provision is less stringent than the NFPA 10 provision in the original subchapter M text.

Finally, this rule makes non-substantive changes such as replacing the term ''hand-portable'' with ''portable.'' It also updates the edition of NFPA 10 from 2007 to the 2010 edition used in the *Fire Protection* rule; there are no substantive changes between these two editions.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

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

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

This interim final rule (IFR) will update the fire safety rules in subchapter M to incorporate changes brought about by the publication of the *Fire Protection* final rule. Specifically, fire extinguisher ratings and carriage requirements must all be brought up to date. Affected sections of subchapter M (all located in 46 CFR part 142, Fire Protection) are: §§ 142.215(a), (c) and (d); 142.225(d); 142.230; new 142.231; 142.240; and 142.315(a)(3)(i) and (b)(1).

Table 1 presents a summary of the impacts of this rule.

TABLE 1—SUMMARY OF IMPACTS OF THE RULE

Category	Summary
Applicability	Towing vessels required to be inspected under subchapter M.
Affected population	5,509 towing vessels.
Costs	No costs identified.
Benefits	Harmonizes with *Fire Protection* to provide consistent guidance to industry.

Affected Population

The affected population consists of the U.S. flagged towing vessels subject to the provisions of subchapter M. The RA performed for the *Inspection of Towing Vessels* final rule identified 5,509 towing vessels that will be affected and concluded that the long-term pattern was a steady-state population. We have no new information to revise that conclusion

[2] See 46 CFR part 142 subpart B for inspected towing vessels, and 46 CFR subpart 25.30 for uninspected towing vessels.

and will use the population from that rule for this analysis.

Cost Analysis

This interim final rule contains 29 changes to the fire protection regulations in subchapter M. A summary of these changes follows:

- Made eighteen minor edits to the regulatory text to harmonize subchapter M text with *Fire Protection* (*e.g.,* ''hand portable'' to ''portable''); update technical references (*e.g.* ''B–1'' to ''10–B:C:''); correct grammatical errors or improve clarity; and harmonize references to other sections within subchapter M.
- Revised five paragraphs to either consolidate or edit existing text for clarity, or delete text that is no longer needed.
- Added three new provisions to increase industry options to comply with NFPA 10. An example is to allow for the acceptance of state and local licenses for inspections.
- Added a new paragraph to allow equipment beyond the regulatory minimum.
- Added a new paragraph to allow continued use of existing dual-label equipment.
- Added a new provision that restates current recordkeeping requirements.

Overall, the Coast Guard has not identified any costs associated with these changes. The changes and economic impacts are described in Table 2.

TABLE 2—ASSESSMENT OF COST IMPACTS OF THE RULE

Description of change	Type of change	Cost impact
Subpart B—List of Sections		
Change ''Hand-portable'' to ''Portable''	Non-substantive text edit for consistent usage.	No cost.
Add new section title ''142.231 Exception for portable and semi-portable extinguishers required for existing towing vessels.''	Non-substantive text edit to consolidate requirements for new and existing vessels.	No cost.
§ 142.215(a)		
Change ''Hand-portable'' to ''Portable.''	Non-substantive text edit for consistent usage.	No cost.
§ 142.215(c)		
Edit and reorganize paragraph for clarity	Non-substantive text edit only	No cost.
Moved the last sentence to new paragraph § 142.215(d).	Non-substantive text edit only	No cost.
§ 142.215(d)		
Created new paragraph § 142.215(d) that contains the last sentence of former § 142.215(c).	Non-substantive text edit only	No cost.
§ 142.225(d)		
Change equipment type from ''B–II'' to ''40–B'' and other edits.	Non-substantive text edit for consistent usage.	No cost.
Edit and reorganize paragraph for clarity	Non-substantive text edit only	No cost.
§ 142.230		
Change ''Hand-portable'' to ''Portable''	Non-substantive text edit for consistent usage.	No cost.
§ 142.230(a), (b), & (c)		
Delete, refers to labeling system that is no longer in use. Former paragraphs (d) and (e) now (a) and (b).	Removal of outdated labeling terms	No cost.
§ 142.230(d)(1) new § 142.230(a)		
Change ''B–I'' to ''10–B:C'', ''Hand-portable'' to ''Portable'', and ''B–II'' to ''40–B:C.''	Change to labeling terms	No cost.
§ 142.230(d)(2) new § 142.230(b)		
Change ''Hand-portable'' to ''Portable''	Non-substantive text edit for consistent usage.	No cost.
Change ''a'' to ''At'' and correct references to table and paragraph.	Non-substantive text edit only	No cost.
In Table 142.230(d)(2), change ''B–II'' to ''40–B:C''	Change to labeling terms	No cost.
§ 142.230(d)(2)(ii)		
Delete paragraph as no longer needed	Non-substantive text edit only	No cost.
§ 142.230(e) new § 142.230(c)		
Change paragraph reference and change reference to sizes to ''any.''	Removal of outdated labeling terms	No cost.
New § 142.230(d)		
Allow for equipment beyond regulatory minimum	New text	No cost, no mandated requirements.
§ 142.231(a)		
Add provision to accept current equipment and continue use of dual-label equipment.	New text	No cost, no mandated requirements.
§ 142.231(b)		
Reference requirements in part 142 for new vessels	New text	No cost, subchapter M applies to new vessels.
§ 142.240(a)		
Change ''Hand-portable'' to ''Portable''	Non-substantive text edit for consistent usage.	No cost.
§ 142.240(a)(1)(i)		
Move requirements for semi-portable equipment from § 142.240(a)(2) to this sub-paragraph.	Align with 46 CFR part 25	No cost.
Delete references to Table 142.240 as this is redundant with existing text.	Non-substantive text edit for clarity	No cost.

TABLE 2—ASSESSMENT OF COST IMPACTS OF THE RULE—Continued

Description of change	Type of change	Cost impact
Allow for the acceptance of state and local licenses for inspections.	New text	No cost, no mandated requirements.
§ 142.240(a)(1)(ii)		
Modify requirements of NFPA 10 to allow monthly inspections by owner, operator, person-in-charge, or crew member.	New text	No cost, no mandated requirements.
§ 142.240(a)(1)(iii)		
Modify requirements of NFPA 10 to allow annual maintenance by owner, operator, person-in-charge, or crew member.	New text	No cost, no mandated requirements.
§ 142.240(a)(1)(iv)		
Maintain evidence of servicing and provide to inspector. If evidence is unsatisfactory, prescribed examinations, maintenance, and tests must be conducted.	New text	No cost, current industry practice.
§ 142.240(a)(2)		
Delete ''semi-portable.''	Align with 46 CFR part 25 and NFPA 10	No cost, current industry practice.
§ 142.240, Table 142.240		
Delete ''semi-portable''	Align with 46 CFR part 25 and NFPA 10	No cost, current industry practice.
§ 142.240(c)(2)		
Change ''Hand-portable'' to ''Portable''	Non-substantive text edit for consistent usage.	No cost.
§ 142.315(a)(3)(i) & (b)(1)		
Change ''B–V'' to ''160–B.''	Change to labeling terms	No cost.

Benefits

The primary benefit of this interim final rule is to align the fire safety rules in subchapter M with the changes brought about by the publication of the *Fire Protection* rule. The changes include removal of a labeling requirement, and flexibility in the application of NFPA 10. This will provide a consistent set of fire protection requirements to towing vessel owners and operators.

Alternatives

When creating this interim final rule, the Coast Guard considered several alternatives. The previous analysis represents the preferred alternative, which will align fire protection requirements in subchapter M with the *Fire Protection* rule.

Alternative 1: Preferred Alternative

The preferred alternative is to update the fire safety rules in subchapter M to match changes made by the *Fire Protection* rule. The analysis for this alternative appears in the ''Regulatory Analysis'' section of the preamble of this interim final rule.

Alternative 2: No Action Alternative

In this alternative, the Coast Guard would take no action regarding the differences between 46 CFR part 25 and 46 CFR part 142. As this would impose an inconvenience to industry by not removing the outdated labeling requirement, we reject this alternative.

Alternative 3: Not Including New Options

This option would remove the outdated labeling requirement for fire extinguishers, but would not provide for any flexibility in applying the requirements of NFPA 10. The benefit of this alternative is the harmonization of text with other fire protection regulations, including those that already apply to uninspected towing vessels. This alternative would not add any new costs, as NFPA 10 is referenced in subchapter M, but would not offer any new compliance options.

B. Small Entities

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

Our economic analysis concluded that this interim final rule will have no cost impact and will not affect the small entities that own and operate the towing vessels that comprise the affected population, described above. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant economic impact on it, please submit a comment at the address under **ADDRESSES**. In your comment, explain why you think it qualifies and how and to what degree this rule will economically affect it.

C. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, we offered to assist small entities in understanding this rule so that they could better evaluate its effects on them and participate in the rulemaking. The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

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

D. Collection of Information

This rule calls for no new collection of information or modification of an existing collection of information under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501–3520.

E. Federalism

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

It is well settled that States may not regulate in categories reserved for regulation by the Coast Guard. It is also well settled that all of the categories covered in 46 U.S.C. 3306, 3703, 7101, and 8101 (design, construction, alteration, repair, maintenance, operation, equipping, personnel qualification, and manning of vessels), as well as the reporting of casualties and any other category in which Congress intended the Coast Guard to be the sole source of a vessel's obligations, are within the field foreclosed from regulation by the States. *See* the Supreme Court's decision in *United States* v. *Locke and Intertanko* v. *Locke,* 529 U.S. 89, 120 S.Ct. 1135 (2000). This rule covers foreclosed categories as it establishes regulations covering fire extinguishing equipment for towing vessels subject to inspection under 46 U.S.C. 3301 and 3306. Therefore, because the States may not regulate within these categories, this rule is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

F. Unfunded Mandates Reform Act

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

G. Taking of Private Property

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

H. Civil Justice Reform

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

I. Protection of Children

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

J. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175 (''Consultation and Coordination with Indian Tribal Governments''), because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

K. Energy Effects

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

L. Technical Standards and Incorporation by Reference

The National Technology Transfer and Advancement Act, codified as a note to 15 U.S.C. 272, directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies. This rule uses the following updated voluntary consensus standard:

NFPA 10, Standard for Portable Fire Extinguishers, 2010 Edition, effective December 5, 2009. This standard applies to the selection, installation, inspection, maintenance, recharging, and testing of portable fire extinguishers.

Consistent with 1 CFR part 51 incorporation by reference provisions, this material is reasonably available. Interested persons have access to it through their normal course of business, may purchase it from the organization identified in 46 CFR 136.112(h), or may view a copy by means we have identified in that section.

M. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Revision (Rev) 1, and Commandant Instruction M16475.lD (COMTINST M16475.1D), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have concluded that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under the ''Public Participation and Request for Comments'' section of this preamble.

This interim final rule (IFR) is categorically excluded under paragraphs (34)(a), (d), and (e) of Figure 2 in COMDTINST M16475.1D, and also under paragraph 6(a) of the ''Appendix to National Environmental Policy Act: Coast Guard Procedures for Categorical Exclusions, Notice of Final Agency Policy'' (67 FR 48243, July 23, 2002). This IFR updates 46 CFR subchapter M to harmonize fire safety standards for inspected towing vessels with those of other commercial vessels. These matters are editorial or procedural in nature; involve the inspection, equipping, equipment approval and carriage requirements of vessels; and also concern vessel safety standards. This rule supports the Coast Guard's maritime safety mission.

V. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment

applies, and provide a reason for each suggestion or recommendation.

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://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.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, you may review a Privacy Act notice regarding the Federal Docket Management System in the March 24, 2005, issue of the **Federal Register** (70 FR 15086).

List of Subjects

46 CFR Part 136

Incorporation by reference, Reporting and recordkeeping requirements, Towing vessels.

46 CFR Part 142

Fire prevention, Incorporation by reference, Marine safety, Reporting and recordkeeping requirements, Towing vessels.

For the reasons discussed in the preamble, the Coast Guard amends 46 CFR parts 136 and 142 as follows:

PART 136—CERTIFICATION

■ 1. The authority citation for part 136 continues to read as follows:

Authority: 46 U.S.C. 3103, 3301, 3306, 3308, 3316, 8104, 8904; 33 CFR 1.05; DHS Delegation 0170.1.

■ 2. Amend § 136.112 by revising paragraph (h)(1) to read as follows:

§ 136.112 Incorporation by reference.

* * * * *

(h) * * *

(1) NFPA 10—Standard for Portable Fire Extinguishers, 2010 Edition, effective December 5, 2009, IBR approved for § 142.240(a) of this subchapter.

* * * * *

PART 142—FIRE PROTECTION

■ 3. The authority citation for part 142 continues to read as follows:

Authority: 46 U.S.C. 3103, 3301, 3306, 3308, 3316, 8104, 8904; 33 CFR 1.05; Department of Homeland Security Delegation 0170.1.

■ 4. Amend § 142.215 as follows:

■ a. In paragraph (a), remove the text ''hand-''; and

■ b. Revise paragraph (c); and

■ c. Add paragraph (d).

The revision and addition read as follows:

§ 142.215 Approved equipment.

* * * * *

(c) New installations of fire-extinguishing and fire-detection equipment of a type not required, or in excess of that required by this part, may be permitted—

(1) If Coast Guard approved;

(2) If accepted by the local OCMI or TPO, as applicable; or

(3) If equipment and components are listed and labeled by an independent Nationally Recognized Testing Laboratory (NRTL), as that term is defined in 29 CFR 1910.7, and are designed, installed, tested, and maintained in accordance with an appropriate industry standard and the manufacturer's specific guidance.

(d) Existing equipment and installations not meeting the applicable requirements of this part may be continued in service so long as they are in good condition and accepted by the local OCMI or TPO.

■ 5. Amend § 142.225 by revising paragraph (d) to read as follows:

§ 142.225 Storage of flammable or combustible products.

* * * * *

(d) A 40–B portable fire extinguisher must be located near the storage room or cabinet. This is in addition to the portable fire extinguishers required by tables 142.230(a) and 142.230(b) of this part.

■ 6. Revise § 142.230 to read as follows:

§ 142.230 Portable fire extinguishers and semi-portable fire-extinguishing systems.

(a) Towing vessels of 65 feet or less in length must carry at least the minimum number of portable fire extinguishers set forth in table 142.230(a).

TABLE 142.230(a)—10–B:C PORTABLE FIRE EXTINGUISHERS

Length, feet	Minimum number of 10–B:C portable fire extinguishers required [1]	
	No fixed fire-extinguishing system in machinery space	Fixed fire-extinguishing system in machinery space
Under 26 [2]	1	0
26 and over, but under 40	2	1
40 and over, but not over 65	3	2

[1] One 40–B:C portable fire extinguisher may be substituted for two 10–B:C portable fire extinguishers.
[2] See § 136.105 of this subchapter concerning vessels under 26 feet.

(b) Towing vessels of more than 65 feet in length must carry—

(1) At least the minimum number of portable fire extinguishers set forth in table 142.230(b); and

(2) One 40–B portable fire extinguisher fitted in the engine room for each 1,000 brake horsepower of the main engines or fraction thereof. A towing vessel is not required to carry more than six additional 40–B portable fire extinguishers in the engine room for this purpose, regardless of horsepower.

TABLE 142.230(b)—40–B:C PORTABLE FIRE EXTINGUISHERS

Gross tonnage—		Minimum number of 40–B:C portable fire extinguishers
Over	Not over	
	50	1

TABLE 142.230(b)—40–B:C PORTABLE FIRE EXTINGUISHERS—Continued

Gross tonnage—		Minimum number of 40–B:C portable fire extinguishers
Over	Not over	
50	100	2
100	500	3
500	1,000	6
1,000		8

(c) The frame or support of any semi-portable fire extinguisher fitted with wheels must be welded or otherwise permanently attached to a steel bulkhead or deck to prevent it from rolling under heavy sea conditions.

(d) Extinguishers with larger numerical ratings or multiple letter designations may be used if the extinguishers meet the minimum requirements of this section.

■ 7. Add § 142.231 to read as follows:

§ 142.231 Exception for portable and semi-portable fire extinguishers required for existing towing vessels.

(a) Previously installed fire extinguishers with extinguishing capacities smaller than what is required by § 142.230 of this part need not be replaced and may be continued in service so long as they are maintained in good condition to the satisfaction of the OCMI.

(b) All new equipment and installations must meet the applicable requirements in this part for new vessels.

■ 8. Amend § 142.240 by revising paragraphs (a) introductory text, (a)(1) and (2), the heading for Table 142.240, and paragraph (c)(2) to read as follows:

§ 142.240 Inspection, testing, maintenance, and records.

(a) *Inspection and testing.* All portable fire extinguishers, semi-portable fire-extinguishing systems, fire-detection systems, and fixed fire-extinguishing systems, including ventilation, machinery shutdowns, and fixed fire-extinguishing system pressure-operated dampers on board the vessel, must be inspected or tested at least once every 12 months, as prescribed in paragraphs (a)(1) through (8) of this section, or more frequently if otherwise required by the TSMS applicable to the vessel.

(1) Portable and semi-portable fire extinguishers must be inspected, maintained, and tested in accordance with the inspection, maintenance procedures, and hydrostatic pressure tests required by Chapters 7 and 8 of NFPA 10, Standard for Portable Fire Extinguishers (incorporated by reference, see § 136.112 of this subchapter), with the frequency specified by NFPA 10 and as amended here:

(i) Certification or licensing by a state or local jurisdiction as a fire extinguisher servicing agency will be accepted by the Coast Guard as meeting the personnel certification requirements of NFPA 10 for annual maintenance and recharging of extinguishers.

(ii) Monthly inspections required by NFPA 10 may be conducted by the owner, operator, person-in-charge, or a designated member of the crew.

(iii) Non-rechargeable or non-refillable extinguishers must be inspected and maintained in accordance with NFPA 10; however, the annual maintenance need not be conducted by a certified person and can be conducted by the owner, operator, person-in-charge, or a designated member of the crew.

(iv) The owner or managing operator must provide satisfactory evidence of the required servicing to the marine inspector or TPO, as applicable. If any of the equipment or records have not been properly maintained, a qualified servicing facility must perform the required inspections, maintenance procedures, and hydrostatic pressure tests. A tag issued by a qualified servicing organization, and attached to each extinguisher, may be accepted as evidence that the necessary maintenance procedures have been conducted.

(2) Fixed fire-extinguishing systems must be inspected and tested, as required by table 142.240 of this section, in addition to the tests required by §§ 147.60 and 147.65 of subchapter N of this chapter.

* * * * *

Table 142.240 to paragraph (a)—Fixed fire-extinguishing systems

* * * * *

* * * * *

(c) * * *

(2) The records of inspections and tests of portable fire extinguishers and semi-portable fire-extinguishing systems may be recorded in accordance with paragraph (c)(1) of this section, or on a tag attached to each unit by a qualified servicing organization.

§ 142.315 [Amended]

■ 9. Amend § 142.315 by removing the text ''B–V'' in paragraphs (a)(3)(i) and (b)(1) and adding in its place the text ''160–B''.

Dated: February 15, 2018.

J.G. Lantz,

Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2018–03733 Filed 2–23–18; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 73

[MB Docket No. 17–106; Report No. 3086]

Petition for Partial Reconsideration of Action in Rulemaking Proceeding

AGENCY: Federal Communications Commission.

ACTION: Petition for reconsideration.

SUMMARY: A Petition for Partial Reconsideration (Petition) has been filed in the Commission's rulemaking proceeding by Dan J. Alpert, on behalf of DA LA HUNT BROADCASTING CORP.

DATES: Oppositions to the Petition must be filed on or before March 13, 2018. Replies to an opposition must be filed on or before March 23, 2018.

ADDRESSES: Federal Communications Commission, 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Diana Sokolow, phone: 202–418–0588, email: *Diana.Sokolow@FCC.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, Report No. 3086, released February 15, 2018. The full text of the Petition is available for viewing and copying at the FCC Reference Information Center, 445 12th Street SW, Room CY–A257, Washington, DC 20554. It also may be accessed online via the Commission's Electronic Comment Filing System at: *http://apps.fcc.gov/ecfs/.* The Commission will not send a Congressional Review Act (CRA) submission to Congress or the Government Accountability Office pursuant to the CRA, 5.U.S.C. because no rules are being adopted by the Commission.

Subject: Elimination of Main Studio Rule, MB Docket No. 17–106, FCC 17–137, published at 82 FR 57876, December 8, 2017. This document is being published pursuant to 47 CFR 1.429(e). *See also* 47 CFR 1.4(b)(1) and 1.429(f), (g).

Number of Petitions Filed: 1.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–03865 Filed 2–23–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2018–0018]

RIN 2127–AL84

Federal Motor Vehicle Safety Standard No. 141, Minimum Sound Requirements for Hybrid and Electric Vehicles

AGENCY: National Highway Traffic Safety Administration (NHTSA), DOT.

ACTION: Final rule; response to petitions for reconsideration.

SUMMARY: This document responds to petitions for reconsideration regarding NHTSA's December 2016 final rule which established new Federal motor vehicle safety standard (FMVSS) No. 141, ''Minimum sound for hybrid and electric vehicles.'' The agency received submissions from three petitioners requesting six discrete changes to the final rule, and also received technical questions from the petitioners. After consideration of the petitions and all supporting information, NHTSA has decided to grant the petitions for four of the discrete changes, deny one, and request comment in a separate document for the sixth proposed change.

DATES: *Effective* April 27, 2018.

Compliance dates: Compliance with FMVSS No. 141 and related regulations, as amended in this rule, is required for all hybrid and electric vehicles to which these regulations are applicable beginning on September 1, 2020. The initial compliance date for newly manufactured vehicles under the 50-percent phase-in as specified in FMVSS No. 141 is delayed by one year to September 1, 2019.

Petitions for reconsideration of this final action must be received not later than April 12, 2018.

ADDRESSES: Correspondence related to this rule including petitions for reconsideration and comments should refer to the docket number in the heading of this document and be submitted to: Administrator, National Highway Traffic Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: You may contact Mr. Thomas Healy in NHTSA's Office of the Chief Counsel regarding legal issues at (202) 366–2992 or FAX: 202–366–3820. For non-legal issues, you may contact Mr. Michael Pyne, NHTSA Office of Crash Avoidance Standards, at (202) 366–4171 or FAX: 202–493–2990.

SUPPLEMENTARY INFORMATION: Of the six requested changes contained in the petitions, NHTSA is granting the petition request to postpone the compliance phase-in schedule by one year. NHTSA also is granting two petition requests relating to the ''Sameness'' requirements in the final rule to further allow variations in alert sound across different vehicle types, and to reduce the number of compliance criteria to meet the sameness standards. In addition, NHTSA is granting a petition request to modify the regulatory language to permit the alteration of the alert sound as originally equipped on a vehicle for repairs and recall remedies. NHTSA has decided to deny one petition request to change the crossover speed, which is the speed above which the pedestrian alert sound is allowed to turn off, from 30 kilometers per hour (km/h) to 20 km/h. The agency has determined that the available information on lowering the crossover speed does not warrant making that change.

Furthermore, regarding a petition request to allow vehicles to be manufactured with a suite of driver-selectable pedestrian alert sounds, the agency is neither granting nor denying that request in this document. Instead, NHTSA intends to issue a separate document at a later date to seek comment on the issue of driver-selectable sounds.

Additionally, this document addresses a few requests for technical changes and provides a few clarifications of final rule technical requirements raised in the petitions. Lastly, this document responds to a comment on the final rule about the availability of industry technical standards incorporated by reference in the final rule.

Table of Contents

I. Executive Summary

Pursuant to the Pedestrian Safety Enhancement Act of 2010 (PSEA),[1] NHTSA issued a final rule on December 14, 2016, to create a new FMVSS setting minimum sound level requirements for low-speed operation of hybrid and electric light vehicles. The minimum sound requirements provide a means for blind and other pedestrians as well as bicyclists and other road users to detect the presence of these so-called quiet vehicles and thereby reduce the risk that these vehicles will be involved in low-speed pedestrian crashes.

After the final rule was published, NHTSA received timely petitions for reconsideration [2] from three sources: The Auto Alliance in conjunction with Global Automakers (Alliance/Global); American Honda Motor Company, Inc. (Honda); and Nissan North America, Inc. (Nissan). These petitions requested several changes covering several aspects of the final rule. Of the various issues covered in these petitions, NHTSA identified the following six discrete requests for specific changes to requirements in the final rule (listed here in the order they appear in the Alliance/Global, Honda, and Nissan petitions):

1. To delay by one year both the compliance phase-in schedule and the date by which all vehicle production must comply with the rule (section S9);

2. To limit the compliance criteria for the Sameness requirement (section S5.5.2) to only the digital sound file and digital processing algorithm;

3. To modify the Sameness requirement (S5.5.1) to allow alert sounds to vary by trim level or model series rather than just by make/model;

4. To modify section S8, which prohibits altering the factory-equipped alert sound, to allow recall remedies

[1] Pedestrian Safety Enhancement Act of 2010, Public Law 111–373, 124 Stat. 4086 (2011).

[2] The final rule allowed 45 days for submitting petitions for reconsideration, resulting in a deadline of January 30, 2017.

and vehicle repairs when components of the alert system are shared with other vehicle systems;

5. To lower the crossover speed from 30 km/h (18.6 mph) to 20 km/h (12.4 mph);

6. To modify the Sameness requirement so that a vehicle can be equipped with a suite of up to five driver-selectable alert sounds.

To facilitate the agency's response to the petitions, we are treating each of these six issues as separate petition requests and addressing them individually in this document.

As fully discussed later in this rule, the agency is granting several of these petition requests, specifically the first four issues listed above. We believe the corresponding adjustments to the final rule will clarify requirements, provide more flexibility to vehicle manufacturers, and remove potential barriers to achieving compliance, while having no foreseeable impact on the safety benefits estimated in the December 2016 final rule, as this rule simply corrects an error in the original final rule related to the phase-in schedule and does not make changes that affect the substance of the required alert sound. The agency is denying the fifth item above, relating to cross-over speed, because no new data or analyses have been presented that would justify reversing the agency's previous conclusion on cross-over speed as presented in the final rule preamble. As for the last item, on driver-selectable sounds, the agency has decided to request public comment before deciding how to respond to that request, and NHTSA intends to issue a notice of proposed rulemaking (NPRM) or other **Federal Register** document on that issue.

In this document, the agency also responds to two issues raised by Nissan relating to acoustic specifications in the final rule. In addition, in response to technical questions in the Honda petition, we are providing several clarifications of some requirements.

Lastly, in this document, NHTSA is responding to two comments submitted to the docket, one from Ford regarding the legality of equipping certain vehicles used for security purposes with a means of turning off the required pedestrian alert sound, and the other from PublicResource.org regarding the availability to the general public of technical documents, including industry standards from SAE, ISO, and ANSI, incorporated by reference in the final rule.

Phase-In Schedule and Lead Time

The Alliance/Global and Honda petitions along with a supplemental submission from Alliance/Global and a supporting comment from General Motors Corporation discussed several reasons related to vehicle design, development, and manufacturing that will make it very difficult if not impossible for manufacturers to meet the final rule's compliance phase-in schedule. The petitions and supporting comments pointed out that there are significant differences between the final rule requirements and those in the NPRM, as well as differences between the final rule and a European regulation on minimum vehicle sound, that will force manufacturers to make changes to prospective vehicle designs. Even if a manufacturer had already incorporated NPRM specifications into future vehicle designs, more design lead time still is needed to accommodate final rule requirements. They also discussed the specific language used in the PSEA regarding phase-in of compliance and indicated they believe the PSEA requires NHTSA to provide an additional year of lead time before manufacturers must achieve full compliance with the standard.

In consideration of these petitions and supporting documents, the agency recognizes that hybrid and electric vehicle product cycles that are in process for model years 2019 and 2020 may already be beyond the point where they could fully meet the final rule's compliance phase-in schedule.

Thus, the agency has decided to grant the petitions from Alliance/Global and Honda with respect to extending the lead-time for compliance with the final rule. In this document, we are specifying new compliance dates which delay by one full year the date in the final rule by which a fifty percent phase-in must be achieved (revised to September 1, 2019) and the deadline date for full compliance of all vehicles subject to the requirements of the safety standard (revised to September 1, 2020). We also are making conforming changes to the dates in the Part 585 Phase-in Reporting requirements as amended by the December 14, 2016, final rule.

Changes to Sameness Requirements

The automakers that petitioned NHTSA stated that vehicles of the same model can have significant differences that might affect their sound output. For example, Honda pointed out that a two-door and four-door car can have the same make/model designation. Vehicles of the same model designation also might have different powertrains and bodywork such as grille design and body cladding, which have the potential to influence both the emitted sound and the air-generated sound when the vehicle is in motion. The agency recognizes that, because of these differences, it is not accurate in all instances to consider all vehicles of the same make/model to be the same for the purposes of the FMVSS No. 141 requirement.

Where the PSEA required ''the same sound or set of sounds for all vehicles of the same make and model,'' it was left up to NHTSA to interpret how ''model'' should be defined for the purpose of regulating similarity of the pedestrian alert sound. The agency therefore has decided to grant the Alliance/Global and Honda petitions with respect to this part of the ''Sameness'' requirement. We are amending the final rule so that alert sounds can vary across different vehicle trim levels in addition to varying by make, model, and model year as provided in the final rule.

We note that the term ''trim level'' was suggested in the Alliance/Global petition as the criterion that should be used to distinguish vehicles for the purpose of the FMVSS No. 141 Sameness requirements. Honda meanwhile suggested using the term ''series.'' ''Trim level'' is not a term that is defined in NHTSA regulations, while the term ''series'' is defined in Part 565.12. However, according to another definition in Part 565.12, specifically the definition of ''model,'' a series is not considered a subset of a model, as it would appear Honda assumed it is. Therefore, we believe that the term ''series'' is not appropriate to use in this instance. We thus are modifying the regulatory text to account for different trim levels, but not ''series.'' We believe amending the requirement in this way is the best approach for identifying groups of vehicles that are required to have the same pedestrian alert sound. This also will provide the added flexibility in the Sameness requirement that manufacturers are seeking, and it is responsive to both the Alliance/Global and Honda requests on this issue.

The second change we are making to the Sameness requirements is to limit the criteria listed in paragraph S5.1.2 for verifying compliance. As requested by Alliance/Global, we are simplifying the listed criteria so that the digital sound file and the sound processing algorithms will be the only specific criteria that are required to be the same from one specimen test vehicle to another. The automakers stated that other Sameness criteria listed in the final rule, such as component part numbers, are hardware-

based criteria that should be excluded. One reason is that the PSEA statutory language allowed for ''reasonable manufacturing tolerances.'' They also stated that requiring hardware-based Sameness would unnecessarily impede competitive sourcing of components, a practice by which automakers source components from different suppliers such that the components may have dissimilar part numbers even though they are built to the same OEM specification and have the same performance. Alliance/Global also cited a legal precedent under which NHTSA regulations generally must avoid being design-restrictive except when there is a valid safety justification.

Modify Requirement for Alteration of OEM Alert Sound

NHTSA has decided to grant Alliance/Global's request to amend the language in paragraph S8 of the final rule prohibiting the alteration of the alert sound originally equipped on a vehicle at the time of production. Alliance/Global and Honda state that this prohibition is unnecessarily restrictive and does not allow for ''reasonable manufacturing tolerance'' as required by the PSEA. Furthermore, they are concerned the final rule could prohibit vehicle repairs and recall remedies when hardware components such as an electronic control unit or body control module, which may by design be shared between the alert system and other vehicle systems, needs to be replaced.

Although the agency is uncertain that the existing final rule language which prohibits altering the alert sound originally equipped on a production vehicle would impede any vehicle repairs or remedies, we are adopting this change to clarify the existing language because it was not the agency's intention to hinder vehicle repairs or recall remedies.

Reduce the Crossover Speed to 20 km/h

NHTSA is denying Nissan's request to reduce the crossover speed from 30 km/h (18.6 mph) to 20 km/h (12.4 mph). Nissan's petition stated that NHTSA had not specifically addressed their NPRM comment regarding this issue. The Nissan petition did not provide new information or data on crossover speed that NHTSA had not considered when developing the final rule.

NHTSA notes that the final rule did specifically address a JASIC study and test data which was the basis of the Nissan NPRM comment. More importantly, NHTSA included a new analysis in the final rule to address comments, including Nissan's, about the need to evaluate crossover speed using detectability criteria rather than by other methods. The new analysis in the final rule used the Volpe detection model which previously had been used to develop the final rule's acoustic specifications. In this new analysis, data from a selection of internal combustion engine (ICE) vehicles in coast down mode (engine off to simulate an EV or HV in electric mode) was analyzed using the Volpe model to determine whether the vehicle noise at each test speed (10, 20, and 30 km/h) had reached a detectable level. NHTSA's conclusion about this new detection-based analysis was that it did not support lowering the crossover speed to 20 km/h. Since this analysis was based on detection rather than comparisons to other vehicles, we believe it was responsive to the Nissan NPRM comments on crossover speed. Given that fact and the absence of new data in Nissan's petition, NHTSA has no basis to revise our previous conclusion about crossover speed.

The agency also notes that the final rule contained other concessions that indirectly address manufacturer concerns about crossover speed. In the final rule, in addition to reducing the required number of bands from the proposed number of eight bands, all required minimum sound levels for each operating speed were reduced by 4 dB to offset potential measurement variation. By virtue of this across-the-board reduction, the required sound levels at 30 km/h in the final rule are close to the proposed levels for 20 km/h in the NPRM for this rulemaking.

Lastly, we note that safety organizations, particularly the National Federation of the Blind, have expressed their support of the 30 km/h crossover speed and have not agreed that lowering it to 20 km/h is acceptable.

The agency's position continues to be that lowering the crossover speed from the 30 km/h level, contained in both the NPRM and final rule, is not warranted by the available information, and we are denying the Nissan petition request on this issue.

Allow Driver-Selectable Alert Sounds

NHTSA has decided to seek comment on Alliance/Global's request to allow hybrid and electric vehicles to be equipped with multiple, driver-selectable alert sounds before granting or denying this request. Amending the requirements to allow multiple sounds per vehicle would be a substantial change to the final rule. Because NHTSA did not solicit or receive comment on the number of driver-selectable sounds that should be allowed if NHTSA were to allow them, we believe it is appropriate to seek public comment before determining whether to grant this request. Therefore, in accordance with normal rulemaking administrative procedures, NHTSA tentatively plans to issue a separate document, which would provide an opportunity for public comment on this particular issue.

Technical Issues and Clarifications in the Honda and Nissan Petitions

In addition to requesting specific changes to requirements in the final rule, the petitions raised technical issues relating to the acoustic specifications and test procedures and also asked for clarification on specific language in the final rule. These technical issues are summarized here and fully addressed later in this document.

Technical issues raised in Nissan's petition included two items: First was a request to allow the use of adjacent instead of only non-adjacent one-third octave bands for compliance; and second was a request to set the minimum band sum requirements for the 2-band compliance option to be equal to the corresponding overall SPLs of the 4-band compliance option. We note that, while Nissan phrased these two issues as petition requests, we are treating them as technical clarifications because the final rule preamble included substantial explanation of the agency's rationale for specifying non-adjacent bands for compliance as well as the agency's methodology for selecting the band sum levels for the 2-band compliance option, and we do not believe that the information presented in Nissan's petition invalidates the agency's previous analysis, as explained later in this document. After giving these two technical requests from Nissan due consideration, the agency is not making any changes to the acoustic specifications in response to these requests.

Honda's petition requested the following technical clarifications: Whether a vehicle can switch between 2-band and 4-band compliance at the different test speeds; which bands should be selected for compliance when the highest band levels above and below 1000 Hz are in adjacent rather than non-adjacent bands; and how to calculate the average of overall SPL values (section S7.1.4). Also, Honda requested that indoor testing be an option available for manufacturer certification in addition to outdoor testing.

In reviewing the regulatory text of the December 2016 final rule to address Honda's petition, NHTSA identified

several inconsistencies and minor errors in section S7 of the regulatory text. Because the agency already was making a number of text changes to S7 to respond to Honda, NHTSA has taken this opportunity to correct and clarify the text as needed to resolve those inconsistencies and errors.

Comment About Availability of Documents Incorporated by Reference

A submission to the docket from *Publicresource.org* was concerned with the public availability of technical documents that were incorporated by reference into the final rule. The documents in question are industry technical standards including an SAE recommended practice (in two versions), an ISO standard (in three versions), and an ANSI standard. *Publicresource.org* stated that various parties and members of the public that may have some interest in the rule would not have adequate access to these reference documents. This might include consumer protection groups, small manufacturers, hobbyists, and students. *Publicresource.org* did not specify why they believe availability would be limited or lacking, whether that would be due to cost of the documents or some other reason. The agency's position is that the subject reference documents for FMVSS No. 141 are available in the same manner as reference documents for any other FMVSS. For this rulemaking, the agency followed the same practice for handling reference documents as it always follows, as set forth in Section VI, Regulatory Notices and Analyses, in the final rule, as well as in the corresponding section at the end of this document.

II. Background

NHTSA's involvement with the safety of quiet hybrid and electric vehicles and their impact on pedestrian safety goes back at least a decade to when the agency began monitoring efforts by various outside groups on this issue. In 2008 the agency held a public meeting on the safety of quiet vehicles and, the following year, initiated a statistical study of relevant pedestrian crashes and began researching the acoustical aspects of the safety problem.

In January 2011, the U.S. Congress enacted legislation, the Pedestrian Safety Enhancement Act of 2010 (PSEA), which directed NHTSA to undertake rulemaking to create a new safety standard to require hybrid and electric vehicles to have a minimum sound level in order to help pedestrians, especially those with impaired eyesight, to detect those vehicles.

In accordance with the PSEA, NHTSA issued an NPRM [3] on January 14, 2013, and a final rule [4] on December 14, 2016, establishing FMVSS No. 141, ''Minimum Sound Requirements for Hybrid and Electric Vehicles.''

NHTSA's conducted a statistical crash data study, as cited in the final rule,[5] which found that the pedestrian crash rate of hybrid vehicles was 1.18 times greater than that of conventional ICE vehicles. The agency's Final Regulatory Impact Assessment is available in the docket [6] with some proprietary information redacted. Also, the benefits of the final rule are summarized in section V–A [7] of the final rule preamble, and the costs are summarized in section V–B.[8]

NHTSA also completed an Environmental Assessment [9] of the potential for increase in ambient noise levels in urban and non-urban environments in the U.S. which would result from a federal regulation setting minimum sound levels for hybrid and electric vehicles. The Environmental Assessment estimated that there will be only minimal impact in one type of non-urban scenario, and the overall environmental noise increase from the safety standard for HVs and EVs was found to be negligible.

A. Notice of Proposed Rulemaking

Pursuant to the Pedestrian Safety Enhancement Act, NHTSA issued a Notice of Proposed Rulemaking (NPRM) [10] in January 2013 to create a new FMVSS setting minimum sound level requirements for low-speed operation of hybrid and electric light vehicles.

The NPRM proposed a crossover speed of 30 km/h (18.6 mph) because at that speed, based on NHTSA tests that used a ''peer vehicle'' comparison methodology, tire noise, wind resistance, and other noises from the vehicle eliminated the need for added alert sounds. In the agency's tests, the sound levels of a selection of electric and hybrid vehicles were evaluated and compared to the sound levels of vehicles having the same or similar make, model, and body type but operating with internal combustion engines (ICEs). For example, the sound level of a hybrid Toyota Camry in electric mode in a pass-by test at 20 km/h was directly compared to the sound level of a conventional gas-engine Toyota Camry of the same model year at the same pass-by speed of 20 km/h.

The NPRM specified an outdoor compliance test procedure based on the September 2011 version of SAE J2889–1. The compliance procedure included tests for stationary, reverse, and pass-by measurements conducted at 10 km/h (6.2 mph), 20 km/h (12.4 mph), and 30 km/h (18.6 mph). We explained in the NPRM that NHTSA believed that outdoor pass-by testing is preferable to indoor testing in hemi-anechoic chambers using chassis dynamometers because outdoor testing is more representative of the real-world interactions between pedestrians and vehicles. We also expressed concern that specifications for indoor testing were not fully developed and did not have a known level of objectivity, repeatability, and reproducibility for testing minimum vehicle sound at low speeds.

The NPRM proposed a Sameness requirement in order to ensure that hybrid and electric vehicles of the same make and model emit the same sound, as directed by the PSEA. The NPRM proposed that vehicles of the same make, model, and model year must emit the same level of sound within 3 dB(A) in each one-third octave band from 160 Hz to 5000 Hz.

B. Final Rule

As noted, the final rule was published on December 14, 2016, and established FMVSS No. 141 which applies to electric and hybrid-electric passenger cars, MPVs, light trucks, and buses with a GVWR of 10,000 pounds or less and to low speed vehicles (LSVs). The standard applies to these vehicles if they can be operated in an electric mode in the test conditions covered by the standard, without an any internal combustion engine (ICE) operation. The final rule requires hybrid and electric vehicles to emit sound at minimum levels while the vehicle is stationary (although not when the vehicle is parked, *i.e.,* when the transmission is in ''park''), while in reverse, and while the vehicle is in forward motion up to 30 km/h. It also adopted the agency's proposal to conduct compliance testing outdoors.

In the final rule, the agency reduced the number of one-third octave bands for which vehicles must meet minimum sound pressure level requirements. The NPRM proposed that vehicles would

[3] 78 FR 2797.

[4] 81 FR 90416.

[5] NHTSA Traffic Safety Facts—Research Note, Wu, J., Feb. 2017, ''Updated Analysis of Pedestrian and Pedalcyclist Crashes with Hybrid Vehicles'' available at *https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812371.*

[6] See docket NHTSA–2016–0125–0011 at *www.regulations.gov.*

[7] 81 FR 90505.

[8] 81 FR 90507.

[9] See docket NHTSA–2016–0125–0009 at *www.regulations.gov.*

[10] 78 FR 2798.

have to emit sound meeting minimum requirements in eight one-third octave bands. In the final rule, hybrid and electric vehicles will instead have to meet a requirement based on sound level in either two or four one-third octave bands at the vehicle manufacturer's option, and a vehicle may alternate between meeting the 2-band and 4-band specifications depending on test speed. Vehicles complying with the 4-band option must meet minimum sound pressure levels in any four non-adjacent one-third octave bands between 315 Hz and 5000 Hz, including the one-third octave bands between 630 Hz and 1600 Hz (these bands were excluded in the NPRM). Vehicles complying with the 2-band option must meet minimum sound pressure levels in two non-adjacent one-third octave bands between 315 Hz and 3150 Hz, with one band below 1000 Hz and the other band at or above 1000 Hz. The two bands used to meet the 2-band option also must meet a minimum band sum level.

Under the 4-band compliance option, the minimum sound levels for each band are slightly lower than the values proposed in the NPRM, and the overall sound pressure of sounds meeting the 4-band option will be similar to those meeting the proposed eight-band requirements in the NPRM. Under the 2-band compliance option, the minimum sound requirements for each band are lower than those of the proposed eight-band requirements for the low and mid frequency bands (315 Hz through 3,150 Hz; the 4,000 Hz and 5,000 Hz bands are not included for the purpose of determining compliance with the 2-band requirement.) Neither the 4-band compliance option nor the 2-band compliance option include requirements for tones or broadband content that were contained in the NPRM.

For both the 2-band and 4-band compliance options, the final rule expands the range of acceptable one-third octave bands to include those between 630 Hz and 1600 Hz (these bands were excluded in the NPRM). It also reflects an across-the-board reduction in the minimum levels of 4 dB(A) to account for measurement variability which the agency's development of test procedures indicated was needed.

Reducing the number and minimum levels of required one-third octave bands while expanding the number of useable bands in the final rule provided additional flexibility to manufacturers for designing pedestrian alert systems while preserving the goal of pedestrian alert sounds that are detectable in various ambient environments.

Regarding Sameness, NHTSA revised the criteria for determining that the sound produced by two HVs or EVs of the same make, model, and model year is the same. The agency determined that the NPRM requirement for the sound produced by two specimen vehicles to be within three dB(A) in every one-third octave band between 315 Hz and 5000 Hz was technically not feasible. The final rule instead requires that HVs and EVs of the same make, model, and model year emit the same sound by specifying that those vehicles use the same alert system hardware and software, including specific items such as the same digital sound file to produce sound used to meet the minimum sound requirements. The final rule listed several other criteria including part numbers of alert system components that may be evaluated to verify compliance with the Sameness requirement.

The final rule made numerous improvements to the proposed test procedures in response to comments that were received on the NPRM.

With regard to the phase-in schedule for the safety standard, the NPRM proposed a phase-in schedule for manufacturers of HVs and EVs, with 30 percent of the HVs and EVs they produce required to comply three years before the date for full compliance established in the PSEA, 60 percent required to comply two years before the full-compliance date, and 90 percent required to comply one year before the full-compliance date. To respond to comments on that proposal, the final rule simplified the phase-in schedule by shortening it to include a single year of phase-in, rather than three years. This simplification provides somewhat more lead-time and responds to vehicle manufacturers' comments that the proposed phase-in was unnecessarily complex.

Under the final rule, half of each manufacturer's HV and EV production would have been required to comply with the final rule by September 1, 2018, and 100 percent by September 1, 2019. The phase-in does not apply to multi-stage and small volume manufacturers; all of their HV and EV production would have been required to comply with the final rule by September 1, 2019.

III. Petitions for Reconsideration Received by NHTSA

In response to the published final rule on Minimum Sound Requirements for Hybrid and Electric Vehicles, NHTSA received timely petitions for reconsideration (submitted by the January 30, 2017, deadline) from three sources: The Auto Alliance in conjunction with Global Automakers [11] (Alliance/Global); Nissan North America, Inc.[12] (Nissan); and American Honda Motor Company, Inc.[13] (Honda). Alliance/Global [14] also submitted a supplemental letter in support of their petition. In addition, General Motors Corp, Inc., submitted a letter providing support on one of the issues raised by Alliance/Global and Honda. (The GM letter contained proprietary information, so it has not been released to the docket.)

These petitions requested several changes covering several aspects of the final rule. NHTSA identified the following six discrete requests for changes to specific requirements (listed here in the approximate order they appear in the Alliance/Global, Honda, and Nissan petitions):

1. To delay by one year both the compliance phase-in date and the date by which all vehicle production must comply with the rule (section S9);
2. To consolidate the compliance criteria for the Sameness requirement (section S5.5.2) to include only the digital sound file and digital processing algorithm;
3. To modify the Sameness requirement (S5.5.1) to allow alert sounds to vary by trim level or model series rather than just by make/model;
4. To modify section S8, which prohibits altering the factory-equipped alert sound, so as not to impede vehicle repairs when components of the alert system are shared with other vehicle systems;
5. To lower the crossover speed from 30 km/h (18.6 mph) to 20 km/h (12.4 mph);
6. To modify the Sameness requirement so that a vehicle can be equipped with a suite of up to five driver-selectable alert sounds.

In addition to these specific requests for amendments to the final rule, some of the petitions included requests for technical clarifications. Nissan's submission included two such requests, one concerning the minimum sound levels for 2-band and 4-band specifications, and the other regarding allowing adjacent bands for compliance. Similarly, Honda's submission pointed out a few technical clarifications they believe are needed, involving the intended use of 2-band and 4-band compliance options, the correct method

[11] See docket NHTSA–2016–0125–0012.
[12] See docket NHTSA–2016–0125–0013.
[13] See docket NHTSA–2016–0125–0014.
[14] See docket NHTSA–2016–0125–0016.

of data selection and calculation for certain steps in the sound evaluation process, and the option of using indoor testing.

Lastly, NHTSA received one additional docket comment, from *PublicResourse.org,*[15] that the agency has decided to address in this document. This comment was in regard to the availability to the public of technical reference documents, specifically several industry standards from SAE, ISO, and ANSI, that were incorporated by reference in the final rule. This docket submission in discussed in more detail below.

A. Alliance/Global Petition for Reconsideration and Letters of Support

The Alliance/Global petition addressed requirements for: Compliance phase-in schedule; equipping HVs and EVs with driver-selectable sounds; applying Sameness to each ''trim level'' rather than each model; limiting the Sameness compliance criteria to the digital sound file and digital algorithm; and removing any prohibition on altering vehicle components that may be shared between the alert system and other vehicle systems.

Regarding the phase-in schedule, in addition to discussing design and manufacturing considerations that would make the final rule schedule unfeasible, Alliance/Global's petition pointed out that NHTSA's interpretation of the PSEA language regarding compliance dates appeared to have changed between the NPRM and the final rule. The petition argued that the earlier interpretation was the correct one and that, under that interpretation, the agency is required to provide an additional year of lead-time before full compliance is required.

Alliance/Global submitted a supplementary letter which provided further detail on the phase-in schedule and the issue of driver-selectable sounds. On the phase-in, the supplemental submission discussed specific final rule requirements that had changed since the NPRM. It also noted several areas where the final rule is different from the UN Regulation No. 138. In their supplementary submission, Alliance/Global also indicated that, if a set of driver-selectable sounds was permitted, manufacturers would limit the number to no more than five different sounds per make, model, model year, and trim level of vehicle.

A letter in support of the Alliance/Global petition submitted by GM (submitted under a request for confidentiality) addressed the issue of phase-in schedule. This letter stated, ''While GM supports NHTSA's effort to create minimum sound requirements for electric and hybrid vehicles, the final rule contains a number of additional technical challenges that will require substantial redesigns to GM's existing systems.'' GM's letter also stated, ''The twenty-month phase-in provided by the final rule is far less than the normal timing required to develop, validate, and certify new systems.'' GM cited the final rule's volume shift requirement, different frequency range, and several design changes that will be needed in the sound generating systems that GM already has been installing in its electric and hybrid production vehicles. The GM letter cited specific hardware changes, upgrades, and replacements that their current alert systems need to be compliant with FMVSS No. 141.

Most recently, on August 4, 2017, the Alliance of Automobile Manufacturers (the Alliance), the Association of Global Automakers (Global) and the National Federation of the Blind (NFB) wrote the Deputy Secretary of the Department of Transportation requesting that the December 2016 final rule be permitted to come into effect on September 5, 2017. The letter also requested that by September 5, 2017, NHTSA amend the compliance date of the December 2016 final rule to delay the phase-in and full compliance dates by one year and by November 6, 2017, respond to the remaining technical issues in the pending petitions for reconsideration.

B. Honda Petition for Reconsideration

Honda's petition included two specific petition requests, one regarding the phase-in schedule, and the other regarding allowance for alert sounds to vary from vehicle to vehicle according to model ''series'' as well as make, model, and model year. The remainder of Honda's submission was concerned with technical clarifications and comments on the rule. Honda asked if it is acceptable under the 2-band and 4-band compliance specifications for a vehicle to switch back and forth between the two specifications at the different speed conditions of the test procedure. Honda also asked NHTSA to clarify section S7.1.6(e)(i) of the test procedure, noting that there could be a conflict when choosing the two highest band levels while also choosing only non-adjacent bands for the compliance evaluation. In addition, Honda asked NHTSA to clarify the calculation method for averaging overall SPLs in section 7.1.4(c) of the test procedure.

Lastly, Honda stated that indoor testing should be optional for FMVSS No. 141 compliance evaluations and is preferable because of the better stability and the efficiency of indoor sound measurements, and also because, from a harmonization standpoint, that would better align the safety standard with UN Regulation No. 138 which permits indoor measurements.

C. Nissan Petition for Reconsideration

Nissan submitted a cover letter and technical slides in which they requested that NHTSA reconsider its decision in the final rule on the crossover speed, which the agency set at 30 km/h (18.6 mph). Nissan stated that they believe the crossover speed should be set at 20 km/h, and cited a previous comment[16] that Nissan had submitted to the docket in May 2014 in response to the agency's NPRM and which summarized a JASIC study related to crossover speed. Nissan stated that NHTSA did not address this comment in the final rule.

Nissan's petition also raised two technical issues. The first was a request that NHTSA allow the use of adjacent instead of only non-adjacent one-third octave bands for compliance. The second issue was a request to set the minimum band sum requirements for the 2-band compliance option to be equal to the minimum overall SPLs for the 4-band compliance option. Although these two issues raised by Nissan ask the agency to reconsider specific requirements of the final rule and request specific changes, we believe these two issues were addressed in the discussion of NHTSA's acoustic research in the final rule preamble. Thus, we have decided it is appropriate to treat these issues as technical clarifications.

D. Other Issues

A comment from *Publicresource.org* expressed concern with public availability of technical documents that were incorporated by reference into the final rule. The documents in question are industry technical standards including an SAE recommended practice (in two versions), an ISO standard (in three versions), and an ANSI standard. *Publicresource.org* stated that various parties such as consumer protection groups, small manufacturers, hobbyists, and students would not have adequate access to these reference documents. *Publicresource.org* did not specify why that would be the case, *i.e.,* whether it is due to the cost of the documents when purchased from their respective technical organizations, or some other reason.

[15] See docket NHTSA–2016–0125–0004.

[16] See docket NHTSA–2011–0148–0326.

IV. Agency Response and Decision

As outlined in the previous section of this document, the petitions requested a number of changes covering several aspects of the final rule. NHTSA identified six discrete requests for changes to specific requirements. As stated previously, to facilitate responding to the petitions, the agency is treating each of the six issues as separate requests and addressing each request individually below.

After considering all information provided by petitioners, NHTSA is granting four of the requested actions, denying one request (on crossover speed), and for the last item (on driver-selectable sounds), the agency has decided that it will be necessary to request public comment before deciding how to respond to that request, and NHTSA intends to issue a notice of proposed rulemaking (NPRM) or other **Federal Register** document on that issue.

In regard to the four petition requests that the agency is granting, we are amending the final rule to implement the following changes:

- Amend Section S9, *Phase-In Schedule,* to add exactly one year to each of the dates listed in subsections S9.1, S9.1(a), S9.1(b), and S9.2.
- Amend Section S5.5, *Sameness requirement,* subsection S5.5.1, to allow alert sounds to vary across different trim levels, and also amend Section S4, *Definitions,* to add a new definition for ''trim level.''
- Amend Section S5.5, *Sameness requirement,* subsection S5.5.2, to limit the criteria listed in the final rule to be used for verifying compliance with the Sameness requirement so that the digital sound file and the sound processing algorithm are the only criteria that are required to be the same. Other criteria, particularly part numbers of hardware components, would not be listed in the regulatory text.
- Amend Section S8, *Prohibition on altering the sound of a vehicle subject to this standard,* to clarify that the rule does not prohibit vehicle repairs unrelated to the alert system in the case of replacement of hardware components shared between the alert system and other vehicle systems, *i.e.,* a body control module.

These amendments to the final rule and the agency's reasons for adopting them are further discussed below. In general, we believe these changes to the final rule are worthwhile refinements that will clarify the requirements, provide more flexibility to vehicle manufacturers, and remove potential barriers to achieving compliance, while having no foreseeable impact on the safety benefits estimated in the December 2016 final rule, as this rule simply corrects an error in the original final rule related to the phase-in schedule and does not make changes that affect the substance of the required alert sound.

Our decision to deny one request, as well as the agency's intent to seek comment on one issue, also are discussed in detail below. In addition, we address some technical issues raised and other comments relating to the final rule.

A. Phase-In Schedule, Compliance Dates, and Lead Time

The agency has decided to grant the petitions from Alliance/Global and Honda with respect to extending the lead-time for compliance by extending the phase-in date and the full compliance date by one year. NHTSA is also addressing supplemental submissions from Alliance/Global and General Motors Corporation (GM) that provided information on the lead time issue.

After further consideration, we agree with the petitioners that the interpretation of the PSEA phase-in requirements provided by the agency in the NPRM is the correct interpretation and that delaying the full compliance date until September 1, 2020 is required by that interpretation. The PSEA states that, ''The motor vehicle safety standard . . . shall establish a phase-in period for compliance, as determined by the Secretary, and shall require full compliance . . . on or after September 1 of the calendar year that begins 3 years after the date on which the final rule is issued.'' In the NPRM, the agency had stated that the appropriate timeframe should be the calendar year beginning 36 months after the rule was issued, such that, if a rule were issued anytime in 2016, the 36-month period after the date of publication of the final rule would end sometime in 2019. Thus, the first calendar year that would begin after that date in 2019 would be calendar year 2020, meaning that full compliance should be by September 1, 2020. The agency believes that its interpretation from the NPRM continues to be the correct interpretation of the PSEA. In fact, upon review, the agency did not actually change this interpretation in the Final Rule, as the phase-in schedule and economic analysis were based on the assumption that the rule would be published in 2015, rather than 2016, which is what actually occurred. The agency now corrects this error.

Further, NHTSA agrees that, because of vehicle product cycles, it would be difficult for manufacturers to make the design modifications necessary for vehicles subject to FMVSS No. 141 to meet the current final rule phase-in schedule and full compliance date, especially in light of the significant changes from the NPRM and the uncertainty surrounding the issues raised in the petitions for reconsideration.

In the Final Rule, the agency estimated that the economic impact of the rule for MY 2020 vehicles was $42M to $41.5M in costs and $320M to $247.5M in benefits at the 3 percent and 7 percent discount rates. However, in light of the issues raised in the petitions and the more recent letter from the Alliance, Global, and NFB, the agency believes that the analysis in the final rule may likely have understated the initial costs to comply with the rule. More specifically, the analysis was based on a less aggressive phase-in schedule and as such, does not support a 100 percent compliance date of September 1, 2019. In fact, comments received indicate that the more accelerated phase-in schedule than what the agency had intended is not technically possible, which calls in to question the relationship between benefits and costs presented in the Final Rule. By delaying the compliance date by one year, the economic impacts of the rule will more closely mirror those presented in support of the Final Rule.

In this document, we are specifying new compliance dates which delay by one full year both corresponding dates in the final rule, *i.e.,* the date by which a fifty percent phase-in must be achieved and also the deadline date for full compliance of all vehicles subject to the requirements of the safety standard. Under the amended one-year phase-in, half of vehicles produced in model year 2020 must be compliant, as follows:

- Fifty percent of each manufacturer's total production of hybrid and electric vehicles, subject to the applicability of FMVSS No. 141 and produced on and after September 1, 2019, and before September 1, 2020, shall comply with the safety standard;

OR, at the manufacturer's option: 50 percent of each manufacturer's average annual production of hybrid and electric vehicles subject to the applicability of FMVSS No. 141 and produced on and after September 1, 2016, and before September 1, 2019, shall comply with the safety standard.

Immediately following the one-year phase-in, starting with model year 2021, all hybrid and electric vehicles are required to comply, as follows:

- 100 percent of each manufacturer's production of hybrid and electric

vehicles subject to the applicability of FMVSS No. 141 and produced on and after September 1, 2020, shall comply with the safety standard.

In making these changes to the compliance schedule, we believe this will afford manufacturers the additional flexibility and lead time needed to accommodate customary vehicle design cycles, thus addressing the schedule concerns expressed in their petitions.

As a consequence of the revised phase-in schedule, it is necessary to make conforming adjustments to the Part 585 reporting requirements in order to align them with the new phase-in period. The conforming changes to Part 585 are detailed below.

Phase-In Reporting

When a new safety regulation is phased in over a period of time, NHTSA requires manufacturers to submit production data so the agency can track and verify adherence to the phase-in schedule. Part 585 of Title 49 of the CFR contains the requirements for Phase-in Reporting for various FMVSS. To implement the one-year, 50-percent phase-in for FMVSS No. 141, the December 2016 final rule included amendments to Part 585, appending new Subpart N, to provide for tracking of production data so that the agency can verify that the requisite minimum percentage of vehicles are in compliance during the phase-in.

As a result of the amended phase-in schedule contained in this document, we are making corresponding adjustments to the phase-in reporting dates of Part 585, Subpart N, as amended in the December 14, 2016, final rule. This entails adding one year to the due dates in the following paragraphs of Part 585, Subpart N: § 585.130 'Applicability'; § 585.132 'Response to Inquiries'; § 585.133 'Reporting Requirements'; and § 585.130 'Records.' These revisions appear in the regulatory text at the end of this document.

B. Sameness Requirement for Same Make, Model, Model Year Vehicles

The petitions from Alliance/Global and Honda requested that NHTSA amend section S5.5.1 of the Sameness requirement in the final rule regulatory text. That section required all vehicles of the same make, model, and model year to use the same pedestrian alert sound system and be designed to have the same sound. This requirement originated from the PSEA which stipulated that the safety standard ''shall require manufacturers to provide, within reasonable manufacturing tolerances, the same sound or set of sounds for all vehicles of the same make and model. . . .''

The automakers stated that vehicles of the same model can have significant differences unrelated to the alert sound system that might affect their sound output. For example, Honda pointed out that a two-door and four-door car can have the same model designation. Vehicles of the same model designation also might have different powertrains and bodywork such as grille design and body cladding, which have the potential to influence both emitted sound and the air-generated sound when the vehicle is in motion.

Alliance/Global requested that NHTSA add the term ''trim level'' to ''make, model, and model year'' in S5.5.1 so that vehicles of the same make/model would be required to have the same sound only if the vehicles also have the same trim level designation. This would give manufacturers flexibility to allow the alert sound to vary among vehicles that, while having the same make/model designation, may nevertheless be physically different in significant ways. Honda made a similar request but, instead of the term ''trim level,'' Honda requested using the term ''series.''

The agency recognizes that, because of the possibility of physically significant differences between vehicles within a model line, it is not practical to consider all vehicles of the same make/model to be the same for the purposes of the pedestrian alert sound. The agency therefore has decided to grant the Alliance/Global and Honda petitions with respect to this aspect of the ''Sameness'' requirement. We are amending the final rule so that alert sounds can vary across different vehicle trim levels and also by vehicle body type, in addition to varying by make, model, and model year as provided in the final rule.

For the revised requirement, ''body type'' is added and is used as defined in 49 CFR 565.12(b) which states, ''*Body type* means the general configuration or shape of a vehicle distinguished by such characteristics as the number of doors or windows, cargo-carrying features and the roofline (*e.g.,* sedan, fastback, hatchback).''

The request on this issue in Alliance/Global petition used the term ''trim level'' as the designation criterion that would distinguish vehicles for the purpose of Sameness requirements in FMVSS No. 141, while Honda suggested using the term ''series.'' We note that ''trim level'' is not a term that is defined anywhere in NHTSA regulations, while the term ''series'' is defined in Part 565.12.[17] However, it also should be noted that, per the definition of ''model'' also included in Part 565.12, a ''series'' would not be considered a subset of a model. On the contrary, a ''model'' as defined in Part 565.12 is a subset of a ''series.'' Therefore, the agency believes based on the existing definitions that ''series'' does not reflect a subdivision of a model line, as Honda seems to have intended. On the other hand, we believe the term ''trim level'' is widely understood to denote a subset of a model, which is what the petitioners seek to achieve according to the information they provided on this issue. Therefore, we are modifying the regulatory text to account for different trim level designations, without reference to or use of the term ''series.''

For this revised requirement, ''trim level'' is defined to mean a subset of vehicles within the same model designation and with the same body type which are alike in their general level of standard equipment, such as a ''base'' trim level of a vehicle model. Other trim levels within a model might include a ''sport'' version or ''luxury'' version. These depend on the trim designations that are used by different manufacturers. Generally, different trim levels comprise no more than a few different versions of a given model. For the purposes of FMVSS No. 141, minor differences including different wheel rim styles or merely being equipped with a sunroof should not be considered to constitute different trim levels. Trim levels should be considered to be different only if they represent vehicle differences that are likely to alter vehicle-emitted sound. We are including a definition of ''trim level'' in section S4 of the regulatory text to reflect this.

We believe relaxing the final rule in this manner will adequately distinguish between groups of vehicles that, based on their physical similarity, can reasonably be required to have the same pedestrian alert sound. This change will provide the added flexibility in meeting the Sameness requirement that the manufacturers are seeking. At the same time, this change is acceptable from a regulatory standpoint given that the agency's understanding of the PSEA language was to allow for variation of alert sounds across different groups of vehicles so long as vehicles that are the same in most other respects would have the same alert sound. As pointed out by petitioners, vehicles of the same model might not be the same in many respects, but vehicles of the same trim level would be the same.

[17] See 49 CFR 565.12, Definitions.

The regulatory text of sections S4 and S5.5.1 amended per the above discussion appears at the end of this document.

C. Criteria for Sameness of Production Vehicles

The petitions from Alliance/Global and Honda raised concerns about the wording in S5.5.2 of the Sameness requirement. Paragraph S5.5.2 states that a ''pedestrian alert system'' includes all hardware and software components that are used to generate the alert sound. That section goes on to specifically list the types of vehicle components, including both hardware and software, that comprise a pedestrian alert system and that must be the same on any two vehicles of the same make, model, and model year. Among the listed items that must be the same are ''alert system hardware components including speakers, speaker modules, and control modules, as evidenced by specific details such as part numbers and technical illustrations.''

The petitioners believe that this requirement is overly design-restrictive. In particular, they are concerned that requiring part numbers to be the same is not feasible. Alliance/Global stated, ''The regulatory text as written places part-number specific restrictions on a vast number of components and as a result creates a major impediment for manufacturing.'' They also state, ''OEMs may choose to source components from more than one vendor, and requiring the use of the 'same' hardware and software may preclude that competitive process.'' They go on to say that the final rule is inconsistent with the Vehicle Safety Act stipulation that each FMVSS must permit a manufacturer to select any technology that can meet the performance requirements. Similarly, Honda's petition stated that, in cases where a shared component such as an ECU that serves multiple vehicle functions is modified during a model year due to changes in vehicle systems other than the alert system, ''the ECU part number would change, thus causing a violation of the Sameness requirement.''

The agency has decided to amend the Sameness requirements as requested to limit the criteria listed in the final rule for verifying compliance so that the digital sound file and the sound processing algorithm will be the only criteria that are required to be the same from one specimen test vehicle to another. The petitioners stated that other Sameness criteria listed in the final rule are hardware-based criteria, such as component part numbers, and should not be included because it appears to disregard the statutory requirement to allow ''reasonable manufacturing tolerances.'' Also, requiring hardware-based Sameness would unnecessarily impede competitive sourcing of components and related vehicle manufacturing and assembly practices. For example, automakers may source a component from different suppliers, such that the components have dissimilar part numbers even though they are built to the same OEM specification and have the same performance. Alliance/Global also cited a legal precedent under which NHTSA regulations generally must avoid being design-restrictive except when there is a valid safety justification.

To implement the amendment described above, the agency is adopting new language based largely on that suggested by Alliance/Global. The revisions to paragraph S5.5.2 acknowledge two types of design of a digital sound-generating system. In simple terms, one type uses a digitally coded source, such as a digitally recorded sound file, which is processed by a controller program and played back through the speaker system. Another type creates the sound without a source file using programmed algorithms that generates the signal that is played back through the speaker system.

D. Alteration of the OEM Alert Sound

Section S8 of the final rule has the heading ''Prohibition on altering the sound of a vehicle subject to this standard.'' This requirement is unchanged from what the agency proposed in the NPRM, and it originated from a PSEA requirement stating that the safety standard must ''prohibit manufacturers from providing any mechanism for anyone other than the manufacturer or the dealer to disable, alter, replace, or modify the sound'' except to remedy a noncompliance or defect.

NHTSA's interpretation of the purpose of this requirement in the PSEA was to prevent access to vehicle features which control the alert sound system so that it could not be modified, adjusted, or reprogramed in a way that would change the emitted sound or render it noncompliant. In other words, the alert system needs to be tamper-resistant to some extent. For example, a vehicle's owner-accessible setup menus should not include a setting that disables the alert system.

The Alliance/Global expressed concern with NHTSA's wording of this requirement in the final rule. They stated, ''An OEM may decide to install a body controller or other component that may not be dedicated solely to FMVSS 141 compliance, but which is installed—in part—to comply with FMVSS 141. The PSEA does not preclude actions to repair such a body controller for reasons unrelated to FMVSS 141, yet the final rule appears to preclude such repairs.'' They also state that the requirement in the final rule exceeds the authority granted by the PSEA. Alliance's/Global's petition contained suggested edits to the regulatory text that would remove the potential conflict in the regulatory text.

Alliance/Global also stated that the final rule was unnecessarily restrictive on this issue, and it did not allow for ''reasonable manufacturing tolerance'' as stipulated in the PSEA. Furthermore, they along with Honda are concerned the final rule could prohibit vehicle repairs or create other obstacles to vehicle updates when components such as an electronic control unit or body control module are shared between the alert system and other vehicle systems.

We have decided to grant the request to modify the final rule with respect to this issue. Although the agency is uncertain that the existing final rule language in section S8 actually would impede any vehicle repair or upgrade, we are adopting this change because the language should be clear, and because it was not the agency's intention to hinder any vehicle repair or remedy unrelated to the pedestrian alert system.

The amended text we are adopting is that suggested by Alliance/Global. The revisions appear in the amended text of section S8 at the end of this document.

E. Crossover Speed

Nissan's petition request to lower the crossover speed revisits the issues raised in Nissan's comments to the NPRM. Nissan stated that NHTSA did not specifically address their May 19, 2014 submission to the NPRM docket on crossover speed. Nissan's petition for reconsideration did not provide any new information or data that was not already considered by the agency when developing the final rule.

NHTSA notes that the final rule specifically addressed a JASIC study [18] and test data which was the basis of Nissan's submission. More importantly, NHTSA included a new analysis in the final rule to address comments, including Nissan's, about the need to evaluate crossover speed using detectability criteria rather than by other methods. (Those other methods included comparisons of ICE sound levels with the engine on and engine off, referred to as the ''coast down'' method; and also, comparisons of the sound

[18] See 81 FR 90447.

level of EVs or HVs to identical or similar ICE vehicles, called the ''peer vehicle'' method.) For the final rule, NHTSA added a new detectability analysis for crossover speed using the Volpe detection model [19] which had been used to develop the final rule's acoustic specifications. In this new analysis, data from a selection of ICE vehicles in coast down mode (engine off to simulate EVs and HVs in electric mode) was analyzed by the Volpe model to determine whether the vehicle noise at each test speed (10, 20, and 30 km/h) had reached a detectable level. NHTSA's conclusion from this new detection-based analysis, which we included in the final rule preamble to respond to comments, was that it did not support lowering the crossover speed to 20 km/h (12.4 mph). Furthermore, since this analysis was based on the detection model rather than comparisons between vehicles, it provides a more useful means of identifying the speed at which added sound is no longer needed than peer vehicle and coast down comparisons.[20] As Nissan's petition cited their previous comment based on the existing JASIC study rather than providing new information, NHTSA has no basis to revise our previous conclusion about crossover speed.

The agency also notes that the final rule contained concessions that indirectly address manufacturer concerns about crossover speed. In the final rule, the minimum number of required one-third octave band components was reduced from the proposed number of eight bands. In addition, all of the required minimum sound levels for each operating speed were reduced by 4 dB to offset potential measurement variation. By virtue of these changes to the acoustic specifications, the overall level of sounds meeting the final rule acoustic requirements at 30 km/h (60 to 64 dB(A) for the 4-band option) is very similar to the overall level of sounds meeting the NPRM's proposed 8-band requirements at 20 km/h (approx. 62 dB(A)).

For all the reasons stated above, the agency's position continues to be that lowering the crossover speed from the 30 km/h level contained in both the NPRM and final rule is not warranted, and we are denying the Nissan petition request on this issue.

F. Technical Clarifications in the Nissan and Honda Petitions

Nissan Technical Issues

Nissan's petition raised two technical issues in addition to the petition request on crossover speed addressed above. First was a request to allow the use of adjacent instead of only non-adjacent one-third octave bands for compliance; and second was a request to set the minimum band sum requirements at each test speed for the 2-band compliance option to be equal to the corresponding overall SPLs of the 4-band compliance option.

After considering these two technical requests from Nissan, the agency is not making any changes to the acoustic specifications related to these issues. We note that, while Nissan phrased these two issues as petition requests, we are treating them as technical clarifications because Nissan's petition did not directly respond to or acknowledge the discussion and explanation in the final rule preamble as to the agency's rationale for specifying non-adjacent bands for compliance and the agency's methodology for selecting the band sum levels for the 2-band compliance option. The preamble included a lengthy discussion of detectability research the agency conducted after the NPRM had been published.

On the first issue, the question of adjacency of bands, Nissan cited a Zwicker loudness model that, according to Nissan, shows a frequency band will mask an adjacent band when the sound level difference between the two bands reaches 6 dB or more (in one-third octave band frequencies). Nissan pointed out that the difference from any band to an adjacent one in the final rule's required minimum levels is less than 4 dB for all of the bands included.

Our response to this is that the masking data cited by Nissan applies to the masking of a component at the center of its one-third octave band. If the masker is shifted toward the signal, while still in its own one-third octave band, masking can take place at levels significantly less than 6 dB.

Although it may be possible, depending on the ambient, to achieve detectability using adjacent bands, there still would be greater susceptibility to the combined masking effects due to adjacent components and the ambient that are enough to make a barely perceptible component not perceptible. This phenomenon appears to have influenced results of NHTSA's validation study [21] in which alert signals with non-adjacent bands were detected more consistently (in a standardized 55 dB(A) ambient) than signals with only adjacent bands.

NHTSA also is concerned that an acoustic specification allowing adjacent one-third octave bands is vulnerable to poor design practice, in that a single tone placed at the cut-off frequency of a one third octave band could be credited for two bands (one on either side of the cut-off, with a level in both bands about 3 dB lower than the tone). A signal like this, though it might technically meet a 2-band criterion with adjacent bands allowed, would disregard NHTSA's findings about the importance of spreading signal components across a wide frequency range to create robust sounds detectable in a variety of ambient sound profiles.

For these reasons, we do not agree with Nissan that adjacent bands should be allowed in the 2-band and the 4-band compliance requirements of the FMVSS No. 141 final rule. Furthermore, specifying non-adjacent bands imposes only a minor limitation on alert sound design, and we did not find any reason given in Nissan's submission why this requirement is unreasonable, impractical, or burdensome to an extent that it should be deleted. Therefore, the agency has decided not to amend the final rule with respect to the non-adjacency issue raised in Nissan's petition.

Regarding the second technical issue in Nissan's petition, they requested that the band sums at each test speed for the 2-band compliance option should be set equal to the overall SPL levels for the 4-band compliance option. In response, we first point out that the agency's reasons for specifying higher band sums when using the 2-band option are discussed in the preamble of the December 2016 final rule.[22] In that discussion, the agency noted that the 2-band specifications were optimized so that allowable 2-band signals would achieve a degree of robustness (*i.e.,* detectability in a wide range of ambients normalized to a 55 dB(A)) equivalent to that achieved by compliant 4-band signals. To maintain robustness, it was

[19] Hastings, et al. Detectability of Alert Signals for Hybrid and Electric Vehicles: Acoustic Modeling and Human Subjects Experiment. (2015) Washington, DC: DOT/NHTSA; available at *www.regulations.gov,* Docket NHTSA–2016–0125–0010.

[20] The PSEA defines ''crossover speed'' as the speed at which tire noise, wind resistance, or other factors eliminate the need for a separate alert sound. Because NHTSA's detection model attempts to determine when a vehicle would be detectable to pedestrians based on the sound from tire noise, wind resistance, and other factors that may be present, NHTSA contends that the detection model is the method for determining crossover speed most consistent with the language of the PSEA.

[21] Hastings, et al. Detectability of Alert Signals for Hybrid and Electric Vehicles: Acoustic Modeling and Human Subjects Experiment. (2015) Washington, DC: DOT/NHTSA; available at *www.regulations.gov,* Docket NHTSA–2016–0125–0010.

[22] See final rule at 81 FR 90461 to 90463.

necessary to set the band sum levels high enough to compensate for the reduced number of bands. Without this optimization, the agency would not have been able to accommodate NPRM comments calling for a 2-band approach.

In comparing the 2-band and 4-band options, robustness is achieved for the latter by requiring acoustic energy at threshold levels in a minimum of four bands and specifying that these four bands span a minimum of nine one-third octave bands. The idea is that for an ambient of 55 dB(A), either the masking components would match those used for determining thresholds or masking components would tend not to spread across a wide range of nine one-third octave bands. Thus, there is a high likelihood with a 4-band alert signal that some portion of the vehicle's sound will be detectable in an ambient that is 55 dB(A) or lower so that it can be heard by pedestrians. The 2-band option has fewer bands and thus fewer opportunities to have a signal coincide with an advantageous ambient level. Instead, it achieves robustness by requiring a greater overall level (higher band sum) from the two bands (one below 800 Hz and one at or above 1000 Hz) that have the most acoustical energy. There is a fundamental tradeoff between loudness versus sound bandwidth when comparing the 2-band and 4-band options.

In summary, NHTSA believes that the approach taken in the final rule for setting the band sum levels for the 2-band option is reasonable and justifiable, and Nissan's petition did not include any research or other information that would persuade the agency to take a different approach. Therefore, we are not making the requested change to the final rule.

Honda Technical Issues

Honda made several comments in its petition about technical clarifications they believe are needed in the final rule. The first issue was whether a vehicle can switch between 2-band and 4-band compliance at the different test speeds.

The answer is 'yes', it is acceptable to switch between compliance with the 2-band and 4-band options for different test conditions (stationary, reverse, 10 km/h, 20 km/h, and 30 km/h). In any test to verify compliance with FMVSS No. 141, the measured sound of a vehicle at each test condition would be checked for compliance with both the 2-band and 4-band requirements. For example, sound measurements of a vehicle in a 10 km/h pass-by test would be evaluated relative to both the 2-band and 4-band specifications, and the vehicle could achieve compliance by meeting one or both specifications. At 20 km/h, the evaluation of both the 2-band and 4-band specifications would be repeated independent of which specification was complied with at 10 km/h, and the vehicle could again comply with one or both specifications. As long as the measured sound at a given test speed meets at least one of the two optional specifications, then it would comply for the particular test speed.

Regarding evaluating the relative volume change requirement (S5.4) for vehicles that switch between 2-band and 4-band compliance, we note that relative volume change is based on a band sum of the whole range of 13 bands in the measured sound at each test condition, calculated per S7.6 of the test procedure. Because the criterion is the band sum of all the bands, relative volume change evaluation does not depend on which of the two minimum sound level options, 2-band or 4-band, is complied with in each test condition, and there is no conflict if a vehicle switches between the two specifications for different test conditions.

Another technical clarification requested by Honda was in regard to section S7.1.6(e) of the December 2016 final rule. That section of the test procedure specifies which one-third octave bands should be selected for compliance evaluations under the 2-band compliance option. The requirement states that the two bands with the highest levels, one below 1000 Hz and the other at or above 1000 Hz, should be selected. Honda said that it is unclear which bands should be selected in the event that the two bands with the highest levels are adjacent, *i.e.,* if they are specifically the 800 Hz and 1000 Hz bands.

NHTSA recognizes this discrepancy and agrees that some clarification is needed. The intent of the final rule was that the two one-third octave bands (one below and one at or above 1000 Hz) with the highest SPLs that are, at the same time, non-adjacent would be selected, but the text does not specify what happens if the two bands with the highest SPLs are adjacent. In that case, to maintain non-adjacency, another band having the next-largest SPL would have to be substituted for either the 800 Hz or 1000 Hz band. This substitution involves at least two permutations of band selection. In one permutation, the 800 Hz band would be selected along with the band above 1000 Hz with the second-largest SPL of the bands at or above 1000 Hz. In the other permutation, the 1000 Hz band would be selected along with the band below 800 Hz with the second-largest SPL of the bands at or below 800 Hz. Both combination of two bands selected according to these restrictions are then evaluated according to S7.1.6(e)(ii) and at least one must comply with the applicable requirements in section S5 of the Standard.

To make this clear, we are revising the regulatory text of paragraph S7.1.6(e)(i) in a manner similar to what Honda suggested.

As a consequence of Honda's request to clarify this language, the agency identified two additional places in the regulatory text—in paragraphs S7.1.5(e) and in S7.3.5(e)—where it is necessary to insert similar amended text because those two paragraphs are analogous to S7.1.6(e), that is, all three of these paragraphs address an equivalent step in the procedure, with the only difference being the test speed. In the two additional paragraphs, S7.1.5(e) and S7.3.5(e), we also note that some of the text that was of concern to Honda in S7.1.6(e) was inadvertently omitted from the final rule. Specifically, those two paragraphs should have included the sentence, ''One band shall be below 1000 Hz and one band shall be at or greater than 1000 Hz.''

To clarify the text and accurately state the procedural step for selection of bands to be evaluated for compliance with the 2-band option, the agency is revising S7.1.5(e) and S7.3.5(e) using the same amended text as for S7.1.6(e), described above, except with different paragraph references within the text, as appropriate. The amended text for these two paragraphs is included at the end of this document.

In addition to the above text clarifications and corrections, in section S7.1.5(e) of the December 2016 final rule, text applying to one-third octave band selection for the 4-band compliance option, but not for the 2-band compliance option was included. The iterative process to select a combination of four bands to be used to evaluate compliance does not apply for the 2-band option. Therefore, the agency is deleting that sentence from three sections of the test procedure where it is not relevant. The amended text appears at the end of this document.

Lastly, in making the above text changes, the agency identified a few minor mistakes and inconsistencies in the wording of related requirements. In sub-paragraphs S7.1.5(d)(ii) and S7.1.5(e)(ii), the words ''of this paragraph'' are unnecessary because the exact paragraph reference numbers are included in the text. Furthermore, the phrase ''of this paragraph'' could lead to a misunderstanding as it is not entirely

clear what ''this paragraph'' refers to. Thus, we are deleting the phrase ''of this paragraph'' in both places. Additionally, in S7.1.5(e)(ii) and in S7.1.6(d)(ii), where reference is made to paragraph ''(c)'' without further specificity, we are replacing ''(c)'' with the full paragraph numbers, ''S7.1.5(c)'' and ''S7.1.6(c)'' respectively, to avoid any misunderstanding and to be consistent with the wording used in related sections of the test procedure. Also, to enhance S7.2, procedure for testing in Reverse, we are adding the sentence, ''The minimum sound level requirements for the Reverse test condition are contained in S5.1.2, Table 2, for 4-band compliance and in S5.2, Table 6, for 2-band compliance.''

Similarly, to enhance S7.4 for pass-by tests above 20 km/h up to 30 km/h and S7.5 for pass-by tests at 30 km/h, we are adding an analogous statement to clarify which S5 requirements apply at those test speeds. In addition to this edit, we are re-wording S7.4 to more clearly express the pass-by speeds that may be tested. Finally, we are re-wording and adding an additional sentence to S7.3.6 so that pass-by test speeds above zero up to 10 km/h are explicitly included and to include specific reference to the appropriate requirement tables in S5 for both the zero to 10 km/h pass-by speed range and the greater than 10 km/h up to 20 km/h pass-by speed range.

NHTSA is making these technical changes in section S7 as part of the amendments in this document to respond to Honda's request and to correct inconsistencies and minor errors in the regulatory text. All technical changes and corrections discussed above appear in the amended regulatory text at the end of this document.

Another technical question in Honda's petition was how to correctly calculate the average of the overall SPL values in section S7.1.4 of the test procedure. The answer to Honda's question is that a linear average is taken, which is the sum of the SPL values divided by four. The result is rounded to a tenth of a decibel, as specified in the test procedure. We also point out, as discussed in more detail in the following paragraph, that NHTSA intends to provide a computer program for compliance evaluation that will automatically execute all necessary calculations including averaging overall SPLs for S7.1.4(c).

As a general response to Honda's comments, we note that the agency has been developing a ''NHTSA Compliance Tool'' for FMVSS No. 141, which is a programmed, computer-based application to facilitate compliance testing. As discussed in the final rule preamble,[23] NHTSA intends to make this tool available publicly so that OEMs, test labs, suppliers, and others will have access to and full use of this tool, similar to what the agency did for FMVSS No. 126, Electronic Stability Control. This compliance tool will include a user interface that will prompt for test data input and will automatically evaluate vehicle compliance based on the input. All test data processing steps and calculations in section S7 of the safety standard are built-in to the tool. For example, with respect to Honda's technical questions, the tool will execute the band selection and calculate averages needed to verify compliance with the 2-band and 4-band specifications at each test speed, as well as compliance with the volume change requirements. The tool will evaluate all possible band combinations, such that if the situation regarding S7.1.6(e) cited by Honda were to arise, the tool would evaluate all combinations of the two highest non-adjacent bands above and below 1000 Hz.

The last technical issue raised in Honda's petition was about indoor testing. Honda stated that indoor testing should be optional, and it is preferable for certification of vehicles to FMVSS No. 141. Honda also stated that indoor testing is accommodated in the European regulation, United Nations Economic Commission for Europe Regulation (UN ECE) No. 138, *Uniform Provisions Concerning the Approval of Quiet Road Transport Vehicles with Regards to Their Reduced Audibility.* Honda cited factors such as Doppler shift that influence outdoor testing, and stated that indoor testing has better stability and efficiency for sound measurement.

In response to this, the agency points out that the preamble of the December 2016 final rule addressed indoor testing[24] because this topic was raised in several NPRM comments. The agency acknowledged some advantages of indoor testing in hemi-anechoic chambers but also pointed out several reasons why outdoor testing on an ISO-compatible test pad is preferable, and concluded that the agency intends to conduct its own compliance tests using outdoor facilities. Importantly, with regard to Honda's indoor testing comment in their petition, the agency notes that the absence of a specific test procedure for indoor testing in the final rule does not mean indoor testing is prohibited. On the contrary, vehicle manufacturers, suppliers, and others have the discretion to conduct FMVSS No. 141 certification tests indoors as long as they can certify that a vehicle fully complies with the Safety Standard.

G. Other Comments Relevant to the Final Rule

The comment from Publicresource.org expressed concern with public availability of technical documents that were incorporated by reference into the final rule. However, their docket submission did not specify any particular reasons that they believe various parties such as consumer protection groups, small manufacturers, hobbyists, and students would not have adequate access to these reference documents. Thus, NHTSA is not able to provide a response to more adequately address any concerns they might have. Given that the subject documents from SAE, ISO, and ANSI are copyrighted material, the agency followed its normal practice in making them publicly available, which includes keeping a printed copy of each of the reference documents on hand at NHTSA headquarters. Printed copies of the referenced documents are also available at the National Archives and Records Administration. The public availability of documents incorporated by reference was discussed in Section VI of the December 14, 2016, final rule.[25]

V. Response to Petitions for Reconsideration

Pursuant to the process established under 49 CFR part 553.37, after carefully considering all aspects of the petition, except for the request regarding driver selectable sounds, NHTSA has decided to grant the petitions discussed above without further proceedings.

VI. Rulemaking Analyses and Notices

Executive Order 12866, Executive Order 13563, and DOT Regulatory Policies and Procedures

Executive Order 12866, Executive Order 13563, and the Department of Transportation's regulatory policies require this agency to make determinations as to whether a regulatory action is ''significant'' and therefore subject to OMB review and the requirements of the aforementioned Executive Orders. The Executive Order 12866 defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or

[23] See 81 FR 90501.

[24] See 81 FR 90481.

[25] See 81 FR 90513.

State, local, or Tribal governments or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

We have considered the potential impact of this final rule under Executive Order 12866, Executive Order 13563, and the Department of Transportation's regulatory policies and procedures and have determined that today's final rule is not significant for any of the aforementioned reasons. This final rule only makes minor adjustments to the existing requirements of FMVSS No. 141. We are adjusting the phase-in schedule and its reporting requirements to give manufacturers additional time to comply with the requirements of the final rule. We are also making several minor amendments to the rule to clarify the rule's requirements. We thus anticipate that the economic impacts of this final rule will be limited.

Executive Order 13771

Executive Order 13771 titled ''Reducing Regulation and Controlling Regulatory Costs,'' directs that, unless prohibited by law, whenever an executive department or agency publicly proposes for notice and comment or otherwise promulgates a new regulation, it shall identify at least two existing regulations to be repealed. In addition, any new incremental costs associated with new regulations shall, to the extent permitted by law, be offset by the elimination of existing costs. Only those rules deemed significant under section 3(f) of Executive Order 12866, ''Regulatory Planning and Review,'' are subject to these requirements. As discussed above, this rule is not a significant rule under Executive Order 12866 and, accordingly, is not subject to the offset requirements of 13771.

NHTSA has determined that this rulemaking is a deregulatory action under E.O. 13771, as it imposes no costs and, instead, amends FMVSS No. 141 to give manufacturers of hybrid and electric vehicles greater flexibility during the manufacturing process and when sourcing parts that comprise the alert sound system. This final rule also provides flexibility to manufacturers by allowing them to differentiate hybrid and electric vehicles of different trim levels within a vehicle model by allowing vehicles of different trim levels to produce different sounds. This final rule also amends FMVSS No. 141 to delay the date by which manufacturers are required to fully comply with the requirements of the standard by one year.

Delaying the compliance date of FMVSS No. 141 for one year will result in a cost savings to manufacturers of hybrid and electric vehicles to which the standard applies of $21M to $20.75M for MY 2019 and $21M to $20.75M75 for MY 2020 at the three and seven percent discount rates, respectively. These cost savings will accrue because manufacturers of hybrid and electric vehicles to which the standard applies will not have to comply with the phase-in requirements of the standard until September 1, 2019 and will not have to fully comply with the standard's requirements until September 1, 2020. NHTSA contends that these cost savings estimates are conservative and that the true cost savings of the rule are likely to be higher because, as discussed above, the cost benefit analysis accompanying the December 2016 final rule assumed a longer compliance lead time and did not account for costs that may have been necessary to comply with the rule in a shorter time period.

Executive Order 13609: Promoting International Regulatory Cooperation

The policy statement in section 1 of Executive Order 13609 provides, in part:

> The regulatory approaches taken by foreign governments may differ from those taken by U.S. regulatory agencies to address similar issues. In some cases, the differences between the regulatory approaches of U.S. agencies and those of their foreign counterparts might not be necessary and might impair the ability of American businesses to export and compete internationally. In meeting shared challenges involving health, safety, labor, security, environmental, and other issues, international regulatory cooperation can identify approaches that are at least as protective as those that are or would be adopted in the absence of such cooperation. International regulatory cooperation can also reduce, eliminate, or prevent unnecessary differences in regulatory requirements.

In the preamble to the December 2016 final rule we discussed the reasons for the differences in the regulatory approach taken by foreign governments that have addressed this issue. As stated above, we are declining to adopt a test procedure for indoor testing included in UN ECE Reg. No. 138. NHTSA's test procedures are not requirements that manufacturers must follow when certifying vehicles to the FMVSS and manufacturers are free to choose whatever certification method they wish as long as the manufacturer can demonstrate a good faith basis for certification.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996), whenever an agency is required to publish a notice of proposed rulemaking or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (*i.e.,* small businesses, small organizations, and small governmental jurisdictions). The Small Business Administration's regulations at 13 CFR part 121 define a small business, in part, as a business entity ''which operates primarily within the United States.'' (13 CFR 121.105(a)). No regulatory flexibility analysis is required if the head of an agency certifies the proposal will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a proposal will not have a significant economic impact on a substantial number of small entities.

I hereby certify that this rule would not have a significant economic impact on a substantial number of small entities. This final rule does not make any significant changes to the existing FMVSS No. 141. Instead, this rule aligns the phase-in requirements with manufacturers' design and production cycles, and makes other minor adjustments to specific regulatory text to facilitate manufacturer compliance with the new FMVSS No. 141. It also clarifies some technical requirements and test procedures. The final requirements as amended in this document afford more lead time, and somewhat greater clarity and flexibility to vehicle manufacturers while maintaining the safety goals and benefits of the enabling statute, the PSEA, under which FMVSS No. 141 was created.

Executive Order 13132 (Federalism)

NHTSA has examined today's final rule pursuant to Executive Order 13132 (64 FR 43255, August 10, 1999) and concluded that no additional consultation with States, local governments or their representatives is mandated beyond the rulemaking process. The agency has concluded that the rulemaking would not have sufficient federalism implications to warrant consultation with State and local officials or the preparation of a

federalism summary impact statement. Today's final rule does not have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.''

NHTSA rules can have preemptive effect in two ways. First, the National Traffic and Motor Vehicle Safety Act contains an express preemption provision:

> When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision of a State may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter. 49 U.S.C. 30103(b)(1).

It is this statutory command by Congress that preempts any non-identical State legislative and administrative law addressing the same aspect of performance.

The express preemption provision described above is subject to a savings clause under which ''[c]ompliance with a motor vehicle safety standard prescribed under this chapter does not exempt a person from liability at common law.'' 49 U.S.C. 30103(e). Pursuant to this provision, State common law tort causes of action against motor vehicle manufacturers that might otherwise be preempted by the express preemption provision are generally preserved. However, the Supreme Court has recognized the possibility, in some instances, of implied preemption of State common law tort causes of action by virtue of NHTSA's rules—even if not expressly preempted.

This second way that NHTSA rules can preempt is dependent upon the existence of an actual conflict between an FMVSS and the higher standard that would effectively be imposed on motor vehicle manufacturers if someone obtained a State common law tort judgment against the manufacturer—notwithstanding the manufacturer's compliance with the NHTSA standard. Because most NHTSA standards established by an FMVSS are minimum standards, a State common law tort cause of action that seeks to impose a higher standard on motor vehicle manufacturers will generally not be preempted. However, if and when such a conflict does exist—for example, when the standard at issue is both a minimum and a maximum standard—the State common law tort cause of action is impliedly preempted. *See Geier* v. *American Honda Motor Co.,* 529 U.S. 861 (2000).

Pursuant to Executive Order 13132, NHTSA has considered whether this rule could or should preempt State common law causes of action. The agency's ability to announce its conclusion regarding the preemptive effect of one of its rules reduces the likelihood that preemption will be an issue in any subsequent tort litigation.

To this end, the agency has examined the nature (*e.g.,* the language and structure of the regulatory text) and objectives of today's final rule and finds that this rule, like many NHTSA rules, prescribes only a minimum safety standard. Accordingly, NHTSA does not intend that this final rule preempt state tort law that would effectively impose a higher standard on motor vehicle manufacturers than that established by today's final rule. Establishment of a higher standard by means of State tort law would not conflict with the minimum standard established in this document. Without any conflict, there could not be any implied preemption of a State common law tort cause of action.

NHTSA solicited comments from the States and other interested parties on this assessment of issues relevant to E.O. 13132 in the NPRM. However, we did not receive any comments with regard to this issue.

Executive Order 12988 (Civil Justice Reform)

When promulgating a regulation, Executive Order 12988 specifically requires that the agency must make every reasonable effort to ensure that the regulation, as appropriate: (1) Specifies in clear language the preemptive effect; (2) specifies in clear language the effect on existing Federal law or regulation, including all provisions repealed, circumscribed, displaced, impaired, or modified; (3) provides a clear legal standard for affected conduct rather than a general standard, while promoting simplification and burden reduction; (4) specifies in clear language the retroactive effect; (5) specifies whether administrative proceedings are to be required before parties may file suit in court; (6) explicitly or implicitly defines key terms; and (7) addresses other important issues affecting clarity and general draftsmanship of regulations.

Pursuant to this Order, NHTSA notes as follows. The preemptive effect of this final rule is discussed above in connection with Executive Order 13132. NHTSA notes further that there is no requirement that individuals submit a petition for reconsideration or pursue other administrative proceeding before they may file suit in court.

Executive Order 13045 (Protection of Children From Environmental Health and Safety Risks)

Executive Order 13045, ''Protection of Children from Environmental Health and Safety Risks,'' (62 FR 19885; April 23, 1997) applies to any proposed or final rule that: (1) Is determined to be ''economically significant,'' as defined in Executive Order 12866, and (2) concerns an environmental health or safety risk that NHTSA has reason to believe may have a disproportionate effect on children. If a rule meets both criteria, the agency must evaluate the environmental health or safety effects of the rule on children, and explain why the rule is preferable to other potentially effective and reasonably feasible alternatives considered by the agency. This final rule is not subject to Executive Order 13045 because it is not economically significant.

National Technology Transfer and Advancement Act

Under the National Technology Transfer and Advancement Act of 1995 (NTTAA) (Pub. L. 104–113), ''all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.'' Voluntary consensus standards are technical standards (*e.g.,* materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies, such as the Society of Automotive Engineers (SAE). The NTTAA directs us to provide Congress, through OMB, explanations when we decide not to use available and applicable voluntary consensus standards.

Pursuant to the above requirements, the agency conducted a review of voluntary consensus standards to determine if any were applicable to this final rule. For the specific provisions that we are adjusting in this rule, there were no applicable consensus standards.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of

more than $100 million annually (adjusted for inflation with base year of 1995). We note that as this final rule only makes minor adjustments and clarifications to FMVSS No. 141. Thus, it would not result in expenditures by any of the aforementioned entities of over $100 million annually.

National Environmental Policy Act

NHTSA has analyzed this rulemaking action for the purposes of the National Environmental Policy Act. The agency has determined that implementation of this action would not have any significant impact on the quality of the human environment. NHTSA has also determined that the changes in this final rule would not change the findings in the Final Environmental Assessment prepared in connection with the final rule.[26]

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA), a person is not required to respond to a collection of information by a Federal agency unless the collection displays a valid OMB control number. While this final rule adjusts the timing of the phase-in reporting requirements to match the manufacturer's production year (*i.e.,* to align the requirement with other potential phase-in reports that the manufacturer may need to produce), it includes no new collection of information because the actual reporting requirements are the same as the requirements in the April 2014 final rule.

Regulation Identifier Number (RIN)

The Department of Transportation assigns a regulation identifier number (RIN) to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. You may use the RIN contained in the heading at the beginning of this document to find this action in the Unified Agenda.

List of Subjects in 49 CFR Part 571

Imports, Incorporation by reference, Motor vehicle safety, Reporting and recordkeeping, Tires.

In consideration of the foregoing, NHTSA amends 49 CFR part 571 as follows:

[26] The Final EA is available in Docket No. NHTSA–2011–0100 at *http://www.regulations.gov.*

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

■ 1. The authority citation for part 571 of title 49 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95.

■ 2. Amend § 571.141 by adding a definition for ''trim level'' in paragraph S4, and revising paragraphs S5.5.1, S5.5.2, S7.1, S7.1.5 introductory text, S7.1.5(d) introductory text, S7.1.5(d)(ii), S7.1.5(e), S7.1.6 introductory text, S7.1.6(d) introductory text, S7.1.6(d)(ii), S7.1.6(e), S7.2, S7.3.5 introductory text, S7.3.5(d) introductory text, S7.3.5(e), and S7.3.6, S7.4, S7.5, S8, and S9 to read as follows:

§ 571.141 Standard No. 141; Minimum Sound Requirements for Hybrid and Electric Vehicles.

* * * * *

S4 * * *

''Trim level'' is defined to mean a subset of vehicles within the same model designation with the same body type and which are alike in their general level of standard equipment, such as a ''base'' trim level of a vehicle model. Vehicles with only minor trim differences that are unlikely to affect vehicle-emitted sound are not considered different for the purposes of this safety standard.

* * * * *

S5.5 * * *

S5.5.1 Any two vehicles of the same make, model, model year, body type, and trim level (as those terms are defined in 49 CFR 565.12 or in section S4 of this safety standard) to which this safety standard applies shall be designed to have the same pedestrian alert sound when operating under the same test conditions and at the same speed including any test conditions and speeds for which an alert sound is required in Section S5 of this safety standard.

S5.5.2 For the purposes of this requirement, the pedestrian alert sound of vehicles which meet the applicable requirements in S5.1 through S5.4 of this standard are deemed to be the same if the digital source of the sound, if any, is the same and if the algorithms that either generate the sound directly or process the digital source to generate the sound are the same.

* * * * *

S7.1 Stationary vehicle in forward gear.

* * * * *

S7.1.5 Select one-third octave bands to be used for evaluating compliance with detection requirements for a stationary vehicle.

* * * * *

(d) For alerts designed to meet the four-band requirements of S5.1 of this standard:

* * * * *

(ii) Compare the average corrected sound pressure level from S7.1.5(c) in each of the four one-third octave bands selected in paragraph S7.1.5(d)(i) to the required minimum level of the corresponding one-third octave band specified in paragraph S5.1.1, Table 1, to determine compliance.

(e) For alerts designed to meet the two-band requirements of S5.2 of this standard:

(i) Select the two one-third octave bands, one below 1000 Hz and one at or above 1000 Hz, having the largest A-weighted SPL values within the range of 315 Hz up to 3150 Hz and that are non-adjacent to each other to evaluate according to S7.1.5(e)(ii), below. In the event that the pair of bands with the largest SPL values are the 800 Hz and 1000 Hz bands, then select both of the following pairs to evaluate according S7.1.5(e)(ii): The 800 Hz band along with the band having the second-largest A-weighted SPL value from the 1000 Hz and above bands; and, the 1000 Hz band along with the band having the second-largest A-weighted SPL value from the 800 Hz and below bands. At least one of the band pairs selected as specified in this paragraph shall meet the minimum requirements when evaluated according to S7.1.5(e)(ii).

(ii) Compare the average corrected sound pressure level from S7.1.5(c) in each of the two one-third octave bands selected in paragraph S7.1.5(e)(i) to the required minimum level of the corresponding one-third octave band specified in paragraph S5.2, Table 6. Also, compare the band sum of the two bands to the required minimum band sum in Table 6.

S7.1.6 Select one-third octave bands to be used for evaluating compliance with directivity requirements for a stationary vehicle.

* * * * *

(d) For alerts designed to meet the four-band requirements of S5.1 of this standard:

* * * * *

(ii) Compare the average corrected sound pressure level from S7.1.6(c) in each of the four one-third octave bands selected in paragraph S7.1.6(d)(i) to the required minimum level of the corresponding one-third octave band specified in paragraph S5.1.1, Table 1, to determine compliance.

(e) For alerts designed to meet the two-band requirements of S5.2 of this standard:

(i) Select the two one-third octave bands, one below 1000 Hz and one at or above 1000 Hz, having the largest A-weighted SPL values within the range of 315 Hz up to 3150 Hz and that are non-adjacent to each other to evaluate according to S7.1.6(e)(ii), below. In the event that the pair of bands with the largest SPL values are the 800 Hz and 1000 Hz bands, then select both of the following pairs to evaluate according S7.1.6(e)(ii): The 800 Hz band along with the band having the second-largest A-weighted SPL value from the 1000 Hz and above bands; and, the 1000 Hz band along with the band having the second-largest A-weighted SPL value from the 800 Hz and below bands. At least one of the band pairs selected as specified in this paragraph shall meet the minimum requirements when evaluated according to S7.1.6(e)(ii), below.

(ii) Compare the average corrected sound pressure level from S7.1.6(c) in each of the two one-third octave bands selected in paragraph S7.1.6(e)(i) to the required minimum level of the corresponding one-third octave band specified in paragraph S5.2, Table 6. Also, compare the band sum of the two bands to the required minimum band sum in Table 6.

S7.2 *Stationary vehicle in reverse gear.* Test the vehicle per S7.1.1 through S7.1.5 except that the rear plane of the vehicle is placed on the PP' line, no center microphone is used, and the vehicle's transmission gear selector is placed in the 'Reverse' position. The minimum sound level requirements for the Reverse test condition are contained in S5.1.2, Table 2, for four-band compliance and in S5.2, Table 6, for two-band compliance.

* * * * *

S7.3.5 Select one-third octave bands to be used for evaluating compliance with the constant speed pass-by requirements.

* * * * *

(d) For alerts designed to meet the four-band requirements of S5.1 of this standard:

* * * * *

(e) For alerts designed to meet the two-band requirements of S5.2 of this standard:

(i) Select the two one-third octave bands, one below 1000 Hz and one at or above 1000 Hz, having the largest A-weighted SPL values within the range of 315 Hz up to 3150 Hz and that are non-adjacent to each other to evaluate according to S7.3.5(e)(ii), below. In the event that the pair of bands with the largest SPL values are the 800 Hz and 1000 Hz bands, then select both of the following pairs to evaluate according S7.3.5(e)(ii): The 800 Hz band along with the band having the second-largest A-weighted SPL value from the 1000 Hz and above bands; and, the 1000 Hz band along with the band having the second-largest A-weighted SPL value from the 800 Hz and below bands. At least one of the band pairs selected as specified in this paragraph shall meet the minimum requirements when evaluated according to S7.3.5(e)(ii), below.

(ii) Compare the average corrected sound pressure level from S7.3.5(c) in each of the two one-third octave bands selected in paragraph S7.3.5(e)(i) to the required minimum level of the corresponding one-third octave band specified in paragraph S5.2, Table 6. Also, compare the band sum of the two bands to the required minimum band sum in Table 6.

S7.3.6 The procedures in S7.3.1 through S7.3.5 may be repeated for any pass-by test speed greater than 0 km/h and less than 20 km/h. For test speeds greater than 0 km/h and less than 10 km/h, the minimum sound level requirements are contained in S5.1.1, Table 1, for four-band compliance and in S5.2, Table 6, for two-band compliance. For test speeds greater than or equal to 10 km/h and less than 20 km/h, the minimum sound level requirements are contained in S5.1.3, Table 3, for 4-band compliance and in S5.2, Table 6, for 2-band compliance.

S7.4 *Pass-by tests at speeds greater than or equal to 20 km/h and less than 30 km/h.* Repeat the procedures of S7.3 at 21 km/h ± 1 km/h. The procedures in S7.3 also may be repeated for any pass-by test speed greater than 20 km/h and less than 30 km/h. For this range of test speeds, the minimum sound level requirements are contained in S5.1.4, Table 4, for four-band compliance and in S5.2, Table 6, for two-band compliance.

S7.5 *Pass-by tests at 30 km/h.* Repeat the procedures of S7.3 at 31 km/h ± 1 km/h. For this test speed, the minimum sound level requirements are contained in S5.1.5, Table 5, for four-band compliance and in S5.2, Table 6, for two-band compliance.

* * * * *

S8 *Prohibition on altering the sound of a vehicle subject to this standard.* No entity subject to the authority of the National Highway Traffic Safety Administration may:

(a) Disable, alter, replace, or modify any element of a vehicle installed as original equipment for purposes of complying with this Standard, except in connection with a repair of a vehicle malfunction or to remedy a defect or non-compliance; or

(b) Provide any person with any mechanism, equipment, process, or device intended to disable, alter, replace, or modify the sound emitting capability of a vehicle subject to this standard, except in connection with a repair of vehicle malfunction or to remedy a defect or non-compliance.

S9 *Phase-in schedule.*

S9.1 *Hybrid and Electric Vehicles manufactured on or after September 1, 2019, and before September 1, 2020.* For hybrid and electric vehicles to which this standard applies manufactured on and after September 1, 2019, and before September 1, 2020, except vehicles produced by small volume manufacturers, the quantity of hybrid and electric vehicles complying with this safety standard shall be not less than 50 percent of one or both of the following:

(a) A manufacturer's average annual production of hybrid and electric vehicles on and after September 1, 2016, and before September 1, 2019;

(b) A manufacturer's total production of hybrid and electric vehicles on and after September 1, 2019, and before September 1, 2020.

S9.2 *Hybrid and Electric Vehicles manufactured on or after September 1, 2020.* All hybrid and electric vehicles to which this standard applies manufactured on and after September 1, 2020, shall comply with this safety standard.

PART 585—PHASE-IN REPORTING REQUIREMENTS

■ 3. The authority citation for Part 585 continues to read as follows:

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95

■ 4. Revise § 585.130 to read as follows:

§ 585.130 Applicability.

This subpart applies to manufacturers of hybrid and electric passenger cars, trucks, buses, multipurpose passenger vehicles, and low-speed vehicles subject to the phase-in requirements of § 571.141, S9.1 *Hybrid and Electric Vehicles manufactured on or after September 1, 2019, and before September 1, 2020.*

■ 5. Revise § 585.132 to read as follows:

§ 585.132 Response to inquiries.

At any time during the production year ending August 31, 2019, each manufacturer shall, upon request from the Office of Vehicle Safety Compliance, provide information identifying the

vehicles (by make, model and vehicle identification number) that have been certified as complying with the requirements of Standard No. 141, Minimum Sound Requirements for Hybrid and Electric Vehicles (49 CFR 571.141). The manufacturer's designation of a vehicle as a certified vehicle is irrevocable.

■ 6. In § 585.133, revise paragraph (a) to read as follows:

§ 585.133 Reporting requirements.

(a) Phase-in reporting requirements. Within 60 days after the end of the production year ending August 31, 2019, each manufacturer shall submit a report to the National Highway Traffic Safety Administration concerning its compliance with the requirements of Standard No. 141 Minimum Sound Requirements for Hybrid and Electric Vehicles (49 CFR 571.141) for its vehicles produced in that year. Each report shall provide the information specified in paragraph (b) of this section and in § 585.2 of this part.

* * * * *

■ 7. Revise § 585.134 to read as follows:

§ 585.134 Records.

Each manufacturer shall maintain records of the Vehicle Identification Number for each vehicle for which information is reported under § 585.133 until December 31, 2024.

Issued in Washington, DC, under authority delegated in 49 CFR 1.95 and 501.5.

Heidi R. King,

Deputy Administrator.

[FR Doc. 2018–03721 Filed 2–23–18; 8:45 am]

BILLING CODE 4910–59–P

Proposed Rules

Federal Register
Vol. 83, No. 38
Monday, February 26, 2018

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0115; Product Identifier 2017–NM–110–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes. This proposed AD was prompted by reports that additional areas of Boeing Material Specification (BMS) 8–39 flexible urethane foam were found during a routine inspection. This proposed AD would require an inspection for foam insulation on the dripshield above the overhead panel support structure and replacement if necessary. For certain airplanes, this proposed AD would also require replacement of foam insulation on the overhead panel support structure. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 12, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0115.

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–2015–0115; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Scott Craig, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th Street, Des Moines, WA 98198; phone and fax: 206–231–3566; email: *Michael.S.Craig@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0115; Product Identifier 2017–NM–110–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this NPRM.

Discussion

We have received reports indicating additional areas of BMS 8–39 flexible urethane foam were found during the accomplishment of AD 2013–11–04, Amendment 39–17464 (78 FR 33193, June 4, 2013) (''AD 2013–11–04''). AD 2013–11–04 was prompted by operator or in-service reports of burned BMS 8–39 urethane foam, and a report from the airplane manufacturer indicating that airplanes were assembled, throughout various areas of the airplane (including flight deck and cargo compartments), with seals made of BMS 8–39 urethane foam, a material with fire-retardant properties that deteriorate with age. AD 2013–11–04 requires replacing certain seals made of BMS 8–39 urethane foam.

BMS 8–39 urethane foam fire retardants are mixed into, but are not chemically connected with, the remaining components of the foam. Over time, this condition will cause the fire retardant properties to have decreased effectiveness. The concern is hidden areas where fire cannot easily be detected and suppressed. Aged BMS 8–39 foam exposed to an ignition source provides a potential fuel source for fire propagation. The degradation of the foam increases the potential for an uncontrolled fire below the passenger compartment floor and other locations outside the areas covered by smoke detection and fire protection systems. This condition, if not corrected, could result in loss of control of the airplane during a fire.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017. This service information describes procedures for a general visual inspection for foam insulation on the dripshield above the overhead panel support structure and replacement if necessary. This service information also describes procedures for replacement of foam insulation on the overhead panel support structure. This service information is reasonably available because the interested parties have access to it through their normal course

of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

We are proposing this AD because we evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop in other products of the same type design.

Proposed AD Requirements

This proposed AD would require accomplishing the actions specified in the Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017, as described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0115.

Costs of Compliance

We estimate that this proposed AD affects 132 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection and replacement of foam insulation.	Up to 32 work-hours × $85 per hour = $2,720.	$5,611	Up to $8,331	Up to $1,099,692.

Authority for This Rulemaking

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

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

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2018–0115; Product Identifier 2017–NM–110–AD.

(a) Comments Due Date

We must receive comments by April 12, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 777–200, –200LR, –300, and –300ER series airplanes, certificated in any category, as identified in Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017.

(d) Subject

Air Transport Association (ATA) of America Code 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports that additional areas of Boeing Material Specification (BMS) 8–39 flexible urethane foam were found during a routine inspection pursuant to a previously issued AD. The degradation of the foam over time increases the potential for an uncontrolled fire below the passenger compartment floor and other locations outside the areas covered by smoke detection and fire protection systems. We are issuing this AD to address BMS 8–39 flexible urethane foam found in certain areas of an airplane, which, if exposed to an ignition source, could cause loss of control of the airplane during a fire.

(f) Compliance

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

(g) Inspection and Replacement of Foam Installation

Except as required by paragraph (h) of this AD: At the applicable times specified in paragraph 1.E., ''Compliance,'' of Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017.

(h) Exception to Service Information Specifications

For purposes of determining compliance with the requirements of this AD: Where Boeing Special Attention Service Bulletin 777–25–0621, Revision 1, dated August 4, 2017, uses the phrase ''the original issue date

of this service bulletin,'' this AD requires using ''the effective date of this AD.''

(i) Credit for Previous Actions

This paragraph provides credit for the corresponding actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Special Attention Service Bulletin 777–25–0621, dated December 10, 2014.

(j) Alternative Methods of Compliance (AMOCs)

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

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

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

(4) For service information that contains steps that are labeled as RC, the provisions of paragraphs (j)(4)(i) and (j)(4)(ii) of this AD apply.

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

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

(k) Related Information

(1) For more information about this AD, contact Scott Craig, Aerospace Engineer, Cabin Safety and Environmental Systems Section, FAA, Seattle ACO Branch, 2200 South 216th Street, Des Moines, WA 98198; phone and fax: 206–231–3566; email: *Michael.S.Craig@faa.gov.*

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Renton, Washington, on February 15, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–03712 Filed 2–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0113; Product Identifier 2017–NM–060–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2016–12–09, for certain Airbus Model A330–200, –200 Freighter, and –300 series airplanes; and Model A340–200 and –300 series airplanes. AD 2016–12–09 requires removing fasteners, doing a rototest inspection of fastener holes, installing new fasteners, oversizing the holes and doing rototest inspections for cracks if necessary, and repairing any cracking that was found. Since we issued AD 2016–12–09, an evaluation by the design approval holder (DAH) indicates that certain fastener holes are subject to widespread fatigue damage (WFD). This proposed AD would add airplanes to the effectivity, add repetitive inspections of the fastener holes at frame (FR) 40, and, for certain airplanes, require a modification, which terminates the inspections. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by April 12, 2018.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* internet: *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

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–2018–0113; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2018–0113; Product Identifier 2017–NM–060–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We

will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

Fatigue damage can occur locally, in small areas or structural design details, or globally, in widespread areas. Multiple-site damage is widespread damage that occurs in a large structural element such as a single rivet line of a lap splice joining two large skin panels. Widespread damage can also occur in multiple elements such as adjacent frames or stringers. Multiple-site damage and multiple-element damage cracks are typically too small initially to be reliably detected with normal inspection methods. Without intervention, these cracks will grow, and eventually compromise the structural integrity of the airplane. This condition is known as WFD. It is associated with general degradation of large areas of structure with similar structural details and stress levels. As an airplane ages, WFD will likely occur, and will certainly occur if the airplane is operated long enough without any intervention.

The FAA's WFD final rule (75 FR 69746, November 15, 2010) became effective on January 14, 2011. The WFD rule requires certain actions to prevent structural failure due to WFD throughout the operational life of certain existing transport category airplanes and all of these airplanes that will be certificated in the future. For existing and future airplanes subject to the WFD rule, the rule requires that DAHs establish a limit of validity (LOV) of the engineering data that support the structural maintenance program. Operators affected by the WFD rule may not fly an airplane beyond its LOV, unless an extended LOV is approved.

The WFD rule does not require identifying and developing maintenance actions if the DAHs can show that such actions are not necessary to prevent WFD before the airplane reaches the LOV. Many LOVs, however, do depend on accomplishment of future maintenance actions. As stated in the WFD rule, any maintenance actions necessary to reach the LOV will be mandated by airworthiness directives through separate rulemaking actions.

In the context of WFD, this action is necessary to enable DAHs to propose LOVs that allow operators the longest operational lives for their airplanes, and still ensure that WFD will not occur. This approach allows for an implementation strategy that provides flexibility to DAHs in determining the timing of service information development (with FAA approval), while providing operators with certainty regarding the LOV applicable to their airplanes.

We issued AD 2016–12–09, Amendment 39–18558 (81 FR 38573, June 14, 2016) (''AD 2016–12–09''), for certain Airbus Model A330–200, –200 Freighter, and –300 series airplanes, and Model A340–200 and –300 series airplanes. AD 2016–12–09 was prompted by reports that cracks were found on an adjacent hole of certain frames of the center wing box (CWB). AD 2016–12–09 requires removing fasteners, doing a rototest inspection of fastener holes, installing new fasteners, oversizing the holes and doing rototest inspections for cracks if necessary, and repairing any cracking that was found. We issued AD 2016–12–09 to detect and correct cracking on certain holes of the CWB, which could affect the structural integrity of the airplane.

Actions Since AD 2016–12–09 Was Issued

Since we issued AD 2016–12–09, an evaluation by the DAH indicates that the fastener holes at FR40 of the inside and outside CWB (above and below bottom skin) are subject to WFD.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017–0069, dated April 25, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for certain Airbus Model A330–200, –200 Freighter, and –300 series airplanes, and Model A340–200 and –300 series airplanes. The MCAI states:

> During accomplishment of A330 Airworthiness Limitation Item (ALI) task 57–11–04 on the rear fitting of the Frame (FR) 40 between stringers (STR) 38 and STR39 on both LH [left-hand] and RH [right-hand] sides of the fuselage, cracks were found on an adjacent hole. After reaming at second oversize of the subject hole, the crack was still present. As a result of a sampling inspection program, additional crack findings were reported on this adjacent hole on other A330 and A340 aeroplanes.
>
> This condition, if not detected and corrected, could affect the structural integrity of the centre fuselage of the aeroplane.
>
> Prompted by these findings, EASA issued AD 2014–0149 [which corresponds to FAA AD 2016–12–09] to require removal of the fasteners and repetitive Special Detailed Inspection (SDI) of fastener holes at FR40 vertical web above or below Centre Wing Box (CWB) lower panel reference on both LH and RH sides of the fuselage, and, depending on findings, accomplishment of the applicable corrective actions. That [EASA] AD excluded certain aeroplanes from the Applicability, on which Airbus modification (mod) 55792 or mod 55306 had been embodied in production.
>
> Since EASA AD 2014–0149 was issued, prompted by complementary fatigue analyses correlated with in-service findings, Airbus published Service Bulletin (SB) A330–57–3115 Revision 01 and SB A340–57–4124 Revision 02, which introduced revised thresholds and intervals for the repetitive inspections of the inside CWB (above bottom skin), and an alleviation of the number of holes to be inspected, for post-mod 44360 and pre-mod 55306 configuration aeroplanes.
>
> In addition, for aeroplanes in post-mod 44360, post-mod 55306 and pre-mod 205225 configuration, Airbus developed mod 206051, introducing reinforcement of the structural integrity of the inside CWB (above bottom skin) area, and published associated Airbus SB A330–57–3129 and SB A340–57–4136, as applicable, which avoids the need for required repetitive inspections for the inside of the CWB.
>
> Finally, Airbus published SB A330–57–3116 Revision 01 and SB A330–57–4125 Revision 01, as applicable, to expand their Effectivity to include aeroplanes in post-mod 44360 and post-mod 49202 configuration for inspections of the outside CWB (below bottom skin), and introduced revised thresholds and intervals for the repetitive inspections of the outside CWB, and to provide an alleviation of the number of holes to be inspected. The repetitive inspection program for aeroplanes in pre-mod 44360 configuration remains unchanged.
>
> For the reasons described above, this [EASA] AD partially retains the requirements of EASA AD 2014–0149, which is superseded, and requires new repetitive inspections of the fastener holes at FR40 of the inside and the outside CWB (above and below bottom skin), and the implementation of the modification of the inside CWB, as terminating action of the repetitive SDI.

Required actions also include oversizing certain holes, installing new fasteners, and repairing any cracking that is found.

The compliance times for the inspections range depending on airplane operation and utilization. The earliest initial flight-cycle compliance time is 13,500 flight cycles. The earliest initial flight-hour compliance time is 57,000 flight hours. The latest initial flight-cycle compliance time is 30,900 flight cycles. The latest initial flight-hour compliance time is 162,000 flight hours. The earliest repetitive flight-cycle compliance time is 5,950 flight cycles. The earliest repetitive flight-hour compliance time is 24,300 flight hours. The latest repetitive flight-cycle compliance time is 7,400 flight cycles. The latest repetitive flight-hour compliance time is 40,400 flight hours. You may examine the MCAI in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0113.

Related Service Information Under 1 CFR Part 51

Airbus has issued the following service information. This service information describes procedures for removing the fasteners and doing a repetitive rototest inspection of fastener holes at FR40 vertical web on both sides, checking for the existence of a repair done as specified by a repair design approval sheet (RDAS), installing new fasteners in transition fit, oversizing the holes, and repairing any crack found. This service information is distinct because it applies to different airplane models and configurations.

- Airbus Service Bulletin A330–57–3114, Revision 01, dated January 13, 2017.
- Airbus Service Bulletin A330–57–3115, Revision 01, including Appendices 01 and 02, dated November 23, 2016.
- Airbus Service Bulletin A330–57–3116, Revision 01, including Appendices 01 and 02, dated November 23, 2016.
- Airbus Service Bulletin A340–57–4123, Revision 01, dated January 13, 2017.
- Airbus Service Bulletin A340–57–4124, Revision 02, including Appendices 01 and 02, dated November 23, 2016.
- Airbus Service Bulletin A340–57–4125, Revision 01, including Appendices 01 and 02, dated November 23, 2016.

Airbus has also issued the following service information. This service information describes procedures for modification of certain fastener holes. The modification includes a rotating probe inspection for cracking, related investigative actions (checks of the hole diameter), and corrective actions (repair). This service information is distinct because it applies to different airplane models and configurations.

- Airbus Service Bulletin A330–57–3129, dated October 5, 2016.
- Airbus Service Bulletin A330–57–3130, dated November 23, 2016.
- Airbus Service Bulletin A330–57–3131, dated November 23, 2016.
- Airbus Service Bulletin A330–57–3132, including Appendices 01 and 02, dated November 23, 2016.
- Airbus Service Bulletin A340–57–4136, dated October 5, 2016.
- Airbus Service Bulletin A340–57–4137, dated November 23, 2016.
- Airbus Service Bulletin A340–57–4138, dated November 23, 2016.
- Airbus Service Bulletin A340–57–4139, including Appendices 01 and 02, dated November 23, 2016.

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

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of these same type designs.

Explanation of a Certain Compliance Time

The compliance time for the replacement specified in this proposed AD for addressing WFD was established to ensure that discrepant structure is replaced before WFD develops in airplanes. Standard inspection techniques cannot be relied on to detect WFD before it becomes a hazard to flight. We will not grant any extensions of the compliance time to complete any AD-mandated service bulletin related to WFD without extensive new data that would substantiate and clearly warrant such an extension.

Costs of Compliance

We estimate that this proposed AD affects 99 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection (retained actions from AD 2016–12–09) (35 airplanes).	78 work-hours × $85 per hour = $6,630 per inspection cycle.	$0	$6,630 per inspection cycle.	$232,050 per inspection cycle.
Inspection (new proposed action) (99 airplanes).	Up to 257 work-hours × $85 per hour = $21,845 per inspection cycle.	$0	Up to $21,845 per inspection cycle.	Up to $2,162,655 per inspection cycle.
Modification (new proposed action) (Up to 99 airplanes).	Up to 136 work-hours × $85 per hour = $11,560.	Up to $1,070	Up to $12,630	Up to $1,250,370.

We estimate the following costs to do any necessary on-condition actions that would be required based on the results of the proposed inspection. We have no way of determining the number of aircraft that might need these actions:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Oversize, installation, and inspection	Up to 105 work-hours × $85 per hour = $8,925	Up to $21,560	Up to $30,485.

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

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in ''Subtitle VII, Part A, Subpart III, Section 44701: General requirements.'' Under that section, Congress charges the FAA with

promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

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

Regulatory Findings

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

For the reasons discussed above, I certify this proposed regulation:

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

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

3. Will not affect intrastate aviation in Alaska; and

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2016–12–09, Amendment 39–18558 (81 FR 38573, June 14, 2016), and adding the following new AD:

Airbus: Docket No. FAA–2018–0113; Product Identifier 2017–NM–060–AD.

(a) Comments Due Date

We must receive comments by April 12, 2018.

(b) Affected ADs

This AD replaces AD 2016–12–09, Amendment 39–18558 (81 FR 38573, June 14, 2016) (''AD 2016–12–09'').

(c) Applicability

This AD applies to the Airbus airplanes identified in paragraphs (c)(1) through (c)(5) of this AD, certificated in any category, all manufacturer serial numbers, except those on which Airbus Repair Instructions R57115092 have been embodied in service on both right-hand (RH) and left-hand (LH) sides.

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

(2) Model A330–223F and –243F airplanes.

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

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

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

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Reason

This AD was prompted by reports that cracks were found on an adjacent hole of certain frames of the center wing box (CWB). We are issuing this AD to detect and correct cracking of certain holes of certain frames of the CWB, which could affect the structural integrity of the airplane.

(f) Compliance

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

(g) Service Information

(1) For the actions required by paragraphs (h), (i), and (j) of this AD, use the applicable service information specified in paragraphs (g)(1)(i) through (g)(1)(vi) of this AD.

(i) Airbus Service Bulletin A330–57–3114, Revision 01, dated January 13, 2017 (CWB inspection area: Below) (for Model A330–300 series airplanes in pre-modification 44360 configuration).

(ii) Airbus Service Bulletin A330–57–3115, Revision 01, including Appendices 01 and 02, dated November 23, 2016 (CWB inspection area: Above) (for Model A330–200 and –300 series airplanes in pre-modification 55306 and pre-modification 55792 configuration).

(iii) Airbus Service Bulletin A330–57–3116, Revision 01, including Appendices 01 and 02, dated November 23, 2016 (CWB inspection area: Below) (for Model A330–200 and –300 series airplanes in post-modification 44360 configuration).

(iv) Airbus Service Bulletin A340–57–4123, Revision 01, dated January 13, 2017 (CWB inspection area: Below) (for Model A340–200 and –300 series airplanes in pre-modification 44360 configuration).

(v) Airbus Service Bulletin A340–57–4124, Revision 02, including Appendices 01 and 02, dated November 23, 2016 (CWB inspection area: Above) (for Model A340–200 and –300 series airplanes in pre-modification 55306 and pre-modification 55792 configuration).

(vi) Airbus Service Bulletin A340–57–4125, Revision 01, including Appendices 01 and 02, dated November 23, 2016 (CWB inspection area: Below) (for Model A340–200 and –300 series airplanes in post-modification 44360 configuration).

(2) For the modification required by paragraph (o)(1) of this AD, use the applicable service information specified in paragraphs (g)(2)(i) through (g)(2)(vi) of this AD.

(i) Airbus Service Bulletin A330–57–3130, dated November 23, 2016 (for Model A330–200 and –300 series airplanes in post-modification 44360, post-Airbus Service Bulletin A330–57–3131, and pre-modification 49202 configuration).

(ii) Airbus Service Bulletin A330–57–3131, dated November 23, 2016 (for Model A330–200 and –300 series airplanes in post-modification 44360 and pre-modification 55306 configuration).

(iii) Airbus Service Bulletin A330–57–3132, including Appendices 01 and 02, dated November 23, 2016 (for Model A330–200 and –300 series airplanes in post-modification 44360 configuration).

(iv) Airbus Service Bulletin A340–57–4137, dated November 23, 2016 (for Model A340–200 and –300 series airplanes in post-modification 44360, post-Airbus Service Bulletin A340–57–4138, and pre-modification 49202 configuration).

(v) Airbus Service Bulletin A340–57–4138, dated November 23, 2016 (for Model A340–200 and –300 series airplanes in post-modification 44360 and pre-modification 55306 configuration).

(vi) Airbus Service Bulletin A340–57–4139, including Appendices 01 and 02, dated November 23, 2016 (for Model A340–200 and –300 series airplanes in post-modification 44360 configuration).

(h) Repetitive Inspections and Certain Repairs

Except as specified in paragraphs (l)(2), (l)(3), (p) of this AD: Before exceeding the applicable threshold specified in paragraph 1.E., ''Compliance'' of the applicable service information specified in paragraph (g)(1) of this AD, or within the compliance time specified in table 1 to paragraph (h) of this AD, whichever occurs later; remove the fasteners and accomplish a special detailed inspection (SDI) of the fastener holes at frame (FR) 40 vertical web, on both LH and RH sides, of the affected CWB lower panel area, and, as applicable, check for the existence of a repair done as specified by a repair design approval sheet (RDAS), in accordance with the Accomplishment Instructions of the

applicable service information specified in paragraph (g)(1) of this AD, and if any RDAS repair is found before further flight, repair 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. Repeat the SDI thereafter at the applicable intervals specified in paragraph 1.E., ''Compliance,'' of the applicable service information identified in paragraph (g)(1) of this AD.

Table 1 to Paragraph (h) of this AD – *Compliance Times*

Airplane Model (configuration)	CWB Area	Compliance Time
A330 (pre-modification 44360)	Below	Within 2,400 flight cycles or 24 months, whichever occurs first after June 29, 2016 (the effective date of AD 2016-12-09)
A340 (pre-modification 44360)	Below	Within 1,300 flight cycles or 24 months, whichever occurs first after June 29, 2016 (the effective date of AD 2016-12-09)
A330 and A340 (post-modification 44360)	Below	Within 18 months after the effective date of this AD
A330 and A340 (pre-modification 55306)	Above	Within 18 months after the effective date of this AD

(i) Follow-On Actions: No Cracking

If no crack is found during any inspection required by paragraph (h) of this AD: Before further flight, install new fasteners in the transition fit, in accordance with the Accomplishment Instructions of the applicable service information specified in paragraph (g)(1) of this AD.

(j) Follow-On Actions: Cracking

If any crack is found during any inspection required by paragraph (h) of this AD: Before further flight, oversize the holes to the first oversize in comparison with the current hole diameter, and do an SDI for cracks, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g)(1) of this AD.

(1) If no cracking is found during the SDI required by the introductory text of paragraph (j) of this AD: Before further flight, install new fasteners in the transition fit, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g)(1) of this AD.

(2) If any cracking is found during the SDI required by the introductory text of paragraph (j) of this AD: Before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(k) No Reporting Required

Although the applicable service information specified in paragraph (g)(1) of this AD specifies to submit certain information to the manufacturer, and specifies that action as ''RC'' (Required for Compliance), this AD does not include that requirement.

(l) Exceptions to Service Information

(1) Where the applicable service information identified in paragraphs (g) and (m) of this AD specifies contacting Airbus for appropriate action: Before further flight, repair using a method approved by the Manager, International Section, Transport Standards Branch, FAA; or EASA; or Airbus's EASA DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(2) Where paragraph 1.E., ''Compliance,'' of the applicable service information specified in paragraph (g)(1) of this AD specifies a compliance time in terms of a ''Threshold'' and ''Grace Period,'' this AD requires compliance at the later of the applicable threshold and grace period.

(3) When it is determined that no RDAS is found to exist for the FR40 area it is acceptable to accomplish the first SDI before exceeding the applicable threshold, instead of ''before next flight'', as specified in the applicable service information specified in paragraph (g)(1)(ii), (g)(1)(iii), (g)(1)(v) and (g)(1)(vi) of this AD.

(m) Modification for Airplanes in Post-Modification 55306 and Pre-Modification 205225 Configuration

For airplanes in post-modification 55306 and pre-modification 205225 configuration: Before exceeding the applicable compliance time specified in table 2 to paragraph (m) of this AD, as applicable, or within 18 months after the effective date of this AD, whichever occurs later; modify the inside CWB (above bottom skin), including doing a rotating probe inspection for cracking and all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of Airbus Service Bulletin A330–57–3129, dated October 5, 2016; or Airbus Service Bulletin A340–57–4136, dated October 5, 2016; as applicable; except as required by paragraph (l)(1) of this AD. Do all applicable related investigative and corrective actions before further flight.

Table 2 to Paragraph (m) of this AD – *CWB Modification*

Airplane Model	Compliance Time (flight hours [FH] or flight cycles [FC], whichever occurs first since airplane first flight)	Operation: Short-range (SR); Long-range (LR)*
A330-200 and A330-200F	36,908 FH or 10,545 FC	SR
	51,198 FH or 7,877 FC	LR
A330-300	32,475 FH or 9,941 FC	SR
	52,115 FH or 7,702 FC	LR
A340-300	27,627 FH or 6,907 FC	SR
	35,065 FH or 5,195 FC	LR
* Guidance for determining whether an airplane is operated in short-range or long-range operations can be found in Airbus Operator Information Telex 999.0086/11.		

(n) Terminating Action for Certain Airworthiness Limitation Item (ALI) Tasks

(1) Accomplishment on an airplane of the initial and repetitive inspections required by paragraph (h) of this AD terminates the requirements of ALI task 57–11–02 and task 57–11–04 of the applicable Airbus Airworthiness Limitation Section (ALS) Part 2, Damage Tolerant (DT) ALI, for that airplane.

(2) Modification of an airplane as required by paragraph (m) of this AD terminates the requirements of ALI task 57–11–02 of the applicable Airbus ALS Part 2, DT ALI, for that airplane.

(o) Terminating Action for Repetitive SDI Inspections

(1) Modification of a post-modification 44360 airplane by multiple cold working, including doing a rotating probe inspection for cracking and all applicable related investigative and corrective actions, in accordance with the Accomplishment Instructions of the applicable Airbus service information specified in paragraph (g)(2) of this AD, except as required by paragraph (l)(1) of this AD, constitutes terminating action for the repetitive SDI required by paragraph (h) of this AD for that airplane, provided the modification is accomplished within the applicable compliance times specified in the applicable Airbus service information specified in paragraph (g)(1) of this AD.

(2) If, during any inspection of a post-modification 44360 airplane, as required by paragraph (h) of this AD, a crack previously repaired by an Airbus RDAS is detected only on the LH or RH side, it is permitted to do the modification specified in paragraph (o)(1) of this AD on the non-repaired side. Doing the modification constitutes terminating action for the repetitive SDI required by paragraph (h) of this AD on the modified side only.

(p) Extension to Compliance Time for Certain Airplanes

For post-modification 44360 airplanes and pre-modification 55306 airplanes that have been inspected before the effective date of this AD as required by AD 2016–12–09: It is permitted to defer the next due inspection to 18 months after the effective date of this AD, provided the previous inspection interval, as applicable, depending on airplane configuration and utilization, as specified in the service information used in the previous inspection is not exceeded.

(q) Credit for Previous Actions

(1) This paragraph provides credit for the actions required by paragraphs (h) through (j) of this AD, if those actions were performed before the effective date of this AD using the applicable service information specified in paragraphs (q)(1)(i) through (q)(1)(vi) of this AD. This service information was incorporated by reference in AD 2016–09–11, Amendment 39–18509 (81 FR 27986, May 9, 2016).

(i) Airbus Service Bulletin A330–57–3114, dated March 12, 2013.

(ii) Airbus Service Bulletin A330–57–3115, April 4, 2013.

(iii) Airbus Service Bulletin A330–57–3116, dated March 12, 2013.

(iv) Airbus Service Bulletin A340–57–4123, dated March 12, 2013.

(v) Airbus Service Bulletin A340–57–4124, Revision 01, dated August 22, 2013.

(vi) Airbus Service Bulletin A340–57–4125, dated March 12, 2013.

(2) This paragraph provides credit for the actions required by paragraphs (h) through (j) of this AD, if those actions were performed before the effective date of this AD using Airbus Service Bulletin A340–57–4124, dated April 4, 2013. This service information is not incorporated by reference in this AD.

(3) This paragraph provides credit for the actions required by paragraphs (h) through (j) of this AD, if those actions were performed before the effective date of this AD using the applicable service information specified in paragraphs (q)(3)(i) through (q)(3)(viii) of this AD. This service information is not incorporated by reference in this AD.

(i) Airbus Technical Disposition LR57D11023270, Issue B, dated July 12, 2011.

(ii) Airbus Technical Disposition LR57D11029170, Issue C, dated September 6, 2011.

(iii) Airbus Technical Disposition LR57D11029171, Issue B, dated September 6, 2011.

(iv) Airbus Technical Disposition LR57D11029172, Issue B, dated September 6, 2011.

(v) Airbus Technical Disposition LR57D11029173, Issue B, dated September 6, 2011.

(vi) Airbus Technical Disposition LR57D11023714, Issue B, dated July 12, 2011.

(vii) Airbus Technical Disposition LR57D11030740, Issue C, dated September 22, 2011.

(viii) Airbus Technical Disposition LR57D11030741, Issue B, dated September 22, 2011.

(r) Other FAA AD Provisions

The following provisions also apply to this AD:

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

principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

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

(3) *Required for Compliance (RC):* Except as required by paragraphs (k) and (l)(1) of this AD: If any service information contains procedures or tests that are identified as RC, those procedures and tests must be done to comply with this AD; any procedures or tests that are not identified as RC are recommended. Those procedures and tests that are not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the procedures and tests identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to procedures or tests identified as RC require approval of an AMOC.

(s) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017–0069, dated April 25, 2017, for related information. This MCAI may be found in the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0113.

(2) For more information about this AD, contact, Vladimir Ulyanov, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone and fax: 206–231–3229.

(3) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAL, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone: +33 5 61 93 36 96; fax: +33 5 61 93 45 80; email: *airworthiness.A330-A340@airbus.com;* internet: *http://www.airbus.com.* You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Renton, Washington, on February 14, 2018.

Michael Kaszycki,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–03599 Filed 2–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1088; Airspace Docket No. 17–AWP–25]

Proposed Revocation of Class E Airspace; Crows Landing, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to remove Class E airspace extending upward from 1,200 feet above the surface at Crows Landing Airport, Crows Landing, CA. This airspace is wholly contained within the Sacramento en route airspace area and duplication is not necessary.

DATES: Comments must be received on or before April 12, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590; telephone: (800) 647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–1088; Airspace Docket No. 17–AWP–25, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION CONTACT: Tom Clark, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW, Renton, WA 98057; telephone (425) 203–4511.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it clarifies airspace designations by eliminating the redundancy.

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2017–1088; Airspace Docket No. 17–AWP–25) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for address and phone number). You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–1088, Airspace Docket No. 17–AWP–25''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the

internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays, at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW, Renton, WA 98057.

Availability and Summary of Documents for Incorporation by Reference

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

History

On June 20, 2017, the FAA published a final rule in the **Federal Register** (82 FR 27988) Docket No. FAA–2016–9476 establishing Class E en route airspace extending upward from 1,200 feet above the surface at Sacramento, CA. Afterwards, the FAA found that the airspace area for NASA Crows Landing, CA, is now contained within the en route airspace area for the Sacramento, CA, area. Therefore, the airspace designation for Crows Landing would be removed from FAA Order 7400.11B.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by removing Class E airspace extending upward from 1,200 feet above the surface at Crows Landing Airport, Crows Landing, CA. The existing airspace area designated for Crows Landing airport is wholly contained within the Sacramento en route airspace area, and duplication is not necessary.

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

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial and unlikely to result in adverse or negative comments. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

■ 1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

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

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

* * * * *

AWP CA E5 NASA Crows Landing, CA [Removed]

Issued in Seattle, Washington, on February 14, 2018.

Shawn M. Kozica,

Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–03659 Filed 2–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0865; Airspace Docket No. 17–ASO–19]

Proposed Amendment of Class D Airspace and Class E Airspace; Biloxi, MS, and Gulfport, MS

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace, Class E surface airspace, Class E airspace designated as an extension (by removing NOTAM part-time status), and Class E airspace extending upward from 700 feet above the surface at Keesler Air Force Base (AFB), Biloxi, MS, and Gulfport-Biloxi International Airport, (formerly Gulfport-Biloxi Regional Airport), Gulfport, MS. The geographic coordinates for these airports and the Keesler TACAN navigation aid would be adjusted in the associated Class D and E airspace to match the FAA's aeronautical database. Also, an editorial change would be made to the Class E extension airspace legal descriptions replacing ''Airport/Facility Directory'' with the term ''Chart Supplement'' for these airports. This action would enhance the safety and management of instrument flight rules (IFR) operations at these airports.

DATES: Comments must be received on or before April 12, 2018.

ADDRESSES: Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Bldg. Ground Floor, Rm. W12–140, Washington, DC 20590; telephone (800) 647–5527, or (202) 366–9826. You must identify the Docket No. FAA–2017–0865; Airspace Docket No. 17–ASO–19, at the beginning of your comments. You

may also submit and review received comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1700 Columbia Ave, College Park, Georgia 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace at Keesler AFB, Biloxi, MS, and Gulfport-Biloxi International Airport, Gulfport, MS, to support IFR operations at these airports.

Comments Invited

Interested persons are invited to comment on this rule by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–0865; Airspace Docket No. 17–ASO–19.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of the comments received. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 by amending Class D airspace and Class E airspace designated as an extension, at Keesler AFB, Biloxi, MS, and Gulfport-Biloxi International Airport (formerly Gulfport-Biloxi Regional Airport, Gulfport, MS), by removing the part-time Notice to Airmen (NOTAM) status of each airport.

This proposal also would amend the geographic coordinates of these airports and the Keesler TACAN navigation aid to be in concert with the FAA's aeronautical database.

This action also notes the airport name change of Gulfport-Biloxi International Airport from Gulfport-Biloxi Regional Airport.

Finally, this action would replace the term ''Airport/Facility Directory'' with the term 'Chart Supplement'' in the legal descriptions for Keesler AFB, and Gulfport-Biloxi International Airport, in Class D and Class E surface airspace.

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

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ASO MS D Biloxi, MS [Amended]

Keesler AFB, MS
(Lat. 30°24′38″ N, long. 88°55′28″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.2-mile radius of Keesler AFB, excluding the portion west of long. 89°00′00″ W. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

* * * * *

ASO MS D Gulfport, MS [Amended]

Gulfport-Biloxi International Airport, MS
(Lat. 30°24′26″ N, long. 89°04′12″ W)

That airspace extending upward from the surface to and including 2,500 feet MSL within a 4.5-mile radius of Gulfport-Biloxi International Airport; excluding that portion of airspace within the Biloxi, MS, Class D airspace area. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

ASO MS E2 Biloxi, MS [Amended]

Keesler AFB, MS
(Lat. 30°24′38″ N, long. 88°55′28″ W)

Within a 4.2-mile radius of Keesler AFB, excluding the portion west of long. 89°00′00″ W. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ASO MS E4 Biloxi, MS [Amended]

Keesler AFB, MS
(Lat. 30°24′38″ N, long. 88°55′28″ W)
Keesler TACAN
(Lat. 30°24′26″ N, long. 88°55′47″ W)

That airspace extending upward from the surface within 1.4 miles each side of the Keesler TACAN 204° radial, extending from the 4.2-mile radius of Keesler AFB to 6 miles southwest of the TACAN.

* * * * *

ASO MS E4 Gulfport, MS [Amended]

Gulfport-Biloxi International Airport, MS
(Lat. 30°24′26″ N, long. 89°04′12″ W)
Gulfport VORTAC
(Lat. 30°24′25″ N, long. 89°04′36″ W)

That airspace extending upward from the surface within 3.3 miles each side of Gulfport VORTAC 130° and 322° radials, extending from the 4.5-mile radius of Gulfport-Biloxi International Airport to 7 miles southeast and northwest of the VORTAC; excluding that portion within the Biloxi, MS, Class D and E airspace areas.

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

* * * * *

ASO MS E5 Gulfport, MS [Amended]

Gulfport-Biloxi International Airport, MS
(Lat. 30°24′26″ N, long. 89°04′12″ W)
Keesler AFB
(Lat. 30°24′38″ N, long. 88°55′28″ W)
Keesler TACAN
(Lat. 30°24′26″ N, long. 88°55′47″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Gulfport-Biloxi International Airport and within a 6.5-mile radius of Keesler AFB and within 2 miles each side of Keesler TACAN 204° radial, extending from the 6.5-mile radius to 10.6 miles southwest of the TACAN.

Issued in College Park, Georgia, on February 14, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–03660 Filed 2–23–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1195; Airspace Docket No. 17–AEA–24]

Proposed Amendment of Class D Airspace and Class E Airspace; Erie, PA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class D airspace, Class E surface airspace, and Class E airspace designated as an extension to a Class D surface area, by updating the name to Erie International Airport/Tom Ridge Field, Erie, PA. This action also proposes to amend Class E airspace extending upward from 700 feet above the surface in Erie, PA, by updating the name to St. Vincent Health Center Heliport. This action also would update the geographic coordinates of the airport and heliport, and would replace the outdated term ''Airport/Facility Directory'' with the term ''Chart Supplement'' in the legal descriptions of associated Class D and E airspace to match the FAA's aeronautical database.

DATES: Comments must be received on or before April 12, 2018.

ADDRESSES: Send comments on this proposal to: U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590; telephone (800) 647–5527 or (202) 366–9826. You must identify the Docket No. FAA–2017–1195; Airspace Docket No. 17–AEA–24, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, Atlanta, Georgia 30337; telephone (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class D and Class E airspace at Erie International Airport/Tom Ridge Field and St Vincent Health Center Heliport, Erie, PA, to support IFR operations at the airport.

Comments Invited

Interested persons are invited to comment on this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (Docket No. FAA–2017–1195 and Airspace Docket No. 17–AEA–24) and be submitted in triplicate to DOT Docket Operations (see **ADDRESSES** section for the address and phone number.) You may also submit comments through the internet at *http://www.regulations.gov.*

Persons wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2017–1195; Airspace Docket No. 17–AEA–24.'' The postcard will be date/time stamped and returned to the commenter.

All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this document may be changed in light of the comments received. All comments submitted will be available for examination in the public docket both before and after the comment closing date. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *http://www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined between 8:00 a.m. and 4:30 p.m., Monday through Friday, except federal holidays at the office of the Eastern Service Center, Federal Aviation Administration, Room 350, 1701 Columbia Avenue, College Park, GA 30337.

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 to amend Class D airspace, Class E surface airspace, and Class E airspace designated as an extension to a Class D surface area, by updating the airport name to Erie International Airport/Tom Ridge Field (formerly Erie International Airport). The geographic coordinates also would be amended to be in concert with the FAA's aeronautical database. Additionally, this action would make an editorial change to the airspace legal description replacing ''Airport/Facility Directory'' with ''Chart Supplement''.

This action also would amend Class E airspace extending upward from 700 feet above the surface by updating the heliport name to St. Vincent Health Center Heliport (formerly Life Star Base Heliport), Erie, PA. These changes would enhance the safety and management of IFR operations at the airport and heliport. In addition, this action would remove extension information from the Class E surface airspace description of the airport, as it duplicates the Class E airspace designated as an extension to a Class D surface area description, which is now continuous.

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

Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

AEA PA D Erie, PA [Amended]

Erie International Airport/Tom Ridge Field, PA
(Lat. 42°04′59″ N, long. 80°10′26″ W)
Erie VORTAC
(Lat. 42°01′03″ N, long. 80°17′34″ W)

That airspace extending upward from the surface to and including 3,200 feet MSL within a 4.2-mile radius of Erie International Airport/Tom Ridge Field. This Class D airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Surface Area Airspace.

* * * * *

AEA PA E2 Erie, PA [Amended]

Erie International Airport/Tom Ridge Field, PA
(Lat. 42°04′59″ N, long. 80°10′26″ W)
Erie VORTAC
(Lat. 42°01′03″ N, long. 80°17′34″ W)

That airspace extending upward from the surface within a 4.2-mile radius of Erie International Airport/Tom Ridge Field. This Class E airspace area is effective during the specific days and times established in advance by a Notice to Airmen. The effective days and times will thereafter be continuously published in the Chart Supplement.

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

* * * * *

AEA PA E4 Erie, PA [Amended]

Erie International Airport/Tom Ridge Field, PA
(Lat. 42°04′59″ N, long. 80°10′26″ W)
Erie VORTAC
(Lat. 42°01′03″ N, long. 80°17′34″ W)

That airspace extending upward from the surface extending northeast of the Erie International Airport/Tom Ridge Field 4.2-mile radius from within 4 miles northwest of the Erie VORTAC 054° radial to 3.5 miles southeast of the Erie ILS localizer northeast course then extending southwest from a point located along the Erie localizer northeast course 9.2 miles NE of lat. 42°07′30″ N, long. 80°05′36″ W, to the 4.2-mile radius of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen.

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

* * * * *

AEA PA E5 Erie, PA [Amended]

Erie International Airport/Tom Ridge Field, PA
(Lat. 42°04′59″ N, long. 80°10′26″ W)
St. Vincent Health Center Heliport, PA
(Lat. 42°06′43″ N, long. 80°04′51″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Erie International Airport/Tom Ridge Field, and within 4.4 miles each side of the 054° bearing from the airport extending from the 6.7-mile radius to 14 miles northeast of the airport and within a 6-mile radius of St. Vincent Health Center Heliport.

Issued in College Park, Georgia, on February 14, 2018.

Ryan W. Almasy,

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

[FR Doc. 2018–03655 Filed 2–23–18; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 700, 720, 723, 725, 790, and 791

[EPA–HQ–OPPT–2016–0401; FRL–9974–31]

RIN 2070–AK27

User Fees for the Administration of the Toxic Substances Control Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: As permissible under section 26(b) of the Toxic Substances Control Act (TSCA or the Act), the Environmental Protection Agency (EPA or the Agency) is proposing to set user fees applicable to any person required to submit information to EPA under the TSCA section 4 or a notice, including an exemption or other information, to be reviewed by the Administrator under TSCA section 5, or who manufactures (including imports) a chemical substance that is the subject of a risk evaluation under TSCA section 6(b). This notice of proposed rulemaking provides a description of proposed TSCA fees and fee categories for fiscal years 2019, 2020, and 2021, and explains the methodology by which the proposed TSCA user fees were determined and would be determined for subsequent fiscal years. In proposing these new TSCA user fees, the Agency also proposes amending long standing user fee regulations governing the review of premanufacture notices, exemption applications and notices, and significant new use notices. After implementation of final TSCA user fees regulations, certain manufacturers and processors would be required to pay a prescribed fee for each notice, exemption application and data set submitted or chemical substance subject to a risk evaluation in order for EPA to recover certain costs associated with carrying out certain work under TSCA. With this action, EPA is also proposing standards for determining which persons qualify as small business concerns and thus would be subject to lower fee payments.

DATES: Comments must be received on or before April 27, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2016–0401, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Mark Hartman, Immediate Office, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202)

564–3810; email address: *hartman.mark@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be affected by this action if you manufacture (including import), distribute in commerce, or process a chemical substance (or any combination of such activities) and are required to submit information to EPA under TSCA sections 4 or 5 or if you manufacture a chemical substance that is the subject of a risk evaluation under TSCA section 6(b). The following list of North American Industry Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include companies found in major NAICS groups:

- Chemical Manufacturers (NAICS code 325),
- Petroleum and Coal Products (NAICS code 324), and
- Chemical, Petroleum and Merchant Wholesalers (NAICS code 424).

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

The Toxic Substances Control Act (TSCA), 15 U.S.C. 2601 *et seq.,* as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. 114–182) (Ref. 1), provides EPA with authority to establish fees to defray a portion of the costs associated with administering TSCA sections 4, 5, and 6, as amended, as well as the costs of collecting, processing, reviewing, and providing access to and protecting information about chemical substances from disclosure as appropriate under TSCA section 14. EPA is proposing this rule under TSCA section 26(b), 15 U.S.C. 2625(b).

C. What action is the Agency taking?

Pursuant to TSCA section 26(b), EPA is proposing to establish and collect fees from certain manufacturers (including importers) and processors to defray some of the Agency costs related to activities under TSCA sections 4, 5, 6 and 14. EPA is requesting comment on its proposed user fees and the methodology used for determining the amounts. EPA is also proposing and taking comment on standards for determining which persons qualify as small business concerns and thus would be subject to lower fee payments. Paragraph 4 of TSCA section 26(b) requires that EPA, in setting fees, establish lower fees for small businesses.

D. Why is the Agency taking this action?

The 2016 amendments to TSCA authorize EPA to establish fees to defray some of the costs of administering certain provisions of the law. The TSCA Service Fee Fund (the Fund) in the U.S. Treasury will hold funds to defray some of the costs of administering TSCA sections 4, 5, and 6 and of ''collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate'' information on chemical substances under TSCA section 14. The Agency proposes to collect payment from manufacturers and processors, as appropriate, who: Are required to submit information under TSCA section 4; submit a notice, exemption application, or other information under TSCA section 5; and who manufacture a chemical substance that is the subject of a risk evaluation under TSCA section 6(b). These fees are intended to achieve the goals articulated by Congress to provide a sustainable source of funds for EPA to fulfill its legal obligations to conduct activities such as risk-based screenings, designation of applicable substances as High- and Low-Priority, conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, requiring testing of chemical substances and mixtures, and evaluating and reviewing manufacturing and processing notices, as required under TSCA sections 4, 5 and 6, as well as management of chemical information under TSCA section 14.

E. What are the estimated incremental impacts of this action?

EPA has evaluated the potential incremental economic impacts of this action. The Agency analyzed a three-year period, since the statute requires EPA to reevaluate and adjust, as necessary, the fees every three years. The Economic Analysis (Ref. 2), which is available in the docket, is briefly summarized here and discussed in more detail in Unit IV.

The annualized fees collected from industry for the proposed option (identified as Option C in the Economic Analysis (Ref. 2)), are approximately $20.05 million. This total does not include the fees collected for manufacturer-requested risk evaluations. Total fee collections were calculated by multiplying the estimated number of actions per fee category anticipated each year, by the corresponding proposed fee. For the proposed option, TSCA section 4 fees account for less than one percent of the total fee collection, TSCA section 5 fees for approximately 43 percent, and TSCA section 6 fees for approximately 56 percent. Annual fees collected by EPA are expected to total approximately $20.05 million.

Under the proposed option, the total fees collected from industry for a risk evaluation requested by manufactures are estimated to be $1.3 million for chemicals included in the Work Plan and $2.6 million for chemicals not included in the Work Plan.

EPA estimates that 18.5 percent of TSCA section 5 submissions will be from small businesses that are eligible to pay discounted fees because they have average annual sales of less than $91 million in the three preceding years. Total annualized fees for TSCA section 5 collected from small businesses are estimated to be $550,000 (Ref. 2).

For TSCA sections 4 and 6, discounted fees for eligible small businesses and fees for all other affected firms may differ over the three-year period that was analyzed, since the fee paid by each firm is dependent on the number of affected firms per action. Based on past TSCA section 4 actions and data related to the first ten chemicals identified for risk evaluations under TSCA as amended, EPA estimates annualized fees collected from small businesses for TSCA section 4 and TSCA section 6 to be approximately $37,000 and $2.6 million, respectively.

EPA estimates that total fees paid by small businesses will account for about 16 percent of the approximately $20.05 million fees to be collected for TSCA sections 4, 5, and 6 actions. The annualized total industry fee collection for small businesses is estimated to be approximately $3.2 million.

F. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, information so marked will not be disclosed except in accordance with

procedures set forth in 40 CFR part 2. A copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket.

2. *Tips for preparing your comments.* When preparing, and submitting your comments, see the commenting tips at *http://www.epa.gov/dockets/comments.html.*

II. Background

A. History of Fees Under TSCA

In 1976, TSCA section 26(b) provided EPA with authority to require, by rule, the payment of fees by persons required to submit data under TSCA sections 4 and 5. TSCA section 26(b) capped the maximum fees for small business at $100 and fees for all other entities at $2,500. It was not until the Agency published a final a rule in 1988 that EPA began requiring and collecting fees from manufacturers and processors to pay for premanufacture notices (PMNs), and other submissions under TSCA section 5. Although authorized under the statute, the Agency has not historically collected fees for data submitted under TSCA section 4 and no TSCA section 4 fees rule was ever promulgated by EPA.

Since 1988, with regard to submissions by small business concerns, the Agency has collected $100 for each TSCA section 5 PMN, consolidated PMN, significant new use notice (SNUN), and certain exemption applications and notices. For submissions by all other manufacturers or processors, EPA has collected $2,500 for each TSCA section 5 PMN, and consolidated PMN notices other than intermediate PMNs, SNUNs and certain exemption applications and notices and $1,000 for intermediate PMNs. These fees were set prior to the June 2016 amendments to TSCA and do not reflect the current cost of administering the TSCA sections associated with these submissions. In the past several fiscal years, EPA has consistently generated approximately $1.1 million annually in fee revenue. The fees go to the General Fund of the U.S. Treasury and do not defray EPA's costs. With the finalization of the TSCA User Fees rule, EPA's annually appropriated funds will be supplemented with the user fees to cover some of the costs of administering TSCA, including the costs incurred by the Agency in addressing additional requirements imposed by the June 2016 amendments.

B. Recent Amendments to TSCA

On June 22, 2016, the ''Frank R. Lautenberg Chemical Safety for the 21st Century Act'' was signed into law, amending numerous sections of TSCA. The amendments give EPA improved authority to take actions to protect people and the environment from the effects of chemicals. The amendments also expand EPA's existing TSCA fee authority and allow the Agency to establish and collect fees sufficient to defray some of the costs of administering certain TSCA requirements.

The amendments remove the $100 cap on fees collected from small businesses and the $2,500 cap on fees from other manufacturers and processors. Instead, the amendments require that, if fees are established for work under TSCA sections 4, 5 and/or 6, the Agency set lower fees for small business concerns and establish the fees so that they are designed to collect 25% of the Agency's costs to carry out work under section 4, 5, 6 and 14 of the Act or $25,000,000, whichever is lower. In addition, in the case of a manufacturer-requested risk evaluation, the Agency is authorized to establish fees sufficient to defray 50% of the costs associated with conducting a manufacturer-requested risk evaluation on a chemical included in the *TSCA Work Plan for Chemical Assessments: 2014 Update,* and the full costs of conducting a manufacturer-requested risk evaluation for all other chemicals. The amendments also authorize fee revenue to be deposited into a new TSCA Service Fee Fund. This is intended to ensure that resources are made available to the Agency to defray some of the costs that EPA incurs in carrying out activities under section 4, 5, 6 and 14 of TSCA.

Currently, fees are only collected for certain submissions under section 5 of TSCA. These fees are established in 40 CFR 700.45. Under the Lautenberg Act's amendments to TSCA, EPA has authority to require payment from manufacturers and processors who:

- Are required to submit information by test rule, test order or enforceable consent agreement (TSCA section 4);
- Submit notification of or information related to intent to manufacture a new chemical or significant new use of a chemical (TSCA section 5);
- Manufacture or process a chemical substance that is subject to a risk evaluation, including a risk evaluation conducted at the request of a manufacturer (TSCA section 6(b)).

Beginning in fiscal year 2019 (October 1, 2018 through September 30, 2019), EPA is required to adjust fees, as necessary, every three years to reflect inflation and ensure that fees are sufficient to collect 25% of the costs to the Agency in administering sections 4, 5, 6 and 14 of the Act. Before establishing new fees or revising any existing fees, the Agency is required to consult with manufacturers and processors, or their representatives.

Additional information on the new law is available on EPA's website at *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/frank-r-lautenberg-chemical-safety-21st-century-act.*

C. Stakeholder Involvement

Prior to this notice of proposed rulemaking, EPA engaged with members of the public (or their representatives) potentially subject to the fees. The Agency held a public meeting and webinar on August 11, 2016, and an industry-specific consultation meeting and webinar on September 13, 2016, in accordance with TSCA section 26(b)(4)(E). The Agency sought comments from industry on various aspects of the proposed rulemaking, including the amendment of existing TSCA section 5 fees, the establishment of new fees for TSCA sections 4 and 6 activities, and small business considerations. As part of EPA's efforts to consult with industry on the proposed fees and the methodology for establishing the fees, the Agency also opened a docket and collected written comments from stakeholders. To view the comments received prior to this notice of proposed rulemaking, go to *http://www.regulation.gov* and search for docket number: EPA–HQ–OPPT–2016–0401.

The commenters included representatives from industry, trade associations, and an environmental group and provided a diversity of perspectives. Overall, there was a general expression of support for the new law, for ensuring that the Agency has the funding necessary to implement the requirements of the recent amendments to TSCA, and for EPA's inclusive approach for gathering industry input into the setting of fees. Most of the commenters expressed support for a fair, simple, and efficient fee structure. The majority of commenters also expressed support for industry consortia-based management of fee collection for TSCA sections 4 and 6 activities.

EPA sought input from industry on the relative apportionment of fees that should be assessed for administering TSCA sections 4, 5, and 6 activities and on the factors that the Agency should consider when structuring the fees. All industry commenters recommended that fees be assessed based on the level of effort required of EPA for undertaking

the activity supported by the fee. A number of commenters opposed assessment of fees under TSCA section 4. Others indicated a willingness to accept nominal fees under TSCA section 4 or fees solely to account for EPA's effort in reviewing submissions. Many commenters expressed concern that higher fees imposed on bringing new chemicals to market (*i.e.,* TSCA section 5 submissions) could create an economic barrier to innovation. Several commenters recommended that the bulk of the fees the rule establishes should be from manufacturers and processors of chemicals subject to risk evaluation under TSCA section 6.

The Agency also sought comment from industry on lower fees for small businesses. Many trade associations reaffirmed the need for lower fees for small businesses. All commenters that mentioned small businesses recommended that the TSCA definition of a small business be updated, though there was diverse opinion on how; recommendations included an inflation-adjusted, revenue-based standard and an employee-based definition.

EPA considered all of these comments in the development of the proposed rule. EPA welcomes comment from stakeholders on all aspects of the Agency's proposed fee structure during the public comment period opened with this document.

D. Federal User Fee Design Guidance

EPA also looked to federal user fee guidance in designing the proposed TSCA user fees. Office of Management and Budget Circular A–25 on User Charges (Ref. 3) and the GAO User Fees Design Guide (Ref. 4) contain information that is relevant to the administrative processes of setting, revising, collecting, and administration of fees. As EPA discusses its rationale for setting the TSCA fees in the remainder of this preamble, the Agency will rely on the policies and principles identified in these two federal guidance documents. Circular A–25 explains, for executive agencies, the scope and type of activities subject to user fee charges and the basis on which user fees should be set. EPA followed the Circular A–25 guidance in identifying the relevant direct and indirect costs to be recovered by user fees including, but not limited to, an appropriate share of personnel costs, including salaries and fringe benefits; management and supervisory costs; costs of research, establishment of standards and regulations; physical overhead; and other indirect costs including supply costs and travel.

The Agency plans to periodically review the user fees to provide assurance that existing charges are adjusted to reflect unanticipated changes in costs, and plans to readjust, as necessary, the fees to account for these changes, as well as inflation. TSCA 26(b)(4)(F) sets the readjustment schedule at three year intervals. As required in TSCA section 26 and discussed in the GAO Guide, parties potentially subject to fees or their representatives will be consulted and asked to provide input when the fees are reviewed and updated to reflect changes in program costs.

The Agency is proposing a process by which TSCA user fees would be established for fiscal year 2019 through 2022 and then adjusted for inflation every three years, beginning in fiscal year 2022, based on applicable Producer Price Index (PPI) values available from the U.S. Department of Labor. Fees for fiscal year 2022 and later would be calculated by multiplying each fee identified for fiscal years 2019 through 2021 by the most current PPI value available at the beginning of the three-year adjustment period, beginning with October 1, 2021. EPA would provide public notice of the inflation-adjusted fee amounts most likely through posting to the Agency's web page by the beginning of each three-year fee adjustment cycle (*i.e.,* October 1, 2021, October 1, 2024, etc.). The Agency may also identify the need to update program costs underlying the fee amounts, and/or propose any changes to the fees beside adjustment for inflation. The Agency will initiate industry consultation as required under TSCA 26(b)(4)(E) in either case and provide public notice for any fee changes based on inflation. EPA expects to undertake notice and comment rulemaking for more substantial changes to the fees. EPA seeks comment on this approach for readjusting fees every three years.

III. Detailed Discussion of the Proposed Rule

EPA is proposing to establish and collect fees from manufacturers and processors of chemical substances pursuant to TSCA section 26(b). As discussed previously in Unit II.A., EPA currently collects fees for PMNs, certain PMN exemption applications and notices, and SNUNs submitted under TSCA section 5. The Agency is proposing to expand the categories of activities for which fees are collected and increase the amount of fees required for certain activities under TSCA sections 4, 5 and 6. This proposal lays out the fee categories and payment amounts that the Agency believes are both reasonable and appropriate to begin collecting in fiscal year 2019; they are intended to provide a sustainable source of funds to defray approximately 25 percent of the costs to carry out the activities specified in TSCA section 26(b), as well as 50% or 100% of the costs of risk evaluations requested by manufacturers, depending on the chemical.

Because EPA will not begin collecting fees until fiscal year 2019, EPA believes it is appropriate to look to TSCA section 26(b)(4)(F) for the parameters which must be applied for setting fees. TSCA section 26(b)(4)(F) requires EPA, ''beginning with the fiscal year that is 3 years after the date of enactment [June 22, 2016],'' to adjust fees as necessary so they are sufficient to defray approximately 25 percent of the costs to carry out the activities of TSCA sections 4, 5, 6 and 14, other than the costs of manufacturer-requested risk evaluations. Further, the fees shall defray 50% or 100% of the costs of risk evaluations requested by manufacturers, depending on the chemical. EPA acknowledges that fees were initially to be established under the authority of TSCA section 26(b)(4)(B), which provides different parameters, most notably a cap on fees of $25 million. However, given the timing of this fee rule proposal such that fees won't be collected under fiscal year 2019, EPA believes it is more appropriate to set these fees based on the parameters that are required to be in effect by fiscal year 2019. EPA also notes that because the estimated costs for covered activities are under $100 million and costs defrayed under $25 million, the cap on fees found in TSCA 26(b)(4)(B) would have had no bearing on the proposed fees in any case.

EPA considered industry comments regarding the fee structure. Several predominant themes emerged through consultation with industry. Many commenters felt that EPA should charge fees that are proportional to EPA costs for undertaking the activities. This was consistent with one the considerations that EPA applied in setting the proposed fees—equity as determined by proportionality between EPA costs and the fee associated with each activity. EPA notes that the statute does not require such proportionality. In fact, the fee triggers under the law (for example, submission of a section 5 notice) are distinct from EPA activities for which costs can be defrayed by the fees collected. Thus, EPA could, consistent with TSCA, collect fees for section 5 submissions that exceed the cost of processing the section 5 submissions, so long as the fees in the aggregate are not designed to exceed 25% of the costs to EPA of carrying out sections 4, 5, 6 and

14. Nonetheless, none of the fees that EPA is proposing exceed the Agency's costs associated with the activities associated with a given fee.

A. Who will be charged fees?

As mentioned previously in Unit II.B., EPA has authority to collect fees from manufacturers and processors who:

- Are required by test rule, test order or enforceable consent agreement to submit information (TSCA section 4);
- Submit notification of or information related to intent to manufacture a new chemical or significant new use of a chemical (TSCA section 5);
- Manufacture or process a chemical substance that is subject to a risk evaluation, including a risk evaluation conducted at the request of a manufacturer (TSCA section 6(b)).

Although EPA has authority to collect fees from both manufacturers and processors of chemical substances, EPA is proposing to focus fee collection on manufacturers. EPA is proposing to collect fees from processors only when processors submit a SNUN under section 5 or when a section 4 activity is tied to a SNUN submission by a processor. The Agency feels the effort of trying to identify a representative group of processors for the other three fee-triggering actions would be overly burdensome and expects many processors would be missed. The Agency believes this approach is the simplest and most straightforward way to assess fees for conducting risk evaluations under TSCA section 6 and other TSCA section 4 testing. Furthermore, EPA expects that manufacturers required to pay user fees will have a better sense of the universe of processors and will pass some of the costs on to them. The Agency is seeking public comment on this approach.

For certain actions for which a fee will be charged, such as new chemical submissions under section 5, fee payers will self-identify by virtue of the submission they make to the Agency. For others, such as risk evaluations under section 6, EPA plans to look to recent Chemical Data Reporting (CDR) submissions to identify manufacturers (including importers) subject to section 6 fees. The CDR Rule, issued under the authority of TSCA section 8(a), requires chemical substance manufacturers to give EPA information on the chemicals they manufacture domestically or import into the United States. Information is collected every four years; data were most recently collected in 2016, including 2012–2015 production volume information and 2015 manufacturing, processing and use information. The next submission period will be in 2020. EPA acknowledges that CDR data may not contain the entire list of companies subject to a fee, and failure by EPA to identify companies subject to a fee does not remove their obligation to pay. EPA proposes to use CDR data to identify a preliminary list of companies. EPA also seeks comment on whether to adopt a process that would allow time for public input for adding to that preliminary list before finalization. EPA seeks public comment on this approach.

The Agency is also interested in comments on using other sources to identify those subject to payment of fees. These sources include, for example, information reported to the Toxics Release Inventory (TRI), and notice of commencement (NOC) submissions under EPA's TSCA New Chemicals Review Program. EPA may also look to information reported to the Agency under the TSCA inventory active/inactive notification rule. Each of these data sources provides information that may be useful in identifying manufacturers and processors of chemical substances who may be required to pay TSCA user fees. The TRI under section 313 of the Emergency Planning and Community Right-to-Know Act, currently covers over 650 chemicals. Facilities that manufacture, process or otherwise use these chemicals in amounts above established levels must submit annual TRI reports on each chemical. Facilities that report to TRI include larger facilities involved in chemical manufacturing. Under section 5 of TSCA, manufacturers are required to submit a NOC to the Agency within 30 days following the start of manufacture of a new chemical substance (*i.e.,* any substance that is not on the TSCA Inventory). Upon receipt of the NOC form, EPA places the substance on the TSCA Inventory. EPA finalized the TSCA inventory active/inactive notification rule in June 2017. The rule requires manufacturers to report to EPA chemical substances on the TSCA Inventory that were in U.S. commerce during the 10-year period prior to the TSCA amendments of June 2016. The rule also requires manufacturers and processors to notify EPA in the future when they intend to re-introduce an ''inactive'' substance on the Inventory into U.S. commerce. The Agency plans to include a limitation in the final regulatory text to ensure a manageable approach for the identification of manufacturers who are subject to a particular fee. EPA welcomes comment on these approaches for identifying those subject to TSCA user fees.

B. How did EPA calculate user fees?

1. Background. EPA is presenting for comment its proposed methodology for determining the user fees that will be assessed under amended TSCA. The Act provides EPA authority to establish fees to defray a portion of the costs associated with administering TSCA sections 4, 5 and 6, as well as the costs of collecting, processing, reviewing, and providing access to and protecting from disclosure, as appropriate, information on chemical substances under TSCA section 14. The events that trigger a fee payment however, involve a narrower set of activities under TSCA sections 4, 5 and 6. While the collection of fees is tied to the submission of particular information under sections 4 and 5 or the manufacturing of a particular chemical substance undergoing a risk evaluation under section 6, in general, the use of these fees is not limited to defraying the cost of the action that was the basis for payment of the fee.

EPA believes that assigning fees across TSCA sections 4, 5 and 6 is the most equitable and efficient approach for allocating costs to the manufacturers and processors detailed in Unit III.A. Those manufacturers and processors would be expected to bear the burden, and receive benefits, of TSCA reviews conducted by the Agency.

The Agency's proposed fee methodology is intended to fully recover the amount specified in the statute per TSCA section 26(b)(4)(F). The estimated annual Agency costs of carrying out TSCA section 4, 5, 6 and 14, without including the costs associated with manufacturer-requested chemical risk evaluations, are approximately $80.2 million. Based on these cost estimates, EPA anticipates collecting approximately $20.05 million in fees each year. In addition, the Agency intends to collect fees from manufacturers to recover a portion of costs incurred by EPA in conducting chemical risk evaluations requested by manufacturers. EPA expects this fee amount will be $1.3 million for per chemical for chemicals on the Work Plan and $2.6 million per chemical for chemicals not on the Work Plan.

EPA determined the anticipated costs associated with TSCA sections 4, 5, 6 and 14 activities, including both program costs and indirect costs (see Table 1). For fiscal year 2019 through fiscal year 2021, these costs were estimated to be approximately $80.2 million per year. More detail on how anticipated costs were calculated follows in Unit III.B.2.

TABLE 1—ESTIMATED ANNUAL COSTS TO EPA

[Fiscal Year 2019 through Fiscal Year 2021]

	Direct program costs	Indirect costs	Annual costs
TSCA Section 4	$2,765,000	$778,000	$3,543,000
TSCA Section 5	22,375,000	6,296,000	28,672,000
TSCA Section 6	34,073,000	9,545,000	43,618,000
TSCA Section 14	3,531,000	814,000	4,345,000
Total:	62,744,000	17,425,000	80,178,000

Notes: Numbers may not add due to rounding The indirect cost rate for Office of Chemical Safety and Pollution Prevention is estimated at 28.14% for the purposes of this analysis.

After estimating the annual costs of administering TSCA section 4, 5, 6 and 14, the Agency had to determine how the costs would be allocated over the narrower set of activities under TSCA section 4, 5 and 6, which trigger a fee. The Agency took an approach to determining user fees that parsed the fees based on the type of submission or fee triggering event. This allows allocation of costs more equitably among the submissions and their related costs.

2. Program costs. To determine the program costs for implementing sections 4, 5, 6 and 14 of TSCA, the Agency accounted for the intramural and extramural costs for activities under these sections. Intramural costs are those costs related to the efforts exerted by EPA staff and management in operating the program, collecting and processing information and funds, conducting reviews, and related activities. Extramural costs are those costs related to the acquisition of contractors to conduct activities such as analyzing data, developing IT systems and supporting the TSCA Help Desk. The Agency then added indirect costs to the direct program cost estimates. The Agency used an indirect cost rate of 28.14% to calculate the indirect costs associated will all TSCA section 4, 5, 6 and 14 direct program cost estimates.

a. TSCA section 4 program costs. TSCA section 4, Testing of Chemical Substances and Mixtures, gives EPA the authority to require, by rule, order, or enforceable consent agreement (ECA), manufacturers and processors to conduct testing of identified chemical substances or mixtures. EPA estimated TSCA section 4 submission costs based on prior experience with developing test rules and ECAs, reviewing study plans, and reviewing the data received. EPA estimates that, on average, it will undertake work associated with 10 test orders, one test rule and one ECA each year. While EPA expects to work on one test rule and one ECA each year, we expect to initiate each of these activities about every other year. It takes approximately two years to complete the work associated with both of these activities.

Costs assume that each TSCA section 4 activity will cover one to 7 chemicals. While testing required by test orders is likely to be completed in under a year, test rules and enforceable consent agreements are likely to take two years to complete. This estimate is based on EPA's prior experience with test rules and ECAs. To estimate the costs of reviewing test data, we assume that on average, data will be submitted to EPA for seven tests on each chemical.

The estimated cost to the Agency of each test order is approximately $279,000. Each test rule is estimated to cost approximately $844,000 and each enforceable consent agreement is estimated to cost approximately $652,000. These cost estimates include submission review and are based on projected full-time equivalent (FTE) and extramural support needed for each activity divided by the number of orders, rules and ECAs EPA assumes will be worked on over a three-year period. Several of these activities (rules and ECAs) are expected to span two years, as noted earlier so those estimates are based on the annual estimated costs multiplied by two. The annual cost estimate of administering TSCA section 4 in fiscal year 2019 through fiscal year 2021 is $3,543,000 (Ref. 5: Table 8).

b. TSCA section 5 program costs. TSCA section 5, Manufacturing and Processing Notices, requires that manufacturers and processors provide EPA with notice before initiating the manufacture of a new chemical substance or initiating the manufacturing or processing for a significant new use of a chemical substance. EPA is required to review and make determinations on the notices and take risk management action, as needed.

Examples of the notices or other information that manufacturers and processors are required to submit under TSCA section 5 are PMNs, significant new use notifications (SNUNs), microbial commercial activity notices (MCANs), and numerous types of exemption notices and applications (*e.g.,* low-volume exemptions [LVEs], test-marketing exemptions [TMEs], low exposure/low release exemptions [LoREXs], TSCA experimental release applications [TERAs], certain new microorganism [Tier II] exemptions, film article exemptions, etc.).

EPA's TSCA section 5 efforts under the previous law are well understood through experience that spans several decades. The Agency has historical data on costs, as well as the number of different section 5 submission types sent to the Agency each year. In 1987, the costs for the Agency to process a PMN were approximately up to $15,000 per submission, depending on the amount of detailed analysis necessary; these estimates did not include indirect costs. Recent data on the number of annual submissions is found at *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review.* (Ref. 6) In calendar year 2016, EPA received 577 PMNs, SNUNs and MCANs, and another 560 exemption notices and applications, most of which were LVEs.

The provisions of TSCA, as amended, result in additional TSCA section 5 Agency costs that arise primarily from the requirement to review the intended, known or reasonably foreseen activities associated with the chemical, and the requirement to make an affirmative risk determination, and from development of significant new use rules (SNURs) and orders that result from our analysis and findings under TSCA, as amended. Therefore, the Agency used the cost estimates from prior experience as a starting point and then added estimates for the costs of these additional responsibilities.

EPA's cost estimates include the costs of processing, reviewing, and making determinations, and the Agency's costs of taking any regulatory action such as

with a SNUR or an order. Costs of reviewing any data that is submitted to EPA as a result of an order is also included. EPA's cost estimates for administering TSCA section 5 also include the costs associated with processing, retaining records, related to a NOC submission. NOC costs also include the cost of registering the chemical with the Chemical Abstracts Service. EPA has lumped the costs associated with NOCs (totaling an estimated $1,700,000 per year) with those of PMNs, MCANs and SNUNs. The average cost of a PMN, MCAN and SNUN is approximately $55,200. This estimate is based on projected FTE and extramural support needed for these actions divided by the number of submissions the Agency assumes will be received each year once fees are in place which is 462. Our estimate of number of submissions is based on submissions received FY 16 reduced by 20% due to the anticipated impact of higher fees on the number of submissions (Ref. 5: Table 9).

Costs associated with section 5 exemption notices and applications include processing and reviewing the application, retaining records, and related activities. The average cost of an exemption is $5,600. This estimate is based on projected FTE and extramural support needed for these actions divided by the number of submissions the Agency assumes will be received each year once fees are in place which is 560. Our estimate of number of submissions is based on submissions received in FY 16 (Ref. 5: Table 10).

The annual cost estimate of administering TSCA section 5 in fiscal year 2019 through fiscal year 2021 is $28,600,000. Approximately $25,500,000 is attributed to PMNs, SNUNs and MCANs; another approximately $3,149,000 is attributed to section 5 exemptions notices and applications for LVEs, LoREXs, TMEs, TERAs, Tier IIs and film articles.

c. TSCA section 6 program costs. TSCA section 6, Prioritization, Risk Evaluation, and Regulation of Chemical Substances and Mixtures, describes EPA's process for assessing and managing chemical safety under TSCA. TSCA section 6 addresses: (a) Prioritizing chemicals for evaluation; (b) evaluating risks from chemicals; and (c) addressing unreasonable risks identified through the risk evaluation. Under TSCA, EPA is now required to undergo a risk-based prioritization process to designate existing chemicals on the TSCA Inventory as either high-priority for risk evaluation or low-priority. For chemicals designated as high-priority substances, EPA must evaluate existing chemicals to determine whether they ''present an unreasonable risk of injury to health or the environment.'' Under the conditions of use for each chemical, the Agency will assess the hazard(s), exposure(s), and the potentially exposed or susceptible subpopulation(s) that EPA determines are relevant. This information will be used to make a final determination as to whether the chemical presents an unreasonable risk under the conditions of use. The first step in the risk evaluation process, as outlined in TSCA, is to issue a scoping document for each chemical substance within six months of its designation in the **Federal Register**. The scoping document will include information about the chemical substance, such as conditions of use, exposures, including potentially exposed or susceptible subpopulations, and hazards, that the Agency expects to consider in the risk evaluation. TSCA requires that these chemical risk evaluations be completed within three years of initiation, allowing for a 6-month extension. By the end of calendar year 2019, EPA must have at least 20 chemical risk evaluations ongoing at any given time on high-priority chemicals plus industry-requested evaluations. For each risk evaluation that the Agency completes, TSCA requires that EPA begin another. The Agency expects to have between 20 and 30 risk evaluations ongoing in any given year at different stages in the review process.

TSCA section 6 cost estimates have been informed by the Agency's experience completing assessments for several TSCA Work Plan Chemicals, including N-methylpyrrolidone, antimony trioxide, methylene chloride, trichloroethylene, and 1,3,4,6,7,8-Hexahydro-4,6,6,7,8,8-hexamethylcyclopenta[γ]-2-benzopyran (HHCB) and by the Agency's experience addressing risks identified from particular uses of a chemical. TSCA section 6 risk evaluation costs include the cost of information gathering, considering human and environmental hazard, environmental fate, and exposure assessments. Costs also include the use of the ECOTOX knowledge and Health and Environmental Research Online (HERO) databases, among others. Other costs include scoping (including problem formulation, conceptual model and analysis plan), developing and publishing the draft evaluation, conducting and responding to peer review and public comment, and developing the final evaluation, which includes a risk determination.

Under TSCA section 6, the Agency also has obligations to take action to address any unreasonable risks identified from a chemical. Cost estimates for risk management activities have been informed, in part, by EPA's recent risk reduction actions on several chemicals, including the use of N-methylpyrrolidone in paint and coating removal and trichloroethylene in both commercial vapor degreasing and aerosol degreasing and for spot cleaning in dry cleaning facilities. Section 6(a) of TSCA provides authority for EPA to ban or restrict the manufacture, processing, distribution in commerce, and commercial use of chemicals, as well as any manner or method of disposal of chemicals.

In addition to considering previous experience with TSCA Workplan chemicals described above, EPA also benchmarked risk evaluation costs against cost associated with conducting risk assessments for pesticides under the Pesticide Registration Improvement Act (PRIA). The Agency chose the costs of conducting reviews for new conventional food-use pesticide active ingredients as the most relevant comparison to an existing chemical review under TSCA based on the scope and complexity of the assessments and the data considered in conducting the reviews. EPA estimates the cost of completing a risk assessment and risk management decision for a new conventional food use pesticide active ingredient to be approximately $2,900,000 which includes direct cost estimates provided by the Office of Pesticide Programs and indirect costs at 28.14%. The primary rationale for the increased cost estimate for a risk evaluation under TSCA when compared to a new pesticide review under PRIA are that the scope of an existing chemical assessment under TSCA is expected to be broader in terms of conditions of use and exposure scenarios that must be assessed and uncertainties associated with implementing a new evaluation program. EPA also expects that risk management costs will be higher under TSCA since rulemaking is required to implement any mitigation that is considered appropriate whereas most mitigation for a pesticide can be achieved directly through changes to the product labeling and/or terms and conditions of the registration.

The breakdown of costs for an average three-year EPA-initiated chemical risk evaluation is shown in Table 2.

TABLE 2—ESTIMATED COSTS (DIRECT AND INDIRECT) ASSOCIATED WITH AN AVERAGE EPA-INITIATED CHEMICAL RISK EVALUATION

Risk evaluation activity	Estimated cost
Risk Evaluation: Data Gathering (i.e., literature search)	$395,000
Risk Evaluation: Databases (e.g., ECOTOX and HERO)	147,000
Risk Evaluation: Hazard Assessment	1,008,000
Risk Evaluation: Exposure Assessment	1,038,000
Risk Evaluation: Scoping	235,000
Risk Evaluation: Draft Evaluation	502,000
Risk Evaluation: Peer Review & Responding to Comment	230,000
Risk Evaluation: Final Evaluation	329,000
Total	3,884,000

For purposes of this proposal, EPA is estimating that manufacturer-requested risk evaluations will cost less than EPA-initiated risk evaluations on high-priority substances. Specifically, EPA is estimating the average actual cost of a manufacturer-requested risk evaluation to be $2,600,000. There are a number of factors supporting this cost estimate and the assumption that manufacturer-requested risk evaluations will actually cost less than EPA-initiated risk evaluations. First, as required in the Risk Evaluation rule finalized in June 2017, (40 CFR 702.37) manufacturers requesting a risk evaluation must provide EPA with a list of existing information that would be adequate for EPA to conduct an evaluation. The upfront provision of data by manufacturers would limit the amount of subsequent work that the Agency would need to undertake to evaluate the chemical. Second, EPA believes that manufacturers who choose to submit risk evaluation requests to EPA will likely do so in cases where they believe the chemical is less likely to present an unreasonable risk. At this time, EPA believes that manufacturers are more likely to request risk evaluations on chemicals that are low hazard or low exposure, or are otherwise fairly straightforward to analyze. As such, EPA is estimating that these risk evaluations will be less costly than an average EPA-initiated risk evaluation on a high-priority chemical. While EPA does not yet have experience in receiving these types of requests from manufacturers, or undertaking these risk evaluations, these cost estimates represent EPA's best judgment based on past and current activities and the expectation that manufacturers are more likely to submit low hazard, low exposure chemicals for review. For the first 10 chemical risk evaluations that EPA is currently undergoing, for example, there are significant differences in the level of effort necessary to complete the evaluations, with some being substantially less complicated and therefore less burdensome than others. EPA expects manufacturer-requested risk evaluations to be on the less complicated end of the spectrum.

The annual cost estimate of administering TSCA section 6 in fiscal year 2019 through 2021 is $43,618,000. Approximately $32,370,000 is attributed to risk evaluation work on 25 chemical risk evaluations; another approximately $6,584,000 is attributed to risk management efforts; another approximately $2,091,000 is attributed to support from the Office of Research and Development (ORD) for alternative animal testing and methods development and enhancement, and approximately $2,573,000 is attributed to the annual process of designating chemicals as High- or Low-priority substances (Ref. 5: Table 11).

d. TSCA section 14 program costs. The June 2016 amendments to TSCA provided EPA with new obligations under section 14, Confidential Information. EPA must now review most chemical identity CBI claims within 90 days and 25 percent of a subset of other types of CBI claims within 90 days. This increased workload, along with the IT infrastructure to support this work was included in EPA's cost estimates for administering section 14. The annual cost estimate of administering TSCA section 14 from fiscal year 2019 through 2021 is $4,346,000. These estimates include FTE and extramural costs of conducting CBI reviews and operating and maintaining the CBI Local Area Network (LAN) (Ref. 5).

3. Indirect costs. Indirect costs are the intramural and extramural costs that are not accounted for in the direct program costs, but are important to capture because of their necessary enabling and supporting nature, and so that our proposed user fees will accomplish full cost recovery up to that provided by law. Indirect costs typically include such cost items as accounting, budgeting, payroll preparation, personnel services, purchasing, centralized data processing, and rent. Indirect costs are disparate and more difficult to track than the other cost categories, because they are typically incurred as part of the normal flow of work (*e.g.,* briefings and decision meetings involving upper management) at many offices across the Agency.

EPA accounts for some indirect costs in the costs associated with TSCA sections 4, 5, 6 and 14 by the inclusion of an indirect cost factor. This rate is multiplied by and then added to the program costs. An indirect cost rate is determined annually for all of EPA offices by the Agency's Office of the Controller, according to EPA's indirect cost methodology and as required by Federal Accounting Standards Advisory Board's Statement of Federal Financial Accounting Standards No. 4: Managerial Cost Accounting Standards and Concepts. An indirect cost rate of 28.14% was applied to direct program costs of work conducted by EPA's Office of Chemical Safety and Pollution Prevention, based on FY 2016 data (Ref. 7). Some of the direct program costs included in the TSCA sections 4, 5, 6 and 14 estimates are for work performed in other Agency offices (*e.g.,* the Office of Research and Development and the Office of General Counsel). Appropriate indirect cost rates were applied to those cost estimates (*i.e.,* 25.56% and 8.05%). These indirect rates are based on EPA's existing indirect cost methodology (Ref. 7). Indirect cost rates are calculated each year and therefore subject to change. Indirect costs were included in the program cost estimates in the previous sections.

4. Fee categories. In addition to Agency costs, another piece of information relevant to determining applicable user fees is the type of events that trigger a fee payment (*e.g.,* information submission, exemption notice). Under this proposal, EPA would

require payment of fees for most types of fee triggering events under TSCA sections 4, 5 and 6. This includes the requirement to submit information to comply with a test order, test rule, or enforceable consent agreement under TSCA section 4. Payment would also be required for the following TSCA section 5 notices and exemptions: PMNs and consolidated PMNs, SNUNs, MCANs and consolidated MCANs, TMEs, LoREXs, LVEs, Tier II, film article exemptions and TSCA experimental release applications TERAs. Payment would also be required for chemicals undergoing both EPA-initiated and manufacturer-requested risk evaluations under TSCA section 6. See Unit III.D. for a detailed discussion of small business concerns.

EPA is proposing three fee categories for TSCA section 4 activities. The proposed fee associated with a test order is $10,000. The proposed fee associated with a test rule is $32,000 and the fee proposed for an enforceable consent agreement is $25,000. EPA expects these fees will be paid by consortia, assuming that multiple companies manufacture the same chemical, and is requesting consortia assign comparatively lower fees for small businesses than for large businesses in the consortia. Consistent with comments previously received, the Agency is proposing to provide flexibility to manufacturers to form consortia to allocate these fees amongst those members involved in each submission activity.

Two categories of fees, with different fee amounts, are being proposed for TSCA section 5 submissions. EPA chose to lump activities with similar Agency costs together in order to develop a simple fee structure. The fee being proposed for each PMN, SNUN and MCAN is $16,000. The proposed fee for each LoREX, LVE, TME, Tier II, film article and TERA is $4,700.

EPA is proposing to continue the practice of allowing consolidation of PMNs, consolidation of MCANs, and in some cases, consolidation of a synthetic sequence, for up to six closely similar chemical substances with similar use, structure, and probable toxicology at the same time and for the same fee as a single chemical substance. See 48 FR 21734, May 13, 1983. Consolidated PMNs (and MCANs) benefit submitters by reducing the administrative burden of developing multiple section 5 submission forms for manufacture of two or more structurally related new chemical substances that have similar use, exposure, environmental release, and test data. EPA's review process is also better facilitated by reviewing similar substances simultaneously.

EPA limits the number of substances that may be included in a consolidated PMN to six. EPA announced a policy that it would accept submission of consolidated notices, subject to the approval of each submission, in the preamble of the May 13, 1983 **Federal Register** (Ref. 8). When EPA initially accepted consolidations, there was no limit on the number of substances which could be submitted in one consolidation. A consolidation, though less demanding of EPA's resources than the same number of separate submissions of related chemicals, still requires a substantially increased amount of effort over the assessment of a single submission. EPA has decided that it is appropriate to continue to limit the number of substances in a consolidation to six.

Persons who intend to submit a consolidated notice should first contact EPA for approval before submission of the notice; through that process, EPA can determine if the criteria for consolidation are met. Substances should be adequately similar chemically and toxicologically; planned uses must should be similar enough for combined review; and intended volumes must should not be excessively different. Consolidations are typically not granted for more than six substances in one notice, nor for substances which are not chemically and toxicologically similar. Novel or category chemicals are more likely to be approved for consolidation if the intended uses and volumes are similar.

EPA intends to eliminate the ''intermediate PMN'' fee class. EPA currently charges a reduced fee of $1,000 for the submission of PMN for each chemical intermediate in a synthetic pathway when accompanied by a PMN for the final substance on that pathway, and a full $2,500 user fee for the final substance. The original intent of this reduced fee was to encourage manufacturers to submit these notices together. The Agency however, has not realized advantages in reviewing these notices together; each intermediate takes about the same amount of effort to review as does the ''final'' chemical substance on that pathway. For this reason, the Agency proposes to eliminate the reduced fee for intermediate PMN submissions and will take comment on this approach.

EPA is not proposing to assess greater fees for submissions containing CBI claims. At least six commenters opposed fees for such claims, or suggested that the Agency collect only nominal payments under TSCA section 14. While the CBI costs are considered in the fee-defrayable costs, EPA is not proposing to charge an additional fee for submissions and activities that contain CBI.

In order to distribute the full costs to be defrayed among the fee payment-triggering events in a way that is proportional to the costs of the work associated with those events, EPA identified different fee categories, based on the section of TSCA under which the event is covered and the effort and burden for EPA to conduct the work associated with the triggering event. EPA identified eight distinct fee categories. The two fee categories under section 5 are further broken out below for transparency.

The annual estimated costs for fee categories under TSCA section 4, including both direct and indirect program costs are shown in Table 3. Please note that the costs presented in Tables 3, 4 and 5 do not include costs associated with CBI reviews, alternative testing methods development, risk management for existing chemicals or prioritization of existing chemicals. Costs associated with those activities are part of the overall costs of administering sections 4, 5, 6 and 14 and, as such, are included in the overall cost estimates previously in Table 1.

TABLE 3—TSCA SECTION 4 COSTS *

Fee category	Estimated number of ongoing actions/year	Estimated cost to Agency/ action	Estimated annual cost to Agency
Test Order	10	$279,000	$2,795,000
Test Rule	1	844,000	422,000
Enforceable Consent Agreement	1	652,000	326,000

* Numbers may not add due to rounding.

The estimated annual costs for fee categories under TSCA section 5, including both direct and indirect program costs are shown in Table 4.

TABLE 4—TSCA SECTION 5 COSTS *

Fee category	Estimated number of ongoing actions/year	Estimated cost to Agency/ action	Estimated annual cost to Agency
PMN and consolidated PMN, SNUN, MCAN and consolidated MCAN	462	$55,200	$25,500,000
LoREX, LVE, TME, Tier II exemption, TERA, Film Article	560	5,600	3,149,000

* Numbers may not add due to rounding.

The estimated annual costs for fee categories under TSCA section 6, including both program and indirect costs are shown in Table 5.

TABLE 5—TSCA SECTION 6 COSTS *

Fee category	Estimated number of ongoing actions/year	Estimated cost to Agency/ action	Estimated annual cost to Agency
EPA-initiated risk evaluation	25	$3,884,000	$32,370,000
Manufacturer-requested risk evaluation: Work Plan chemical	2	2,600,000	1,733,000
Manufacturer-requested risk evaluation: Non-Work Plan chemical	3	2,600,000	2,600,000

* Numbers may not add due to rounding.

5. Calculating user fees. Almost all industry commenters expressed support for a fair, simple, and efficient fee structure and all industry commenters recommended that fees be assessed based on the level of effort required of EPA as a result of the submission or undertaking the activity for which a fee is charged. The Agency considered these comments in developing this proposal. The Agency is proposing a general fee structure that is generally proportional to the Agency's costs, yet takes into account the numerous comments received from industry regarding the desire to limit costs associated with information submission under TSCA section 4. Two other alternate fee structure proposals are included in this preamble. When providing comments to the Agency on the various options, please recognize that there are tradeoffs between decreasing fees in one area and increasing fees in another. At the end of the day, the fee structure that the Agency finalizes, must result in the collection of funds sufficient to defray ''approximately but not more than 25 percent'' of the costs to the Administrator of carrying out section 4, 5, 6, and of collecting, processing, reviewing, and providing access to and protecting from disclosure as appropriate under section 14.

Because of the different costs associated with the different fee triggering events, the Agency chose to start by differentiating fees among the 8 categories discussed in Table 6. Fees for each triggering activity were then calculated for each of these separate fee categories using the following mathematical expression:

$$\text{User Fee}_{\text{cat x}} = \frac{(\text{Program Costs}_{\text{cat x}}) \times (1 + \text{Indirect Cost Factor})}{\#\ \text{Submissions}_{\text{cat x}}}$$

Where:

cat x = category of similar types of submissions from manufacturers and processors requiring similar effort and burden on the part of EPA.

Program Costs = All EPA intramural costs and extramural costs associated with a particular category of similar submission types under TSCA section 4, 5 or 6.

6. Amount of fees. EPA used the formula in Unit III.B.5. to calculate the fees per submission for each fee category. However, the Agency needed to further adjust the fees to ensure that 25% of the costs of administering TSCA sections 4, 5, 6 and 14 would be collected in any given year (*i.e.,* approximately $20.05 million annually in fiscal year 2019 through 2021). Because the Agency includes the costs of administering TSCA section 14, risk management activities under section 6, prioritization of chemicals for evaluation and ORD support for alternative testing and methods development\enhancement in the costs, but can't collect a specific fee for these actions, the Agency calculated fees at 33% of the associated costs for TSCA sections 4, 5 and 6, as a baseline to ensure collecting 25% of costs and then adjusted the fees from there.

During the public meeting in August 2016 and the Industry-specific consultation meeting in September 2016, some commenters suggested that the bulk of the Agency's cost recovery should fall under TSCA section 6. About half of the industry commenters explicitly opposed assessment of fees for submission of information under TSCA section 4. Several of these and other commenters were willing to consider fees for TSCA section 4 submissions, but only to account for the Agency's effort to review the data from these submissions and only if the fees were kept to a nominal amount, representing a minimal portion of EPA'S overall cost recovery. Further, commenters requested that the Agency

consider impacts of fees on innovation and competitive standing.

EPA considered a number of options for setting fee levels taking into account feedback received during the consultation with industry stakeholders. With respect to the section 4 fees, the Agency is proposing to set fee levels for each subcategory at roughly 3.5% of the activity cost. This low fee level relative to program costs was chosen in part to take into account the fact that manufacturers and processors are investing resources already in conducting the testing yet recognizes that the Agency does expend resources issuing orders and reviewing data under this section of the statute (Ref. 5).

With respect to the section 5 fees, the Agency is proposing to set two basic fee levels as mentioned above. The Agency is proposing to set fee levels for each notice subcategory at roughly 29% of the activity cost. Exemption category fees were then set at roughly ⅓ of the PMN amount which accounts for approximately 89% of the cost of the activity (Ref. 5).

To make up the difference in funds that would not be collected under TSCA section 4 or 5 based on these proposed fee levels, the Agency proposes to set the risk evaluation fee to be approximately 35% of the costs of those (Ref. 5). Overall, that results in the bulk of the fees expected to be collected under this proposed allocation coming from manufacturers of chemicals subject to EPA-initiated risk evaluations. The Agency considered this approach in part to try to set section 5 fees at levels that would minimize the potential impact on innovation and competitive standing.

TSCA states the percentage of costs to be collected for manufacturer-requested risk evaluations. Namely, TSCA specifies that manufacturers be assessed fifty percent of the costs of a risk evaluation for a chemical on EPA's Work Plan and 100 percent of the costs incurred by the Agency to conduct a risk evaluation for a chemical not on the Work Plan.

The fee amounts being proposed today are summarized in Table 6.

TABLE 6—PROPOSED TSCA USER FEES

Proposed fee category	Proposed fee
TSCA Section 4:	
Test order	$9,800
Test rule	29,500
Enforceable consent agreement	22,800
TSCA Section 5:	
PMN and consolidated PMN, SNUN, MCAN and consolidated MCAN	16,000
LoREX, LVE, TME*, Tier II exemption, TERA, Film Articles	4,700
TSCA Section 6:	
EPA-initiated risk evaluation	1,350,000
Manufacturer-requested risk evaluation on a chemical included in the Work Plan	1,300,000
Manufacturer-requested risk evaluation on a chemical *not* included in the Work Plan	2,600,000

*EPA is proposing to waive the TME fee for submissions from companies that have graduated from EPA's Sustainable Futures program.

The Agency is interested in hearing from stakeholders regarding this approach for setting fees for the different categories of activities.

EPA's Sustainable Futures program encourages chemical developers to use the Agency's models and methods to screen new chemicals for potential risk early in the development process, with the goal of producing safer chemicals more reliably and more quickly, saving time and money, and in turn, getting safer chemicals into the market. Companies that graduate from Sustainable Futures can earn expedited review of TSCA section 5 for prescreened new chemical notices. Prescreening chemicals for hazard concerns helps companies anticipate and avoid developing chemicals of concern. As described in the **Federal Register** Notice announcing Sustainable Futures (Ref. 9), the expedited review is achieved by allowing the graduate's submission to be considered both as a PMN and a TME. The graduate simultaneously submits two separate notices, the PMN, MCAN or SNUN and the TME, as a combined Sustainable Futures submission. The advantage of the simultaneous submission is that the case will be considered a TME and the submitter will be able to manufacture at day 45 instead of having to wait until the PMN 90-day review period ends. This in effect cuts the review time in half. EPA would like to encourage companies to graduate from the Sustainable Futures program and is proposing to waive the TME fee for submissions from graduates that come in with a valid PMN, MCAN or SNUN. In fiscal year 2016, 13 Sustainable Futures graduates accounted for 7.6% of the PMNs, 37.5% of MCANs and 0% of SNUNs submitted to the Agency.

The annualized fees estimated to be collected under this proposed approach total approximately $20.05 million in fiscal year 2019 through 2021, with an additional $3.5 million in annualized fees expected from manufacturer-requested chemical risk evaluations during the three-year period. While TSCA section 6(b)(4)(E)(ii) sets minimum requirements on the number of ongoing manufacturer-requested risk evaluations if EPA receives a sufficient number of compliant requests (25% of the number of ongoing EPA-initiated chemical risk evaluations), we do not expect to receive a sufficient number of manufacturer requests over the next three years to meet this threshold. Manufacturers are likely to wait until the initial chemical risk evaluations are completed to see how the process plays out. The Agency estimates receiving a total of five manufacturer requests for chemical risk evaluations during the next three years—two for risk evaluations on Work Plan chemicals and three for risk evaluations on chemicals not included in the Work Plan.

In developing this proposal, the Agency considered its experiences in implementing its fee collection program for pesticide registration actions. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) amendments passed by Congress in 2004 created a registration service fee system for applications for specific pesticide registration, amended registration, and associated tolerance actions.

Activities conducted as part of the pesticide registration program and those to be conducted as part of the new chemical approval review program are similar in many respects. Both involve applications to the Agency to make a risk determination for a chemical substance prior to its introduction into the marketplace. In each program, the Agency conducts an independent

evaluation of potential risks presented by the proposed uses of the chemical based on the best available scientific information and in the event that risks are identified seeks to manage those risks as needed through various mitigation strategies.

In conducting this analysis, the Agency recognizes that while there are valuable insights to be gained from its experiences implementing PRIA for the past 13 years that there are also important differences that also need to be understood when applying lessons learned from that program to a fee collection program under TSCA. One difference is that comprehensive data requirements have been established for pesticide registration applications under 40 CFR 158 whereas similar data requirements are not in place for chemical substances under TSCA.

Another difference is the time frames allowed for making a determination on a pesticide registration application vs. reviews of chemical substances. The time frames for pesticide registration decisions vary significantly based on the type of application being submitted to the Agency. For a new pesticide active or inert ingredient, the closest relatable set of categories to a new chemical under TSCA, the time frames for a decision range from 8 to 24 months. Under TSCA, the Agency has a shorter time frame, 90 days with possible extension to 180 days, in which to make a decision on most new chemicals. The length of the decision time frames can have an impact on the queuing of actions and resources in that having to conduct a similarly scoped review in a shorter time period would be more resource intensive.

In seeking to benchmark the fees being proposed for new chemical activities under TSCA, the Agency compared expected level of effort for a new chemical review to PRIA categories which might be expected to have a similar level of effort. EPA focused on the categories for the registration of new active ingredients in pesticides. The time frames associated with these reviews range from 8 months (new inert ingredient not for use on food) to 24 months (several categories). The fees for these categories range from $11,025 for a new non-food inert ingredient to $627,568 for a new conventional active ingredient for use on food crops. The most analogous PRIA categories to a new chemical review under TSCA based on data and/or the nature of the assessments needed are believed to be: PRIA Category I004- Approval of new non-food use inert ingredient ($11,025 fee and 8-month review period), and PRIA Category B600—New biopesticide active ingredient; non-food use ($19,146 fee and 13-month review period). The fees identified in this proposal for new chemicals fall within the range of these analogous categories.

Considering the 90-day review period for a new chemical under TSCA, the Agency also considered PRIA categories with a similar decision time frame. Only six of the 189 PRIA categories have decision time frames of three months. One of these is to repackage an existing end use product as a manufacturing use product with identical uses (a relatively small change to a product label with no data review) while the others are for reviewing a single study protocol, reviewing a rebuttal to an Agency protocol review or to make a preliminary determination on a waiver request for a biopesticide. Each have a fee of $2,530. All of these categories are very limited in terms of data review and the scope of the decision to be made and would not be considered analogous to a new chemical determination under TSCA.

C. What other options were considered?

In addition to the proposed fee structure, the Agency considered two other methodologies for calculating user fees. Option A involved setting the fees for each fee category at 33% of the estimated costs to the Agency in conducting work associated with that particular activity without further adjustment. In this option, fees for test orders, test rules, and enforceable consent agreements are considerably higher than the fees being proposed today and new chemical notices fees are increased while risk evaluations and new chemical exemptions are lower.

The Agency also considered an approach, Option B, in which test orders, test rule and ECA fees were set at 10% of the estimated costs to the Agency but PMN fees were set based on the inflation-adjusted amount of currently existing fees. That resulted in lower PMN, MCAN, and SNUN fees. Exemption fees were set at ⅓ the amount of the PMN fees. To make up the difference, EPA adjusted the risk evaluation fees resulting in an increase in risk evaluation fees to approximately 43% of the estimated costs to the Agency. See Table 7 for a summary of alternate fees associated with Alternate Options A and B.

TABLE 7—OTHER ALTERNATIVE TSCA USER FEES CONSIDERED

Alternative fee category	Alternate fee "A"	Alternate fee "B"
TSCA Section 4:		
Test order	$92,000	$28,000
Test rule	278,000	84,000
Enforceable consent agreement	215,000	65,000
TSCA Section 5:		
PMN and consolidated PMN, SNUN, MCAN and consolidated MCAN, LoREX, LVE	18,200	10,400
TME, Tier II exemption, TERA	1,850	3,500
TSCA Section 6:		
EPA-initiated risk evaluation	1,280,000	1,670,000
Manufacturer-requested risk evaluation on a chemical included in the Work Plan	1,300,0000	1,300,000
Manufacturer-requested risk evaluation on a chemical *not* included in the Work Plan	2,600,000	2,600,000

The annualized fees estimated to be collected under these alternative approaches are approximately the same as those estimated to be collected under the approach being proposed today.

C. How did EPA take into account small business concerns?

EPA is proposing reduced fees for small businesses. These reduced fees are summarized in Table 8.

TABLE 8—PROPOSED TSCA USER FEES FOR SMALL BUSINESSES

Proposed fee category	Proposed small business fee
TSCA Section 4:	
Test order	$1,950
Test rule	5,900
ECA	4,600
TSCA Section 5:	
PMN and consolidated PMN, SNUN, MCAN and consolidated MCAN	2,800
LoREX, LVE, TME, Tier II exemption, TERA	940
TSCA Section 6:	
EPA-initiated risk evaluation	270,000
Manufacturer-requested risk evaluation on a chemical included in the Work Plan	1,300,000
Manufacturer-requested risk evaluation on a chemical *not* included in the Work Plan	2,600,000

EPA set the proposed small business fees at an 80% reduction compared to the base fee for each category. In one case, for PMN and related actions, the proposed small business fee reduction is 82.5%. This slightly higher percentage reduction is due to the concern for the potential impact on small businesses of higher fee levels. The proposed small business fees for each category fee is only triggered when there is one entity subject to the fee, and that entity is a small business or if there is a consortium paying the fee and all members of that consortium are small businesses. By way of comparison, PRIA fees may be reduced for small businesses by a maximum of 75% under certain conditions.

EPA is also proposing to revise the size standard used to identify businesses that can qualify as a ''small business concern'' under TSCA for the purposes of fee collection. A regulatory definition for a small business that makes a submission under TSCA section 5 was promulgated in 1988 and is based on the annual sales value of the business's parent company. 40 CFR 700.43 currently states: ''Small business concern means any person whose total annual sales in the person's fiscal year preceding the date of the submission of the applicable section 5 notice, when combined with those of the parent company (if any), are less than $40 million.''

The Agency is proposing several changes to this definition. Consistent with the definition of small manufacturer or importer at 40 CFR 704.3, EPA proposes to increase the current revenue threshold of $40 million using the Producer Price Index (PPI) for Chemicals and Allied Products, as compiled by the U.S. Bureau of Labor Statistics. [Data series WPU06 at *http://data.bls.gov/cgi-bin/srgatet.*] Using a base year of 1988 and inflating to 2015 dollars results in a value of approximately $91 million (Ref. 10).

Pursuant to 13 CFR 121.903(a)(1)(ii), the Agency also proposes to change the time frame over which annual sales values are used when accounting for a business's revenue. Instead of using just one year preceding the date of submission, the Agency is proposing to average annual sales values over the three years preceding the submission. EPA proposes to apply this updated definition—adjusted for inflation and averaging sales revenue over three years—to not only TSCA section 5 submissions, but also to TSCA sections 4 and 6 submissions as well.

The Agency is seeking comment on this approach and is specifically interested in comment on whether an employee-based size standard would be more appropriate than a receipts-based size standard and what that employee level should be; whether the size standard, be it receipts-based or employee-based, should vary from industry to industry to reflect differences among the impacted industries; and what other factors and data sources the Agency should consider, besides inflation, when developing the size standard to qualify for reduced fee amounts.

Further, with respect to small business size standards, the Agency has recently committed to revisiting the definition of small businesses as it relates to the TSCA section 8(a) data reporting regulations (82 FR 56824). Due to the urgent need for the Agency to promulgate this regulation and expeditiously collect the fees, the Agency believes that upcoming rulemaking will provide a venue for a more expansive consideration of appropriate size standards for industries subject to TSCA and offer the public with further opportunities to comment on the size standard. In addition to considering comments submitted in response to this proposal, the Agency is committed to evaluating the results of the 8(a) rulemaking process and, in the event that the reporting and fee standards differ, to determine if the size standards set through that process should be harmonized with the small business definition for fees. This harmonization could be implemented in a subsequent rulemaking for the next three-year fee cycle (FY22-FY25).

D. How would the Agency handle fees from multiple parties?

Not every person subject to this rule must individually submit fees to EPA. TSCA section 26(b)(4)(C) allows for payment of fees by consortia of manufacturers and processors. EPA is proposing to allow joint submissions under TSCA section 5 and is permitting the formation of, and payment by, consortia for submissions under TSCA sections 4 and 6. Joint submitters of a TSCA section 5 notice would be required to remit the applicable fee identified in paragraph (b) of this section for each section 5 notice submitted. Only one fee is required for each submission, regardless of the number of joint submitters for that notice. To qualify for the fee identified in paragraph (b)(1) of this section, each joint submitter of a TSCA section 5 notice must qualify as a small business concern under § 700.43. This approach aligns with comments received from industry during the consultation process.

Any consortium formed to jointly submit TSCA user fees would be expected to notify EPA of such intent. Once established, it would be up to the consortium to determine how the user fee would be split among the members. EPA strongly encourages consortia to set lower fees for small business concerns; Congress intended small business to be afforded lower fee payments (TSCA 26(b)(4)(A)).

If, after 30 days, a consortium is unable to reach agreement on splitting the user fee, the principal sponsor must notify EPA, so EPA can calculate the

individual fee for each consortium member. The Agency proposes to divide the total fee by the number of members. Small businesses will be afforded an 80% discount, which the remaining consortium members will be required to cover in equal amounts. EPA requests comment on this default approach.

F. What methods of payment would be accepted?

The U.S. Department of the Treasury has determined that federal agencies should move away from receiving payments by check, and transition to electronic methods of payment. EPA proposes to accept payment of fees through two different electronic payment options: *Pay.gov* and Fedwire.

Pay.gov is a secure government-wide collection portal that helps federal agencies meet the directives outlined in the Government Paperwork Elimination Act (Pub. L. 105–277) (Ref. 11), primarily by reducing the number of paper transactions and utilizing electronic transaction processing. *pay.gov*, accessible online at *http://www.Pay.gov*, currently processes payments for hundreds of federal government agencies. It provides a full suite of services, allowing federal agencies to process collections quickly and easily; it also provides reports that can assist in integrating information into other financial systems. *Pay.gov* provides customers the ability to electronically complete forms and make payments twenty-four hours a day. Because the application is web-based, customers can access their accounts from any computer with internet access.

Fedwire is generally used for foreign payments. With this method of electronic payment, payers authorize a financial institution to initiate an electronic (wire transfer) payment to the Federal Reserve Bank of New York. Credit Gateway, which is operated by a commercial bank, then allows federal agencies to access their money from Fedwire. Credit Gateway processes transactions and settles them at Federal Reserve Banks.

EPA proposes that those subject to fees could use any payment method of their choice supported by the Department of the Treasury's *Pay.gov* electronic payment collection services (or any applicable alternative or successor to *Pay.gov* developed by Treasury) or Fedwire, as long as EPA's financial tracking systems are able to obtain and process the selected method of payment. Specifically, manufacturers and processors would be expected to create payment accounts in *Pay.gov* and use one of the electronic payment methods currently supported by *Pay.gov* (*e.g.,* Automated Clearing House debits (ACH) from bank accounts, credit card payments, debit card payments, PayPal or Dwolla) or use Fedwire to authorize an electronic payment. Because *Pay.gov* and Fedwire do not accept paper checks as payment, EPA will not accept paper checks as payment for TSCA services. Additional instructions for making payments to EPA using *Pay.gov* and Fedwire are found at *https://www.epa.gov/financial/additional-instructions-making-payments-epa.* The Agency requests comment on this approach.

G. When would payment of fees be required?

There is precedent for advance payments of user fees in several of the Agency's existing user fee programs. For example, EPA's Office of Pesticide Programs and EPA's Office of Air and Radiation fee programs typically require advance payment prior to administering program services involving the review of applications for the various certifications and registrations administered by those programs. This follows the guidance outlined in OMB Circular No. A–25, which states that user charges will ''be collected in advance of, or simultaneously with, the rendering of services.'' (Ref. 3)

EPA is proposing to collect lump sum payment of the entire user fee for section 5 notices prior to reviewing each submission or undertaking the activity associated with the fee. EPA is proposing to require fee payment at the time a TSCA section 5 notice (this includes an exemption) is submitted.

EPA is proposing to allow fee submitters for test orders, test rules, ECAs and EPA-initiated chemical risk evaluations time to associate with a consortium and work out fee payments within that consortium. Payment for fee categories under TSCA section 4 (*i.e.,* test orders, test rules and ECAs) is due within 60 days of the effective date of the order or rule, or 60 days upon signing of an enforceable consent agreement. For EPA-initiated risk evaluations, full payment is due within 60 days of EPA publishing the final scope of a chemical risk evaluation. EPA believes this provides sufficient time for manufacturers to associate as a consortium, if they so choose, and to decide on the partial fee payments each member of the consortium will be responsible for. Manufacturers will have ample warning that a risk evaluation is underway, well before the final scope is published in the **Federal Register**.

For manufacturer-requested risk evaluations, EPA is proposing to collect a fee when EPA grants the request to conduct the evaluation. Payment will be required within 30 days of EPA providing such notice.

EPA is also proposing that user fees will begin to be incurred starting on October 1, 2018. As discussed above, TSCA section 26(b)(4)(F) requires EPA, ''beginning with the fiscal year that is 3 years after the date of enactment [June 22, 2016],'' to adjust fees as necessary so they are sufficient to defray a portion of EPA's costs. Since Congress expected fees to already be in place by October 1, 2018 such that they may need adjusting, EPA believes it is reasonable for all actions for which a fee is proposed to be subject to fees as of October 1, 2018. EPA will not, however, collect any fees until the final rule resulting from this proposal is effective. Instead, EPA intends to record actions that would be expected to trigger payment of fees and once the rule is final send invoices to the affected parties indicating. The invoices would reflect timing for payments and amounts based on the final rule.

H. Under what circumstances will EPA refund payments?

EPA will continue to refund any fee paid for a section 5 notice whenever EPA determines that the notice or fee was not required. See, *e.g.,* 40 CFR 720.62. This can happen, for example, when the intended use described in the PMN is not actually subject to TSCA jurisdiction or when the substance is already on the Inventory.

TSCA section 26(b)(4)(G) permits EPA to refund fees, or a portion of fees, for notices submitted under TSCA section 5 that are later withdrawn and for which the Agency conducts no substantive work unless the Agency determines that the submitter unduly delayed the process. EPA proposes to refund a consistent 75% of the user fee to the submitter if the notice is withdrawn within 10 business days. This percentage is consistent with the approach for refunds for withdrawn actions under PRIA. Beyond ten business days, EPA is likely to have already conducted substantial review work that qualifies as substantive work for which no refund is authorized under TSCA 26(b)(4)(G). Up to three significant milestones of the PMN review process can take place within 10 business days. The Chemical Review/Search Strategy Meeting occurs between Day 8 and 12; the Structure Activity Team Meeting occurs between Day 9 and 13; and Development of Exposure/Release Assessments occurs between Day 10 and 19. EPA feels that tying the refund time period to a certain number of days is a simpler and more efficient

approach than tying it to a specific milestone of the review process.

EPA does not have authority to, and therefore will not, provide refunds under any other circumstances.

I. What are the consequences of failing to pay a fee?

Failure to comply with any requirement of a rule promulgated under TSCA is a prohibited act under TSCA section 15 and is subject to penalties under TSCA section 16. When the fee payment requirements are finalized, failure to pay the appropriate fee at the required time would subject each manufacturer and processor who is subject to the fee payment to penalties of as much as the maximum statutory amount per day ($38,114 as of January 2017) until the required fee is paid. Each person subject to fees would be subject to such penalties regardless of whether they intend to pay independently, as a joint submitter or through consortia. Specifically, each member of a consortium, and each joint submitter, is individually responsible for payment of the fee, and subject to penalties for non-payment, until the fee is actually paid.

J. Compliance Date

EPA is proposing to start collecting fees the day after the final TSCA user fees regulations are published in the **Federal Register**. Stakeholders were provided notice during public meetings in August of 2016 requesting comment through EPA Docket: EPA–HQ–2016–0401 and indicating that the Agency intended to start collecting new fees for TSCA section 4 and section 6 activities and that fees associated with the submission of notices under TSCA section 5 would increase. EPA believes that we have provided sufficient notice to, and opportunity for, industry to provide comment regarding the user fees. (See Unit II.C. titled, ''Stakeholder Involvement''.) Furthermore, for EPA to sufficiently address the increased workload under TSCA as amended in June 2016, the Agency must start collecting fees as soon as possible for use in defraying some of the costs of activities spelled out in TSCA section 26 paragraph (b)(1). EPA is seeking comment on this approach.

K. What other amendments are being proposed?

EPA is proposing minor changes to several of its regulations that cross-reference the part 700 fees regulations, specifically parts 720, 723, 725, 790 and 791. Amending the regulatory text in these parts will ensure that existing regulations appropriately reference the regulatory text being proposed. EPA is proposing minor updates for implementing the fee requirements for test marketing exemptions at § 720.38; premanufacture notification regulations at § 720.45(a)(5); instant photographic and peel-apart film articles exemptions at § 723.175; amendments to regulations covering MCANs and exemption requests at § 725.25 and § 725.33; minor amendments at § 790.45 and § 790.59; and a modification to the general provisions for data reimbursement found at § 791.39.

IV. Projected Economic Impacts of TSCA User Fees

EPA has evaluated the potential costs for manufacturers and processors of chemical substances for this proposed rule. Overall, EPA developed eight fee categories for activities under TSCA sections 4, 5, and 6. TSCA section 4 fee categories include test orders, test rules, and ECAs. TSCA section 5 fee categories include PMNs and consolidated PMNs, SNUNs, MCANs and consolidated MCANs, LoREXs, LVEs, TMEs, Tier II exemptions and TERAs. Finally, TSCA section 6 fee categories include Agency-initiated risk evaluations, manufacturer-requested risk evaluations for Work Plan chemicals, and manufacturer-requested risk evaluations for non-Work Plan chemicals.

For the baseline, EPA used a historical average of the 2013 through 2016 submissions for each TSCA section 5 action (Ref. 12) as the estimate of the number of submissions per fee category for the next three years. TSCA section 4 test orders are new under TSCA and the average number of such actions expected per year represents an EPA estimate. For the other TSCA section 4 actions (test rules and ECAs), EPA also estimated the expected number of such actions per year. The amended TSCA regulations specify the number of risk evaluations that EPA must have ongoing over the next three years. EPA uses the mandated number of risk evaluations to estimate the cost of the proposed rule for TSCA section 6 activities. Under the recent amendments to TSCA, EPA assumes that the number of TSCA section 4 activities (test rules and ECAs) would change from the baseline as the Agency seeks additional test data and information on chemical substances, TSCA section 5 activities would decrease as a result of higher fees and the new statutory requirement for affirmative determination, and TSCA section 6 risk evaluations initiated over the next several years would increase before leveling off in accordance with statutory requirements. The Agency expects to have between 20 and 30 risk evaluations ongoing in any given year at different stages in the review process, including manufacturer-requested evaluations. The Agency seeks comment on these assumptions.

EPA estimates the total fee collection by multiplying the proposed fees with the number of expected activities under full implementation for each section. For test rules and ECAs, EPA has not promulgated any in the recent past and has estimated the number of activities that EPA will likely need to issue to meet our requirements. EPA based the estimates of the future number of TSCA section 5 submissions on the historical number of submissions for all TSCA section 5 notices and exemptions. EPA further assumes that the number of submissions under each TSCA section 5 fee category will decline by approximately 10% as a result of (a) higher fees on PMNs, MCANs, and SNUNs; (b) new fees for exemption notices; and (c) the requirement that EPA make an affirmative determination on every new chemical. Previously, new chemicals could enter the marketplace unless EPA made a specific determination that regulatory controls were needed. Now, an affirmative safety determination must be made before a new chemical can enter the marketplace and before a significant new use is allowed for an existing chemical. EPA's assumption that there will be a 10% decrease in submissions under TSCA section 5 follows the same assumption made back in 1987 when TSCA section 5 fees were first proposed (Ref. 12).

TSCA section 6 risk evaluations are a new activity under the amended TSCA. In the past, EPA developed risk assessments. This risk assessment process has been replaced by risk evaluations and EPA uses manufacturer data for the first 10 chemicals identified for this process to estimate the average number of impacted firms per chemical and proportion of firms impacted that are small businesses.

The annualized fees collected from industry for the proposed option (identified as Option C in the Economic Analysis (Ref. 2)) are approximately $20.05 million. This total does not include the fees collected for manufacturer-requested risk evaluations. Total fee collections were calculated by multiplying the estimated number of actions per fee category anticipated each year, by the corresponding proposed fee. For the proposed option, TSCA section 4 fees account for less than one percent of the total fee collection, TSCA section 5 fees for approximately 43 percent, and TSCA section 6 fees for approximately 56 percent. Annual fees collected by EPA

are expected to total approximately $20.05 million.

Under the proposed option, the total fees collected from industry for a risk evaluation requested by manufactures are estimated to be $1.3 million for chemicals included in the Work Plan and $2.6 million for chemicals not included in the Work Plan.

For small businesses, EPA estimates that 18.5 percent of TSCA section 5 submissions will be from small businesses that are eligible to pay discounted fees because they have average annual sales of less than $91 million in the three preceding years. Total annualized fees for TSCA section 5 collected from small businesses are estimated to be $550,000 (Ref. 2).

For TSCA sections 4 and 6, discounted fees for eligible small businesses and fees for all other affected firms may differ over the three-year period that was analyzed, since the fee paid by each firm is dependent on the number of affected firms per action. Based on past TSCA section 4 actions and data related to the first ten chemicals identified for risk evaluations under TSCA as amended, EPA estimates annualized fees collected from small businesses for TSCA section 4 and TSCA section 6 to be approximately $37,000 and $2.6 million, respectively.

For each of the three years to be covered by this proposed rule, EPA estimates that total fees paid by small businesses will account for about 16 percent of the approximately $20.05 million fees to be collected for TSCA sections 4, 5, and 6 actions. The annualized total industry fee collection for small businesses is estimated to be approximately $3.2 million.

For this proposed rule, affected manufacturers (including importers) and processors of chemical substances would be required to pay a specified user fee to be established for actions regulated under TSCA. The fees to be paid by industry would defray the cost for EPA to administer TSCA sections 4, 5, 6, and 14. Absent this proposed regulation, EPA costs to administer these sections of TSCA would be borne by taxpayers through budget appropriations from general revenue. As a result of this proposed rule, 25% of EPA costs to administer TSCA section 4, 5, 6, and 14 and activities paid from general revenue would be transferred via the user fees to industry. Although these user fees may be perceived by industry as direct private costs, from an economic perspective, they are transfer payments rather than real social costs. Therefore, the total social cost of this proposed rule does not include the fees collected from industry by EPA. Rather, it includes the opportunity costs incurred by industry, such as the cost to read and familiarize themselves with the proposed rule, determine their eligibility for paying reduced fees, notify EPA of participation in a consortium, and arrange to submit fee payments. The total social cost of the proposed rule also includes the additional costs to EPA to administer TSCA sections 4, 5, 6, and 14.

The total opportunity cost to industry is approximately $58,000 and the additional Agency burden is approximately $1,000, yielding a total social cost of approximately $59,000 for this proposed rule.

V. Request for Comments

A. Affected Industry

EPA is specifically seeking additional information and data that the Agency could consider in developing the final economic analysis. In particular, EPA is seeking data that could facilitate EPA's further evaluation of the potentially affected industry and firms, including data related to potential impacts on those small businesses that would be subject to user fees.

B. User Fees Categories

EPA seeks comments on all aspects of the fee categories being proposed for manufacturers and processors in Unit III.B.4 and welcomes comments on how the various fees and fee categories discussed could be combined in different ways to achieve an overall fee structure amounting to 25% of the Agency's costs to administer TSCA sections 4, 5, 6 and 14.

In addition, the Agency would appreciate specific comments on the decision to not include a fee category for risk management under TSCA section 6(a) and the decision to eliminate the existing intermediate PMN fee category, which currently provides a discount to manufacturers who submit intermediate PMNs at the same time as a final PMN. The Agency will still accept intermediate PMN submissions, but will charge a full PMN fee for each chemical. We recognize there may be minimal efficiencies with intermediate submissions submitted at the same time as a final PMN and are seeking comment on the elimination of this fee category for PMN submissions.

The Agency is interested in comments on the fee amounts being proposed today, as well as the alternative fees considered; proposed and alternative fee amounts are shown in Table 9. EPA is also interested in comments on the proposal to waive exemption fees on TMEs submitted at the same time as a PMN, SNUN, or MCAN from a company that has graduated from the Agency's Sustainable Futures program.

TABLE 9—COMPARISON OF PROPOSED TSCA USER FEES AND THE ALTERNATIVE FEES CONSIDERED

Proposed fee category	Proposed fee	Alternate fee "A"	Alternate fee "B"
TSCA Section 4:			
Test order	$9,800	$92,000	$28,000
Test rule	29,500	278,000	84,000
Enforceable consent agreement	22,800	215,000	65,000
TSCA Section 5:			
PMN and consolidated PMN	16,000	18,200	10,400
SNUN, MCAN and consolidated MCAN.			
LoREX, LVE, TME, Tier II exemption, TERA	4,700	1,850	3,500
TSCA Section 6:			
EPA-initiated risk evaluation	1,350,000	1,280,000	1,670,000
Manufacturer-requested risk evaluation on a chemical included in the Work Plan	1,300,000	1,300,000	1,300,000
Manufacturer-requested risk evaluation on a chemical *not* included in the Work Plan	2,600,000	2,600,000	2,600,000

C. Small Business Concerns

EPA is proposing several changes to the size standard used to identify businesses that can qualify as a ''small business concern'' for purposes of fees and seeks comment on the proposed approach as discussed in Unit III. The Agency is also interested in comments on the reduced fee amounts being proposed for those businesses that can qualify as a ''small business concern.''

The Agency is seeking comment on this approach and is specifically interested in comment on whether an employee-based size standard would be more appropriate than a receipts-based size standard and what that employee level should be; whether the size standard, be it receipts-based or employee-based, should vary from industry to industry to reflect differences among the impacted industries; and what other factors and data sources the Agency should consider, besides inflation, when developing the size standard to qualify for reduced fee amounts.

Further, with respect to small business size standards, the Agency has recently committed to revisiting the definition of small businesses as it relates to the TSCA Section 8(a) data reporting regulations (82 FR 56824). Due to the urgent need for the Agency to promulgate this regulation and expeditiously collect fees, the Agency believes that upcoming rulemaking will provide a venue for a more expansive consideration of appropriate size standards for industries subject to TSCA and offer the public with further opportunities to comment on the size standard. In addition to considering comments submitted in response to this proposal, the Agency is committed to evaluating the results of the 8(a) rulemaking process and, in the event that the reporting and fee standards differ, to determine if the size standards set through that process should be harmonized with the small business definition for fees. This harmonization could be implemented in a subsequent rulemaking for the next three-year fee cycle (FY22–FY25).

D. Electronic Payment of Fees

The Agency is interested in comments pertaining to the electronic payment of fees. If, for some reason, neither *Pay.gov* nor Fedwire meets the needs of those required to pay user fees, the Agency would appreciate the identification of other appropriate electronic payment methods to consider.

VI. References

The following is a listing of the documents that are specifically referenced in this document. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

1. 2016. The Frank R. Lautenberg Chemical Safety for the 21st Century Act. June 22, 2016.
2. 2017. EPA. Economic Analysis for the TSCA Section 26(b) Proposed Fees Rule. December 2017.
3. 1993 OMB. Circular No. A–25 Revised. July 8, 1993.
4. 2008. GAO. Federal User Fees: A Design Guide. Report to Congressional Requesters. GAO–08–386SP. May 2008.
5. 2017. EPA. Technical Background Document for TSCA Fees. December 2017.
6. 2017. EPA. Statistics for the New Chemicals Review Program under TSCA. *https://www.epa.gov/reviewing-new-chemicals-under-toxic-substances-control-act-tsca/statistics-new-chemicals-review.*
7. 2017. EPA. Interagency Agreement and Oil Indirect Cost Rates for FY 2018 and Beyond. September 28, 2017.
8. 1983. EPA. 48 FR 21722, 27134–35.
9. 2002. EPA. 67 FR 238. Sustainable Futures—Voluntary Pilot Project Under the TSCA New Chemicals Program.
10. 2016. Abt Associates. Memorandum: Inflation of Small Business Definition under section 5 of TSCA. August 31, 2016.
11. 1998. Government Paperwork Elimination Act. Public Law 105–277.
12. 1987. EPA. Proposed Fees for Processing Premanufacture Notices, Exemption Applications and Notices, and Significant New Use Notices. 42 FR 12940.
13. 2017. EPA. Information Collection Request for the TSCA Section 26(b) Proposed Reporting Requirements Associated with the Payment of TSCA Fees (EPA ICR No. 2569.01; OMB Control No. 2070-[NEW]). December 2017.

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

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

This action is a significant regulatory action that was submitted to the Office of Management and Budget (OMB) for review under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011).

Any changes made in response to OMB recommendations have been documented in the docket for this action as required by section 6(a)(3)(E) of Executive Order 12866. EPA prepared an economic analysis of the potential costs and benefits associated with this action (Ref. 2), which is available in the docket and discussed in Unit IV.

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

This action is expected to be subject to the requirements for regulatory actions specified in Executive Order 13771 (82 FR 9339, February 3, 2017). Details on the estimated costs of this proposed rule can be found in EPA's analysis (Ref. 2) of the potential costs and benefits associated with this action, which is available in the docket and is summarized in Unit IV.

C. Paperwork Reduction Act (PRA)

The information collection requirements in this proposed rule have been submitted to OMB for review and approval under the PRA, 44 U.S.C. 3501 *et seq.* The Information Collection Request (ICR) prepared by EPA has been assigned EPA ICR number 2569.01. You can find a copy of the ICR in the docket for this proposed rule (Ref. 13), and it is briefly summarized here.

The information collection activities associated with the proposed rule include familiarization with the regulation, small business discount eligibility determination, informing EPA of participation in consortia, and electronic payment of fees through *Pay.gov* or Fedwire.

Respondents/affected entities: Persons who manufacture, distribute in commerce, use, dispose, process a chemical substance (or any combination of such activities) and are required to submit information to EPA under TSCA sections 4, 5, or 6, or if you manufacture or process a chemical substance that is the subject of a risk evaluation under TSCA section 6(b).

Respondent's obligation to respond: Mandatory.

Estimated number of respondents: 1,414 respondents.

Frequency of response: On occasion to EPA as needed.

Total estimated burden: 740 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $59,540 (per year).

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information

unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in 40 CFR are listed in 40 CFR part 9.

Submit your comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden to EPA using the docket identified at the beginning of this proposed rule. You may also send your ICR-related comments to OMB's Office of Information and Regulatory Affairs via email to *oira_submission@omb.eop.gov,* Attention: Desk Officer for EPA. Since OMB is required to make a decision concerning the ICR between 30 and 60 days after receipt, OMB must receive your ICR-related comments no later than March 28, 2018. EPA will respond to any ICR-related comments with the final rule.

D. Regulatory Flexibility Act (RFA)

Pursuant to section 605(b) of the RFA, 5 U.S.C. 601 *et seq.,* I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities expected to be subject to the requirements of this action are small chemical manufacturers and processors, small petroleum refineries, and small chemical and petroleum wholesalers. There may be some potentially affected firms within other sectors, but not all firms within those sectors will be potentially affected firms.

EPA has determined that 84 small businesses may be affected annually by section 4 actions; 190 small businesses may be affected by section 5 actions (164 may pay discounted fees and the remaining 26 would pay the general industry fee); and 24 small business firms may be affected by section 6 actions. As a result, EPA estimates that, of the 298 small businesses paying fees every year, all may have annual cost-revenue impacts less than 1%.

EPA continues to be interested in the potential impacts of this proposed rule on small entities that are required to pay user fees and welcomes comments on issues related to such impacts.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million or more as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. As such, the requirements of sections 202, 203, 204, or 205 of UMRA, 2 U.S.C. 1531–1538, do not apply to this action.

F. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999).

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

This action does not have tribal implications because it will not have any effect on tribal governments, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000).

H. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

EPA interprets Executive Order 13045 (62 FR 19885, April 23, 1997), as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of Executive Order 13045. This action is not subject to Executive Order 13045 because it does not establish an environmental standard intended to mitigate environmental health risks or safety risks.

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy 1 Supply, Distribution, or Use

This action is not a ''significant energy action'' as defined in Executive Order 13211 (66 FR 28355, May 22, 2001), because it is not likely to have a significant adverse effect on energy supply, distribution, or use. This action is proposing service fees for TSCA, which will not have a significant effect on the supply, distribution or use of energy.

J. National Technology Transfer and Advancement Act (NTTAA)

Since this action does not involve any technical standards, NTTAA section 12(d) (15 U.S.C. 272 note) does not apply to this action.

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

EPA believes that this action does not have disproportionately high and adverse human health or environmental effects on minority populations, low-income populations and/or indigenous peoples, as specified in Executive Order 12898 (59 FR 7629, February 16, 1994). This action does not affect the level of protection provided to human health or the environment.

When implemented, the user fees collected under this proposed rule will assist the Agency in carrying out various requirements under TSCA, including conducting risk evaluations, risk-based screenings, authorizing testing of chemical substances and mixtures, and evaluating and reviewing manufacturing and processing notices, as required under TSCA sections 4, 5, and 6. Although not directly impacting environmental justice-related concerns, the fees will enable the Agency to better protect human health and the environment, including in low-income and minority communities.

List of Subjects

40 CFR Part 700

Chemicals, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements, User fees.

40 CFR Part 720

Chemicals, Environmental protection, Hazardous substances, Imports, Reporting and recordkeeping requirements.

40 CFR Part 723

Chemicals, Environmental protection, Hazardous substances, Phosphate, Reporting and recordkeeping requirements.

40 CFR Part 725

Administrative practice and procedure, Chemicals, Environmental protection, Hazardous substances, Imports, Labeling, Occupational safety and health, Reporting and recordkeeping requirements.

40 CFR Part 790

Administrative practice and procedure, Chemicals, Confidential business information, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements.

40 CFR Part 791

Administrative practice and procedure, Chemicals, Environmental

protection, Hazardous substances, Reporting and recordkeeping requirements.

Dated: February 7, 2018,

E. Scott Pruitt,

Administrator.

Therefore, EPA proposes to amend 40 CFR parts 700, 720, 723, 725, 790 and 791 as follows:

PART 700—[AMENDED]

■ 1. The authority citation for part 700 is revised to read as follows:

Authority: 15 U.S.C. 2625 and 2665, 44 U.S.C. 3504.

■ 2. Section 700.40 is revised to read as follows:

§ 700.40 Purpose and applicability.

(a) *Purpose.* The purpose of this subpart is to establish and collect fees from manufacturers (including importers) and processors to defray part of EPA's cost of administering the Toxic Substances Control Act (15 U.S.C. 2601–2692), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (Pub. L. 114–182).

(b) *Applicability.* This subpart applies to all manufacturers (including importers) and processors who are required to submit information under section 4 of the Act; who submit certain notices and exemption requests to EPA under section 5 of the Act; and who manufacture a chemical substance that is subject to a risk evaluation under TSCA section 6(b)(4) of the Act.

(c) After [DATE 1 DAY AFTER PUBLICATION OF THE FINAL RULE IN THE **Federal Register**], all persons specified in § 700.45 and paragraph (a) of this section must comply with this subpart.

■ 3. Section 700.43 is amended by:

■ a. Revising the section heading;

■ c. Revising the introductory text;

■ d. Adding in alphabetical order definitions for ''Consortium'', ''Enforceable consent agreement'', and ''EPA-initiated risk evaluation'';

■ e. Removing the definitions of ''Exemption application'' and ''Intermediate premanufacture notice'';

■ f. Revising the definition of ''Joint submitters'';

■ g. Adding in alphabetical order a definition for ''Manufacturer-requested risk evaluation'';

■ h. Revising the definition of ''Person'';

■ i. Adding in alphabetical order definitions for ''Principal sponsor'' and ''Risk evaluation'';

■ i. Revising the definitions of ''Significant new use notice'' and ''Small business concern''; and

■ k. Adding in alphabetical order definitions for ''Test order'' and ''Test rule''.

The revisions and additions read as follows:

§ 700.43 Definitions applicable to this subpart.

Definitions in section 3 of the Act (15 U.S.C. 2602), as well as definitions contained in §§ 704.3, 720.3, 723.175(b), 725.3, and 790.3 of this chapter, apply to this subpart unless otherwise specified in this section. In addition, the following definitions apply:

* * * * *

Consortium means an association of manufacturers (including importers) and/or processors who have made an agreement to jointly split the cost of applicable user fees.

* * * * *

Enforceable consent agreement means a consent agreement used by EPA to accomplish testing where a consensus exists among EPA and interested parties (as identified in § 790.22(b)(2)) concerning the need for and scope of testing under section 4 of the Act.

EPA-initiated risk evaluation means any risk evaluation conducted pursuant to section 6(b)(4)(C)(i) of the Act.

* * * * *

Joint submitters mean two or more persons who submit a TSCA section 5 notice together.

Manufacturer-requested risk evaluation means any chemical substance risk evaluation conducted at the request of one or more manufacturers of that chemical substance pursuant to section 6(b)(4)(C)(ii) of the Act.

* * * * *

Person means a manufacturer (including importer) or processor.

* * * * *

Principal sponsor means a person who assumes primary responsibility for the direction of study, the payment of user fees to EPA, and for oral and written communication with EPA.

Risk evaluation means any risk evaluation conducted pursuant to section 6(b) of the Act.

* * * * *

Significant new use notice or *SNUN* means any notice submitted to EPA pursuant to section 5(a)(1)(B) of the Act in accordance with part 721 of this chapter.

Small business concern means any person whose average total annual sales over the person's three fiscal years preceding the date the fee is assessed, when combined with those of the parent company (if any), are less than $91 million.

Test order means an order to develop information pursuant to section 4(a) of the Act.

Test rule refers to a regulation requiring the development of information pursuant to section 4(a) of the Act.

■ 4. Section 700.45 is revised to read as follows:

§ 700.45 Fee payments.

(a) *Persons who must pay fees.* (1) Manufacturers and/or processors submitting a TSCA section 5 notice to EPA shall remit for each such notice the applicable fee identified in paragraph (b) of this section in accordance with the procedures in paragraphs (d) and (e) of this section.

(2) Manufacturers and/or processors of chemical substances and mixtures required to test these chemical substance and mixtures under a TSCA section 4(a) test rule, test order, or enforceable consent agreement shall remit for each such test rule, order, or enforceable consent agreement the applicable fee identified in paragraph (b) of this section in accordance with the procedures in paragraphs (d) and (e) of this section.

(3) Manufacturers of chemical substances and mixtures required to test these chemical substance and mixtures under a TSCA section 4(a) test rule, test order, or enforceable consent agreement other than a test rule, test order, or enforceable consent agreement described in paragraph (a)(2) of this section shall remit for each such test rule, order, or enforceable consent agreement the applicable fee identified in paragraph (b) of this section in accordance with the procedures in paragraphs (d) and (e) of this section.

(4) Manufacturers of a chemical substance that is subject to a risk evaluation under section 6(b) of the Act, shall remit for each such chemical risk evaluation the applicable fee identified in paragraph (b) of this section in accordance with the procedures in paragraphs (d) and (e) of this section. Manufacturers will be identified through the most current Chemical Data Reporting (CDR) submissions. While EPA will attempt to identify manufacturers through CDR data, failure to identify a manufacturer that is subject to a risk evaluation fee does not remove their obligation to pay the associated fee.

(b) *Fees for the 2019, 2020 and 2021 fiscal years.* Persons shall remit fee payments to EPA as follows:

(1) *Small business concerns.* Small business concerns shall remit fees as follows:

(i) *Premanufacture notice and consolidated premanufacture notice.* Persons shall remit a fee totaling $2,800 for each premanufacture notice (PMN) or consolidated (PMN) submitted in accordance with part 720 of this chapter.

(ii) *Significant new use notice.* Persons shall remit a fee totaling $2,800 for each significant new use notice (SNUN) submitted in accordance with part 721 of this chapter.

(iii) *Exemption application.* Persons shall remit a fee totaling $940 for each of the following exemption requests submitted under section 5 of the Act:

(A) *Low releases and low exposures exemption* or *LoREX* request submitted to EPA pursuant to section 5(a)(1) of the Act in accordance with § 723.50(a)(1)(ii) of this chapter.

(B) *Low volume exemption* or *LVE* request submitted to EPA pursuant to section 5(a)(1) of the Act in accordance with § 723.50(a)(1)(i) of this chapter.

(C) *Test marketing exemption* or *TME* application submitted to EPA pursuant to section 5 of the Act in accordance with §§ 725.300 through 725.355 of this chapter.

(D) *TSCA Experimental Release Application* or *TERA* application submitted to EPA pursuant to section 5 of the Act for research and development activities involving microorganisms in accordance with §§ 725.200 through 725.260 of this chapter.

(E) *Tier II exemption* application submitted to EPA pursuant to section 5 of the Act in accordance with §§ 725.428 through 725.455 of this chapter.

(iv) *Instant photographic film article exemption notice.* Persons shall remit a fee totaling $940 for each instant photographic film article exemption notice submitted in accordance with § 723.175 of this chapter.

(v) *Microbial commercial activity notice* and *consolidated microbial commercial activity notice.* Persons shall remit a fee totaling $2,800 for each microbial commercial activity notice (MCAN) or consolidated MCAN submitted in accordance with §§ 725.25 through 725.36 of this chapter.

(vi) Persons shall remit a total of twenty percent of the applicable user fee under paragraph (b)(2)(vi), (b)(2)(vii) or (b)(2)(viii) of this section for a test rule, test order, or enforceable consent agreement.

(vii) Persons shall remit a total fee of twenty percent of the applicable user fee under paragraphs (b)(2)(ix) of this section for an EPA-initiated risk evaluation.

(2) *Others.* Persons other than small business concerns shall remit fees as follows:

(i) *PMN* and *consolidated PMN.* Persons shall remit a fee totaling $16,000 for each PMN or consolidated PMN submitted in accordance with part 720 of this chapter.

(ii) *SNUN.* Persons shall remit a fee totaling $16,000 for each significant new use notice submitted in accordance with part 721 of this chapter.

(iii) *Exemption applications.* Persons shall remit a fee totaling $4,700 for each of the following exemption requests, and modifications to previous exemption requests, submitted under section 5 of the Act:

(A) *Low releases and low exposures exemption* or *LoREX* request submitted to EPA pursuant to section 5(a)(1) of the Act in accordance with § 723.50 (a)(1)(ii) of this chapter.

(B) *Low volume exemption* or *LVE* request submitted to EPA pursuant to section 5(a)(1) of the Act in accordance with § 723.50 (a)(1)(i) of this chapter.

(C) *Test marketing exemption* or *TME* application submitted to EPA pursuant to section 5 of the Act in accordance with §§ 725.300 through 725.355 of this chapter, unless the submitting company has graduated from EPA's Sustainable Futures program, in which case this exemption fee is waived.

(D) *TSCA Experimental Release Application* or *TERA* application submitted to EPA pursuant to section 5 of the Act for research and development activities involving microorganisms in accordance with §§ 725.200 through 725.260 of this chapter.

(E) *Tier II exemption* application submitted to EPA pursuant to section 5 of the Act in accordance with §§ 725.428 through 725.455 of this chapter.

(iv) *Instant photographic film article exemption notice.* Persons shall remit a fee totaling $4,700 for each exemption notice submitted in accordance with § 723.175 of this chapter.

(v) *MCAN and consolidated MCAN.* Persons shall remit a fee totaling $16,000 for each MCAN or consolidated MCAN submitted in accordance with §§ 725.25 through 725.36 of this chapter.

(vi) *Test rule.* Persons shall remit a fee totaling $9,800 for each test rule.

(vii) *Test order.* Persons shall remit a fee totaling $29,500 for each test order.

(viii) *Enforceable consent agreement.* Persons shall remit a fee totaling $22,800 for each enforceable consent agreement.

(ix) *EPA-initiated chemical risk evaluation.* Persons shall remit a fee totaling $1,350,000.

(x) *Manufacturer-requested risk evaluation of a Work Plan Chemical.* Persons shall remit a fee totaling $1,300,000.

(xi) *Manufacturer-requested risk evaluation of a Non-Work Plan Chemical.* Persons shall remit a fee totaling $2,600,000.

(c) *Fees for 2022 fiscal year and beyond.* (1) Fees for the 2022 and later fiscal years will be adjusted on a three-year cycle by multiplying the fees in paragraph (b) by the current PPI index value with a base year of 2019 using the following formula:

$$FA = F \times I$$

Where:

FA = the inflation-adjusted future year fee amount.

F = the user fee specified in paragraph (b) of this section.

I = Producer Price Index for Chemicals and Allied Products inflation value with 2019 as a base year.

(2) Updated fee amounts for PMNs, SNUNs, MCANs, exemption applications and manufacturer-requested chemical risk evaluation requests apply to submissions received by the Agency on or after October 1 of every three-year fee adjustment cycle beginning in fiscal year 2022 (October 1, 2021). Updated fee amounts also apply to test rules, test orders, enforceable consent agreements and EPA-initiated chemical evaluations that are ''noticed'' on or after October 1 of every three-year fee adjustment cycle, beginning in fiscal 2022.

(3) The Agency will initiate industry consultation prior to making fee adjustments. If it is determined that no additional adjustment is necessary beyond for inflation, EPA will provide public notice of the inflation-adjusted fee amounts most likely through posting to the Agency's web page by the beginning of each three-year fee adjustment cycle (*i.e.,* October 1, 2021, October 1, 2024, etc.). If the Agency determines that adjustments beyond inflation are necessary, EPA will provide public notice of that determination and the process to be followed to make those adjustments.

(d) *No fee required.* Persons are exempt from remitting any fee for Tier I exemption submissions under § 725.424 and polymer exemption reports submitted under § 723.250 of this chapter.

(e) *Multiple parties, including joint submitters and consortia.* (1) Joint submitters of a TSCA section 5 notice are required to remit the applicable fee identified in paragraph (b) of this section for each section 5 notice submitted. Only one fee is required for

each submission, regardless of the number of joint submitters for that notice. To qualify for the fee identified in paragraph (b)(1) of this section, each joint submitter of a TSCA section 5 notice must qualify as a small business concern under § 700.43 of this chapter.

(2) Any consortium formed to split the cost of the applicable user fee under section 4 of the Act is required to remit the appropriate fee identified in paragraph (b) of this section for each test rule, test order, or enforceable consent agreement regardless of the number of manufacturers and/or processors in that consortium. For the consortium to qualify for the fee identified in paragraph (b)(1) of this section, each person in the consortium must qualify as a small business concern under § 700.43 of this chapter. Failure to provide notice or submit fee payment pursuant to this paragraph (e)(2) constitutes a violation by each consortium member.

(i) Notification must be provided to EPA that a consortium has formed. The notification must be accomplished within 30 days of the effective date of a test order or test rule under section 4 of the Act or within 30 days of the signing of an enforceable consent agreement under section 4 of the Act. If timely notification has occurred, additional entities may join the consortia after the notification period.

(ii) Notification must be rendered in a .pdf file and submitted electronically via the Agency's electronic reporting software (*e.g.,* Central Data Exchange (CDX)). The following information must be included:

(A) Full name, address, telephone number and signature of principal sponsor;

(B) Name(s) and contact information for each manufacturer and/or processor associating with the consortium.

(iii) It is up to the consortium to determine how fees will be split among the persons in the consortium.

(iv) Consortia are encouraged to set lower fees for small business concerns participating in the consortium.

(v) If a consortium is unable to come to terms on how user fees will be split among the persons in the consortium, the principal sponsor must notify EPA in writing before the user fee is due under paragraph (e)(2) of this section.

(vi) If a consortium provides notice to EPA under paragraph (e)(2)(v) of this section, EPA will assess fees to all persons of the consortium as described under paragraph (e)(4) of this section and provide an additional 30 days for those persons to submit fees.

(3) Any consortium formed to split the cost of the applicable user fee supporting a risk evaluation under section 6(b) of the Act is required to remit the appropriate fee identified in paragraph (b) of this section for each risk evaluation, regardless of the number of manufacturers in that consortium. For the consortium to qualify for the fee identified in paragraph (b)(1)(vii) of this section, each person in the consortium must qualify as a small business concern under § 700.43 of this chapter. Failure to provide notice or submit fee payment pursuant to this paragraph (e)(3) constitutes a violation by each consortium member.

(i) Notification must be provided to EPA that a consortium has formed. The notification must be accomplished within 30 days of the publication of the final scope of a chemical risk evaluation under section 6(b)(4)(D) of the Act or within 30 days of EPA providing notification to a manufacturer that a manufacturer-requested risk evaluation has been granted.

(ii) Notification must be rendered in a .pdf file and submitted electronically via the Agency's electronic reporting software (*e.g.,* CDX). The following information must be included:

(A) Full name, address, telephone number and signature of principal sponsor;

(B) Name(s) and contact information for each manufacturer and/or processor associating with the consortium.

(iii) It is up to the consortium to determine how fees will be split among the persons in the consortium.

(iv) Consortia are encouraged to set lower fees for small business concerns participating in the consortium.

(v) If a consortium is unable to come to terms on how user fees will be split among the persons in the consortium, the principal sponsor must notify EPA in writing before the user fee is due.

(vi) If a consortium provides notice to EPA under paragraph (e)(3)(v) of this section, EPA will assess fees to all persons of the consortium as described under paragraph (e)(4) of this section and provide an additional 30 days for those persons to submit fees.

(4) If multiple persons are subject to user fees triggered by section 4 or 6(b) of the Act and no consortium is formed, EPA will determine the portion of the total applicable user fee to be remitted by each person subject to the requirement. Each person's share of the applicable user fee specified in paragraph (b) of this section shall be in proportion to the total number of manufacturers and/or processors of the chemical substance, with lower fees for small businesses:

$$P_s = 0.2 \times \left[\frac{F}{M_t}\right]$$

$$P_o = \frac{F - \left[0.2 \times \left[\frac{F}{M_t}\right] \times M_s\right]}{(M_t - M_s)}$$

Where:

P_s = the portion of the user fee under paragraph (b) of this section that is owed by a person who qualifies as a small business concern under § 700.43 of this chapter.

P_o = the portion of the user fee owed by a person other than a small business concern.

F = the total user fee required under paragraph (b) of this section.

M_t = the total number of persons subject to the user fee requirement.

M_s = the number of persons subject to the user fee requirement who qualify as a small business concern.

(5) If multiple persons are subject to user fees triggered by section 4 or 6(b) of the Act and some inform EPA of their intent to form a consortium while others choose not to associate with the consortium, EPA will determine the portion of the total applicable user fee to be remitted by each person outside the consortium and by the consortium, per paragraph (e)(4) of this section. For purposes of calculating the portion of the total applicable user fee to be remitted by each person outside the consortium, EPA will consider each person within the consortium as ''one'' person. The balance of the applicable user fee remaining is the responsibility of the consortium; EPA will inform consortium of this requisite user fee amount.

(f) *Remittance procedure.* (1) Electronic payment: Each remittance under this section shall be paid electronically in U.S. dollars, using one of the electronic payment methods supported by the Department of the Treasury's *Pay.gov* or Fedwire online electronic payment service, or any applicable additional or successor online electronic payment service offered by the Department of Treasury.

(2) Timing of payment for user fees incurred between October 1, 2018 and [the effective date of this rule will be inserted at the final rule stage]. User fees required by paragraph (b) of this section for which the fee-triggering action or

event occurred between October 1, 2018, and [EFFECTIVE DATE OF FINAL RULE] shall be paid in response to invoices EPA will send within 30 days of the effective date of this rule.

(3) Timing of payment for user fees incurred after [EFFECTIVE DATE OF FINAL RULE]. User fees required by paragraph (b) of this section for which the fee-triggering action or event occurred after [EFFECTIVE DATE OF FINAL RULE] shall be paid at the following time:

(i) *Test orders and test rules.* The applicable user fee specified in paragraph (b) of this section shall be paid in full not later than 60 days after the effective date of a test rule or test order under section 4 of the Act.

(ii) *Enforceable consent agreements.* The applicable user fee specified in paragraph (b) of this section shall be paid in full not later than 60 days after the signing of an enforceable consent agreement under section 4 of the Act.

(iii) *Section 5 notice.* The applicable user fee specified in paragraph (b) of this section shall be paid in full immediately upon submission of a TSCA section 5 notice.

(iv) *Risk evaluations.* (A) For EPA-initiated risk evaluations, the applicable user fee specified in paragraph (b) of this section shall be paid in full not later than 60 days after EPA publishes the final scope of a chemical risk evaluation under section 6(b)(4)(D) of the Act.

(B) For manufacturer-requested risk evaluations under section 6(b)(4)(C)(ii) of the Act, the applicable user fee specified in paragraph (b) of this section shall be paid in full not later than 30 days after EPA provides the submitting manufacture(s) notice that it has granted the request.

(4)(i) Persons who submit a TSCA section 5 notice shall place an identifying number and a payment identity number on the front page of each TSCA section 5 notice submitted. The identifying number must include the letters ''TS'' followed by a combination of 6 numbers (letters may be substituted for some numbers). The payment identity number may be a ''*Pay.gov*'' transaction number or FedWire wire transfer number used to transmit the user fee. The same TS number and the submitter's name must appear on the corresponding fee remittance under this section. If a remittance applies to more than one TSCA section 5 notice, the person shall include the name of the submitter and a new TS number for each TSCA section 5 notice to which the remittance applies, and the amount of the remittance that applies to each notice.

(ii) Persons who are required to submit a letter of intent to conduct testing per § 790.45 of this chapter shall place a payment identity number on the front page of each letter submitted. The identifying number must include the letters ''TS'' followed by a combination of 6 numbers (letters may be substituted for some numbers). The payment identity number may be a ''*Pay.gov*'' transaction number or FedWire wire transfer number used to transmit the user fee. The same TS number and the submitter's name must appear on the corresponding fee remittance under this section. If a remittance applies to more than one letter of intent to conduct testing, the person shall include the name of the submitter and a new TS number for each letter of intent to conduct testing to which the remittance applies, and the amount of the remittance that applies to each letter of intent.

(iii) Persons who sign an enforceable consent agreement per § 790.60 of this chapter shall place a payment identity number within the contents of the signed agreement. The identifying number must include the letters ''TS'' followed by a combination of 6 numbers (letters may be substituted for some numbers). The payment identity number may be a ''*Pay.gov*'' transaction number or FedWire wire transfer number used to transmit the user fee. The same TS number and the submitter's name must appear on the corresponding fee remittance under this section. If a remittance applies to more than one enforceable consent agreement, the party or parties shall include the name of the submitter(s) and a new TS number for each enforceable consent agreement to which the remittance applies, and the amount of the remittance that applies to each enforceable consent agreement.

(5)(i) Each person who remits the fee identified in paragraph (b)(1) of this section for a PMN, consolidated PMN, intermediate PMN, or SNUN shall insert a check mark for the statement, ''The company named in part 1, section A is a small business concern under 40 CFR 700.43 and has remitted a fee of $2,800 in accordance with 40 CFR 700.45(b).'' under ''CERTIFICATION'' on page 2 of the Premanufacture Notice for New Chemical Substances (EPA Form 7710–25). This form is available on EPA's website at *https://cdx.epa.gov/SSL/PMN/Outbound/Electronic_PMN_Form_version2.pdf.*

(ii) Each person who remits the fee identified in paragraph (b)(1) of this section for a LVE, LoREX, TERA, TMEA, or Tier II exemption request under TSCA section 5 shall insert a check mark for the statement, ''The company named in part 1, section A is a small business concern under 40 CFR 700.43 and has remitted a fee of $940 in accordance with 40 CFR 700.45(b).'' in the exemption application.

(iii) Each person who remits the fee identified in paragraph (b)(1) of this section for an exemption notice under § 723.175 of this chapter shall include the words, ''The company or companies identified in this notice is/are a small business concern under 40 CFR 700.43 and has/have remitted a fee of $940 in accordance with 40 CFR 700.45(b).'' in the certification required in § 723.175(i)(1)(x) of this chapter.

(iv) Each person who remits the fee identified in paragraph (b)(1) of this section for a MCAN or consolidated MCAN for a microorganism shall insert a check mark for the statement, ''The company named in part 1, section A is a small business concern under 40 CFR 700.43 and has remitted a fee of $2,800 in accordance with 40 CFR 700.45(b).'' in the certification required in § 725.25(b) of this chapter.

(6)(i) Each person who remits a fee identified in paragraph (b)(2) of this section for a PMN, consolidated PMN, intermediate PMN, or SNUN shall insert a check mark for the statement, ''The company named in part 1, section A has remitted the fee of $16,000 specified in 40 CFR 700.45(b).'' under ''CERTIFICATION'' on page 2 of the Premanufacture Notice for New Chemical Substances (EPA Form 7710–25).

(ii) Each person who remits a fee identified in paragraph (b)(2) of this section for a LVE, LoREX, TERA, TMEA, or Tier II exemption request under TSCA section 5 shall insert a check mark for the statement, ''The company named in part 1, section A has remitted the fee of $4,700 specified in 40 CFR 700.45(b).'' in the exemption application.

(iii) Each person who remits the fee identified in paragraph (b)(2) of this section for an exemption notice under § 723.175 of this chapter shall include the words, ''The company or companies identified in this notice has/have remitted a fee of $4,700 in accordance with 40 CFR 700.45(b).'' in the certification required in § 723.175(i)(1)(x) of this chapter.

(iv) Each person who remits the fee identified in paragraph (b)(2) of this section for a MCAN for a microorganism shall insert a check mark for the statement, ''The company named in part 1, section A has remitted the fee of $16,000 in accordance with 40 CFR 700.45(b).'' in the certification required in § 725.25(b) of this chapter.

(g) *Full fee refunds.* EPA will refund, in totality, any fee paid for a section 5 notice whenever the Agency determines:

(i) That the chemical substance that is the subject of a PMN, consolidated PMN, exemption request, or exemption notice, is not a new chemical substance as of the date of submission of the notice,

(ii) In the case of a SNUN, that the notice was not required,

(iii) The notice is incomplete under either § 720.65(c), § 723.50(e)(3) or § 725.33, of this chapter,

(iv) That as of the date of submission of the notice: The microorganism that is the subject of a MCAN or consolidated MCAN is not a new microorganism; nor is the use involving the microorganism a significant new use; or

(v) When the Agency fails to make a determination on a notice by the end of the applicable notice review period under § 720.75 or § 725.50 of this chapter, unless the Agency determines that the submitter unduly delayed the process, or

(vi) When the Agency fails to approve, or deny an exemption request within the applicable period under § 720.38(d), § 723.50(g) or § 725.50(b) of this chapter, unless the Agency determines that the submitter unduly delayed the process.

(h) *Partial fee refunds.* (1) If a TSCA section 5 notice is withdrawn during the first 10 business days after the beginning of the applicable review period under § 720.75(a) of this chapter, the Agency will refund all but 25% of the user fee as soon as practicable.

(2) Once withdrawn, any future submission related to the TSCA section 5 notice must be submitted as a new notice.

■ 5. Section 700.49 is revised to read as follows:

§ 700.49 Failure to remit fees.

(a) EPA will not consider a TSCA section 5 notice to be complete unless the appropriate certification under § 700.45(e) is included and until the appropriate remittance under § 700.45(b) has been submitted as provided in § 700.45(e). EPA will notify the submitter of a section 5 notice that it is incomplete in accordance with §§ 720.65(c) and 725.33(b)(1) of this chapter.

(b) Failure to submit the appropriate remittance specified under § 700.45(b) for a test order, test rule, enforceable consent agreement, or EPA-initiated risk evaluation as provided in § 700.45(e) is a violation of TSCA and enforceable under section 15 of the Act.

(c) EPA will not initiate a manufacturer-requested risk evaluation that the Agency has otherwise determined to be complete unless the appropriate remittance under § 700.45(b) has been submitted as provided in § 700.45(e).

PART 720—[AMENDED]

■ 6. The authority citation for part 720 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2613.

■ 7. Section 720.38 is amended by adding paragraphs (b)(6) and (f) to read as follows:

§ 720.38 Exemptions for test marketing.

* * * * *

(b) * * *

(6) A user fee payment identity number, as required in 40 CFR 700.45(e)(3).

* * * * *

(f) When applying for a test marketing exemption, persons are subject to user fees in accordance with 40 CFR 700.45.

■ 8. Section 720.45 is amended by revising paragraph (a)(5) to read as follows:

§ 720.45 Information that must be included in the notice form.

* * * * *

(a) * * *

(5) If a manufacturer cannot provide all the information specified in paragraphs (a) (1) and (2) of this section because the new chemical substance is manufactured using a reactant having a specific chemical identity claimed as confidential by its supplier, the manufacturer must submit a notice directly to EPA containing all the information known by the manufacturer about the chemical identity of the reported substance and its proprietary reactant. In addition, the manufacturer must ensure that the supplier of the confidential reactant submit a letter of support directly to EPA providing the specific chemical identity of the confidential reactant, including the CAS number, if available, and the appropriate PMN or exemption number, if applicable. The letter of support must reference the manufacturer's name and PMN User Fee Identification Number. The statutory review period will commence upon receipt of both the notice and the letter of support.

* * * * *

PART 723—[AMENDED]

■ 9. The authority citation for part 723 continues to read as follows:

Authority: 15 U.S.C. 2604.

■ 10. Section 723.175 is amended by adding paragraph (a)(2)(iv) and by revising paragraphs (h)(3)(i)(1)(ii)(C) and (h)(3)(i)(1)(iii), and adding paragraph (h)(3)(i)(1)(xi) to read as follows:

§ 723.175 Chemical substances used in or for the manufacture or processing of instant photographic and peel-apart film articles.

(a) * * *

(2) * * *

(iv) Remit the applicable user fee specified in § 700.45(b) of this chapter.

* * * * *

(h) * * *

(3) * * *

(1) * * *

(ii) * * *

* * * * *

(C) *Polymers.* For a polymer, the notice must identify monomers and other reactants used in the manufacture of the polymer by chemical name and CAS Registry Number. The notice must indicate the amount of each monomer used (by weight percent of total monomer); the maximum residual of each monomer present in the polymer; and a partial or incomplete structural diagram, if available. The notice must indicate the number average molecular weight of the polymer and characterize the anticipated low molecular weight species. The notice must include this information for each typical average molecular weight composition of the polymer to be manufactured.

(iii) *Impurities.* The notice must identify the impurities that can be reasonably anticipated to be present in the new chemical substance when manufactured under the exemption by name and CAS Registry Number, by class of substances, or by process or source. The notice also must estimate the maximum percent (by weight) of each impurity in the new chemical substance and the percent of unknown impurities present.

* * * * *

(xi) User fee payment ID number. The manufacturer or processor must include a payment identity number on the front page of the notice.

* * * * *

PART 725—[AMENDED]

■ 11. The authority citation for part 725 continues to read as follows:

Authority: 15 U.S.C. 2604, 2607, 2613, and 2625.

■ 12. Section 725.25 is amended by adding paragraph (i) to read as follows:

§ 725.25 General administrative requirements.

* * * * *

(i) *Fees.* Persons submitting MCANs and exemption requests to EPA under this part are subject to the applicable

user fees and conditions specified in §§ 700.40, 700.45(b), and 700.49 of this chapter.

■ 13. Section 725.33 is amended by revising paragraphs (a)(9) and (10) to read as follows:

§ 725.33 Incomplete submissions.

(a) * * *

(9) The submitter does not remit the fees required by § 700.45(b) of this chapter.

(10) The submitter does not include an identifying number and a payment identity number.

* * * * *

PART 790—[AMENDED]

■ 14. The authority citation for part 790 continues to read as follows:

Authority: 15 U.S.C. 2603.

■ 15. Section 790.45 is amended by adding paragraphs (c)(7) and (g) to read as follows:

§ 790.45 Submission of letter of intent to conduct testing or exemption application.

* * * * *

(c) * * *

(7) A payment identity number on the front page of the letter, as required in § 700.45(e)(3) of this chapter.

* * * * *

(g) Manufacturers and processors subject to a test rule described in § 790.40 and required to comply with the requirements of that test rule as provided in § 790.42(a) must remit the applicable user fee specified in § 700.45(b) of this chapter.

■ 16. Section 790.59 is amended by adding paragraph (c) to reads as follows:

§ 790.59 Failure to comply with a test rule.

* * * * *

(c) Persons who fail to pay the requisite user fee as specified in § 700.45(b) of this chapter will be in violation of the rule.

■ 17. Section 790.60 is amended by adding paragraphs (a)(18) and (d) to read as follows:

§ 790.60 Contents of consent agreements.

(a) * * *

(18) Payment identity number, as required in § 700.45(e)(3) of this chapter.

* * * * *

(d) *Fees.* Manufacturers and/or processors signing the consent agreement are subject to the applicable user fee specified in § 700.45(b) of this chapter.

■ 18. Section 790.65 is amended by revising paragraph (b) to read as follows:

§ 790.65 Failure to comply with a consent agreement.

* * * * *

(b) The Agency considers failure to comply with any aspect of a consent agreement, including the failure to pay requisite user fees as specified in § 700.45 of this chapter, to be a ''prohibited act'' under section 15 of TSCA, subject to all the provisions of the Act applicable to violations of section 15. Section 15(1) of TSCA makes it unlawful for any person to fail or refuse to comply with any rule or order issued under section 4. Consent agreements adopted pursuant to this part are ''orders issued under section 4'' for purposes of section 15(1) of TSCA.

* * * * *

PART 791—[AMENDED]

■ 19. The authority citation for part 791 continues to read as follows:

Authority: 15 U.S.C. 2603 and 2607.

■ 20. Section 791.39 is amended by removing paragraph (a)(3) and revising paragraph (b).

The revision reads as follows:

§ 791.39 Fees and expenses.

* * * * *

(b) *Expenses.* All expenses of the hearing, including the cost of recording (though not transcribing) the hearing and required traveling and other expenses of the hearing officer and of American Arbitration Association representatives, and the expenses of any witness or the cost of any proofs produced at the direct request of the hearing officer, shall be borne equally by the parties, unless they agree otherwise, or unless the hearing officer, in the award, assesses such expenses or any part thereof against any specified party or parties.

* * * * *

[FR Doc. 2018–02928 Filed 2–23–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[EPA–HQ–OPPT–2011–0941; FRL–9974–60]

RIN 2070–AB27

Modification of Significant New Use of a Certain Chemical Substance; Extension of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; extension of comment period.

SUMMARY: EPA issued a proposed rule in the **Federal Register** of February 8, 2018, proposing to amend the significant new use rule (SNUR) under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for oxazolidine, 3,3′-methylenebis[5-methyl-, which was the subject of a premanufacture notice (PMN) and a significant new use notice (SNUN). This document extends the comment period for 17 days and provides notice that EPA has added two documents to the docket.

DATES: The comment period for the proposed rule published February 8, 2018 (83 FR 5598) is extended. This document extends the comment period for 17 days, from February 23, 2018, to March 12, 2018. Comments, identified by docket identification (ID) number EPA–HQ–OPPT–2011–0941, must be received on or before March 12, 2018.

ADDRESSES: Follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of February 8, 2018 (83 FR 5598) (FRL–9973–02).

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Kenneth Moss, Chemical Control Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–9232; email address: *moss.kenneth@epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION: This document extends the public comment period established in the **Federal Register** document of February 8, 2018 (83 FR 5598) (FRL–9973–02), which proposed amendments to the SNUR for the chemical substance in 40 CFR 721.10461. EPA has added two documents to the docket: the redacted (to mask information claimed as confidential business information) Significant New Use Notice for oxazolidine, 3,3′-methylenebis[5-methyl-,; and a revised redacted version of the Structure Activity Team report. In order to give all interested persons the opportunity to comment fully, EPA is hereby extending the comment period, which was set to end on February 23, 2018, to March 12, 2018.

To submit comments, or access the docket, please follow the detailed instructions provided under **ADDRESSES** in the **Federal Register** document of February 8, 2018. If you have questions, consult the technical person listed

under **FOR FURTHER INFORMATION CONTACT**.

List of Subjects in 40 CFR Part 721

Environmental protection, Chemicals, Hazardous Substances, Reporting and recordkeeping requirements.

Dated: February 15, 2018.

Jeffery T. Morris,

Director, Office of Pollution Prevention and Toxics.

[FR Doc. 2018–03843 Filed 2–23–18; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 170919912–8142–01]

RIN 0648–BH26

Fisheries of the Northeastern United States; Scup Fishery; Framework Adjustment 10

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes modifications to the commercial scup quota periods, as recommended by the Mid-Atlantic Fishery Management Council. The proposed change would move the month of October from the Summer Period to the Winter II Period. This rule is intended to increase fishing opportunities by allowing for more scup to be landed by extending the Winter II Period when possession limits are higher.

DATES: Comments must be received by 5 p.m. local time, on March 13, 2018.

ADDRESSES: An environmental assessment (EA) was prepared for this action and describes the proposed measures and other considered alternatives, and provides an analysis of the impacts of the proposed measures and alternatives. Copies of the Scup Commercial Quota Period Modification Framework, including the EA, are available on request from Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, Suite 201, 800 North State Street, Dover, DE 19901. These documents are also accessible via the internet at *http://www.mafmc.org/s/Scup_quota_period_framework_draftEA_Nov2017.pdf.*

You may submit comments on this document, identified by NOAA–NMFS–2018–0001, by either of the following methods:

Electronic Submission: Submit all electronic public comments via the Federal e-Rulemaking Portal.

1. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0001,*

2. Click the ''Comment Now!'' icon, complete the required fields, and

3. Enter or attach your comments.

—OR—

Mail: Submit written comments to Michael Pentony, Regional Administrator, National Marine Fisheries Service, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope, ''Comments on the Proposed Rule to Modify the Scup Commercial Quota Periods.''

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 part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

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

SUPPLEMENTARY INFORMATION:

General Background

Scup (*Stenotomus chrysops*) is managed jointly by the Mid-Atlantic Fishery Management Council and the Atlantic States Marine Fisheries Commission through the Summer Flounder, Scup, Black Sea Bass Fishery Management Plan (FMP). The management unit specified in the FMP for scup is U.S. waters of the Atlantic Ocean from 35°13.3′ N lat. (the latitude of Cape Hatteras Lighthouse, Buxton, NC) northward to the U.S./Canada border. The scup stock is not overfished and it is not experiencing overfishing.

Currently, the scup commercial quota is broken into three periods: Winter I (January 1 through April 30) receives 45.11 percent of the annual quota; Summer (May 1 through October 31) receives 38.95 percent; and Winter II (November 1 through December 31) receives an initial 15.94 percent with any unused Winter I quota rolled over into Winter II. Federal trip limits are imposed during the two Winter Periods; states impose landing restrictions during the Summer Period. The Council established these quota periods in 1997 to recognize that there are two commercial fishing fleets (62 FR 27978; May 22, 1997). Larger vessels harvest scup offshore during the winter months and smaller vessels harvest scup inshore during the summer. Without the quota periods and Federal trip limits, the larger vessels would be able to fish the full annual quota early in the year, leaving no quota for the smaller inshore fleet.

The scup stock was declared rebuilt in 2009 based on the findings of a stock assessment. The commercial scup quota nearly doubled between 2010 and 2011. From 2011 to 2016, commercial scup landings have been 20 to 47 percent below the annual commercial quota. Stakeholders have stated that the more restrictive possession limits during the Summer Period, compared to the Winter I and II Periods, have prevented fishermen from landing high volumes of scup when they are available. This limits the ability of the fishery to achieve the annual commercial quota and results in forgone yield.

Proposed Action

In order to address these limits on the ability of the fishery to achieve the annual commercial quota, this action would move the month of October from the Summer Period to the Winter II Period (Table 1). This action would facilitate more landings at higher possession limits during longer periods of time. This change would be effective for October 2018 and is expected to have positive socioeconomic impacts compared to maintaining the status quo quota periods.

This action only considers a change to the seasons of the three quota periods. It is not changing the possession limits or the amount of quota allocated annually to each period.

TABLE 1—PROPOSED COMMERCIAL QUOTA PERIOD DATES

[Percent shares and possession limits remain unchanged]

Quota period	Percent share	Dates	Federal possession limits (per trip)	
			lb	kg
Winter I	45.11	January 1–April 30	50,000	22,680
Summer	38.95	May 1–September 30	N/A	N/A
Winter II	15.94	October 1–December 31	12,000 (initial)	5,443
Total	100.0	N/A	N/A	N/A

The Council has reviewed the proposed rule regulations as drafted by NMFS and deemed them to be necessary and appropriate as specified in section 303(c) of the MSA.

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 Summer Flounder, Scup, and Black Sea Bass FMP, other provisions of 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.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities.

The Mid-Atlantic Fishery Management Council conducted an evaluation of the potential socioeconomic impacts of the proposed measures in conjunction with an environmental assessment. According to the commercial ownership database, 526 affiliate firms were issued scup permits during the 2014–2016 period, with 517 of those business affiliates categorized as small businesses and nine categorized as large businesses. Scup represented approximately 1.2 percent of the average receipts of the small entities considered and less than 1 percent of the average receipts of the large entities considered over this time period. This action does not affect the for-hire recreational fishery.

Analyses conducted in support of this action indicate that modifications to the commercial quota periods will result in higher scup landings and increased revenues when compared to current conditions by increasing the scup possession limit during the month of October. As such, this action is expected to increase potential fishing opportunities available to small commercial fishing entities. Because this rule will not have a significant economic impact on a substantial number of small entities, an initial regulatory flexibility analysis is not required and none has been prepared.

There are no new reporting or recordkeeping requirements contained in any of the alternatives considered for this action.

Dated: February 21, 2018.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

■ 1. The authority citation for part 648 continues to read as follows:

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

■ 2. In § 648.122, paragraph (c)(1) is revised to read as follows:

§ 648.122 Scup specifications.

* * * * *

(c) * * *

(1) The annual commercial quota will be allocated into three periods, based on the following percentages:

Period	Percent
Winter I—January–April	45.11
Summer—May–September	38.95
Winter II—October–December	15.94

* * * * *

■ 3. In § 648.123, paragraph (a)(2)(ii) is revised to read as follows:

§ 648.123 Scup accountability measures.

(a) * * *

(2) * * *

(ii) For the Winter I and Summer quota periods, landings in excess of the allocation will be deducted from the appropriate quota period for the following year in the final rule that establishes the annual quota. The overage deduction will be based on landings for the current year through September 30 and on landings for the previous calendar year that were not included when the overage deduction was made in the final rule that established the period quotas for the current year. If the Regional Administrator determines during the fishing year that any part of an overage deduction was based on erroneous landings data that were in excess of actual landings for the period concerned, he/she will restore the overage that was deducted in error to the appropriate quota allocation. The Regional Administrator will publish notification in the **Federal Register** announcing the restoration.

* * * * *

■ 4. In § 648.125, paragraphs (a)(1) and (a)(5) are revised to read as follows:

§ 648.125 Scup gear restrictions.

(a) * * *

(1) *Minimum mesh size.* No owner or operator of an otter trawl vessel that is issued a scup moratorium permit may possess more than 1,000 lb (454 kg) of scup from October 1 through April 30, or more than 200 lb (91 kg) of scup from May 1 through September 30, unless fishing with nets that have a minimum mesh size of 5.0-inch (12.7-cm) diamond mesh, applied throughout the codend for at least 75 continuous meshes forward of the terminus of the net, and all other nets are stowed and not available for immediate use as defined in § 648.2.

* * * * *

(5) *Stowage of nets.* The owner or operator of an otter trawl vessel retaining 1,000 lb (454 kg) or more of scup from October 1 through April 30, or 200 lb (90.7 kg) or more of scup from May 1 through September 30, and subject to the minimum mesh requirements in paragraph (a)(1) of this section, and the owner or operator of a midwater trawl or other trawl vessel subject to the minimum size requirement in § 648.126, may not have available for immediate use any net, or any piece of net, not meeting the minimum mesh size requirement, or

mesh that is rigged in a manner that is inconsistent with the minimum mesh size. A net that is stowed and not available for immediate use as defined in § 648.2, and that can be shown not to have been in recent use, is considered to be not available for immediate use.

* * * * *

[FR Doc. 2018–03828 Filed 2–23–18; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 83, No. 38
Monday, February 26, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 21, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 28, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Animal Plant and Health Inspection Service

Title: Commercial Transportation of Equines for Slaughter.

OMB Control Number: 0579–0332.

Summary of Collection: Section 901–905 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901) authorize the Secretary of Agriculture to issue guidelines for regulating the commercial transportation of equine for slaughter, by persons regularly engaged in that activity within the United States. Specifically, the Secretary is authorized to regulate the food, water, and rest provided to the equines equines while they are in transit and to review related issues be appropriate to ensuring that these animals are treated humanely. To implement the provisions of this Act, the Veterinary Services program of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) has established minimum standards to ensure the humane movement of equines for slaughter.

Need and Use of the Information: APHIS will collect information in the form of owner-shipper certificates of fitness to travel to slaughter facility; certificate of veterinary inspection; application of backtags; collection of business information on any person found to be transporting horses to a slaughtering facility; and recordkeeping. The collected information is use to ensure that equines being transported for slaughter receive adequate food, water, and rest and are treated humanely. If the information was collected less frequently or not collected, APHIS' ability to ensure that equines destined for slaughter are treated humanely would be significantly hampered.

Description of Respondents: Business or other for profit, Individuals or Households, and Federal Government.

Number of Respondents: 332.

Frequency of Responses: Reporting, Recordkeeping, and Third-Party Disclosure: On occasion.

Total Burden Hours: 8,608.

Ruth Brown,

Departmental Information Collection Clearance Officer

[FR Doc. 2018–03798 Filed 2–23–18; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 21, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques and other forms of information technology.

Comments regarding this information collection received by March 28, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC, 20503. Commentors are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such

persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

30-Day Federal Register Notice

Forest Service

Title: Financial Information Security Request Form.

OMB Control Number: 0596–0204.

Summary of Collection: The majority of Forest Service's (FS) financial records are in databases stored at the National Finance Center (NFC). The Federal Information Security Reform Act of 2002 (Pub. L. 107–347) and Information Technology Management Reform Act of 1996 (Pub. L. 104–106) authorize the Forest Service to obtain information necessary for contracted employees to access and maintain these records.

Need and use of the Information: The Forest Service uses a paper and electronic version of its form FS–6500–214 to gather name, work email, work telephone number, job title etc. for a specific contracted employee to apply to NFC for access. Prior to filling out the firm, contractors must first complete specific training before a user may request access to certain financial systems. NFC grants access to users only at the request of Client Security Officers. The unit's Client Security Officer is responsible for management of access to computers and coordinates all requests for NFC. The information collected is shared with those managing or overseeing the financial systems used by the FS, this includes auditors.

Description of Respondents: Contracted Employees.

Number of Respondents: 209.

Frequency of Reponses: Reporting: Yearly.

Total Burden Hours: 315.

Forest Service

Title: Outreach Opportunity Questionnaire.

OMB Control Number: 0596–0207.

Summary of Collection: Title VI of the Civil Rights Act prohibits discrimination based on race, color, or national origin in federally assisted or direct programs of the Federal Government. Section 703 in Title VII of the Civil Rights Act prohibits discrimination in employment based on race, color, religion, sex, or national origin in actions affecting employees or applicants for employment. The Forest Service (FS) requires outreach and recruitment of diverse candidates as a strategy to create a diverse and multicultural workforce within the agency. FS will the Outreach Opportunity Questionnaire to collect information regarding ethnicity and race, and responses on: Helpfulness of information provided by the FS at career fairs, whether information received was what the respondents was seeking, and whether application procedures were clear and simple.

Need and Use of the Information: The information will be used to evaluate effectiveness of the Civil Rights Outreach Programs conducted by the Northeastern Research Service Center. The information will also be used to determine the effectiveness of career days and to track outreach efforts at career fairs.

Description of Respondents: Individuals or households.

Number of Respondents: 675.

Frequency of Reponses: Reporting: Yearly.

Total Burden Hours: 44.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–03826 Filed 2–23–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

February 21, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 26, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business—Cooperative Service

Title: Rural Energy for America Program.

OMB Control Number: 0570–0067.

Summary of Collection: The collection of this information is required pursuant to the passing of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill), which established the Rural Energy for America Program (REAP) under Title IX, Section 9007. The Agricultural Act of 2014 (2014 Farm Bill) continued this authority except that the ability to make grants for feasibility studies has been removed from REAP. REAP provides grants and loan guarantees to eligible agricultural producers and rural small businesses for the purchase of renewable energy systems and the implementation of energy efficiency improvements. REAP also provides grants for eligible entities to conduct energy audits and provide renewable energy development assistance.

Need and Use of the Information: Information will be collected using several forms and non-forms. The information will be used to determine applicant eligibility and feasibility, and to ensure that grantees/borrowers operate on a sound basis and use funds for authorized purposes. Failure to collect proper information could result in improper determinations of eligibility or improper use of funds.

Description of Respondents: Business or other for-profit; Individuals; State, local government, or Tribal.

Number of Respondents: 1,918.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Monthly; Annually.

Total Burden Hours: 109,986.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–03797 Filed 2–23–18; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Forest Service

Manti-La Sal National Forest, Utah; Maverick Point Forest Health Project

AGENCY: Forest Service, USDA.

ACTION: Withdrawal of notice of intent to prepare environmental impact statement.

SUMMARY: The Manti-La Sal National Forest is withdrawing the Notice of Intent (NOI) to prepare an Environmental Impact Statement for the Maverick Point Forest Health Project. The original NOI was published in the **Federal Register** on January 15, 2013.

FOR FURTHER INFORMATION CONTACT: Questions concerning withdrawal of the NOI should be addressed to Michael Diem (District Ranger) at the following address: Moab/Monticello Ranger District, Manti-La Sal National Forest, P.O. Box 820, Monticello, Utah 84535, phone: 435–587–2041.

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

Dated: February 16, 2018.

Glenn P. Casamassa,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–03775 Filed 2–23–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Public Employment and Payroll Forms

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: To ensure consideration, written comments must be submitted on or before April 27, 2018.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at *PRAcomments@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dale C. Kelly, Chief, International Trade Management Division, U.S. Census Bureau, Room 5K158, 4600 Silver Hill Road, Washington, DC 20233; or by email *dale.c.kelly@census.gov.*

SUPPLEMENTARY INFORMATION

I. Abstract

The Census Bureau plans to request clearance for the collection tools necessary to conduct the public employment and payroll program, which consists of an annual collection of information. During the upcoming three years, we intend to conduct the 2019 Annual Survey of Public Employment & Payroll, the 2020 Annual Survey of Public Employment & Payroll, and the 2021 Annual Survey of Public Employment & Payroll.

Under Title 13, Sections 161 and 182, of the United States Code, the Secretary of Commerce is authorized to conduct the public employment and payroll program, which collects and disseminates state and local government data by function for full-time and part-time employees, payroll, and number of part-time hours worked.

The burden hours we will request are based on the expected 2019, 2020 and 2021 Annual Survey of Public Employment & Payroll collection from 16,357 respondents for each survey year. In addition, burden hours include data received via data arrangements, which are explained in further detail within the method of collection section.

The state and local government statistics produced cover national, state, and local aggregates on various functions with comparative detail for individual governments for the pay period that includes March 12.

The Census Bureau provides these employment data to the Bureau of Economic Analysis for constructing the functional payrolls in the public sector of the Gross Domestic Product; payroll being the single largest component of current operations. The public employment and payroll program has increasingly been used as the base for reimbursable programs conducted by the Census Bureau for other Federal agencies such as: (1) The government portion of the Medical Expenditure Panel Survey commissioned by the Agency for Healthcare Research and Quality to provide timely, comprehensive information about health care use and costs in the United States, and (2) the Criminal Justice Expenditure and Employment Survey, sponsored by the Bureau of Justice Statistics (BJS), which provides criminal justice expenditure and employment data on spending and personnel levels.

Statistics are produced as data files in electronic formats. The program has disseminated comprehensive and comparable governmental statistics since 1940. The users of the public employment and payroll program data include Federal agencies, state and local governments and related organizations, public interest groups, and many business, market, and private research organizations

II. Method of Collection

An estimated 20,231 state agencies, county governments, consolidated city-county governments, independent cities, towns, townships, special district governments, and public school systems designated for the 2019, 2020 or 2021 Annual Survey of Public Employment & Payroll will be sent a mailed invitation for internet collection or their data will be collected through a data sharing arrangement between the Census Bureau and the governmental unit.

The Census Bureau developed central collection arrangements with state and large local government officials to collect the data from their dependent agencies and report to the Census Bureau as a central respondent. Based on the 2017 Census of Governments, Survey of Public Employment & Payroll, these arrangements eliminate the need to individually canvass approximately 3,716 state agencies and 158 school systems. The arrangements reduce burden by greatly reducing the number of people who have to complete an on-line form as the data are acquired from a centralized source instead of from multiple sources. Currently, the Census Bureau has central collection arrangements with forty-six states and four local school district governments.

III. Data

OMB Control Number: 0607–0452.

Form Number(s): E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–8, E–9, E–10.

Type of Review: Regular submission.

Affected Public: State and local governments.

Estimated Number of Respondents: 16,357/sample year.

Estimated Time per Response: The average for all forms is 50 minutes.

Estimated Total Annual Burden Hours: 13,631/sample year.

Estimated Total Annual Cost to Public: $0. (This is not the cost of

respondents' time, but the indirect costs respondents may incur for such things as purchases of specialized software or hardware needed to report, or expenditures for accounting or records maintenance services required specifically by the collection.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Sections 161 and 182.

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 PRA Lead, Office of the Chief Information Officer.

[FR Doc. 2018–03810 Filed 2–23–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Notice of Petitions by Firms for Determination of Eligibility To Apply for Trade Adjustment Assistance

AGENCY: Economic Development Administration, U.S. Department of Commerce.

ACTION: Notice and opportunity for public comment.

SUMMARY: The Economic Development Administration (EDA) has received petitions for certification of eligibility to apply for Trade Adjustment Assistance from the firms listed below. Accordingly, EDA has initiated investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each of the firms contributed importantly to the total or partial separation of the firms' workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

SUPPLEMENTARY INFORMATION:

LIST OF PETITIONS RECEIVED BY EDA FOR CERTIFICATION OF ELIGIBILITY TO APPLY FOR TRADE ADJUSTMENT ASSISTANCE

[01/31/2018 through 02/14/2018]

Firm name	Firm address	Date accepted for investigation	Product(s)
FILE–EZ Folder, Inc	4111 East Mission Avenue, Spokane, WA 99202.	1/31/2018	The firm manufactures paperboard folders and report covers.
Marion Mixers, Inc., d/b/a Marion Process Solutions.	3575 3rd Avenue, Marion, IA 52302	2/6/2018	The firm manufactures horizontal mixing and blending equipment, heating and drying equipment, coloring equipment, and process control equipment.
E–Z Ink, Inc	140 58th Street, Building B, Unit 4E, Brooklyn, NY 11220.	2/12/2018	The firm recycles and remanufactures printer ink and toner cartridges.
Unimar, Inc	3195 Vickery Road, Syracuse, NY 13212.	2/14/2018	The firm manufactures lighting and control systems for aviation obstructions and industrial uses.

Any party having a substantial interest in these proceedings may request a public hearing on the matter. A written request for a hearing must be submitted to the Trade Adjustment Assistance Division, Room 71030, Economic Development Administration, U.S. Department of Commerce, Washington, DC 20230, no later than ten (10) calendar days following publication of this notice. These petitions are received pursuant to section 251 of the Trade Act of 1974, as amended.

Please follow the requirements set forth in EDA's regulations at 13 CFR 315.9 for procedures to request a public hearing. The Catalog of Federal Domestic Assistance official number and title for the program under which these petitions are submitted is 11.313, Trade Adjustment Assistance for Firms.

Irette Patterson,

Program Analyst.

[FR Doc. 2018–03781 Filed 2–23–18; 8:45 am]

BILLING CODE 3510–WH–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–35–2018]

Foreign-Trade Zone 231—Stockton, California; Application for Subzone Expansion, Subzone 231A; Medline Industries, Inc., Manteca, California

An application has been submitted to the Foreign-Trade Zones (FTZ) Board by the Port of Stockton, California, grantee of FTZ 231, requesting an additional site within Subzone 231A on behalf of Medline Industries, Inc. (Medline). The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the FTZ Board (15 CFR part 400). It was formally docketed on February 15, 2018.

Subzone 231A was approved on March 4, 2007 (72 FR 14516, 03/28/2007) and expanded on August 4, 2015 (80 FR 47897, 08/10/2015). The subzone currently consists of three sites: *Site 1* (12.49 acres) 18250 Murphy Parkway, Lathrop; *Site 3* (24.3 acres), 1030 Runway Drive, Stockton; and, *Site 4* (61.53 acres), 24356 Hansen Road, Tracy. The applicant is now requesting authority to expand the subzone further to include an additional site: Proposed *Site 5* (49.72 acres), 2325 West Louise Avenue, Manteca. The applicant is also requesting that *Site 1* be removed from the subzone as it is no longer used by the company. No authorization for production activity has been requested at this time. The expanded subzone

would be subject to the existing activation limit of FTZ 231.

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

Public comment is invited from interested parties. Submissions shall be addressed to the FTZ Board's Executive Secretary at the address below. The closing period for their receipt is April 9, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to April 23, 2018.

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

For further information, contact Christopher Kemp at *christopher.kemp@trade.gov* or (202) 482–0862.

Dated: February 15, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–03772 Filed 2–23–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Proposed Information Collection; Comment Request; Report of Whaling Operations.

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

DATES: Written comments must be submitted on or before April 27, 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 Carolyn Doherty, National Marine Fisheries Service (NMFS), Office for International Affairs and Seafood Inspection, 1315 East-West Hwy., Silver Spring, MD, 20910; (301) 427–8385 or *Carolyn.Doherty@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for extension of a current information collection.

Native Americans may conduct certain aboriginal subsistence whaling under the Whaling Convention Act in accordance with the provisions of the International Whaling Commission (IWC). In order to respond to obligations under the International Convention for the Regulation of Whaling, the IWC, and the Whaling Convention Act, whaling captains participating in these operations must submit certain information to the relevant Native American whaling organization about strikes on and catch of whales. Anyone retrieving a dead whale is also required to report. Captains must place a distinctive permanent identification mark on any harpoon, lance, or explosive dart used, and must also provide information on the mark and self-identification information. The relevant Native American whaling organization receives the reports, compiles them, and submits the information to NOAA.

The information is used to monitor the hunt and to ensure that quotas are not exceeded. The information is also provided to the IWC, which uses it to monitor compliance with its requirements.

II. Method of Collection

Reports may be made by phone, fax, email, or in writing. Information on equipment marks must be made in writing. No form is used.

III. Data

OMB Control Number: 0648–0311.

Form Number(s): None.

Type of Review: Regular submission (extension of current information collection).

Affected Public: Individuals or households; state, local, or tribal governments.

Estimated Number of Respondents: 166 (165 whaling captains, one Native American whaling organization).

Estimated Time per Response: 30 minutes for reports on whales struck or on recovery of dead whales, including providing the information to the relevant Native American whaling organization; 5 minutes for the relevant Native American whaling organization to type in each report; and 5 hours for the relevant Native American whaling organization to consolidate and submit reports.

Estimated Total Annual Burden Hours: 86.

Estimated Total Annual Cost to Public: $100 in recordkeeping/reporting costs.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: February 21, 2018.

Sarah Brabson,

NOAA PRA Clearance Officer.

[FR Doc. 2018–03877 Filed 2–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Evaluation of National Estuarine Research Reserve; Meeting Notice

AGENCY: Office for Coastal Management (OCM), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA), Office for Coastal Management will hold a public meeting to solicit comments for the performance evaluation of the Hudson River National Estuarine Research Reserve.

DATES: *Hudson River Bay National Estuarine Research Reserve Evaluation:* The public meeting will be held on Wednesday, May 9, 2018, and written comments must be received on or before Friday, May 18, 2018.

For the specific date, time, and location of the public meeting, see **SUPPLEMENTARY INFORMATION.**

ADDRESSES: You may submit comments on the Hudson River National Estuarine Research Reserve by any of the following methods:

Public Meeting and Oral Comments: A public meeting will be held in Staatsburg, New York for the Hudson River Bay National Research Reserve. For the specific location, see **SUPPLEMENTARY INFORMATION.**

Written Comments: Please direct written comments to Ralph Cantral, Senior Advisor, NOAA Office for Coastal Management, 2234 South Hobson Avenue, Charleston, South Carolina 29405–2413, or via email to *Ralph.Cantral@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Ralph Cantral, Senior Advisor, Policy, NOAA Office for Coastal Management, 2234 South Hobson Avenue, Charleston, South Carolina 29405–2413, by phone at (843) 740–1143, or via email to *Ralph.Cantral@noaa.gov.* Copies of the previous evaluation findings, Management Plan, and Site Profile may be viewed and downloaded on the internet at *http://coast.noaa.gov/czm/evaluations.* A copy of the evaluation notification letter and most recent performance report may be obtained upon request by contacting the person identified under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: Sections 312 and 315 of the Coastal Zone Management Act (CZMA) require NOAA to conduct periodic evaluations of federally-approved National Estuarine Research Reserves. The process includes a public meeting, consideration of written public comments, and consultations with interested Federal, state, and local agencies and members of the public. For the evaluation of National Estuarine Research Reserves, NOAA will consider the extent to which the state has met the national objectives, adhered to its management plan approved by the Secretary of Commerce, and adhered to the terms of financial assistance under the Coastal Zone Management Act. When the evaluation is completed, NOAA's Office for Coastal Management will place a notice in the **Federal Register** announcing the availability of the Final Evaluation Findings.

Specific information on the periodic evaluation of reserves that are the subject of this notice are detailed below as follows:

Hudson River National Estuarine Research Reserve Evaluation

You may participate and submit oral comments at the public meeting scheduled as follows:

Date: Wednesday, May 9, 2018
Time: 4:00 p.m., local time
Location: Norrie Point Environmental Center, 256 Norrie Point Way, Staatsburg, NY 12580

Written comments must be received on or before May 18, 2018.

Dated: February 8, 2018.

Keelin Kuipers,

Acting Deputy Director, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration.

Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration

[FR Doc. 2018–03794 Filed 2–23–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG052

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Working Group of the Northeast Trawl Advisory Panel (NTAP) of the Mid-Atlantic Fishery Management Council will hold a meeting.

DATES: The meeting will be held on Monday, March 5, beginning at 10 a.m. and conclude by 3 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting address: The meeting will be held at the Northeast Fisheries Science Center (NEFSC) office located on 28 Tarzwell Dr., Narragansett, RI 02882.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this Working Group meeting is to: (1) Develop plans for work on the F/V Nobska, (2) compare NEFSC/Northeast Area Monitoring and Assessment Program gear performance, (3) determine priorities for future gear efficiency work, (4) evaluate the effects of NEFSC gear spread on survey indices, and (5) develop recommendations for NTAP's focus for the next 1–3 years.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: February 21, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–03838 Filed 2–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG050

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a meeting of its Law Enforcement Technical Committee (LETC), in conjunction with the Gulf States Marine Fisheries Commission's Law Enforcement Committee (LEC).

DATES: The meeting will convene on Tuesday, March 13, 2018, starting 8:30 a.m. and will adjourn at 5 p.m.

ADDRESSES: The meeting will be held at the Sheraton Bay Point Resort, located at 4114 Jan Cooley Drive, Panama City Beach, FL 32408; telephone: (850) 236–6000.

Council address: Gulf of Mexico Fishery Management Council, 2203 N Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Mr. Steven Atran, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; *steven.atran@gulfcouncil.org,*

telephone: (813) 348–1630, and Mr. Steve Vanderkooy, Inter-jurisdictional Fisheries Coordinator, Gulf States Marine Fisheries Commission; *svanderkooy@gsmfc.org,* telephone: (228) 875–5912.

SUPPLEMENTARY INFORMATION: The items of discussion on the agenda are as follows:

Joint Gulf Council's Law Enforcement Technical Committee and Gulf States Marine Fisheries Commission's Law Enforcement Committee Meeting Agenda, Tuesday, March 13, 2018, 8:30 a.m. Until 5 p.m.

1. Introductions and Adoption of Agenda
2. Approval of Minutes (Joint Meeting October 18, 2017)

Gulf Council LETC Items

3. Spiny Lobster Amendment 13 (revised actions)
4. Coral Amendment 9—New SSC recommendation
5. Recreational Red Snapper State Management Programs—updated delegation action
6. Review of List of Authorized Fisheries and Gear
7. Discussion of a Possible Team of the Year Award

GSMFC LEC Items

8. Future of JEAs and JEA Funding Discussion
9. Potential Updating of Two-Year Operations Plan 2019–20
10. IJF Program Activity
    a. Cobia Profile
    b. Officers' Pocket Guide
    c. Annual License and Fees
    d. Law Summary (red book)
11. State Report Highlights
    a. Florida
    b. Alabama
    c. Mississippi
    d. Louisiana
    e. Texas
    f. USCG
    g. NOAA OLE
    h. USFWS
12. Other Business

Meeting Adjourns

The Agenda is subject to change. The latest version of the agenda along with other meeting materials will be posted on the Council's file server, which can be accessed by going to the Council website at *http://www.gulfcouncil.org* and clicking on File Server under Quick Links. For meeting materials see folder ''LETC Meeting–2018–03'' on Gulf Council file server. The username and password are both ''gulfguest''.

The Law Enforcement Technical Committee consists of principal law enforcement officers in each of the Gulf States, as well as the NOAA Law Enforcement, U.S. Fish and Wildlife Service, the U.S. Coast Guard, and the NOAA General Counsel for Law Enforcement.

Although other non-emergency issues not on the agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: February 21, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–03837 Filed 2–23–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG 049

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a four-day public meeting to undertake an independent review to assess past Council performance and solicit suggestions for improvement. Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held from Tuesday, March 13 through Friday, March 16, 2018, beginning at 9 a.m. on Tuesday and at 8:30 a.m. Wednesday through Friday.

ADDRESSES:

Meeting address: The meeting will be held at the Hilton Garden Inn, Boston Logan, 100 Boardman Street, Boston, MA 02128; phone: (617) 567–6789.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The New England Fishery Management Council is conducting an independent review to: (1) Assess past performance; (2) gather feedback on strengths and weaknesses of the Council process and operations; and (3) identify potential areas for improvements. The review will be conducted by an independent six-member panel of fishery managers and scientists from other regions. Each member has a strong understanding of U.S. federal fisheries management but no recent affiliation with the New England Council. Some also have international experience. Non-Executive sessions will be open to the public. Conclusions and recommendations of the panel will be presented to the Council at a future meeting.

Additional information on the review is available on the Council website, *www.nefmc.org.* The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: February 21, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–03836 Filed 2–23–18; 8:45 am]

BILLING CODE 3510–22–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

Consumer Advisory Board Subcommittee Meetings

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice of public subcommittee meetings.

SUMMARY: This notice sets forth the announcement of two public subcommittee meetings of the Consumer Advisory Board (CAB or Board) of the Bureau of Consumer Financial Protection (CFPB or Bureau). The notice also describes the functions of the Board its subcommittees.

DATES: The Consumer Advisory Board Consumer Lending subcommittee meeting will take place on Wednesday, February 28, 2018 from approximately 1:00 p.m. to 2:30 p.m. eastern standard time via conference call. The Consumer Advisory Board Mortgages and Small Business Lending Markets subcommittee meeting will take place on Tuesday, March 13, 2018 from approximately 1:00 p.m. to 2:30 p.m. eastern standard time via conference call.

Access: The subcommittee meetings will be conducted via conference call and are open to the general public. Members of the public will receive the agenda and dial-in information when they RSVP.

FOR FURTHER INFORMATION CONTACT: Crystal Dully, Outreach and Engagement Associate, 202–435–9588, *CFPB_CABandCouncilsEvents@cfpb.gov,* Advisory Board and Councils Office, External Affairs, 1700 G Street NW, Washington, DC 20552. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Section 3 of the Charter of the Consumer Advisory Board states that:

The purpose of the Board is outlined in section 1014(a) of the Dodd-Frank Act, which states that the Board shall ''advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws'' and ''provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.''

To carry out the Board's purpose, the scope of its activities shall include providing information, analysis, and recommendations to the Bureau. The Board will generally serve as a vehicle for market intelligence and expertise for the Bureau. Its objectives will include identifying and assessing the impact on consumers and other market participants of new, emerging, and changing products, practices, or services.

Typically, the subcommittees meet during the in person advisory group meetings as well as in between via conference calls. Each subcommittee has an advisory group member who serves as the chair and staff from the CFPB's Advisory Board and Councils Office to assist the chair in conducting the meeting.

II. Agenda

The Consumer Lending subcommittee focuses on policy issues related to small dollar lending, debt collection, debt relief, auto lending, consumer reporting, and alternative data. The Mortgages and Small Business Markets Lending subcommittee focuses on policy issues related to mortgage origination, mortgage securitization and servicing, marketing service agreements, subprime lending, reverse mortgages, the Home Mortgage Disclosure Act (HMDA), mortgage insurance, risk monitoring, and small business lending.

Written comments will be accepted from interested members of the public and should be sent to *CFPB_CABandCouncilsEvents@cfpb.gov,* a minimum of seven (7) days in advance of the meetings. The comments will be provided to the CAB members for consideration. Persons who need a reasonable accommodation to participate should contact *CFPB_504Request@cfpb.gov,* 202–435–9EEO, 1–855–233–0362, or 202–435–9742 (TTY) at least ten business days prior to the meeting or event to request assistance. The request must identify the date, time, location, and title of the meeting or event, the nature of the assistance requested, and contact information for the requester. CFPB will strive to provide, but cannot guarantee that accommodation will be provided for late requests.

Individuals who wish to join the Consumer Advisory Board Consumer Lending subcommittee meeting must RSVP to *cfpb_cabandcouncilsevents@cfpb.gov* by noon, February 27, 2018. Individuals who wish to join the Consumer Advisory Board CAB Mortgages and Small Business Lending Markets subcommittee meeting must RSVP to *cfpb_cabandcouncilsevents@cfpb.gov* by noon, March 12, 2018. Members of the public must RSVP by the due date and must include ''CAB Consumer Lending'' or ''CAB Mortgages and Small Business Lending Markets in the subject line of the RSVP.

III. Availability

A summary of these meetings will be available after the meeting on the CFPB's website *www.consumerfinance.gov.*

Dated: February 21, 2018.

Kirsten Sutton,

Chief of Staff, Bureau of Consumer Financial Protection.

[FR Doc. 2018–03842 Filed 2–23–18; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0007]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (PRA), the Bureau of Consumer Financial Protection (Bureau) is proposing to renew with change the Office of Management and Budget (OMB) approval for an existing information collection titled, ''Financial Coaching Program for Veterans and Low-income Consumers.''

DATES: Written comments are encouraged and must be received on or before March 28, 2018 to be assured of consideration.

ADDRESSES: Comments in response to this notice are to be directed towards OMB and to the attention of the OMB Desk Officer for the Bureau of Consumer Financial Protection. You may submit comments, identified by the title of the information collection, OMB Control Number (see below), and docket number (see above), by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: OIRA_submission@omb.eop.gov.*
- *Fax:* (202) 395–5806.
- *Mail:* Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503.

In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

FOR FURTHER INFORMATION CONTACT: Documentation prepared in support of this information collection request is available at *www.reginfo.gov* (this link becomes active on the day following publication of this notice). Select ''Information Collection Review,'' under ''Currently under review, use the dropdown menu ''Select Agency'' and

select ''Consumer Financial Protection Bureau'' (recent submissions to OMB will be at the top of the list). The same documentation is also available at *http://www.regulations.gov.* Requests for additional information should be directed to the Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552, (202) 435–9575, or email: *CFPB_PRA@cfpb.gov.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.* Please do not submit comments to these email boxes.

SUPPLEMENTARY INFORMATION:

Title of Collection: Financial Coaching Program for Veterans and Low-income Consumers.

OMB Control Number: 3170–0051.

Type of Review: Extension with change of a currently approved collection.

Affected Public: Individuals.

Estimated Number of Respondents: 7,200.

Estimated Total Annual Burden Hours: 3,600.

Abstract: In early 2015, the Bureau launched a Financial Coaching project to provide direct financial coaching services to transitioning veterans and economically vulnerable consumers nationwide. In order for the Bureau to understand whether the program is effective and for the financial coaches to be able to deliver efficient services and track clients over time, the Bureau needs to take steps to monitor program performance and to evaluate the program. This includes collecting administrative data about clients for programmatic purposes. The information is collected from the coaches and includes a combination of personal information (basic contact and demographic information), performance metrics (outputs), client-level outcomes (progress towards financial goals or other relevant outcomes) and programmatic and organizational outcomes.

The initial information collection request for the administrative data collected by coaches from financial coaching clients for programmatic and performance monitoring purposes was approved in 2015 and expires on February 28, 2018. In 2015, the Financial Coaching program was extended beyond the initial program period and subsequently, this request is for an extension of administrative data collection. In addition, this information request includes a modification, to add five questions to the administrative data collection. The five questions are part of the Financial Well-being Survey, which received approval under OMB Control Number 3170–0063 in order to measure the level of financial well-being of American adults and key sub-populations. This will help us understand the progress clients are making and is also in line with the Bureau's overall efforts to be more consistent in the information we are collecting.

Request for Comments: The Bureau issued a 60-day **Federal Register** notice on November 8, 2017, (82 FR 51822), Docket Number: CFPB–2017–0032. Comments were solicited and continue to be invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Bureau, including whether the information will have practical utility; (b) The accuracy of the Bureau's estimate of the burden of the collection of information, including the validity of the methods and the 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 respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

Dated: February 20, 2018.

Darrin A. King,

Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.

[FR Doc. 2018–03791 Filed 2–23–18; 8:45 am]

BILLING CODE 4810–AM–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB–2018–0005]

Request for Information Regarding Bureau External Engagements

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Notice and request for information.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) seeks comments and information from interested parties to assist the Bureau in assessing its public and non-public external engagements, including but not limited to field hearings, town halls, roundtables, and meetings of the Advisory Board and Councils.

DATES: Comments must be received by May 29, 2018.

ADDRESSES: You may submit responsive information and other comments, identified by Docket No. CFPB–2018–0005, by any of the following methods:

- *Electronic:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: FederalRegisterComments@cfpb.gov.* Include Docket No. CFPB–2018–0005 in the subject line of the message.
- *Mail:* Comment Intake, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.
- *Hand Delivery/Courier:* Comment Intake, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

Instructions: The Bureau encourages the early submission of comments. All submissions must include the document title and docket number. Because paper mail in the Washington, DC area and at the Bureau is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW, Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. eastern time. You can make an appointment to inspect the documents by telephoning 202–435–7275.

All submissions in response to this request for information, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Zixta Martinez, Associate Director, External Affairs, at 202–435–9745. If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION: In addition to using notice and comment to seek feedback on regulations from external stakeholders, the Bureau of Consumer Financial Protection has historically conducted external engagements, such as field hearings, town halls, roundtables, non-public meetings, and public meetings of the Bureau's Advisory Board and Councils, to discuss and receive feedback on its work.

To assess its external engagements, the Bureau is, as described below,

issuing this request for information seeking public comment on how best to conduct future external engagements while continuing to achieve the Bureau's statutory objectives.

Overview of This Request for Information

To ensure that the Bureau hears regularly from diverse external stakeholders, it conducts public and non-public meetings, including field hearings, town halls, roundtables, and meetings of its Advisory Board and Councils.

The Bureau's field hearings are organized around a specific topic and take place in geographically diverse locations throughout the United States. Field hearings are announced on the Bureau's website, are open to the public, and are livestreamed on the Bureau's website. The hearings typically begin with introductory remarks by a Bureau staff member, state or local officials, the CFPB Director, followed by a panel discussion with industry representatives, nonprofit organizations, academics, or other subject matter experts. After the panel discussion, a CFPB staff member invites audience input about the specific topic and/or discussion. Participation is open to all field hearing attendees. Field hearings are available to view as archived videos on the Bureau's website at *https://www.consumerfinance.gov/about-us/events/archive-past-events/.*

Town halls may be open to the public or invitation-only and are sometimes co-hosted by another organization. They are historically organized around a specific topic or financial education. Town halls typically include remarks by the CFPB Director or a CFPB staff person, followed by an audience comment period. Sometimes town halls will include a small discussion panel made up of the CFPB Director or CFPB staff and an external stakeholder, such as an industry representative or a member of a nonprofit organization. To date, the Bureau has held 33 field hearings and 15 town halls in over 40 cities.

Roundtables are invitation-only events with the CFPB Director or CFPB staff to discuss particular issues. Roundtables have historically included industry representatives, nonprofit organizations, academics, or other interested parties.

The Bureau has organized four formal advisory groups (Advisory Board and Councils):

- The Consumer Advisory Board (CAB);
- The Community Bank Advisory Council (CBAC);
- The Credit Union Advisory Council (CUAC); and
- The Academic Research Council (ARC).

The CAB is required by section 1014(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). The purpose of the CAB is ''to advise and consult with the Bureau in the exercise of its functions under the Federal consumer financial laws, and to provide information on emerging practices in the consumer financial products or services industry, including regional trends, concerns, and other relevant information.'' 12 U.S.C. 5494(a). The CAB is a source of market intelligence and expertise for the agency; the CAB also advises and consults with Bureau staff about various aspects of the Bureau's work. The Bureau has established three other advisory groups. The CBAC advises the Bureau about the effects of regulating consumer financial products or services from the unique perspectives of community banks, and the CUAC does the same from the unique perspectives of credit unions. The ARC advises the Bureau about research methodologies, data collection, and analytic strategies and provides feedback about research and strategic planning.

Since their establishment in 2012, the Bureau's advisory groups have convened in-person and via conference call to fulfill their designated purpose. In addition to service on the full advisory group, members also typically serve on a subcommittee that is focused on particular issues. Advisory group meetings can take place during one day or a series of days, depending on the meeting objectives. The meeting structure typically includes remarks by the CFPB Director and discussions among members and Bureau subject matter experts. At meetings of the CAB, there are also presentations from CAB members about consumer finance trends and themes. In addition, when advisory group meetings are held outside of Washington, DC, they have historically included a segment where members of the public may provide comment on issues that they care about. Advisory group meetings are announced to the public via the **Federal Register** and the Bureau's website. They are also livestreamed, and a summary of the meeting is published. Each advisory group produces an annual report to the Director about its activities for the fiscal year. To date, the Bureau has conducted 47 public meetings of its advisory groups.

The Bureau aims to conduct engagements in locations throughout the United States in order to engage with the public and inform its work. The Bureau expects that entities that have engaged with the Bureau are likely to have useful information and perspectives about Bureau engagements. The Bureau is especially interested in better understanding how it may improve or revise its engagements to better achieve the Bureau's statutory objectives.

Areas of Interest

The following list of areas of interest represents a preliminary attempt by the Bureau to identify elements of Bureau processes related to external engagements on which it should focus. This non-exhaustive list is meant to assist in the formulation of comments and is not intended to restrict the issues that may be addressed. In addressing these areas, the Bureau requests that commenters identify with specificity the Bureau practices at issue, providing examples where appropriate.

The Bureau is seeking feedback on all aspects of conducting future external engagements, including the following areas of interest:

1. Strategies for seeking public and private feedback from diverse external stakeholders on the Bureau's work;

2. Structures for convening diverse external stakeholders and the public to discuss Bureau work in ways that maximize public participation and constructive input, including but not limited to structures utilized by the Bureau to date, such as field hearings, town halls, roundtables, and meetings of the advisory groups;

3. Processes for transparency in determining topics, locations, timing, frequency, participants, and other important elements of both public and private events;

4. Vehicles for soliciting public and private perspectives from outside of Washington, DC on the Bureau's work;

5. Strategies for promoting transparency of external engagements, including Advisory Board and Council meetings, while protecting confidential business information and encouraging frank dialogue;

6. Strategies and channels for distributing information about external engagements to maximize awareness and participation; and

7. Other approaches, methods, or practices not currently utilized by the Bureau that would elicit constructive input on the Bureau's work.

Authority: 12 U.S.C. 5511(c).

Dated: February 15, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–03788 Filed 2–23–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF DEFENSE

Department of the Army

Advisory Committee on Arlington National Cemetery; Solicitation for New Members

AGENCY: Department of the Army, DoD.

ACTION: Notice and request for resumes from highly qualified individuals to be considered for Advisory Committee membership.

SUMMARY: The Advisory Committee on Arlington National Cemetery is an independent Federal advisory committee chartered to provide the Secretary of Defense, through the Secretary of the Army, independent advice and recommendations on Arlington National Cemetery, including, but not limited to cemetery administration, the erection of memorials at the cemetery, and master planning for the cemetery. The Secretary of the Army may act on the Committee's advice and recommendations. The Committee is comprised of no more than nine (9) members. Subject to the approval of the Secretary of Defense, the Secretary of the Army appoints no more than seven (7) of these members. The purpose of this notice is to solicit resumes from a wide range of highly qualified individuals desiring appointment to the Committee. Appointment as a members of the Committee and its sub-committees may be made for terms of service ranging from one to four years. All nominees by the Secretary of the Army for Secretary of Defense for approval must be preeminent authorities in their respective fields of interest or expertise. This notice solicits submissions of resumes from interested and highly qualified individuals to fill Committee membership vacancies that may occur through September 30, 2018.

DATES: All nominations must be received no later than May 1, 2018.

ADDRESSES: Individuals interested in being considered for appointment may submit a resume and contact information (address and phone number) to the Department of the Army through the Committee's Designated Federal Officer at the following address: Advisory Committee on Arlington National Cemetery, ATTN: Alternate Designated Federal Officer (ADFO) (Mr. Keating), Arlington National Cemetery, Arlington, VA 22211.

FOR FURTHER INFORMATION CONTACT: Mr. Timothy P. Keating, Alternate Designated Federal Officer, by email at *timothy.p.keating.civ@mail.mil* or by telephone 877–907–8585.

SUPPLEMENTARY INFORMATION: The Advisory Committee on Arlington National Cemetery was established pursuant to Title 10, United States Code Section 4723. The selection, service and appointment of members of the Committee are publicized in the Committee Charter, available on the Arlington National Cemetery website *http://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/Charter.* The substance of the provisions of the Charter is as follows:

a. Selection. The Committee Charter provides that the Committee shall be comprised of no more than nine members, all of whom are preeminent authorities in their respective fields of interest or expertise. Of these, no more than seven members are nominated by the Secretary of the Army.

By direction of the Secretary of the Army, all resumes submitted in response to this notice will be presented to and reviewed by a panel of three senior Army leaders. Potential nominees shall be prioritized after review and consideration of their resumes for: demonstrated technical/professional expertise; preeminence in a field(s) of interest or expertise; potential contribution to membership balance in terms of the points of view represented and the functions to be performed; potential organizational and financial conflicts of interest; commitment to our Nation's veterans and their families; and published points of view relevant to the objectives of the Committee. The panel will provide the DFO with a prioritized list of potential nominees for consideration by the Executive Director, Army National Military Cemeteries for an initial recommendation to the Secretary of the Army. The Executive Director, Army National Military Cemeteries, the Secretary of the Army, and the Secretary of Defense are not limited or bound by the recommendations of the Army senior leader panel. Sources in addition to this **Federal Register** notice may be utilized in the solicitation and selection of individuals for consideration.

b. Service. The Secretary of Defense may approve the appointment of a Committee member for a one-to-four year term of service; however, no member, unless authorized by the Secretary of Defense, may serve on the Committee or authorized subcommittee for more than two consecutive terms of service. The Secretary of the Army shall designate the Committee Chair from the total Advisory Committee membership. The Committee meets at the call of the DFO, in consultation with the Committee Chair. It is estimated that the Committee meets four times per year.

c. Appointment. The operations of the Committee and the appointment of members are subject to the Federal Advisory Committee Act (Pub. L. 92–463, as amended) and departmental implementing regulations, including Department of Defense Instruction 5105.04, Department of Defense Federal Advisory Committee Management Program, available at *http://www.dtic.mil/whs/directives/corres/pdf/510504p.pdf.* Appointed members who are not full-time or permanent part-time Federal officers or employees shall be appointed as experts and consultants under the authority of Title 5, United States Code Section 3109 and shall serve as special government employees. Committee members appointed as special government employees shall serve without compensation except that travel and per diem expenses associated with official Committee activities are reimbursable.

Additional information about the Committee is available on the internet at: *http://www.arlingtoncemetery.mil/About/Advisory-Committee-on-Arlington-National-Cemetery/Charter.*

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2018–03829 Filed 2–23–18; 8:45 am]

BILLING CODE 5001–03–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2017–0021; OMB Control Number 0704–0214]

Submission for OMB Review; Comment Request

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice.

SUMMARY: The Defense Acquisition Regulations System has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by March 28, 2018.

SUPPLEMENTARY INFORMATION:

Title, Associated Forms and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 217, Special Contracting Methods, and related clauses at 252.217; OMB Control Number 0704–0214.

Affected Public: Businesses or other for-profit and not-for- profit institutions.

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

Type of Request: Revision of a currently approved collection.

Reporting Frequency: On occasion.

Number of Respondents: 5,859.

Responses per Respondent: 5.

Annual Responses: 29,295.

Average Burden per Response: 8.

Annual Burden Hours: 234,360.

Summary of Information Collection

DFARS 217.7004, Exchange of Personal Property. Paragraph (a) of this section requires that solicitations which contemplate exchange (trade-in) of personal property and application of the exchange allowance to the acquisition of similar property (see 40 U.S.C. 481), shall include a request for offerors to state prices for the new items being acquired both with and without any exchange (trade-in allowance).

DFARS 217.7404–3, Undefinitized Contract Actions. Paragraph (b) of this section requires contractors to submit a ''qualifying proposal'' in accordance with the definitization schedule provided in the contract. A qualifying proposal is defined in DFARS 217.7401(c) as a proposal containing sufficient information for the DoD to do complete and meaningful analyses and audits of the information in the proposal, and any other information that the contracting officer has determined DoD needs to review in connection with the contract.

DFARS 217.7505, Acquisition of Replenishment Parts. Paragraph (d) of this section permits contracting officers to include in sole-source solicitations that include acquisition of replenishment parts, a provision requiring that the offeror supply with its proposal, price and quantity data on any Government orders for the replenishment part issued within the most recent 12 months (see 10 U.S.C. 2452 note, Spare Parts and Replacement Equipment, Publication of Regulations).

DFARS 252.217–7012, Liability and Insurance. Paragraph (d)(3) of this clause requires the contractor to show evidence of casualty, accident, and liability insurance under a master agreement for vessel repair and alteration.

DFARS 252.217–7012. Paragraphs (f) and (g) of the require the contractor to notify the contracting officer of any property loss or damage for which the Government is liable and to submit to the contracting officer a request, with supporting documentation, for reimbursement of the cost of replacement or repair.

DFARS 252.217–7026, Identification of Sources of Supply. This provision requires the apparently successful offeror to identify its sources of supply. The Government is required under 10 U.S.C. 2384 to obtain certain information on the actual manufacturer or sources of supplies it acquire.

DFARS 252.217–7028, Over and Above Work. Paragraphs (c) and (e) of this clause require the contractor to submit to the contracting officer a work request and proposal for ''over and above work'' or work discovered during the course of performing overhaul, maintenance, and repair efforts that is within the general scope of the contract, not covered by the line item(s) for the basic work under the contract, and necessary in order to satisfactorily complete the contract.

Jennifer L. Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2018–03850 Filed 2–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

[Docket Number DARS–2018–0006; OMB Control Number 0704–0397]

Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Requests for Equitable Adjustment

AGENCY: Defense Acquisition Regulations System, Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. *DoD invites comments on:* Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2018. DoD proposes that OMB extend its approval for three additional years.

DATES: DoD will consider all comments received by April 27, 2018.

ADDRESSES: You may submit comments, identified by OMB Control Number 0704–0397, using any of the following methods:

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

○ *Email: osd.dfars@mail.mil.* Include OMB Control Number 0704–0397 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Mr. Mark Gomersall, OUSD(AT&L)DPAP(DARS), 3060 Defense Pentagon, Room 3B941, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Ms. Mark Gomersall, 571–372–6099. The information collection requirements addressed in this notice are available electronically on the internet at: *http://www.acq.osd.mil/dpap/dfars/index.htm.* Paper copies are available from Mr. Mark Gomersall, OUSD(AT&L)DPAP(DARS), Room 3B941, 3060 Defense Pentagon, Washington, DC 20301–3060.

SUPPLEMENTARY INFORMATION:

Title, Associated Form, and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS), Contract Modifications and related clause at DFARS 252.243–7002; OMB Control Number 0704–0397.

Needs and Uses: The information collection required by the clause at DFARS 252.243–7002, Requests for Equitable Adjustment, implements 10 U.S.C. 2410(a). DoD contracting officers and auditors use this information to evaluate contractor requests for equitable adjustments to contracts.

Affected Public: Businesses and other for-profit entities.

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

Type of Request: Revision of a currently approved collection.

Reporting Frequency: On occasion.

Number of Respondents: 88.

Responses per Respondent: 1.1, approximately.

Annual Responses: 94.

Average Burden per Response: 14.2 hours, approximately.

Annual Response Burden Hours: 1,334.

Summary of Information Collection

The clause at DFARS 252.243–7002, Requests for Equitable Adjustment, is prescribed at DFARS 243.205–71 for use in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial items that are estimated to exceed the simplified acquisition threshold. The clause requires contractors to certify that requests for equitable adjustment that exceed the simplified acquisition threshold are made in good faith and that the supporting data are accurate and complete. The clause also requires contractors to fully disclose all facts relevant to the requests for adjustment.

Jennifer L. Hawes,

Regulatory Control Officer, Defense Acquisition Regulations System.

[FR Doc. 2018–03856 Filed 2–23–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Policy and Procedural Guidance for Processing Requests To Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to Section 408

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

ACTION: Extension of comment period.

SUMMARY: On February 5, 2018, the U.S. Army Corps of Engineers (USACE) published a notice announcing the availability of a draft Engineer Circular (EC), which is an agency policy document, for a 30-day comment period. This draft EC provides the proposed policies and procedures related to how USACE will process certain requests by others to alter a USACE civil works project pursuant to Section 14 of the Rivers and Harbors Act of 1899, as amended (more commonly referred to as Section 408). This notice announces the extension of the comment period by an additional 30 days. The extension of the comment period is a result of requests by entities to allow more time to submit their comments. The draft EC is available for review on the USACE Section 408 website (*http://www.usace.army.mil/Missions/Civil-Works/Section408/*) and at *http://www.regulations.gov* reference docket number COE–2018–0003.

DATES: The public comment period that began on February 5, 2018 (83 FR 5075) is extended until April 6, 2018.

ADDRESSES: You may submit comments identified by docket number COE–2018–0003 by any of the following methods:

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

Email: HQ-Section408@usace.army.mil and include the docket number COE–2018–0003 or ''EC 1165–2–220 Comments'' in the subject line of the message.

Mail: Headquarters, U.S. Army Corps of Engineers, ATTN: CECW–CE/3E62, 441 G Street NW, Washington, DC 20314–1000.

Hand Delivery/Courier: Due to security requirements, we cannot receive comments by hand delivery or courier.

Instructions: Instructions for submitting comments are provided in the document published on February 5, 2018 (83 FR 5075). Consideration will be given to all comments received by April 6, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Tammy Conforti at 202–761–4649, email *HQ-Section408@usace.army.mil,* or visit *http://www.usace.army.mil/Missions/Civil-Works/Section408/.*

SUPPLEMENTARY INFORMATION: In the February 5, 2018 issue of the **Federal Register** (83 FR 5075), the U.S. Army Corps of Engineers (USACE) published a notice announcing the availability of a draft Engineer Circular (EC), which is an agency policy document, for a 30-day comment period. This draft EC provides the proposed policies and procedures related to how USACE will process certain requests by others to alter a USACE civil works project pursuant to Section 14 of the Rivers and Harbors Act of 1899, as amended (more commonly referred to as Section 408). Several entities have requested an extension of the comment period. USACE finds that an extension of the comment period is warranted. Therefore, the comment period for the draft EC extended until April 6, 2018.

Dated: February 20, 2018.

James C. Dalton,

Director of Civil Works.

[FR Doc. 2018–03851 Filed 2–23–18; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Availability of Draft Integrated Feasibility Report and Environmental Impact Statement for the Gulf Intracoastal Waterway: Brazos River Floodgates and Colorado River Locks Systems Feasibility Study, Brazos and Matagorda Counties, TX

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

ACTION: Notice of availability.

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers, Galveston District (USACE) announces the release of the Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR–EIS) for the Recommended Plan of the Gulf Intracoastal Waterway (GIWW): Brazos River Floodgates (BRFG) and Colorado River Locks (CRL) Systems Feasibility Study, Brazos and Matagorda Counties, TX. The DIFR–EIS documents the existing condition of environmental resources in and around areas considered for development, and potential impacts on those resources as a result of implementing the alternatives.

DATES: The Galveston District will hold a public meeting for the DIFR–EIS on March 13, 2018 from 6:00–8:00 p.m. USACE will accept written public comments on the DIFR–EIS from February 26, 2018 to April 11, 2018. Comments on the DIFR–EIS must be postmarked by April 11, 2018.

ADDRESSES: The public meeting will be held at the West Columbia Civic Center, 516 E. Brazos Ave. (State Highway 35), West Columbia, TX 77486. Comments may be submitted at the public meeting or mailed to the District Engineer, P.O. Box 1229, Galveston, TX 77553. Comments may also be sent to the District Engineer via email at *BRFG_CRL_FeasibilityStudy@usace.army.mil.*

FOR FURTHER INFORMATION CONTACT: Galveston District Public Affairs Office at 409–766–3004 or *swgpao@usace.army.mil.*

SUPPLEMENTARY INFORMATION: Authority: The lead agency for this proposed action is USACE. This study has been prepared in response to the provision of funds in the Energy and Water Development Appropriations Act of 1998, under the authority of Section 216 of the 1970 Flood Control Act. The non-federal sponsor is the Texas Department of Transportation (TxDOT).

Background: The USACE, with input provided by the non-federal sponsor, TxDOT, and other Federal, State, and local resource agencies, prepared the GIWW BRFG/CRL DIFR–EIS. The GIWW BRFG/CRL study was recommended for feasibility level analysis after completion of a 2000 reconnaissance report entitled, GIWW Modifications, Texas Section 905(b) Analysis, to determine federal interest. It encompassed two locations on the GIWW along the Texas Coast. The BRFG is located about 7 miles southwest of Freeport, TX, at the crossings of the Brazos River and the GIWW in Brazoria County. The CRL are located near Matagorda, TX, at the intersection of the Colorado River and the GIWW in Matagorda County.

In 1940, six 75-foot-wide gated structures, which were designed to control flows and silt into the GIWW at the Brazos and Colorado Rivers, were completed. The gates are closed during higher flow events, which generally carry more sediments, thus reducing shoaling and therefore dredging in the GIWW. Although the structural improvements on both rivers helped to reduce shoaling, they created their own set of delays to navigation. The narrow opening of the gated structure creates an impedance to the flow of water causing the water to swell and rise locally, which accelerates the water through the structure, creating hazardous navigation conditions. At a certain level of swell, or head differential, navigation is deemed too hazardous and the river crossing is closed to navigation. The 75-foot-wide opening also requires tows that are assembled to two barges wide to break down to single wide to traverse the structures. The narrow gate opening and crossing geometry create hazardous cross currents and eddies, which when coupled with winds and other drivers are the cause for numerous vessel impacts (allisions) to the structures.

These problems combine to create massive average delays to navigation, which became the single-most important economic driver and decision point for the study process. The study process includes an in-depth investigation of the existing practices and conditions for navigation as well as an extrapolation of these practices and conditions into the future to establish a baseline, or without-project condition, to which all improvements, measures/alternatives, can be measured.

Recommended Plan: The Recommended Plan includes structural measures for both the Brazos and Colorado River crossings. The Brazos River crossing portion of the plan will be in the existing channel alignment with open channel on the west side and a gate structure (125 feet wide) on the east side. The open channel on the west side changes the river reactions and the overall sediment deposit distribution compared to the without-project condition. Modeling has determined that sediments will result in an increase of 8% in dredging volumes and costs above current levels. The current cost estimate for construction is approximately $147.8 million including contingencies.

The Colorado River crossing portion of the plan will also be in the existing channel alignment and include gate removal of the riverside gate structures while retaining the outer gates, creating a wider (125 feet) channel and much longer forebay, reducing barge allisions with the guidewalls. For the Colorado crossing, full gated structures remain, resulting in minimal changes to sediment distribution patterns. The current cost estimate for construction is approximately $36.9M including contingencies.

To quantitatively analyze and compare alternatives, monetized benefits of the alternatives were estimated using a stand-along model developed and approved for use by this study. Benefits were compared to costs to develop benefit-cost ratios (BCR) and net benefits estimates. The system BCR for the Recommended Plan is 2.5.

Project Impacts and Environmental Compliance: The recommended plan would result in the loss of approximately 6.0 acres of wetlands at the BRFG and 0.7 acre of wetlands at the CRL, primarily due to excavation of temporary bypass channels. The USACE would provide onsite mitigation for the impacted wetlands in the form of wetland creation. The proposed project is not expected to adversely affect federally listed threatened or endangered species. A net increase in sedimentation would occur at the BRFG as a result of the Recommended Plan, and maintenance dredging would be needed to prevent or reduce shoaling due to natural sediment deposition processes.

Potential hazardous, toxic, and radioactive waste (HTRW) concerns may occur at the BRFG and CRL facilities, such as possible lead paint on the structures and potential for contaminants in sediment deposits in the areas. These areas will be tested as appropriate and, depending on the sediment sample results, there will be additional efforts for disposal, treatment, or additional health and safety requirements during construction.

The impact analysis determined there would be only minor impacts to soils and waterbottoms, water quality, turbidity, protected wildlife species (*i.e.,* marine mammals, bald and golden eagles, and migratory birds), benthic organisms, commercial and recreational fisheries, essential fish habitat, coastal barrier resources, air quality, and noise. No impacts to floodplains and flood control, salinity levels, protected/managed lands, or historic and cultural resources are anticipated. No impacts to minority or low-income populations are expected, and the proposed project would provide a long-term economic benefit to the shipping industry by making travel through the BRFG and CRL more efficient. Coordination is ongoing with applicable Federal and State agencies regarding potential project impacts and environmental compliance.

Solicitation of Comments: The USACE is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Comments will be used in preparation of the Final Integrated Feasibility Report and Environmental Impact Statement.

Document Availability: Compact disc copies of the DIFR–EIS are available for viewing at the following libraries:

- Brazoria Library, 620 South Brooks, Brazoria, TX 77422
- Clute Branch Library, 215 North Shanks Street, Clute, TX 77531
- Freeport Library, 410 Brazosport Blvd., Freeport, TX 77541
- Lake Jackson Library, 250 Circle Way, Lake Jackson, TX 77566
- West Columbia Branch Library, 518 East Brazos, West Columbia, TX 77486
- Bay City Public Library, 1100 7th Street, Bay City, TX 77414
- Matagorda Branch Library, 800 Fisher Street, Matagorda, TX 77457

The document can also be viewed and downloaded from the Galveston District website: *http://www.swg.usace.army.mil/Business-With-Us/Planning-Environmental-Branch/Documents-for-Public-Review/.*

Arnold R. Newman,

Acting Director, Regional Planning and Environmental Center.

[FR Doc. 2018–03852 Filed 2–23–18; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10808–058]

Boyce Hydro Power, LLC; Order Proposing Revocation of License

1. Boyce Hydro Power, LLC (Boyce Hydro or licensee) is in violation of numerous provisions of its license for the Edenville Hydroelectric Project No. 10808 (Edenville Project), the Federal Power Act (FPA), and multiple Commission regulations and orders, including a Compliance Order issued pursuant to section 31(a) of the Federal Power Act.[1] As discussed below, the Commission proposes to revoke the license pursuant to section 31(b) of the FPA.

I. Background

2. On October 16, 1998, the Commission issued a license for the Edenville Project, a 4.8-megawatt (MW) hydroelectric project located in Gladwin and Midland counties, Michigan.[2] The Edenville Project consists of earthen embankments, known as the Edenville dam, totaling about 6,600 feet in length and having a maximum height of 54.5 feet. It spans both the Tittabawassee and Tobacco Rivers, creating a 2,600-acre reservoir known as Wixom Lake with a gross storage capacity of about 40,000 acre-feet and a 49-mile-long shoreline at full pool. There is a 50-foot-long intake leading to the powerhouse located at the dam on the eastern side of the project. The powerhouse contains two 2.4-MW Francis-type turbine generator units for a total installed capacity of 4.8 MW. The project creates a 0.4-mile-long bypassed reach on the Tobacco River that extends from the dam to the point where the Tobacco River meets the Tittabawassee River. The project also includes two reinforced concrete multiple arch spillways. The 69-foot-wide, 39-foot-high Tittabawassee spillway (also referred to as the Edenville spillway) is located on the eastern side of the project and contains three Tainter gates and two low-level sluice gates. The Tobacco spillway is about 72 feet long and 72 feet wide with a crest height of about 40 feet, and contains three steel Tainter gates located on the western side of the project.

3. Boyce Hydro's license includes terms and conditions concerning dam safety, property rights, water quality, public recreation and safety, and other areas of public concern. Boyce Hydro has a long history of non-compliance with those terms and conditions and with related provisions in the FPA and Commission regulations and orders. The Compliance Order, which was issued pursuant to section 31 of the FPA on June 15, 2017, detailed this history and staff's multi-year effort to bring Boyce Hydro into compliance.[3] In particular, the Compliance Order explained that Boyce Hydro: (1) Failed to increase the capacity of spillways to enable them to pass the probable maximum flood (PMF) as required by Regional Engineer directives, license Article 4, and Part 12 of the Commission's regulations; [4] (2) performed unauthorized dam repairs in violation of Regional Engineer directives and Part 12 of the Commission's regulations; [5] (3) performed unauthorized earth-moving activities in violation of Standard Articles 19–21 of the license; [6] (4) failed to file an adequate Public Safety Plan in violation of Regional Engineer directives and Part 12 of the Commission's regulations; [7] (5) unduly restricted public access to project facilities and failed to construct approved recreation facilities in violation of Standard Article 18 and Article 410 of the license and the Commission's Orders Modifying and Approving Recreation Plan; [8] (6) failed to acquire and document all necessary project property rights in violation of Standard Article 5 of the license; [9] and (7) failed to comply with the Commission's 1999 Order approving Boyce Hydro's Water Quality Monitoring Plan in violation of that order and Article 402 of the license.[10] The Commission's primary concern has been the licensee's longstanding failure to address the project's inadequate spillway capacity, which currently is designed to pass only approximately 50 percent of the PMF. Failure of the Edenville dam could result in the loss of human life and the destruction of property and infrastructure.

4. Ordering Paragraphs (A) through (M) of the Compliance Order required Boyce Hydro to provide specific plans, specifications, reports and other information to address the violations identified in that order and to come into compliance with the Commission's regulations and the terms of its license. On July 14, 2017, and July 27, 2017, the licensee filed two requests for more time to comply with certain requirements in the Compliance Order. By orders issued July 25, 2017, and August 15, 2017, the extensions that the licensee requested were granted, with the exception of one portion of the second requested extension, which the order determined could be completed in the time provided in the first extension without the need for a second.[11] Those extensions were granted based on representations made by the licensee and its counsel regarding steps that the licensee was taking to satisfy the requirements of the Compliance Order.

5. Boyce Hydro failed to comply with obligations set out in each of the ordering paragraphs in the Compliance Order, except for the obligations to acquire and document certain property rights (although the lack of designs for the new and revised spillways makes it difficult to determine if it has acquired all necessary property rights) [12] and to implement certain requirements in the project's approved Water Quality Monitoring Plan.

6. Boyce Hydro violated the following ordering paragraphs in the Compliance Order and associated orders extending time:

- *Ordering paragraph (B) directed:* For the Tobacco River Auxiliary Spillway: By July 15, 2017 (extended to September 18, 2017), the licensee was required to file a complete design

[1] *Boyce Hydro Power, LLC,* 159 FERC 62,292 (2017) (Compliance Order).

[2] *Wolverine Power Corporation,* 85 FERC 61,063 (1998). The license was transferred from Wolverine Power Corporation to Synex Michigan, LLC on June 23, 2004. *See Wolverine Power Corporation and Synex Michigan, LLC,* 107 FERC 62,266 (2004). Synex Michigan, LLC changed its name to Boyce Hydro Power, LLC, and filed a statement with the Commission on July 12, 2007, to this effect. *See* Notice of Change in Licensee's Name (filed July 12, 2007).

[3] *Boyce Hydro Power, LLC,* 159 FERC 62,292 (2017) (Compliance Order).

[4] *See* Compliance Order, at PP 5–26.

[5] *See id.* PP 35–46.

[6] *See id.* PP 54–76.

[7] *See id.* PP 84–86.

[8] *See id.* PP 92–107 (identifying, among others, violations of *Wolverine Power Corporation,* 96 FERC 62,055 (2001) and *Synex Michigan, LLC,* (Dec. 5, 2006) (unpublished order)).

[9] *See id.* PP 116–124.

[10] *See id.* PP 134–141.

[11] The first order granted an additional 30 days to comply with the requirements in ordering paragraphs (B), (C), (D), (E), (F), and (G) of the Compliance Order. The second order granted more time to comply with ordering paragraphs (B), (G), and (D), but denied more time for complying with ordering paragraph (F).

[12] In filings made with the Commission on July 26, 2017, August 22, 2017, and January 22, 2018, Boyce Hydro states that it possesses the necessary property rights over the land within the project boundary and that it has acquired rights to land (and has ability to acquire rights to additional land) that may be necessary to complete construction of the Tobacco River Auxiliary Spillway. However, because the licensee has not provided plans and specifications for the Tittabawassee Auxiliary Spillway or provided other documentation specific to where the Tittabawassee Auxiliary Spillway will be constructed, Commission staff is still uncertain if the licensee has, in fact, obtained rights to all land necessary for the construction of the Tittabawassee Auxiliary Spillway, as required by the Compliance Order.

package with the Commission's Division of Dam Safety and Inspection, Chicago Regional Engineer (Regional Engineer) for a Tobacco River Auxiliary Spillway. The design package must fully address all items noted in the Regional Engineer's letter to the licensee dated June 6, 2016.

- *Ordering paragraph (D) directed:* For the Tittabawassee River Auxiliary Spillway: By August 14, 2017 (extended to November 14, 2017), the licensee was required to file with the Regional Engineer, plans, specifications, and a schedule to construct a Tittabawassee River Auxiliary Spillway.
- *Ordering paragraph (F) directed:* By October 13, 2017 (extended to November 14, 2017), the licensee was required to file with the Regional Engineer, a plan and schedule for additional modifications to the project to meet the full (100%) Probable Maximum Flood.
- *Ordering paragraph (G) directed:* By July 30, 2017 (extended to September 30, 2017), the licensee was required to file with the Regional Engineer, complete plans and specifications for permanent repairs to both left and right Tobacco River abutment spillway walls, a complete work schedule, detailed drawings, a water management plan, an erosion control plan, a Temporary Construction Emergency Action Plan, and a Quality Control Inspection Program as originally specified in the Regional Engineer's letter to the licensee issued December 8, 2016.
- *Ordering paragraph (J) directed:* By September 13, 2017, the licensee was required to provide reasonable access to project lands and waters for the public and to file documentation that such access has been provided. The licensee's documentation must include photographs showing that gates restricting access to parking and fishing areas are open, that fencing blocking access to recreation features has been removed, and that reasonable access to the water is allowed. The licensee's documentation must also include a statement from the licensee affirming its compliance with the access provisions of Article 18.
- *Ordering paragraph (K) directed:* By September 13, 2017, the licensee was required to file with the Regional Engineer, a complete design package for construction of all recreation facilities required by the project's approved Recreation Plan. The approved recreation facilities for the Tittabawassee side include: A parking lot for 15 cars off of State Highway 30, a parking lot with two handicapped spaces, a barrier-free restroom, a railed handicapped-accessible fishing pier next to the powerhouse, two canoe portages, access paths, and signs that identify the recreation facilities. The approved recreation facilities for the Tobacco side include: A parking lot for 15 cars off of State Highway 30, an access path, stairs to a railed fishing pier, and signs that identify the recreation facilities. Within 90 days of completing this work, the licensee must file documentation including as-built drawings and photographs demonstrating that the recreation facilities in the approved Recreation Plan have been constructed.

7. Boyce Hydro failed to make the filings required by ordering paragraphs (B), (D), (F), (G), (J), and (K) of the Compliance Order. It claims to have started the process of preparing the design package for the Tobacco River Auxiliary Spillway that was required by Ordering Paragraph (B), but it requested an additional four to five-month extension to complete that design package.[13] And that is only the design of the Tobacco River Auxiliary Spillway—Boyce Hydro claims that it lacks the funds to actually construct the spillway and will need to save money over some unspecified period of time (and resolve outstanding state permitting issues) before it can start construction.[14] Of course, this addresses just one of the two auxiliary spillways it must design and construct and does not include the other modifications that it will need to make to satisfy PMF requirements and/or to satisfy its obligations under the Compliance Order.

8. Boyce Hydro did not seek rehearing of the Compliance Order, and it has admitted that it failed to meet the obligations imposed by that order.[15] It remains in violation of its license, the FPA, and Commission regulations and orders.[16]

II. Discussion

9. Under section 31(b) of the FPA,[17] after providing notice and an opportunity for an evidentiary hearing, we may issue an order revoking a license if we find that the licensee knowingly violated a final compliance order and was given a reasonable time to comply with that order before the revocation proceeding was commenced.[18] In addition, section 31(b) provides that the Compliance Order shall be subject to *de novo* review and that the Commission shall consider the nature and seriousness of the violation and the licensee's efforts to remedy the violation.

10. This order provides notice that we propose to revoke the license for the Edenville Project No. 10808 under section 31(b). As explained in the Compliance Order, Boyce Hydro has failed for many years to comply with significant license and safety requirements, notwithstanding having been given opportunities to come into compliance. The Compliance Order set out specific parameters for Boyce Hydro to achieve compliance with its license. The licensee failed to meet nearly all the obligations in the Compliance Order, even after Commission staff granted multiple extensions.[19] Thus, based on the record, there is no reason to believe that the licensee intends to come into compliance. We conclude that it has been given a reasonable time to comply with the Compliance Order and considering the serious dam safety issues[20] and lack of demonstrated effort

[13] *See, e.g., Boyce Hydro Power, LLC,* Docket Nos. P–10808–047 & –053, at 8–9 (Dec. 1, 2017).

[14] *See id.* at 9–10.

[15] *See id.* at 8–15 (admitting, among other things, Boyce Hydro's failure to comply with Ordering Paragraphs (B), (D), (F), (G), (J), and (K) of the Compliance Order and requesting further extensions and/or a stay of those obligations).

[16] On November 20, 2017, Commission staff issued an order requiring Boyce Hydro to cease generating at the Edenville Project, and Boyce Hydro filed a timely request for rehearing of that order. Concurrent with this Order Proposing Revocation, we are issuing an order denying rehearing of the Cease Generation Order.

[17] *See* 16 U.S.C. 823b(b) (2012). Section 31(b) provides that after notice and an opportunity for an evidentiary hearing, the Commission may issue an order revoking a license, where the licensee is found by the Commission to have knowingly violated a final order and has been given reasonable time to comply fully with that order.

[18] *See e.g. Eastern Hydroelectric Corp.,* 149 FERC 61,036 (2014), *reh'g denied,* 150 FERC 61,099 (2015) (revoking license for failure to construct a required fish passage); *Virginia Hydrogeneration and Historical Society, L.C.,* 104 FERC 61,282 (2003) (proposing revocation of license for failure to comply with environmental conditions); *Energy Alternatives of North America, Inc.,* 68 FERC ¶ 61,196 (1994) (proposing revocation of the license for failure to comply with public safety requirements).

[19] Boyce Hydro's offer to place 50 percent of gross revenues from the Edenville Project into escrow until it has saved enough money to construct the Tobacco River Auxiliary Spillway does not convince us that it will satisfy its obligations under the Compliance Order if we grant another extension. Boyce Hydro has not provided any estimate of when it will complete construction of that spillway, let alone when it can complete and submit the designs for the other auxiliary spillway and satisfy the other obligations set out in the Compliance Order.

[20] Public safety would not be affected by revoking the license. Should the Commission ultimately revoke Boyce Hydro's license, the Commission's jurisdiction will end, and authority over the site will pass to the State of Michigan's dam regulatory authorities. *See* Mich. Comp. Laws 324.31506 (giving the Michigan Department of Environmental Quality regulatory authority over dams and impoundments in the state); *see also Eastern Hydroelectric Corp.,* 149 FERC 61,036 at P 35 (noting that upon revocation the authority to

by Boyce Hydro to comply with the Compliance Order, we propose revocation of the project license.[21]

11. The licensee may request an evidentiary hearing before an Administrative Law Judge within 30 days of this issuance date of this order.[22] If, within 30 days, the licensee requests a hearing, the Commission will set the matter for hearing. If the licensee does not request a hearing, the Commission will decide this matter based on the written record. Any interested person may file a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214). A person does not have to intervene in order to have comments considered. Any person may file with the Secretary of the Commission, comments in support of or in opposition to the proposed revocation. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding.

The Commission Orders

(A) Pursuant to section 31(b) of the FPA, 16 U.S.C. 823b(b) (2012), the Commission proposes to revoke the license for the Edenville Project No. 10808.

(B) Boyce Hydro may request an evidentiary hearing within 30 days of the issuance date of this order.

By the Commission.

Issued February 15, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–03821 Filed 2–23–18; 8:45 am]

BILLING CODE 6717–01–P

regulate dam safety and other issues related to the dam and impoundment would transfer to the state).

[21] Revocation of the Edenville Project license does not mandate removal or any modification of the dam. While, the Commission has broad authority to fashion appropriate remedies to further the goals of the FPA in a manner that is necessary and appropriate to carry out the revocation of this license, as a general rule, we do not condition the effectiveness of a license revocation by imposing additional requirements on a licensee that has shown its unwillingness to comply with other Commission orders. *Eastern Hydroelectric Corp.,* 149 FERC 61,036 at P 33 (declining request to order removal of all project facilities including the dam and instead only requiring licensee to disable all of the project's generating equipment to prevent operation of the project).

[22] *See* 16 U.S.C. 823b(b) (2012).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF18–2–000]

Brooke County Access I, LLC; Notice of Intent To Prepare an Environmental Assessment for the Planned Brooke County Access Project and Request for Comments on Environmental Issues

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the Brook County Access Project involving construction and operation of facilities by Brooke County Access I, LLC (BCAI), in Washington County, Pennsylvania and Brooke County, West Virginia. The Commission will use this EA in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies on the project. You can make a difference by providing us with your specific comments or concerns about the project. Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the EA. To ensure that your comments are timely and properly recorded, please send your comments so that the Commission receives them in Washington, DC on or before March 22, 2018.

If you sent comments on this project to the Commission before the opening of this docket on October 17, 2017, you will need to file those comments in Docket No. PF18–2–000 to ensure they are considered as part of this proceeding.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable agreement. However, if the Commission approves the project, that approval conveys with it the right of eminent domain. Therefore, if easement negotiations fail to produce an agreement, the pipeline company could initiate condemnation proceedings where compensation would be determined in accordance with state law.

A fact sheet prepared by the FERC entitled An Interstate Natural Gas Facility On My Land? What Do I Need To Know? is available for viewing on the FERC website (*www.ferc.gov*). This fact sheet addresses a number of typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings.

Public Participation

For your convenience, there are three methods you can use to submit your comments to the Commission. The Commission encourages electronic filing of comments and has expert staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.* Please carefully follow these instructions so that your comments are properly recorded.

(1) You can file your comments electronically using the *eComment* feature on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* This is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the *eFiling* feature on the Commission's website (*www.ferc.gov*) under the link to *Documents and Filings.* With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on *eRegister.* If you are filing a comment on a particular project, please select ''Comment on a Filing'' as the filing type; or

(3) You can file a paper copy of your comments by mailing them to the following address. Be sure to reference the project docket number (PF18–2–000) with your submission: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426.

Summary of the Planned Project

BCAI plans to construct and operate a varying diameter natural gas transmission pipeline from interconnects with Energy Transfer Partner's Revolution Cryogenic Facility and the National Fuel Gas Supply Corporation's (National Fuel) Line N natural gas mainline in Washington County, Pennsylvania, to a proposed

combined-cycle power facility (Power Facility) in Brooke County, West Virginia. The Brooke County Access Project would provide about 130 million standard cubic feet of natural gas per day to the Power Facility.

The Project includes the construction and operation of the following facilities:

- Approximately 16 miles of new 16- to 20-inch-diameter natural gas pipeline;
- bi-directional pig launcher and receiver system on each end of the new pipelines; [1] and
- three new meter stations and mainline valve settings at milepost 0.0 at the Revolution Cryogenic Plant interconnect, milepost 2.21 at the National Fuel interconnect, and at milepost 15.57 inside the Power Facility.

The general location of the project facilities is shown in appendix 1.[2]

Land Requirements for Construction

Construction of the planned facilities would disturb about 225 acres of land for the aboveground facilities and the pipeline. Following construction, BCAI would maintain about 105 acres for permanent operation of the projects facilities; the remaining acreage would be restored and revert to former uses. About 27 percent of the planned pipeline route parallels existing pipeline, utility, or road rights-of-way.

The EA Process

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us [3] to discover and address concerns the public may have about proposals. This process is referred to as scoping. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this notice, the Commission requests public comments on the scope of the issues to address in the EA. We will consider all filed comments during the preparation of the EA.

In the EA we will discuss impacts that could occur as a result of the construction and operation of the planned project under these general headings:

- Geology and soils;
- water resources, fisheries, and wetlands;
- vegetation and wildlife;
- endangered and threatened species;
- cultural resources;
- land use;
- air quality and noise;
- public safety; and
- cumulative impacts.

We will also evaluate possible alternatives to the planned project or portions of the project, and make recommendations on how to lessen or avoid impacts on the various resource areas.

Although no formal application has been filed, we have already initiated our NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the FERC receives an application. As part of our pre-filing review, we have begun to contact some federal and state agencies to discuss their involvement in the scoping process and the preparation of the EA.

The EA will present our independent analysis of the issues. The EA will be available in the public record through eLibrary. Depending on the comments received during the scoping process, we may also publish and distribute the EA to the public for an allotted comment period. We will consider all comments on the EA before we make our recommendations to the Commission. To ensure we have the opportunity to consider and address your comments, please carefully follow the instructions in the Public Participation section, beginning on page 2.

With this notice, we are asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate with us in the preparation of the EA.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultations Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, we are using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] We will define the project-specific Area of Potential Effects (APE) in consultation with the SHPO(s) as the project develops. On natural gas facility projects, the APE at a minimum encompasses all areas subject to ground disturbance (examples include construction right-of-way, contractor/pipe storage yards, compressor stations, and access roads). Our EA for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project. We will update the environmental mailing list as the analysis proceeds to ensure that we send the information related to this environmental review to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If we publish and distribute the EA, copies will be sent to the environmental mailing list for public review and comment. If you would prefer to receive a paper copy of the document instead of the CD version or would like to remove your name from the mailing list, please return the attached Information Request (appendix 2).

[1] A pig is a tool that the pipeline company inserts into and pushes through the pipeline for cleaning the pipeline, conducting internal inspections, or other purposes.

[2] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called eLibrary or from the Commission's Public Reference Room, 888 First Street NE, Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary, refer to the last page of this notice.

[3] We, us, and our refer to the environmental staff of the Commission's Office of Energy Projects.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at Title 40 of the Code of Federal Regulations, Part 1501.6.

[5] The Advisory Council on Historic Preservation regulations are at Title 36, Code of Federal Regulations, Part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Becoming an Intervenor

Once BCAI files its application with the Commission, you may want to become an intervenor which is an official party to the Commission's proceeding. Intervenors play a more formal role in the process and are able to file briefs, appear at hearings, and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene. Motions to intervene are more fully described at *http://www.ferc.gov/resources/guides/how-to/intervene.asp.* Instructions for becoming an intervenor are in the Document-less Intervention Guide under the e-filing link on the Commission's website. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number, excluding the last three digits in the Docket Number field (*i.e.,* PF18–2). Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Finally, public sessions or site visits will be posted on the Commission's calendar located at *www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

Dated: February 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–03822 Filed 2–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL18–61–000]

Public Citizen, Inc. v. PJM Interconnection LLC; Notice of Complaint

Take notice that on February 20, 2018, pursuant to section 206 of the Federal Power Act, 16 U.S.C. 824e and 825d and Rule 206 of the Federal Energy Regulatory Commission's (FERC or Commission) Rules of Practice and Procedure, 18 CFR 385.206, Public Citizen, Inc. (Complainant) filed a formal complaint against PJM Interconnection LLC (PJM or Respondent) alleging that PJM failed to disclose millions of dollars in electoral campaign contributions and lobbying expenditures to its stakeholders or to FERC, in violation of Commission precedent and potential violation of just and reasonable rates, all as more fully explained in the complaint.

The Complainant certifies that a copy of the complaint has been served on the Respondent.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for electronic review in the Commission's Public Reference Room in Washington, DC There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on March 12, 2018.

Dated: February 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–03820 Filed 2–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: CP18–83–000.

Applicants: Gulf Crossing Pipeline Company LLC.

Description: Gulf Crossing Pipeline Company LLC and Enable Oklahoma Intrastate Transmission, LLC—Abbreviated Joint Application for Authorization to Abandon a Lease of Capacity.

Filed Date: 2/09/18.

Accession Number: 20180209–5226.

Comments Due: 5 p.m. ET 2/21/18.

Docket Numbers: RP18–437–000.

Applicants: Guardian Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Revisions to OSS/LBS Statement of Rates to be effective 4/1/2018.

Filed Date: 2/12/18.

Accession Number: 20180212–5061.

Comments Due: 5 p.m. ET 2/26/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: February 13, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–03790 Filed 2–23–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. DI18–2–000]

Merchant Hydro Developers LLC; Notice of Declaration of Intention and Soliciting Comments, Protests, and Motions To Intervene

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Declaration of Intention.

b. *Docket No:* DI18–2–000.

c. *Date Filed:* February 6, 2018.

d. *Applicant:* Merchant Hydro Developers LLC.

e. *Name of Project:* Old Forge Bore Hole Reclamation Pump Storage Project.

f. *Location:* The proposed Old Forge Bore Hole Reclamation Pump Storage Project would be located near the Borough of Duryea, in Luzerne and Lackawanna counties, Pennsylvania.

g. *Filed Pursuant to:* Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b) (2012).

h. *Applicant and Agent Contact:* Merchant Hydro Developers LLC, c/o Adam R. Rousselle, Sr., 5710 Oak Crest Drive, Doylestown, PA 45150, telephone: (267) 254–6107; email: *arousselle@merchanthydro.com*;

i. *FERC Contact:* Any questions on this notice should be addressed to Jennifer Polardino, (202) 502–6437, or email: *Jennifer.Polardino@ferc.gov.*

j. *Deadline for filing comments, protests, and motions to intervene is:* 30 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, protests, and motions to intervene using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number DI18–2–000.

k. *Description of Project:* The proposed closed-loop Old Forge Bore Hole Reclamation Pump Storage Project would consist of: (1) A new upper reservoir with a surface area of 300 acres and a storage capacity of 4,500 acre-feet at a surface elevation of approximately 1,356 feet above mean sea level (msl) created through construction of a new roller-compacted concrete or rock-fill dam; (2) a new lower reservoir with a surface area of 300 acres and a storage capacity of 5,014 acre-feet at a surface elevation of 550 feet msl; (3) four new 5,640-foot-long, 16-foot-diameter penstocks connecting the upper and lower reservoirs; (4) a new 250-foot-long, 150-foot-wide, 50-foot-high powerhouse containing two or three turbine-generator units with a total rated capacity of 450 megawatts; (5) a new transmission line connecting the powerhouse to the 230/69-kilovolt Stanton substation owned by PPL Electric Utilities; and (6) appurtenant facilities. Merchant Hydro Developers LLC states that it will use only groundwater from an underground abandoned mine to initially charge and seasonally refill the upper reservoirs. The applicant proposes to transport groundwater to its upper reservoirs using underground pumping equipment and intakes. The applicant also states the project effectuates an interconnection line without crossing the Susquehanna River or any other body of water.

When a Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the project would affect the interests of interstate or foreign commerce. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) would be located on a non-navigable stream over which Congress has Commerce Clause jurisdiction and would be constructed or enlarged after 1935.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above and in the Commission's Public Reference Room located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* All filings must bear in all capital letters the title COMMENTS, PROTESTS, and MOTIONS TO INTERVENE, as applicable, and the Docket Number of the particular application to which the filing refers. A copy of any Motion to Intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Dated: February 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–03819 Filed 2–23–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2013–0347; FRL–9972–72–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Epoxy Resin and Non-Nylon Polyamide Production (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''NESHAP for Epoxy Resin and Non-Nylon Polyamide Production'' (EPA ICR No. 1681.09, OMB Control No. 2060–0290), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2018. Public comments were previously requested, via the **Federal Register**, on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to, a collection of information unless it displays a currently-valid OMB control number.

DATES: Additional comments may be submitted on or before March 28, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0347, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The affected entities are subject to the General Provisions of the NESHAP (40 CFR part 63, subpart A), and any changes, or additions to the Provisions are specified at 40 CFR part 63, subpart W. In general, all NESHAP standards require initial notifications, performance tests, and periodic reports by the owners/operators of the affected facilities. They are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These notifications, reports, and records are essential in determining compliance, and are required of all affected facilities subject to NESHAP. Sources are owners/operators of facilities which produce polymers and resins from epichlorohydrin and sources which manufacture epichlorohydrin-modified non-nylon polyamide resins. EPA and delegated states will use the information identify new, modified, reconstructed, or existing sources, or process changes which may affect the source's status and to ensure that affected sources are meeting the standards.

Form numbers: None.

Respondents/affected entities: Epoxy resin and non-nylon polyamide production facilities.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart W).

Estimated number of respondents: 7 (total).

Frequency of response: Initially, occasionally, quarterly and semiannually.

Total estimated burden: 3,940 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $424,000 (per year), which includes $9,000 in either annualized capital or operation & maintenance costs.

Changes in the estimates: There is a small decrease in the respondent labor hours in this ICR compared to the previous ICR. This is due to two considerations: (1) There was a duplicative recordkeeping line item for SSM periods in the previous renewal; and (2) records of initial performance test, performance evaluations, and initial notifications have passed the five-year record retention period and are no longer required. These burden activities have been removed in this ICR.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–03793 Filed 2–23–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0013, FRL–9974–39–OLEM]

Agency Information Collection Activities; Proposed Collection; Comment Request; Revisions to the RCRA Definition of Solid Waste

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) is planning to submit the information collection request (ICR), Revisions to the RCRA Definition of Solid Waste (EPA ICR No. 2310.04, OMB Control No. 2050–0202) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (PRA). Before doing so, the EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through April 30, 2018. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before April 27, 2018.

ADDRESSES: Submit your comments, referencing by Docket ID No. EPA–HQ–OLEM–2018–0013, online using *www.regulations.gov* (our preferred method), by email to *rcra-docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless

the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Tracy Atagi, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 703–308–8672; fax number: 703–308–8880; email address: *atagi.tracy@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, the EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. The EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, the EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: In 2015 the EPA published final revisions to the definition of solid waste that exclude certain hazardous secondary materials from regulation (80 FR 1694, January 13, 2015). The information requirements help ensure that (1) entities operating under the regulatory exclusions contained in today's action are held accountable to the applicable requirements; (2) state inspectors can verify compliance with the restrictions and conditions of the exclusions when needed; and (3) hazardous secondary materials exported for recycling are actually handled as commodities abroad. Paperwork requirements finalized in that rule include:

- Under the generator-controlled exclusion at 40 CFR 261.4(a)(23), the tolling contractor has to maintain at its facility for no less than three years records of hazardous secondary materials received pursuant to its written contract with the tolling manufacturer, and the tolling manufacturer must maintain at its facility for no less than three years records of hazardous secondary materials shipped pursuant to its written contract with the tolling contractor. In addition, facilities performing the recycling of hazardous secondary materials under the generator-controlled exclusions at 40 CFR 261.4(a)(23) to maintain documentation of their legitimacy determination onsite.
- Under the verified recycler exclusion at 40 CFR 261.4(a)(24), a verified hazardous secondary materials recycler or an intermediate facility who has obtained a solid waste variance must meet the following conditions: Having financial assurance in place, having trained personnel, and meeting emergency preparedness and response conditions.
- Under the remanufacturing exclusion at 40 CFR 261.4(a)(27), both the hazardous secondary material generator and the remanufacturer must maintain records of shipments and confirmations of receipts for a period of three years from the dates of the shipments.
- Under the revised speculative accumulation requirement in 261.1(c)(8), all persons subject to the speculative accumulation requirements must label the storage unit by indicating the first date that the material began to be accumulated.

This ICR renewal does not include the burden associated with filling out form 8700–12 because that burden is included in ICR 2050–0024. The remaining burden will eventually be included in ICR 2050–0053, at which time this ICR will be withdrawn.

Form Numbers: None.

Respondents/affected entities: Entities potentially affected by this action are private business or other for-profit, as well as State, Local, or Tribal governments.

Respondent's obligation to respond: required to obtain or retain a benefit (42 U.S.C. 6921, 6922, 6923, and 6924.)

Estimated number of respondents: 200.

Frequency of response: On occasion

Total estimated burden: 36,488 hours. Burden is defined at 5 CFR 1320.03(b)

Total estimated cost: $2,378,111, which includes $2,309,742 annualized labor costs and $68,369 annualized capital or O&M costs.

Changes in Estimates: The burden hours are likely to stay substantially the same.

Dated: February 1, 2018.

Barnes Johnson,

Director, Office of Resource Conservation and Recovery.

[FR Doc. 2018–03845 Filed 2–23–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2014–0080; FRL–9973–05–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NESHAP for Cellulose Products Manufacturing (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), ''NESHAP for Cellulose Products Manufacturing,'' EPA ICR No. 1974.08, OMB Control No. 2060–0488, to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through April 30, 2018. Public comments were previously requested, via the **Federal Register**, on June 29, 2017 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 28, 2018.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2014–0080, to: (1) EPA online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental

Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: Owners and operators of affected facilities are required to comply with reporting and record keeping requirements for the General Provisions (40 CFR part 63, subpart A), as well as for the specific requirements at 40 CFR part 63, subpart UUUU. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with these standards.

Form numbers: None.

Respondents/affected entities: Cellulose products manufacturing plants.

Respondent's obligation to respond: Mandatory (40 CFR part 63, subpart UUUU).

Estimated number of respondents: 13 (total).

Frequency of response: Initially and semiannually.

Total estimated burden: 12,200 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $1,280,000 (per year), which includes $1,010 in either annualized capital and/or operation & maintenance costs.

Changes in the estimates: There is an adjustment increase in the total estimated burden and cost as currently identified in the OMB Inventory of Approved Burdens. This increase is not due to any program changes. The change in the respondent labor hour estimates occurred because of a change in assumption. This ICR assumes all existing respondents will have to familiarize with the regulatory requirements each year. The number of responses increased because this ICR accounts for semiannual wastewater reports in calculating the number of responses, correcting an inconsistency in the previous ICR.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2018–03792 Filed 2–23–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9974–38–OECA]

National Environmental Justice Advisory Council; Notification of Request for Nominations to the National Environmental Justice Advisory Council

AGENCY: Environmental Protection Agency (EPA).

ACTION: Request for nominations to the National Environmental Justice Advisory Council (NEJAC).

SUMMARY: The U.S. Environmental Protection Agency (EPA) invites nominations from a diverse range of qualified candidates to be considered for appointment to its National Environmental Justice Advisory Council (NEJAC). The NEJAC was chartered to provide advice regarding broad, cross-cutting issues related to environmental justice. This notice solicits nominations to fill approximately four (4) new vacancies for terms through September, 2019. To maintain the representation outlined by the charter, nominees will be selected to represent: academia (2 vacancies); business and industry (1 vacancy); and state and local government (1 vacancy). Vacancies are anticipated to be filled by September 2018. Sources in addition to this **Federal Register** Notice will be utilized in the solicitation of nominees.

DATES: Nominations should be submitted in time to arrive no later than Friday, April 13, 2018.

ADDRESS: Submit nominations electronically with the subject line NEJAC Membership 2018 to *nejac@epa.gov.* You also may submit nominations by mail to: Karen L. Martin, NEJAC Program Manager, Office of Environmental Justice, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW (MC 2201A), Washington, DC 20460. Non-electronic submissions must follow the same format and contain the same information. The Office of Environmental Justice will acknowledge receipt of nominations.

FOR FURTHER INFORMATION CONTACT: Karen L. Martin, NEJAC Program Manager, U.S. EPA; email: *martin.karenl@epa.gov*; telephone: (202) 564–0203; or by fax: (202) 564–1624.

SUPPLEMENTARY INFORMATION: The NEJAC is a federal advisory committee chartered under the Federal Advisory Committee Act (FACA), Public Law 92–463. EPA established the NEJAC in 1993 to provide independent consensus advice to the EPA Administrator about a broad range of environmental issues related to environmental justice. The NEJAC conducts business in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. App. 2) and related regulations.

The Council consists of 30 members (including a Chairperson and two Vice-Chairpersons) appointed by EPA's Administrator. Members serve as non-federal stakeholders representing: Six (6) from academia, four (4) from business and industry; seven (7) from community based organizations; six (6) from non-governmental/environmental organizations; four (4) from state and local governments; and three (3) from tribal governments and indigenous organizations, of which one member serves as a liaison to the National Tribal Caucus. Members are appointed for one (1), two (2) or three (3)-year terms with the possibility of reappointment for another term.

The NEJAC usually meets face-to-face twice a year, generally in the Spring and the Fall. Additionally, members may be asked to participate in teleconference meetings or serve on work groups to develop recommendations, advice letters, and reports to address specific policy issues. The average workload for members is approximately 5 to 8 hours per month. EPA provides reimbursement for travel and other incidental expenses associated with official government business.

Nominations: Any interested person and/or organization may nominate qualified individuals for membership. The EPA values and welcomes

diversity. In an effort to obtain nominations of diverse candidates, the Agency encourages nominations of women and men of all racial and ethnic groups. All nominations will be fully considered, but applicants need to be aware of the specific representation sought as outlined in the Summary above. In addition, EPA is seeking nominees with knowledge in community sustainability, environmental financing, public health and health disparities, solid and hazardous waste, land use and equitable development, environmental sociology and social science. Other criteria used to evaluate nominees will include:

- The background and experience that would help members contribute to the diversity of perspectives on the committee (*e.g.,* geographic, economic, social, cultural, educational background, professional affiliations, and other considerations;
- demonstrated experience with environmental justice and community sustainability issues at the national, state, or local level;
- excellent interpersonal and consensus-building skills;
- ability to volunteer time to attend meetings 2–3 times a year, participate in teleconference meetings, attend listening sessions with the Administrator or other senior-level officials, develop policy recommendations to the Administrator, and prepare reports and advice letters; and
- willingness to commit time to the committee and demonstrated ability to work constructively and effectively on committees.

How To Submit Nominations: Any interested person or organization may nominate qualified persons to be considered for appointment to this advisory committee. Individuals are encouraged to self-nominate. Nominations can be submitted in electronic format (preferred) following the template available at *https://www.epa.gov/environmentaljustice/nominations-nejac.* To be considered, all nominations should include:

- Current contact information for the nominee, including the nominee's name, organization (and position within that organization), current business address, email address, and daytime telephone number.
- Brief Statement describing the nominees interest in serving on the NEJAC.
- Résumé and a short biography (no more than 2 paragraphs) describing the professional and educational qualifications of the nominee, including a list of relevant activities, and any current or previous service on advisory committees.
- Letter[s] of recommendation from a third party supporting the nomination. Letter[s] should describe how the nominee's experience and knowledge will bring value to the work of the NEJAC.

Other sources, in addition to this **Federal Register** notice, may also be utilized in the solicitation of nominees. To help the EPA in evaluating the effectiveness of its outreach efforts, please tell us how you learned of this opportunity.

Dated: February 2, 2018.

Matthew Tejada,

Designated Federal Officer, National Environmental Justice Advisory Council.

[FR Doc. 2018–03844 Filed 2–23–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9974–37–OAR]

Alternative Method for Calculating Off-Cycle Credits Under the Light-Duty Vehicle Greenhouse Gas Emissions Program: Applications From General Motors and Toyota Motor North America

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is requesting comment on applications General Motors (GM), and Toyota Motor North America (Toyota) for off-cycle carbon dioxide (CO_2) credits under EPA's light-duty vehicle greenhouse gas emissions standards. ''Off-cycle'' emission reductions can be achieved by employing technologies that result in real-world benefits, but where that benefit is not adequately captured on the test procedures used by manufacturers to demonstrate compliance with emission standards. EPA's light-duty vehicle greenhouse gas program acknowledges these benefits by giving automobile manufacturers several options for generating ''off-cycle'' carbon dioxide (CO_2) credits. Under the regulations, a manufacturer may apply for CO_2 credits for off-cycle technologies that result in off-cycle benefits. In these cases, a manufacturer must provide EPA with a proposed methodology for determining the real-world off-cycle benefit. These two manufacturers have submitted applications that describe methodologies for determining off-cycle credits. The off-cycle technologies vary by manufacturer and include thermal control technologies such as high efficiency alternators, an efficient air conditioning compressor, and active climate control seats. Pursuant to applicable regulations, EPA is making descriptions of each manufacturer's off-cycle credit calculation methodologies available for public comment.

DATES: Comments must be received on or before March 28, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2017–0754, to the Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *http://www2.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Roberts French, Environmental Protection Specialist, Office of Transportation and Air Quality, Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105. Telephone: (734) 214–4380. Fax: (734) 214–4869. Email address: *french.roberts@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

EPA's light-duty vehicle greenhouse gas (GHG) program provides three pathways by which a manufacturer may accrue off-cycle carbon dioxide (CO_2) credits for those technologies that achieve CO_2 reductions in the real world but where those reductions are not adequately captured on the test used to determine compliance with the CO_2 standards, and which are not otherwise reflected in the standards' stringency. The first pathway is a predetermined list of credit values for specific off-cycle technologies that may be used beginning

in model year 2014.[1] This pathway allows manufacturers to use conservative credit values established by EPA for a wide range of technologies, with minimal data submittal or testing requirements, as long as the technologies meet EPA regulatory definitions. In cases where the off-cycle technology is not on the menu but additional laboratory testing can demonstrate emission benefits, a second pathway allows manufacturers to use a broader array of emission tests (known as ''5-cycle'' testing because the methodology uses five different testing procedures) to demonstrate and justify off-cycle CO_2 credits.[2] The additional emission tests allow emission benefits to be demonstrated over some elements of real-world driving not adequately captured by the GHG compliance tests, including high speeds, hard accelerations, and cold temperatures. These first two methodologies were completely defined through notice and comment rulemaking and therefore no additional process is necessary for manufacturers to use these methods. The third and last pathway allows manufacturers to seek EPA approval to use an alternative methodology for determining the off-cycle CO_2 credits.[3] This option is only available if the benefit of the technology cannot be adequately demonstrated using the 5-cycle methodology. Manufacturers may also use this option for model years prior to 2014 to demonstrate off-cycle CO_2 reductions for technologies that are on the predetermined list, or to demonstrate reductions that exceed those available via use of the predetermined list.

Under the regulations, a manufacturer seeking to demonstrate off-cycle credits with an alternative methodology (*i.e.,* under the third pathway described above) must describe a methodology that meets the following criteria:

- Use modeling, on-road testing, on-road data collection, or other approved analytical or engineering methods;
- Be robust, verifiable, and capable of demonstrating the real-world emissions benefit with strong statistical significance;
- Result in a demonstration of baseline and controlled emissions over a wide range of driving conditions and number of vehicles such that issues of data uncertainty are minimized;
- Result in data on a model type basis unless the manufacturer demonstrates that another basis is appropriate and adequate.

Further, the regulations specify the following requirements regarding an application for off-cycle CO_2 credits:

- A manufacturer requesting off-cycle credits must develop a methodology for demonstrating and determining the benefit of the off-cycle technology, and carry out any necessary testing and analysis required to support that methodology.
- A manufacturer requesting off-cycle credits must conduct testing and/or prepare engineering analyses that demonstrate the in-use durability of the technology for the full useful life of the vehicle.
- The application must contain a detailed description of the off-cycle technology and how it functions to reduce CO_2 emissions under conditions not represented on the compliance tests.
- The application must contain a list of the vehicle model(s) which will be equipped with the technology.
- The application must contain a detailed description of the test vehicles selected and an engineering analysis that supports the selection of those vehicles for testing.
- The application must contain all testing and/or simulation data required under the regulations, plus any other data the manufacturer has considered in the analysis.

Finally, the alternative methodology must be approved by EPA prior to the manufacturer using it to generate credits. As part of the review process defined by regulation, the alternative methodology submitted to EPA for consideration must be made available for public comment.[4] EPA will consider public comments as part of its final decision to approve or deny the request for off-cycle credits.

II. Off-Cycle Credit Applications

A. General Motors

1. High-Efficiency Alternator

General Motors (GM) is requesting GHG credits for alternators with improved efficiency relative to a baseline alternator. This request is for the 2010 to 2016 model years. Automotive alternators convert mechanical energy from a combustion engine into electrical energy that can be used to power a vehicle's electrical systems. Alternators inherently place a load on the engine, which results in increased fuel consumption and CO_2 emissions. High efficiency alternators use new technologies to reduce the overall load on the engine yet continue to meet the electrical demands of the vehicle systems, resulting in lower fuel consumption and lower CO_2 emissions. Some comments on EPA's proposed rule for GHG standards for the 2016–2025 model years suggested that EPA provide a credit for high-efficiency alternators on the pre-defined list in the regulations. While EPA agreed that high-efficiency alternators can reduce electrical load and reduce fuel consumption, and that these impacts are not seen on the emission test procedures because accessories that use electricity are turned off, EPA noted the difficulty in defining a one-size-fits-all credit due to lack of data.[5] GM proposes a methodology that would scale credits based on the efficiency of the alternator; alternators with efficiency (as measured using an accepted industry standard procedure) above a specified baseline value could get credits of 0.16 grams/mile per percent improvement in alternator efficiency. This methodology is similar to that proposed by Ford and published for comment in June of 2017.[6] Details of the testing and analysis can be found in the manufacturer's application.

2. Active Climate Control Seats

GM is also applying for off-cycle GHG credits for the use of active climate control seat technologies. Based on GM's analysis, they are requesting credits equal to 2.3 grams CO_2 per mile for passenger cars and 2.9 grams CO_2 per mile for trucks on all models that use these seats in both front seating locations. This request is for a larger amount of credit than could be earned by these designs using the pre-defined regulatory ''menu'' of default off-cycle credits for ventilated seats (1.0 and 1.3 grams/mile for cars and trucks, respectively).

The technology used by GM uses a combination of ventilation fans and cooling devices. Active cooling to the seat back is provided by the installation of thermoelectric devices (TED) and a blower which provides positive, temperature controlled airflow pushed towards the occupant. The seat cushion also features a blower operating in a pull mode, drawing the air surrounding the occupant into the seat cushion. The foams in both seating surfaces include a textile spacer fabric that facilitates lateral airflow under occupant load. The seat covers are made of cloth and backed by an additional layer of textile spacer fabric to promote airflow to the occupant.

GM performed a series of simulations on three vehicle platforms, demonstrating credit values of 1.7 and 2.1 grams/mile for cars and trucks,

[1] See 40 CFR 86.1869–12(b).
[2] See 40 CFR 86.1869–12(c).
[3] See 40 CFR 86.1869–12(d).
[4] See 40 CFR 86.1869–12(d)(2).
[5] See 77FR 62730, October 15, 2012.
[6] See 82 FR 27819, June 19, 2017.

respectively. The analysis also accounted for emissions associated with the power consumption of the ventilated seat technology. The request is for these credit levels for 2010–2016 models using active climate control seat technology in both front seating locations.

B. Toyota Motor North America (Toyota)

Using the alternative methodology approach discussed above, Toyota is applying for credits for an air conditioning compressor manufactured by Denso that results in air conditioning efficiency credits beyond those provided in the regulations. This request is for the 2013 and subsequent model years. This compressor, known as the Denso SAS compressor, improves the internal valve system within the compressor to reduce the internal refrigerant flow necessary throughout the range of displacements that the compressor may use during its operating cycle. The addition of a variable crankcase suction valve allows a larger mass flow under maximum capacity and compressor start-up conditions (when high flow is ideal), and then it can reduce to smaller openings with reduced mass flow in mid- or low-capacity conditions. The refrigerant exiting the crankcase is thus optimized across the range of operating conditions, reducing the overall energy consumption of the air conditioning system. EPA first approved credits for General Motors (GM) for the use of the Denso SAS compressor in 2015,[7] and has subsequently approved such credits for BMW, Ford, and Hyundai.[8]

The credits calculated for the Denso SAS compressor would be in addition to the credits of 1.7 grams/mile for variable-displacement A/C compressors already allowed under EPA regulations.[9] However, it is important to note that EPA regulations place a limit on the cumulative credits that can be claimed for improving the efficiency of A/C systems. The rationale for this limit is that the additional fuel consumption of A/C systems can never be reduced to zero, and the limits established by regulation reflect the maximum possible reduction in fuel consumption projected by EPA. These limits, or caps, on credits for A/C efficiency, must also be applied to A/C efficiency credits granted under the off-cycle credit approval process. In other words, cumulative A/C efficiency credits for an A/C system—from the A/C efficiency regulations and those granted via the off-cycle regulations—must comply with the stated limits.

Toyota is requesting an off-cycle GHG credit of 1.1 grams CO_2 per mile for the Denso SAS compressor. Toyota cited the bench test modeling analysis referenced in the original GM application, which demonstrated a benefit of 1.1 grams/mile. Like other manufacturers, Toyota also ran vehicle tests using the AC17 test. Six tests were conducted on a Toyota Corolla, resulting in a calculated benefit of 1.4 grams/mile, thus substantiating the bench test results. Based on these results, Toyota is requesting a credit of 1.1 grams/mile for all Toyota vehicles equipped with the Denso SAS compressor with variable crankcase suction valve technology, starting with 2013 model year vehicles. Details of the testing and analysis can be found in the manufacturer's application.

III. EPA Decision Process

EPA has reviewed the applications for completeness and is now making the applications available for public review and comment as required by the regulations. The off-cycle credit applications submitted by GM and Toyota (with confidential business information redacted) have been placed in the public docket (see **ADDRESSES** section above) and on EPA's website at *https://www.epa.gov/vehicle-and-engine-certification/compliance-information-light-duty-greenhouse-gas-ghg-standards.*

EPA is providing a 30-day comment period on the applications for off-cycle credits described in this notice, as specified by the regulations. The manufacturers may submit a written rebuttal of comments for EPA's consideration, or may revise an application in response to comments. After reviewing any public comments and any rebuttal of comments submitted by manufacturers, EPA will make a final decision regarding the credit requests. EPA will make its decision available to the public by placing a decision document (or multiple decision documents) in the docket and on EPA's website at the same manufacturer-specific pages shown above. While the broad methodologies used by these manufacturers could potentially be used for other vehicles and by other manufacturers, the vehicle specific data needed to demonstrate the off-cycle emissions reductions would likely be different. In such cases, a new application would be required, including an opportunity for public comment.

Dated: February 6, 2018.

Byron Bunker,

Director, Compliance Division Office of Transportation and Air Quality Office of Air and Radiation.

[FR Doc. 2018–03846 Filed 2–23–18; 8:45 am]

BILLING CODE 6560–50–P

[7] ''EPA Decision Document: Off-cycle Credits for Fiat Chrysler Automobiles, Ford Motor Company, and General Motors Corporation.'' Compliance Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency. EPA–420–R–15–014, September 2015.

[8] EPA Decision Document: Off-cycle Credits for BMW Group, Ford Motor Company, and Hyundai Motor Company.'' Compliance Division, Office of Transportation and Air Quality, U.S. Environmental Protection Agency. EPA–420–R–17–010, December 2017.

[9] See 40 CFR 86.1868–12.

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0185]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written PRA comments should be submitted on or before April 27, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should

advise the contact listed below as soon as possible.

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

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0185.

Title: Section 73.3613, Filing of Contracts.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for profit entities and Not for profit institutions.

Number of Respondents and Responses: 2,300 respondents; 2,300 responses.

Estimated Time per Response: 0.25 to 0.5 hours.

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

Total Annual Burden: 950 Hours.

Total Annual Cost: $120,000.

Privacy Impact Assessment: No impact(s).

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

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

Needs and Uses: On November 20, 2017, the Commission released an Order on Reconsideration (83 FR 733, Jan. 8, 2018, FCC 17–156, rel. Nov. 20, 2017) that, among other decisions, adopted changes to the document filing requirements set forth in 47 CFR Section 73.3613 and the Commission's broadcast attribution rules. In relevant part, the Commission will no longer attribute television joint sales agreements (JSAs) and will no longer require that these agreements be filed under Section 73.3613(d)(2).

The revised Section 73.3613(d)(2) is as follows:

Joint sales agreements: Joint sales agreements involving radio stations where the licensee (including all parties under common control) is the brokering entity, the brokering and brokered stations are both in the same market as defined in the local radio multiple ownership rule contained in § 73.3555(a), and more than 15 percent of the advertising time of the brokered station on a weekly basis is brokered by that licensee. Confidential or proprietary information may be redacted where appropriate but such information shall be made available for inspection upon request by the FCC.

The following information collection requirements have not change since they were last approved by the Office of Management and Budget:

47 CFR Section 73.3613 currently requires each licensee or permittee of a commercial or noncommercial AM, FM, TV or International broadcast station shall file with the FCC copies of the following contracts, instruments, and documents together with amendments, supplements, and cancellations (with the substance of oral contracts reported in writing), within 30 days of execution thereof:

(a) *Network service:* Network affiliation contracts between stations and networks will be reduced to writing and filed as follows:

(1) All network affiliation contracts, agreements, or understandings between a TV broadcast or low power TV station and a national network. For the purposes of this paragraph the term network means any person, entity, or corporation which offers an interconnected program service on a regular basis for 15 or more hours per week to at least 25 affiliated television licensees in 10 or more states; and/or any person, entity, or corporation controlling, controlled by, or under common control with such person, entity, or corporation.

(2) Each such filing on or after May 1, 1969, initially shall consist of a written instrument containing all of the terms and conditions of such contract, agreement or understanding without reference to any other paper or document by incorporation or otherwise. Subsequent filings may simply set forth renewal, amendment or change, as the case may be, of a particular contract previously filed in accordance herewith.

(3) The FCC shall also be notified of the cancellation or termination of network affiliations, contracts for which are required to be filed by this section.

(b) *Ownership or control:* Contracts, instruments or documents relating to the present or future ownership or control of the licensee or permittee or of the licensee's or permittee's stock, rights or interests therein, or relating to changes in such ownership or control shall include but are not limited to the following:

(1) Articles of partnership, association, and incorporation, and changes in such instruments;

(2) Bylaws, and any instruments effecting changes in such bylaws;

(3) Any agreement, document or instrument providing for the assignment of a license or permit, or affecting, directly or indirectly, the ownership or voting rights of the licensee's or permittee's stock (common or preferred, voting or nonvoting), such as:

(i) Agreements for transfer of stock;

(ii) Instruments for the issuance of new stock; or

(iii) Agreements for the acquisition of licensee's or permittee's stock by the issuing licensee or permittee corporation. Pledges, trust agreements, options to purchase stock and other executory agreements are required to be filed. However, trust agreements or abstracts thereof are not required to be filed, unless requested specifically by the FCC. Should the FCC request an abstract of the trust agreement in lieu of the trust agreement, the licensee or permittee will submit the following information concerning the trust:

(A) Name of trust;

(B) Duration of trust;

(C) Number of shares of stock owned;

(D) Name of beneficial owner of stock;

(E) Name of record owner of stock;

(F) Name of the party or parties who have the power to vote or control the vote of the shares; and

(G) Any conditions on the powers of voting the stock or any unusual characteristics of the trust.

(4) Proxies with respect to the licensee's or permittee's stock running for a period in excess of 1 year, and all proxies, whether or not running for a period of 1 year, given without full and detailed instructions binding the nominee to act in a specified manner. With respect to proxies given without full and detailed instructions, a statement showing the number of such proxies, by whom given and received, and the percentage of outstanding stock represented by each proxy shall be submitted by the licensee or permittee within 30 days after the stockholders' meeting in which the stock covered by such proxies has been voted. However, when the licensee or permittee is a corporation having more than 50 stockholders, such complete information need be filed only with respect to proxies given by stockholders who are officers or directors, or who have 1% or more of the corporation's voting stock. When the licensee or permittee is a corporation having more than 50 stockholders and the stockholders giving the proxies are not officers or directors or do not hold 1% or more of the corporation's stock, the only information required to be filed is the name of any person voting 1% or more of the stock by proxy, the number of shares voted by proxy by such

person, and the total number of shares voted at the particular stockholders' meeting in which the shares were voted by proxy.

(5) Mortgage or loan agreements containing provisions restricting the licensee's or permittee's freedom of operation, such as those affecting voting rights, specifying or limiting the amount of dividends payable, the purchase of new equipment, or the maintenance of current assets.

(6) Any agreement reflecting a change in the officers, directors or stockholders of a corporation, other than the licensee or permittee, having an interest, direct or indirect, in the licensee or permittee as specified by § 73.3615.

(7) Agreements providing for the assignment of a license or permit or agreements for the transfer of stock filed in accordance with FCC application Forms 314, 315, 316 need not be resubmitted pursuant to the terms of this rule provision.

(c) *Personnel:* (1) Management consultant agreements with independent contractors; contracts relating to the utilization in a management capacity of any person other than an officer, director, or regular employee of the licensee or permittee; station management contracts with any persons, whether or not officers, directors, or regular employees, which provide for both a percentage of profits and a sharing in losses; or any similar agreements.

(2) *The following contracts, agreements, or understandings need not be filed:* Agreements with persons regularly employed as general or station managers or salesmen; contracts with program managers or program personnel; contracts with attorneys, accountants or consulting radio engineers; contracts with performers; contracts with station representatives; contracts with labor unions; or any similar agreements.

(d)(1) *Time brokerage agreements (also known as local marketing agreements):* Time brokerage agreements involving radio stations where the licensee (including all parties under common ownership) is the brokering entity, the brokering and brokered stations are both in the same market as defined in the local radio multiple ownership rule contained in § 73.3555(a), and more than 15 percent of the time of the brokered station, on a weekly basis is brokered by that licensee; time brokerage agreements involving television stations where the licensee (including all parties under common control) is the brokering entity, the brokering and brokered stations are both licensed to the same market as defined in the local television multiple ownership rule contained in § 73.3555(b), and more than 15 percent of the time of the brokered station, on a weekly basis, is brokered by that licensee; time brokerage agreements involving radio or television stations that would be attributable to the licensee under § 73.3555 Note 2, paragraph (i). Confidential or proprietary information may be redacted where appropriate but such information shall be made available for inspection upon request by the FCC.

(e) The following contracts, agreements or understandings need not be filed but shall be kept at the station and made available for inspection upon request by the FCC; 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 4 or more hours per day, except where the length of the events (such as athletic contests, musical programs and special events) broadcast pursuant to the contract is not under control of the station; and contracts with chief operators.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–03867 Filed 2–23–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Communications Security, Reliability, and Interoperability Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC or Commission) Communications Security, Reliability, and Interoperability Council (CSRIC) VI will hold its fourth meeting.

DATES: March 28, 2018.

ADDRESSES: Federal Communications Commission, Room TW–C305 (Commission Meeting Room), 445 12th Street SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Jeffery Goldthorp, Designated Federal Officer, (202) 418–1096 (voice) or *jeffery.goldthorp@fcc.gov* (email); or Suzon Cameron, Deputy Designated Federal Officer, (202) 418–1916 (voice) or *suzon.cameron@fcc.gov* (email).

SUPPLEMENTARY INFORMATION: The meeting will be held on March 28, 2018, from 1:00 p.m. to 5:00 p.m. in the Commission Meeting Room of the Federal Communications Commission, Room TW–C305, 445 12th Street SW, Washington, DC 20554.

The CSRIC is a Federal Advisory Committee that will provide recommendations to the FCC to improve the security, reliability, and interoperability of communications systems. On March 19, 2017, the FCC, pursuant to the Federal Advisory Committee Act, renewed the charter for the CSRIC for a period of two years through March 18, 2019. The meeting on March 28, 2018, will be the Fourth meeting of the CSRIC under the current charter. The FCC will attempt to accommodate as many attendees as possible; however, admittance will be limited to seating availability. The Commission will provide audio and/or video coverage of the meeting over the internet from the FCC's web page at *http://www.fcc.gov/live.* The public may submit written comments before the meeting to Jeffery Goldthorp, CSRIC Designated Federal Officer, by email to *jeffery.goldthorp@fcc.gov* or U.S. Postal Service Mail to Jeffery Goldthorp, Associate Bureau Chief, Public Safety and Homeland Security Bureau, Federal Communications Commission, 445 12th Street SW, Room 7–A325, Washington, DC 20554.

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Consumer & Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (tty). Such requests should include a detailed description of the accommodation needed. In addition, please include a way the FCC can contact you if it needs more information. Please allow at least five days' advance notice; last-minute requests will be accepted, but may be impossible to fill.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2018–03864 Filed 2–23–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1004]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 27, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

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

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

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–1004.

Title: Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 235 respondents; 565 responses.

Estimated Time per Response: 3.8 hours.

Frequency of Response: One-time and quarterly reporting requirements.

Obligation to Respond: Mandatory. Statutory authority for this collection of information is contained in 47 U.S.C. Sections 1, 4(i), 201, 303, 309 and 332 of the Communications Act of 1934, as amended.

Total Annual Burden: 2,145 hours.

Total Annual Cost: No Cost.

Privacy Impact Assessment: No impact(s).

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

Needs and Uses: The existing information collection is based on the Commission's regulatory authority pursuant to its regulatory responsibilities under the Omnibus Budget Reconciliation Act of 1993 (''OBRA–1993''), which added Section 309(j) to the Communications Act of 1934. Given that delays in compliance could impact the delivery of safety-of-life services to the public, it is imperative that the CMRS carriers be brought into compliance, required in the various orders, and that the reports and compliance plans be timely submitted by the carriers.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–03863 Filed 2–23–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0636]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before April 27, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

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

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

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0636.

Title: Sections 2.906, 2.909, 2.1071, 2.1075, 2.1077 and 15.37, Equipment Authorizations—Declaration of Conformity.

Form No.: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 6,000 respondents; 12,000 responses.

Estimated Time per Response: 9.5 hours (average).

Frequency of Response: One-time reporting requirement, recordkeeping requirement and third party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154(i), 301, 302, 303(e), 303(r), 304 and 307.

Total Annual Burden: 114,000 hours.

Total Annual Cost: $24,000,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No assurances of confidentiality are provided to respondents.

Needs and Uses: The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three-year clearance from them.

In 1996, the Declaration of Conformity (DoC) procedure was established in a Report and Order, FCC 96–208, *In the Matter of Amendment of Parts 2 and 15 of the Commission's Rules to Deregulate the Equipment Authorization Requirements for Digital Devices.*

(a) The Declaration of Conformity equipment authorization procedure, 47 CFR 2.1071, requires that a manufacturers or equipment supplier test a product to ensure compliance with technical standards that limit radio frequency emissions.

(b) Additionally, the manufacturer or supplier must also include a DoC (with the standards) in the literature furnished with the equipment, and the equipment manufacturer or supplier must also make this statement of conformity and supporting technical data available to the FCC, at the Commission's request.

(c) The DoC procedure represents a simplified filing and reporting procedure for authorizing equipment for marketing.

(d) Finally, testing and documentation of compliance are needed to control potential interference to radio communications. The data gathering are necessary for investigating complaints of harmful interference or for verifying the manufacturer's compliance with the Commission's rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–03866 Filed 2–23–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1171]

Information Collection Being Submitted to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The 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.

DATES: Written PRA comments should be submitted on or before March 28, 2018.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov*; and to Cathy Williams, FCC, via email *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov.* Include in the comments the Title as shown in the ''Supplementary Information'' section below.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

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

OMB Control Number: 3060–1171.

Title: Commercial Advertisement Loudness Mitigation (''CALM'') Act; 73.682(e) and 76.607(a).

Form Number: Not applicable.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 2,937 respondents and 4,868 responses.

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

Estimated Time per Response: 0.25–80 hours.

Total Annual Burden: 6,036 hours.

Total Annual Cost: No cost.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this collection of information is contained in 47 U.S.C. 151, 152, 154(i) and (j), 303(r) and 621.

Nature and Extent of Confidentiality: There is no assurance of confidentiality provided to respondents with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: The Commission will use this information to determine compliance with the CALM Act. The CALM Act mandates that the Commission make the Advanced Television Systems Committee (''ATSC'') A/85 Recommended Practice mandatory for all commercial TV stations and cable/multichannel video programming distributors (MVPDs).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–03862 Filed 2–23–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Approved by the Office of Management and Budget (OMB)

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: The Federal Communications Commission has received Office of Management and Budget (OMB) approval for a new information collection pursuant to the Paperwork Reduction Act (PRA) of 1995. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number, and no person is required to respond to a collection of information unless it displays a currently valid OMB control number. Comments concerning the accuracy of the burden estimates and any suggestions for reducing the burden should be directed to the person listed in the **FOR FURTHER INFORMATION CONTACT** section below.

FOR FURTHER INFORMATION CONTACT: Nicole Ongele, Office of the Managing Director, at (202) 418–2991, or via email: *Nicole.Ongele@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–1241.

OMB Approval Date: September 27, 2017.

OMB Expiration Date: September 30, 2020.

Title: Connect America Phase II Auction Waiver Post-Selection Review.

Form Numbers: FCC Form 5625.

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

Number of Respondents and Responses: 50 respondents; 150 responses.

Estimated Time per Response: 2–4 hours.

Frequency of Response: Annual reporting requirements, one-time reporting requirements and recordkeeping requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154, 214 and 254.

Total Annual Burden: 500 hours.

Total Annual Cost: No cost.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There are no assurances of confidentiality. However, the Commission intends to keep the information private to the extent permitted by law. Also, respondents may request materials or information submitted to the Commission believed confidential to be withheld from public inspection under 47 CFR 0.459 of the FCC's rules.

Needs and Uses: The Commission received OMB approval for this new information collection. On January 26, 2017, the Commission released *Connect America Fund; ETC Annual Reports and Certifications,* WC Docket Nos. 10–90 and 14–58, Order, FCC 17–2 (*New York Auction Order*), which granted New York a waiver of the Phase II auction program rules, subject to certain conditions. Specifically, the Commission made an amount up to the amount of Connect America Phase II model-based support that Verizon declined in New York—$170.4 million—available to applicants selected in New York's New NY Broadband Program in accordance with the framework adopted in the *New York Auction Order.*

This information collection addresses the eligibility requirements that New York winning bidders must meet before the Wireline Competition Bureau (Bureau) will authorize them to receive Connect America Phase II support. For each New York winning bid that includes Connect America-eligible areas, the Commission will authorize Connect America support up to the total reserve prices of all of the Connect America Phase II auction eligible census blocks that are included in the bid, provided that New York has committed, at a minimum, the same dollar amount of New York support to the Connect America-eligible areas in that bid. Before Connect America Phase II support is authorized, the Bureau will closely review the winning bidders to ensure that they have met the eligibility requirements adopted by the Commission and that they are technically and financially qualified to meet the terms and conditions of Connect America support. To aid in collecting this information regarding New York State's winning bidders and the applicants' ability to meet the terms and conditions of Connect America Phase II support in a uniform fashion, the Commission has created the proposed new FCC Form 5625, which parties should use in their submissions with the FCC.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–03861 Filed 2–23–18; 8:45 am]

BILLING CODE 6712–01–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 12, 2018.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Todd Tyrell Ellestad, Andover, Minnesota;* to acquire voting shares of Equity Bank Holding Company, Inc., Minnetonka, Minnesota, and thereby indirectly acquire shares of Equity Bank, Minnetonka, Minnesota.

Board of Governors of the Federal Reserve System, February 21, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–03815 Filed 2–23–18; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–WWICC–2018–01; Docket No. 2018–0003; Sequence No. 1]

World War One Centennial Commission; Notification of Upcoming Public Advisory Meeting

AGENCY: World War One Centennial Commission, GSA.

ACTION: Meeting notice.

SUMMARY: Notice of this meeting is being provided according to the requirements of the Federal Advisory Committee Act. This notice provides the schedule and agenda for the March 20, 2018 meeting of the World War One Centennial Commission (the Commission). The meeting is open to the public.

DATES: *Meeting date:* The meeting will be held on Tuesday, March 20, 2018, starting at 9:00 a.m. Eastern Standard Time (EST), and ending no later than 12:00 p.m., EST. Written Comments may be submitted to the Commission and will be made part of the permanent record of the Commission.

Registered speakers/organizations will be allowed five minutes, and will need to provide written copies of their presentations. Requests to comment, together with presentations for the meeting, must be received by Friday, March 9, 2018, by 5:00 p.m., EST, and may be provided by email to *daniel.dayton@worldwar1centennial.gov.*

ADDRESSES: The meeting will be held telephonically. The call will be convened at the Offices of the World War One Centennial Commission at 1800 G Street NW, Washington, DC 20006. This location is handicapped accessible. Persons attending in person are requested to refrain from using perfume, cologne, and other fragrances.

Contact Daniel S. Dayton at *daniel.dayton@worldwar1centennial.gov* to register to comment during the meeting's 30-minute public comment Please contact Mr. Dayton at the email address above to obtain meeting materials.

FOR FURTHER INFORMATION CONTACT: Daniel S. Dayton, Designated Federal Officer, World War One Centennial Commission, 701 Pennsylvania Avenue NW, Ste. 123, Washington, DC 20004, telephone 202–380–0725 (*note:* this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

The World War One Centennial Commission was established by Public Law 112–272 (as amended), as a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes. Under this authority, the Commission will plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I, encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I, facilitate and coordinate activities throughout the United States relating to the centennial of World War I, serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I, and develop recommendations for Congress and the President for commemorating the centennial of World War I. The Commission does not have an appropriation and operates on donated funds.

Agenda: Tuesday, March 20, 2018

Old Business:

- Acceptance of minutes of last meeting
- Public Comment Period

New Business:

- Executive Director's Report—Executive Director Dayton
- Executive Committee Report—Commissioner Hamby
- Financial Committee Report—Vice Chair Fountain
- Memorial Report—Vice Chair Fountain
- Fundraising Report—Commissioner Sedgwick
- Education Report—Dr. O'Connell
- Endorsements—(RFS)—Dr. Seefried
- International Report—Dr. Seefried
- Armistice Centennial Events Committee (ACE) Report—Commissioner Monahan
- Other Business
- Chairman's Report
- Set Next Meeting
- Motion to Adjourn

Dated: February 21, 2018.

Daniel S. Dayton,

Designated Federal Official, World War I Centennial Commission.

[FR Doc. 2018–03830 Filed 2–23–18; 8:45 am]

BILLING CODE 6820–95–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed changes to the currently approved information collection project: ''*Medical Expenditure Panel Survey (MEPS) Household Component and the MEPS Medical Provider Component.*''

This proposed information collection was previously published in the **Federal Register** on December 22, 2017 and allowed 60 days for public comment. AHRQ received no substantive comments. The purpose of this notice is to allow an additional 30 days for public comment.

DATES: Comments on this notice must be received by March 28, 2018.

ADDRESSES: Written comments should be submitted to: AHRQ's OMB Desk Officer by fax at (202) 395–6974 (attention: AHRQ's desk officer) or by email at *OIRA_submission@omb.eop.gov* (attention: AHRQ's desk officer).

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by email at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

Medical Expenditure Panel Survey (MEPS) Household Component (HC)

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection. For over thirty years, results from the

MEPS and its predecessor surveys (the 1977 National Medical Care Expenditure Survey, the 1980 National Medical Care Utilization and Expenditure Survey and the 1987 National Medical Expenditure Survey) have been used by OMB, DHHS, Congress and a wide number of health services researchers to analyze health care use, expenses and health policy.

Major changes continue to take place in the health care delivery system. The MEPS is needed to provide information about the current state of the health care system as well as to track changes over time. The MEPS permits annual estimates of use of health care and expenditures and sources of payment for that health care. It also permits tracking individual change in employment, income, health insurance and health status over two years. The use of the National Health Interview Survey as a sampling frame expands the MEPS analytic capacity by providing another data point for comparisons over time.

Households selected for participation in the MEPS–HC are interviewed five times in person. These rounds of interviewing are spaced about 5 months apart. The interview will take place with a family respondent who will report for him/herself and for other family members.

The only change to the MEPS–HC from the previous OMB clearance is an update to the existing Adult Self-Administered Questionnaire (SAQ).

The MEPS–HC has the following goal:

▪ To provide nationally representative estimates for the U.S. civilian noninstitutionalized population for:

- Health care use, expenditures, sources of payment
- health insurance coverage

Medical Expenditure Panel Survey (MEPS) Medical Provider Component (MPC)

The MEPS–MPC will contact medical providers (hospitals, physicians, home health agencies and institutions) identified by household respondents in the MEPS–HC as sources of medical care for the time period covered by the interview, and all pharmacies providing prescription drugs to household members during the covered time period. The MEPS–MPC is not designed to yield national estimates as a stand-alone survey. The sample is designed to target the types of individuals and providers for whom household reported expenditure data was expected to be insufficient. For example, Medicaid enrollees are targeted for inclusion in the MEPS–MPC because this group is expected to have limited information about payments for their medical care.

The MEPS–MPC collects event level data about medical care received by sampled persons during the relevant time period. The data collected from medical providers include:

- Dates on which medical encounters occurred during the reference period
- Data on the medical content of each encounter, including ICD–9 (or ICD–10) and CPT–4 codes
- Data on the charges associated with each encounter, such as the sources paying for the medical care—including the patient/family, public sources, and private insurance, and amounts paid by each source

Data collected from pharmacies include:

- Date on which a prescription was filled
- National drug code or prescription name, strength and form
- Quantity
- Payments, by source

The MEPS–MPC has the following goal:

- To serve as an imputation source for and to supplement/replace household reported expenditure and source of payment information. This data will supplement, replace and verify information provided by household respondents about the charges, payments, and sources of payment associated with specific health care encounters.

There are no changes to the MEPS–MPC from the previous OMB clearance.

This study is being conducted by AHRQ through its contractors, Westat and RTI International, pursuant to AHRQ's statutory authority to conduct and support research on health care and on systems for the delivery of such care, including activities with respect to the cost and use of health care services and with respect to health statistics and surveys. 42 U.S.C. 299a(a)(3) and (8); 42 U.S.C. 299b–2.

Method of Collection

To achieve the goals of the MEPS–HC the following data collections are implemented:

1. *Household Component Core Instrument.* The core instrument collects data about persons in sample households. Topical areas asked in each round of interviewing include condition enumeration, health status, health care utilization including prescribed medicines, expense and payment, employment, and health insurance. Other topical areas that are asked only once a year include access to care, income, assets, satisfaction with health plans and providers, children's health, and adult preventive care. While many of the questions are asked about the entire reporting unit, which is typically a family, only one person normally provides this information. All sections of the current core instrument are available on the AHRQ website at *http://meps.ahrq.gov/mepsweb/survey_comp/survey_questionnaires.jsp.*

2. *Adult Self-Administered Questionnaire.* A brief self-administered questionnaire (SAQ) will be used to collect self-reported (rather than through household proxy) information on health status, health opinions and satisfaction with health care for adults 18 and older. The health status items are from the Veterans Rand 12-item health survey (VR–12). Additionally there are questions addressing adult preventive care for both males and females. This questionnaire has changed from the previous OMB clearance.

3. *Diabetes Care SAQ.* A brief self-administered, paper-and-pencil questionnaire on the quality of diabetes care is administered once a year (during rounds 3 and 5) to persons identified as having diabetes. Included are questions about the number of times the respondent reported having a hemoglobin A1c blood test, whether the respondent reported having his or her feet checked for sores or irritations, whether the respondent reported having an eye exam in which the pupils were dilated, the last time the respondent had his or her blood cholesterol checked and whether the diabetes has caused kidney or eye problems. Respondents are also asked if their diabetes is being treated with diet, oral medications or insulin. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#supplemental.*

4. *Authorization Forms for the MEPS–MPC Provider and Pharmacy Survey.* As in previous panels of the MEPS, AHRQ will ask respondents for authorization to obtain supplemental information from their medical providers (hospitals, physicians, home health agencies and institutions) and pharmacies. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC_AF* for the pharmacy and provider authorization forms.

5. *MEPS Validation Interview.* Each interviewer is required to have at least 15 percent of his or her caseload validated to insure that Computer Assisted Personal Interview (CAPI) questionnaire content was asked appropriately and procedures followed, for example the use of show cards. Validation flags are set programmatically for cases pre-selected by data processing staff before each round of interviewing. Home office and field management may also request that

other cases be validated throughout the field period. When an interviewer fails a validation all his or her work is subject to 100 percent validation. Additionally, any case completed in less than 30 minutes is validated. A validation abstract form containing selected data collected in the CAPI is generated and used by the validator to guide the validation interview.

To achieve the goal of the MEPS–MPC the following data collections are implemented:

1. *MPC Contact Guide/Screening Call.* An initial screening call is placed to determine the type of facility, whether the practice or facility is in scope for the MEPS–MPC, the appropriate MEPS–MPC respondent and some details about the organization and availability of medical records and billing at the practice/facility. All hospitals, physician offices, home health agencies, institutions and pharmacies are screened by telephone using a unique screening instrument except for the two home care provider types which use the same screening form; see *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC_CG.*

2. *Home Care Provider Questionnaire for Health Care Providers.* This questionnaire is used to collect data from home health care agencies which provide medical care services to household respondents. Information collected includes type of personnel providing care, hours or visits provided per month, and the charges and payments for services received. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

3. *Home Care Provider Questionnaire for Non-Health Care Providers.* This questionnaire is used to collect information about services, for example, cleaning or yard work, transportation, shopping, or child care, provided in the home by non-health care workers to household respondents who can't complete them because of a medical condition. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

4. *Medical Event Questionnaire for Office-Based Providers.* This questionnaire is for office-based physicians, including doctors of medicine (MDs) and osteopathy (DOs), as well as providers practicing under the direction or supervision of an MD or DO (*e.g.,* physician assistants and nurse practitioners working in clinics). Providers of care in private offices as well as staff model HMOs are included. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

5. *Medical Event Questionnaire for Separately Billing Doctors.* This questionnaire collects information from physicians identified during the Hospital Event data collection by hospitals as providing care to sampled persons during the course of inpatient, outpatient department or emergency room care, but who bill separately from the hospital. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

6. *Hospital Event Questionnaire.* This questionnaire is used to collect information about hospital events, including inpatient stays, outpatient department, and emergency room visits. Hospital data are collected not only from the billing department, but from medical records and administrative records departments as well. Medical records departments are contacted to determine the names of all the doctors who treated the patient during a stay or visit. In many cases, the hospital administrative office also has to be contacted to determine whether the doctors identified by medical records billed separately from the hospital itself; the doctors that do bill separately from the hospital will be contacted as part of the Medical Event Questionnaire for Separately Billing Doctors. HMOs are included in this provider type. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

7. *Institutions Event Questionnaire.* This questionnaire is used to collect information about vents in institutions other than hospitals, including nursing homes, rehabilitation facilities and skilled nursing facilities. Institution data are collected not only from the billing department, but from medical records and administrative records departments as well. Medical records departments are contacted to determine the names of all the doctors who treated the patient during a stay. In many cases, the institution administrative office also has to be contacted to determine whether the doctors identified by medical records billed separately from the institution itself. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC*).

8. *Pharmacy Data Collection Questionnaire.* This questionnaire requests the national drug code (NDC) and when that is not available the prescription name, date prescription was filled, payments by source, prescription strength and form (when the NDC is not available), quantity, and person for whom the prescription was filled. When the NDC is available, the questionnaire does not ask for prescription name, strength or form because that information is embedded in the NDC. This reduces burden on the respondent. Most pharmacies have the requested information available in electronic format and respond by providing a computer generated printout of the patient's prescription information. If the computerized form is unavailable, the pharmacy can report its data to a telephone interviewer. Pharmacies are also able to provide a CD–ROM with the requested information if that is preferred. HMOs are included in this provider type. See *http://meps.ahrq.gov/mepsweb/survey_comp/survey.jsp#MPC.*

9. *Medical Organizations Survey Questionnaire.* This questionnaire will collect essential information on important features of the staffing, organization, policies, and financing for identified usual source of office based care providers. This additional data are linked to MEPS sample respondents to enable analyses at the person-level using characteristics of provider practices.

Dentists, optometrists, psychologists, podiatrists, chiropractors, and others not providing care under the supervision of a MD or DO are considered out of scope for the MEPS–MPC.

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents' time to participate in the MEPS–HC and the MEPS–MPC. The MEPS–HC Core Interview will be completed by 15,093* (see note below Exhibit 1) ''family level'' respondents, also referred to as RU respondents. Since the MEPS–HC consists of 5 rounds of interviewing covering a full two years of data, the annual average number of responses per respondent is 2.5 responses per year. The MEPS–HC core requires an average response time of 92 minutes to administer. The Adult SAQ will be completed once a year by each person in the RU that is 18 years old and older, an estimated 28,254 persons. The Adult SAQ requires an average of 7 minutes to complete. The Diabetes care SAQ will be completed once a year by each person in the RU identified as having diabetes, an estimated 2,345 persons, and takes about 3 minutes to complete. The authorization form for the MEPS–MPC Provider Survey will be completed once for each medical provider seen by any RU member. The 14,489 RUs in the MEPS–HC will complete an average of 5.4 forms, which require about 3 minutes each to complete. The authorization form for the MEPS–MPC Pharmacy Survey will be completed once for each pharmacy for any RU member who has obtained a prescription medication. RUs will complete an average of 3.1 forms, which take about 3 minutes to complete. About

one third of all interviewed RUs will complete a validation interview as part of the MEPS–HC quality control, which takes an average of 5 minutes to complete. The total annual burden hours for the MEPS–HC are estimated to be 67,826 hours.

All medical providers and pharmacies included in the MEPS–MPC will receive a screening call and the MEPS–MPC uses 7 different questionnaires; 6 for medical providers and 1 for pharmacies. Each questionnaire is relatively short and requires 2 to 15 minutes to complete. The total annual burden hours for the MEPS–MPC are estimated to be 18,876 hours. The total annual burden for the MEPS–HC and MPC is estimated to be 86,702 hours.

Exhibit 2 shows the estimated annual cost burden associated with the respondents' time to participate in this information collection. The annual cost burden for the MEPS–HC is estimated to be $1,618,328; the annual cost burden for the MEPS–MPC is estimated to be $316,532. The total annual cost burden for the MEPS–HC and MPC is estimated to be $1,934,860.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
MEPS–HC:				
MEPS–HC Core Interview	*15,093	2.5	92/60	57,857
Adult SAQ	28,254	1	7/60	3,296
Diabetes care SAQ	2,345	1	3/60	117
Authorization form for the MEPS–MPC Provider Survey	14,489	5.4	3/60	3,912
Authorization form for the MEPS–MPC Pharmacy Survey	14,489	3.1	3/60	2,246
MEPS–HC Validation Interview	4,781	1	5/60	398
Subtotal for the MEPS–HC	79,451	na	na	67,826
MEPS–MPC/MOS:				
MPC Contact Guide/Screening Call**	35,222	1	2/60	1,174
Home care for health care providers questionnaire	532	1.49	9/60	119
Home care for non-health care providers questionnaire	25	1	11/60	5
Office-based providers questionnaire	11,785	1.44	10/60	2,828
Separately billing doctors questionnaire	12,693	3.43	13/60	9,433
Hospitals questionnaire	5,077	3.51	9/60	2,673
Institutions (non-hospital) questionnaire	117	2.03	9/60	36
Pharmacies questionnaire	4,993	4.44	3/60	1,108
Medical Organizations Survey questionnaire	6,000	1	15/60	1,500
Subtotal for the MEPS–MPC	76,444	na	na	18,876
Grand Total	155,895	na	na	86,702

*While the expected number of responding units for the annual estimates is 14,489, it is necessary to adjust for survey attrition of initial respondents by a factor of 0.96 (15,093 = 14,489/0.96).

**There are 6 different contact guides; one for office based, separately billing doctor, hospital, institution, and pharmacy provider types, and the two home care provider types use the same contact guide.

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Number of respondents	Total burden hours	Average hourly wage rate ($)	Total cost burden ($)
MEPS–HC:				
MEPS–HC Core Interview	15,093	57,857	*23.86	1,380,468
Adult SAQ	28,254	3,296	*23.86	78,643
Diabetes care SAQ	2,345	117	*23.86	2,792
Authorization forms for the MEPS–MPC Provider Survey	14,489	3,912	*23.86	93,340
Authorization form for the MEPS–MPC Pharmacy Survey	14,489	2,246	*23.86	53,590
MEPS–HC Validation Interview	4,781	398	*23.86	9,496
Subtotal for the MEPS–HC	79,451	67,826	na	1,618,328
MEPS–MPC/MOS:				
MPC Contact Guide/Screening Call	35,222	1,174	**16.85	19,782
Home care for health care providers questionnaire	532	119	**16.85	$2,005
Home care for non-health care providers questionnaire	25	5	**16.85	84
Office-based providers questionnaire	11,785	2,828	**16.85	47,652
Separately billing doctors questionnaire	12,693	9,433	**16.85	158,946
Hospitals questionnaire	5,077	2,673	**16.85	45,040
Institutions (non-hospital) questionnaire	117	36	**16.85	607
Pharmacies questionnaire	4,993	1,108	***15.47	17,141
Medical Organizations Survey questionnaire	6,000	1,500	**16.85	25,275
Subtotal for the MEPS–MPC	76,444	18,876	na	316,532

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN—Continued

Form name	Number of respondents	Total burden hours	Average hourly wage rate ($)	Total cost burden ($)
Grand Total	155,895	86,073	na	1,934,860

* Mean hourly wage for All Occupations (00–0000).
** Mean hourly wage for Medical Secretaries (43–6013).
*** Mean hourly wage for Pharmacy Technicians (29–2052). Occupational Employment Statistics, May 2016 National Occupational Employment and Wage Estimates United States, U.S. Department of Labor, Bureau of Labor Statistics. *http://www.bls.gov/oes/current/oes_nat.htm#b29-0000.*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Karen J. Migdail,

Chief of Staff.

[FR Doc. 2018–03855 Filed 2–23–18; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Healthcare Research and Quality

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Agency for Healthcare Research and Quality, HHS.

ACTION: Notice.

SUMMARY: This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve the proposed information collection project ''*Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats.*''

DATES: Comments on this notice must be received by April 27, 2018.

ADDRESSES: Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, by email at *doris.lefkowitz@AHRQ.hhs.gov.*

Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from the AHRQ Reports Clearance Officer.

FOR FURTHER INFORMATION CONTACT: Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427–1477, or by emails at *doris.lefkowitz@AHRQ.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Proposed Project

''*Patient Safety Organization Certification for Initial Listing and Related Forms, Patient Safety Confidentiality Complaint Form, and Common Formats.*''

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3521, AHRQ invites the public to comment on this proposed information collection. The Patient Safety and Quality Improvement Act of 2005 (Patient Safety Act), signed into law on July 29, 2005, was enacted in response to growing concern about patient safety in the United States and the Institute of Medicine's 1999 report, *To Err is Human: Building a Safer Health System.* The goal of the statute is to create a national learning system. By providing incentives of nation-wide confidentiality and legal privilege, the PSO learning system improves patient safety and quality by providing an incentive for health care providers to work voluntarily with experts in patient safety to reduce risks and hazards to the safety and quality of patient care. The Patient Safety Act signifies the Federal Government's commitment to fostering a culture of patient safety among health care providers; it offers a mechanism for creating an environment in which the causes of risks and hazards to patient safety can be thoroughly and honestly examined and discussed without fear of penalties and liabilities. It provides for the voluntary formation of Patient Safety Organizations (PSOs) that can collect, aggregate, and analyze confidential information reported voluntarily by health care providers. By analyzing substantial amounts of patient safety event information across multiple institutions, PSOs are able to identify patterns of failures and propose measures to eliminate or reduce risks and hazards.

In order to implement the Patient Safety Act, the Department of Health and Human Services (HHS) issued the Patient Safety and Quality Improvement Final Rule (Patient Safety Rule, see Attachment B) which became effective on January 19, 2009. The Patient Safety Rule establishes a framework by which hospitals, doctors, and other health care providers may voluntarily report information to PSOs, on a privileged and confidential basis, for the aggregation and analysis of patient safety events. In addition, the Patient Safety Rule outlines the requirements that entities must meet to become and remain listed as PSOs and the process by which the Secretary of HHS (Secretary) will accept certifications and list PSOs.

When specific statutory requirements are met, the information collected and the analyses and deliberations regarding the information receive confidentiality and privilege protections under this legislation. The Secretary delegated authority to the Director of the Office for Civil Rights (OCR) to enforce the confidentiality protections of the Patient Safety Act (**Federal Register**, Vol. 71, No. 95, May 17, 2006, p. 28701–2). OCR is responsible for enforcing confidentiality protections regarding patient safety work product (PSWP), which may include: Patient-, provider-, and reporter-identifying information that is collected, created, or used for or by PSOs for patient safety

and quality activities. Civil money penalties may be imposed for knowing or reckless impermissible disclosures of PSWP. AHRQ implements and administers the rest of the statute's provisions.

Pursuant to the Patient Safety Rule (42 CFR 3.102), an entity that seeks to be listed as a PSO by the Secretary must certify that it meets certain requirements and, upon listing, would meet other criteria. To remain listed for renewable three-year periods, a PSO must re-certify that it meets these obligations and would continue to meet them while listed. The Patient Safety Act and Patient Safety Rule also impose other obligations discussed below that a PSO must meet to remain listed. In accordance with the requirements of the Patient Safety Rule (see, *e.g.,* 42 CFR 3.102(a)(1), 3.102(b)(2)(i)(E), 3.102(d)(1), and 3.112), the entities seeking to be listed and to remain listed must complete the proposed forms, in order to attest to compliance with statutory criteria and the corresponding regulatory requirements.

Method of Collection

With this submission, AHRQ is requesting approval of the following proposed administrative forms:

1. *PSO Certification for Initial Listing Form.* This form, containing certifications of eligibility and a capacity and intention to comply with statutory criteria and regulatory requirements, is to be completed, in accordance with 42 U.S.C. 299b–24(a)(1), and the above-cited regulatory certification provisions, by an entity seeking to be listed by the Secretary as a PSO for an initial three-year period.

2. *PSO Certification for Continued Listing Form.* In accordance with 42 U.S.C. 299b–24(a)(2) and the above-cited regulatory certification provisions, this form is to be completed by a listed PSO seeking continued listing as a PSO by the Secretary for each successive three-year period.

3. *PSO Two Bona Fide Contracts Requirement Certification Form (Attachment G).* To remain listed, a PSO must meet a statutory requirement in 42 U.S.C. 299b–24(b)(1)(C) attests that it has contracts with more than one provider, within successive 24-month periods, beginning with the date of the PSO's initial listing. This form is to be used by a PSO to certify whether it has met this statutory requirement and the corresponding regulatory provision.

4. *PSO Disclosure Statement Form.* This form provides detailed instructions to a PSO regarding the disclosure statement it must submit and provides for the required certification of the statement's accuracy by the PSO in accordance with the 42 U.S.C. 299b–24(b)(1)(E) whereby the entity shall fully disclose: (i) Any financial, reporting, or contractual relationship between the entity and any provider that contracts with the entity; and (ii) if applicable, the fact that the entity is not managed, controlled, and operated independently from any provider that contracts with the entity. In accordance with the Patient Safety Act and the Patient Safety Rule, the Secretary is required to review each such report and make public findings as to whether a PSO can fairly and accurately carry out its patient safety activities.

5. *PSO Profile Form.* This form, previously called the PSO Information Form, gathers information on the type of health care providers and settings with which PSOs are working to conduct patient safety activities in order to improve patient safety. It is designed to collect a minimum level of data necessary to develop aggregate statistics relating to the Patient Safety Act, including types of institutions participating and their general location in the US. This information will be included in AHRQ's annual quality report, required by 42 U.S.C. 299b–2(b)(2).

6. *PSO Change of Listing Information Form.* The Secretary is required under 42 U.S.C. 299b–24(d) to maintain a publicly available list of PSOs. Under the Patient Safety Rule, that list includes, among other information, each PSO's current contact information. The Patient Safety Rule, at 42 CFR 3.102(a)(1)(vi), also requires that, during its period of listing, a PSO must promptly notify the Secretary of any changes in the accuracy of the information submitted for listing.

7. *PSO Voluntary Relinquishment Form.* A PSO may choose to voluntarily relinquish its status as a PSO for any reason. Pursuant to 42 CFR 3.108(c)(2), in order for the Secretary to accept a PSO's notification of voluntary relinquishment, the notice must contain certain attestations and future contact information. This form provides an efficient manner for a PSO seeking voluntary relinquishment to provide all of the required information.

OCR is requesting approval of the following administrative form:

Patient Safety Confidentiality Complaint Form. The purpose of this collection is to allow OCR to collect the minimum information needed from individuals filing patient safety confidentiality complaints with OCR so that there is a basis for initial processing of those complaints.

In addition, AHRQ is requesting approval for a set of common definitions and reporting formats (hereafter Common Formats). As authorized by 42 U.S.C. 299b–23(b) and the Patient Safety Rule, AHRQ coordinates the development of the Common Formats that allow PSOs and health care providers to voluntarily collect and submit standardized information regarding patient safety events to fulfill the national learning system as envisioned by the Patient Safety Act.

The forms described above, other than the PSO Voluntary Relinquishment Form, are revised collection instruments that were previously approved by OMB in 2008, 2011, and 2014. AHRQ will use these forms, other than the Patient Safety Confidentiality Complaint Form, to obtain information necessary to carry out its authority to implement the Patient Safety Act and Patient Safety Rule. This includes obtaining initial and subsequent certifications from entities seeking to be or remain listed as PSOs and for making the statutorily-required determinations prior to and during an entity's period of listing as a PSO. This information is used by the PSO Program Office housed in AHRQ's Center for Quality Improvement and Patient Safety.

OCR

OCR will use the Patient Safety Confidentiality Complaint Form to collect information for the initial assessment of an incoming complaint. The form is modeled on OCR's form for complaints alleging violation of the privacy of protected health information. Use of the form is voluntary. It may help a complainant provide the essential information. Alternatively, a complainant may choose to submit a complaint in the form of a letter or electronically. An individual who needs help to submit a complaint in writing may call OCR for assistance.

Estimated Annual Respondent Burden

The information collection forms that are the subject of this notice will be implemented at different times and frequencies due to the voluntary nature of: Seeking listing and remaining listed as a PSO, filing an OCR Patient Safety Confidentiality Complaint Form, and using the Common Formats. The burden estimates are based on the average of the forms submissions received over the past three years.

Exhibit 1 shows the estimated annualized burden hours for the respondent to provide the requested information, and Exhibit 2 shows the estimated annualized cost burden associated with the respondents' time to

provide the requested information. The total burden hours are estimated to be 100,724.88 hours annually and the total cost burden is estimated to be $3,833,588.92 annually.

PSO Certification for Initial Listing Form: The average annual burden for the collection of information requested by the certification form for initial listing is based upon a total average estimate of 16 respondents per year and an estimated time of 18 hours per response. The estimated response number not only includes submissions by entities subsequently listed as PSOs, but also entities that submit an initial listing form that do not become a PSO. After submitting a PSO Certification for Initial Listing Form, an entity may withdraw its form or submit a revised form, particularly after receiving technical assistance from AHRQ. In addition, AHRQ, on behalf of the Secretary, may deny listing if an entity does not meet the requirements of the Patient Safety Act and Patient Safety Rule.

PSO Certification for Continued Listing Form: The average annual burden for the collection of information requested by the certification form for continued listing has an estimated time of eight hours per response and 21 responses annually. The PSO Certification for Continued Listing Form must be completed by any interested PSO at least 75 days before the end of its current three-year listing period.

PSO Two Bona Fide Contracts Requirement Certification Form: The average annual burden for the collection of information requested by the PSO Two Bona Fide Contract Certification Form is based upon an estimate of 42 respondents per year and an estimated one hour per response. This collection of information takes place at least every 24 months when the PSO notifies the Secretary that it has entered into two contracts with providers.

PSO Disclosure Statement Form: Because only a small percentage of entities will need to file a Disclosure Statement Form, the average burden for the collection of information requested by the disclosure form is based upon an estimate of three respondents per year and estimated three hours per response. This information collection takes place within 45 days of when a PSO begins having any of the specified types of additional relationships with a health care provider with which it has a contract to carry out patient safety activities.

PSO Profile Form: The overall annual burden for the collection of information requested by the PSO Profile Form is based upon an estimate of 70 respondents per year and an estimated three hours per response. The collection of information takes place annually, with newly listed PSOs initially requested to submit the form in the calendar year after their listing by the Secretary.

Change of Listing Information Form: The average annual burden for the collection of information requested by the PSO Change of Listing Information Form is based upon an estimate of 61 respondents per year and an estimated time of five minutes per response. This collection of information takes place on an ongoing basis as needed when there are changes to the PSO's listing information.

OCR Patient Safety Confidentiality Complaint Form: The overall annual burden estimate of one third of an hour for the collection of information requested by the form is based on an estimate of one respondent per year and an estimated 20 minutes per response; the estimate of one form is provided due to the fact that no submissions have been received. OCR's information collection using this form will not begin until after there is an allegation of a violation of the confidentiality protections of PSWP.

PSO Voluntary Relinquishment Form: The average annual burden for the collection of information requested by the PSO Voluntary Relinquishment Form is based upon a total average estimate of five respondents per year and an estimated time of five minutes per response.

Common Formats: AHRQ estimates that 5% FTE of a patient safety manager at a facility will be spent to administer the Common Formats, which is approximately 100 hours a year. The use of the formats by PSOs and other entities is voluntary and is on an ongoing basis. This estimate of the number of respondents is based on the feedback that AHRQ has received during meetings and technical assistance calls from PSOs and other entities that have been utilizing the formats. As the network for patient safety databases (NPSD) becomes operational, AHRQ will revise the estimate based on actual submissions.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form	Number of respondents	Number of responses per respondent	Hours per response	Total burden hours
PSO Certification for Initial Listing Form	16	1	18	288
PSO Certification for Continued Listing Form	21	1	8	168
PSO Two Bona Fide Contracts Requirement Form	42	1	1	42
PSO Disclosure Statement Form	3	1	3	9
PSO Profile Form	70	1	3	210
PSO Change of Listing Information	61	1	05/60	5.08
OCR Patient Safety Confidentiality Complaint Form	1	1	20/60	0.33
PSO Voluntary Relinquishment Form	5	1	30/60	2.50
Common Formats	1,000	1	100	100,000
Total		NA	NA	100,724.91

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form	Number of respondents	Total burden hours	Average hourly wage rate * ($)	Total cost ($)
PSO Certification for Initial Listing Form	16	288	$38.06	$10,961.28
PSO Certification for Continued Listing Form	21	168	38.06	6,394.08
PSO Two Bona Fide Contracts Requirement Form	42	42	38.06	1,598.52

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN—Continued

Form	Number of respondents	Total burden hours	Average hourly wage rate * ($)	Total cost ($)
PSO Disclosure Statement Form	3	9	38.06	342.54
PSO Profile Form	70	210	38.06	7,992.60
PSO Change of Listing Form	61	5.08	38.06	193.34
OCR Patient Safety Confidentiality Complaint Form	1	0.33	38.06	12.55
PSO Voluntary Relinquishment Form	5	2.50	38.06	95.15
Common Formats	1,000	100,000	38.06	3,806,000.00
Total				3,833,590.06

* Based upon the mean of the hourly average wages for health care practitioner and technical occupations, 29–0000, National Compensation Survey, May 2016, ''U.S. Department of Labor, Bureau of Labor Statistics.'' *https://www.bls.gov/oes/current/oes290000.htm.*

Request for Comments

In accordance with the Paperwork Reduction Act, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of AHRQ health care research and health care information dissemination functions, including whether the information will have practical utility, and; for OCR's enforcement of confidentiality; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Karen J. Migdail,

Chief of Staff.

[FR Doc. 2018–03854 Filed 2–23–18; 8:45 am]

BILLING CODE 4160–90–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–18–1053]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Monitoring and Reporting System for the Division of Community Health's Cooperative Agreement Programs to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on September 16, 2017 to obtain comments from the public and affected agencies. CDC received three comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) 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;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) 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; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to *omb@cdc.gov.* Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Monitoring and Reporting System for the Division of Community Health's Cooperative Agreement Programs (OMB No. 0920–1053, expiration March 31, 2018)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

In September 2014, the Division of Community Health (DCH), CDC, announced a new cooperative agreement program, *Racial and Ethnic Approaches to Community Health (REACH)* program, authorized by the Public Health Service Act and the Prevention and Public Health Fund of the Affordable Care Act (Funding Opportunity Announcement (FOA) FOA DP14–1419PPHF14).

REACH awardees include 18 state, local and tribal governmental agencies, and 31 non-governmental organizations. CDC designed the *REACH* program to address chronic diseases and risk factors for chronic diseases, including physical inactivity, poor diet, obesity, and tobacco use. The program provides support for implementation of broad, evidence- and practice-based policy and environmental improvements in large and small cities, urban rural areas, tribes, multi-sectorial community coalitions, and racial and ethnic communities experiencing chronic disease disparities.

CDC seeks OMB approval to collect information from the 49 *REACH* awardees during a supplemental fourth year of funding utilizing an electronic management information system, the

DCH-Performance Monitoring Database (DCH–PMD). Forty-four previously funded *Partnership to Improve Community Health* awardees will no longer be included in this collection due to funding cessation.

The information system collects information to enable the accurate, reliable, uniform and timely submission to CDC of each awardee's work plan and progress reports. Monitoring allows CDC to: (1) Determine whether an awardee is meeting performance goals; (2) make adjustments in the type and level of technical assistance provided to awardees; and (3) provide oversight of the use of federal funds.

CDC also requests OMB approval to conduct targeted, special purpose information collections on an as-needed basis. Due to substantial interest in the *REACH* program from a variety of stakeholders, CDC estimates that each *REACH* awardee may receive an invitation to participate in one special purpose information collection. Methods for these data collections could include telephone interviews, in-person interviews, Web-based surveys, or paper-and-pencil surveys. CDC will submit each special-purpose information collection request to OMB for approval through the Change Request mechanism, and will include the data collection instrument(s) and a description of purpose and methods.

CDC seeks approval for one year to collect the necessary data. Also, CDC requires cooperative agreement awardee semi-annual progress reporting participation, but voluntary for some special-purpose data collections.

There are no costs to respondents other than their time. CDC estimates no change to the average burden per response for routine, semi-annual reporting (estimated at three hours). The total estimated annualized burden hours for an additional year of information collection are 588.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
DCH Program Awardees (state, local and tribal government sector).	DCH MIS: Semi-annual reporting	18	2	3
	Special Data Request	18	1	6
DCH Program Awardees (private sector)	DCH MIS: Semi-annual reporting	31	2	3
	Special Data Request	31	1	6

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–03803 Filed 2–23–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket Nos. FDA–2013–N–1119; FDA–2010–N–0622; FDA–2011–N–0019; FDA–2010–N–0594; FDA–2011–N–0016; FDA–2009–N–0501; FDA–2014–N–0222; FDA–2017–D–0040; and FDA–2016–N–3585]

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
Food Canning Establishment Registration, Process Filing, and Recordkeeping for Acidified and Thermally Processed Low-Acid Foods	0910–0037	10/31/2020
Color Additive Certification Requests and Recordkeeping	0910–0216	10/31/2020
Customer/Partner Service Surveys	0910–0360	10/31/2020
Focus Groups as Used by the Food and Drug Administration	0910–0497	10/31/2020
Recordkeeping and Records Access Requirements for Food Facilities	0910–0560	10/31/2020
Reporting and Recordkeeping Requirements for Reportable Food	0910–0643	10/31/2020
Guidance for Industry on User Fee Waivers, Reductions, and Refunds for Drug and Biological Products	0910–0693	10/31/2020

TABLE 1—LIST OF INFORMATION COLLECTIONS APPROVED BY OMB—Continued

Title of collection	OMB control No.	Date approval expires
Draft Guidance for Industry; How to Prepare a Pre-Request for Designation (Pre-RFD)	0910–0845	10/31/2020
Character-Space-Limited Online Prescription Drug Communications	0910–0846	10/31/2020

Dated: February 21, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03849 Filed 2–23–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–D–0436]

Q11 Development and Manufacture of Drug Substances—Questions and Answers (Chemical Entities and Biotechnological/Biological Entities); International Council for Harmonisation; Guidance for Industry; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance entitled ''Q11 Development and Manufacture of Drug Substances—Questions and Answers (Chemical Entities and Biotechnological/Biological Entities).'' The guidance was prepared under the auspices of the International Council for Harmonisation (ICH), formerly the International Conference on Harmonisation. The guidance consists of questions and answers that were developed to clarify the principles for selecting starting materials described in the ICH guidance ''Q11 Development and Manufacture of Drug Substances'', published November 20, 2012. The guidance is intended to provide additional clarification and to promote convergence on the considerations for the selection and justification of starting materials. The questions and answers focus on chemical entity drug substances, and provide recommendations on the information that should be provided in marketing authorization applications and/or master files to justify the starting materials.

DATES: The announcement of the guidance is published in the **Federal Register** on February 26, 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–0436 for ''Q11 Development and Manufacture of Drug Substances—Questions and Answers (Chemical Entities and Biotechnological/Biological Entities).'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building,

4th Floor, Silver Spring, MD 20993–0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 240–402–8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Stephen Miller, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 1446, Silver Spring, MD 20993–0002, 301–796–1418, or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993–0002, 240–402–7911.

Regarding the ICH: Amanda Roache, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1176, Silver Spring, MD 20993–0002, 301–796–4548.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, regulatory authorities and industry associations from around the world have participated in many important initiatives to promote international harmonization of regulatory requirements under the ICH. FDA has participated in several ICH meetings designed to enhance harmonization and FDA is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and reduce differences in technical requirements for drug development among regulatory agencies.

ICH was established to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products for human use among regulators around the world. The six founding members of the ICH are the European Commission; the European Federation of Pharmaceutical Industries Associations; the FDA; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; and the Pharmaceutical Research and Manufacturers of America. The Standing Members of the ICH Association include Health Canada and Swissmedic. Any party eligible as a Member in accordance with the ICH Articles of Association can apply for membership in writing to the ICH Secretariat. The ICH Secretariat, which coordinates the preparation of documentation, operates as an international nonprofit organization and is funded by the Members of the ICH Association.

The ICH Assembly is the overarching body of the Association and includes representatives from each of the ICH members and observers. The Assembly is responsible for the endorsement of draft guidelines and adoption of final guidelines. FDA publishes ICH guidelines as FDA guidances.

In the **Federal Register** of February 21, 2017 (82 FR 11225), FDA published a notice announcing the availability of a draft guidance entitled ''Q11 Development and Manufacture of Drug Substances—Questions and Answers (Regarding the Selection and Justification of Starting Materials).'' The notice gave interested persons an opportunity to submit comments by March 23, 2017.

After consideration of the comments received and revisions to the guideline, a final draft of the guideline was submitted to the ICH Assembly and endorsed by the regulatory agencies in August 2017.

The guidance consists of questions and answers that were developed to clarify the principles for selecting starting materials described in the ICH guidance ''Q11 Development and Manufacture of Drug Substances,'' published November 20, 2012 (77 FR 69634). The guidance provides guidance on selecting and justifying starting materials, in particular for the synthesis of chemical entity drug substances.

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 ''Q11 Development and Manufacture of Drug Substances—Questions and Answers (Chemical Entities and Biotechnological/Biological Entities).'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This guidance is not subject to Executive Order 12866.

II. Electronic Access

Persons with access to the internet may obtain the document at *https://www.regulations.gov, https://www.fda.gov/Drugs/GuidanceCompliance RegulatoryInformation/Guidances/default.htm,* or *https://www.fda.gov/BiologicsBloodVaccines/GuidanceCompliance RegulatoryInformation/Guidances/default.htm.*

Dated: February 20, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03809 Filed 2–23–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0001]

Center for Drug Evaluation and Research and You: Keys to Effective Engagement; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration's (FDA) Center for Drug Evaluation and Research (CDER) is announcing the following public workshop entitled ''CDER and You: Keys to Effective Engagement.'' The purpose of the public workshop is to build upon previous efforts to help advocates understand how they can engage with FDA to enhance drug development and safety. This marks the third annual CDER public workshop for patient advocacy groups.

DATES: The public workshop will be held on April 3, 2018, from 8 a.m. to 3 p.m.

ADDRESSES: The public workshop will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503), Silver Spring, MD 20903. Entrance for the public workshop participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

FOR FURTHER INFORMATION CONTACT: Chris Melton, Center for Drug Evaluation and Research, Food and

Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–7381, *NAV-CDER@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA's CDER is announcing a public workshop entitled, ''CDER and You: Keys to Effective Engagement.'' This workshop is intended to help the public learn effective ways for engaging with CDER. There will be educational presentations about the drug approval process, an interactive panel featuring patient advocates who will offer engagement guidance, as well as an opportunity for questions and answers following many of the presentations. Finally, presenters will highlight innovative new procedures for requesting a meeting with CDER staff.

II. Participating in the Public Workshop

Registration: Persons interested in attending this public workshop must register online at *https://www.fda.gov/Drugs/NewsEvents/ucm592902.htm* by 6 p.m. Eastern Time, Tuesday, March 20, 2018. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone.

Registration is free and based on space availability, with priority given to early registrants. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Registrants will receive confirmation when they have been accepted. If time and space permit, onsite registration on the day of the public workshop will be provided beginning at 8 a.m. We will let registrants know if registration closes before the day of the public meeting/public workshop.

If you need special accommodations due to a disability, please contact Chris Melton no later than March 26, 2018 (See **FOR FURTHER INFORMATION CONTACT**.)

Streaming webcast of the public workshop: This public workshop will also be available via webcast at *https://collaboration.fda.gov/cdereffective engagement/.*

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public workshop is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, approximately 30 days after the workshop. A link to the transcript will also be available on the internet at *https://www.fda.gov/Drugs/NewsEvents/ucm472604.htm.*

Dated: February 20, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03805 Filed 2–23–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0049]

Promoting the Use of Complex Innovative Designs in Clinical Trials; Public Meeting; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public meeting; request for comments.

SUMMARY: The Food and Drug Administration (FDA, the Agency, or we) is announcing the following public meeting entitled ''Promoting the Use of Complex Innovative Designs in Clinical Trials.'' The topic to be discussed is the use of complex innovative designs (CID) in clinical trials of drugs and biological products to inform regulatory decision making. This meeting will inform development of a guidance document as required by the 21st Century Cures Act (Cures Act) and is being conducted to meet the performance goal of convening a public workshop on CID included in the sixth authorization of the Prescription Drug User Fee Act (PDUFA VI), part of the FDA Reauthorization Act of 2017 (FDARA). This meeting will also inform the development of a CID pilot program. FDA is seeking comments on the use of CID to inform regulatory decision making and is also seeking input on the CID pilot program.

DATES: The public meeting will be held on March 20, 2018, from 8:30 a.m. to 5 p.m. Submit either electronic or written comments on this public meeting by April 20, 2018. See the **SUPPLEMENTARY INFORMATION** section for registration date and information.

ADDRESSES: The public meeting will be held at the FDA White Oak Campus, 10903 New Hampshire Ave., Bldg. 31 Conference Center, the Great Room (Rm. 1503, Section A), Silver Spring, MD 20993–0002. Entrance for the public meeting participants (non-FDA employees) is through Building 1 where routine security check procedures will be performed. For parking and security information, please refer to *https://www.fda.gov/AboutFDA/WorkingatFDA/BuildingsandFacilities/WhiteOakCampusInformation/ucm241740.htm.*

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 20, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of April 20, 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–2018–N–0049 for ''Promoting the Use of Complex Innovative Designs in Clinical Trials; Public Meeting; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Robyn Bent, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 21, Rm. 3541, Silver Spring, MD 20993–0002, 240–402–2572, *robyn.bent@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

This public meeting is intended to support FDA guidance development as required under section 3021 of the Cures Act. Section 3021 of the Cures Act directs FDA to develop a guidance document to address several areas related to CID, including the use of complex innovative clinical trial designs, ways sponsors may obtain feedback on technical issues related to simulations, the submission of resulting information, the types of quantitative information that should be submitted for review, and recommended analysis methodologies. Before issuing the guidance, FDA is required to conduct a public meeting to gather input from the wider community of stakeholders, including academic and medical researchers, expert practitioners, drug developers, and other interested persons.

The public meeting is also intended to meet a performance goal FDA agreed to under FDARA, in accordance with the PDUFA Reauthorization Performance Goals and Procedures Fiscal Years 2018 Through 2022 letter (PDUFA VI letter), which is available at *https://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM511438.pdf.* Specifically, Section J.4 of the PDUFA VI letter, ''Enhancing Capacity to Review Complex Innovative Designs,'' (*https://www.fda.gov/downloads/ForIndustry/UserFees/PrescriptionDrugUserFee/UCM511438.pdf*) outlines commitments, including a public workshop to discuss various CIDs and a CID pilot program. The meeting will focus on clinical trial designs for which simulations are necessary to evaluate the operating characteristics of the trial and the acceptability of those designs in regulatory decision making.

II. Topics for Discussion at the Public Meeting

The purpose of this public meeting is to (1) facilitate discussion and information sharing about the use of CID in drug development and regulatory decision making and (2) obtain input from stakeholders about the CID pilot program.

The meeting will consist of four sessions. The sessions will focus on (1) complex adaptive designs; (2) other innovative designs such as use of external/historical control subjects, Bayesian designs, and master protocols; (3) clinical trial simulations for confirmatory trial design and planning; and (4) the CID pilot program. Following each session there will be an opportunity for public comment.

After this public meeting, FDA will consider the stakeholder input from the meeting and the public docket, launch the pilot program by the end of fiscal year 2018, and publish a draft guidance within 18 months of the meeting.

Meeting updates, the agenda, and background materials (if any) will be made available at: *https://www.fda.gov/Drugs/NewsEvents/ucm587344.htm* prior to the workshop.

III. Participating in the Public Meeting

Registration: To register for the public meeting, visit *https://ComplexInnovativeDesigns.eventbrite.com* by March 13, 2018. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone. If you are unable to attend the meeting in person, you can register to view a live webcast of the meeting. You will be asked to indicate in your registration if you plan to attend in person or via the webcast.

Registration is free and based on space availability, with priority given to early registrants. Persons interested in attending this public meeting must register by March 13, 2018. Early registration is recommended because seating is limited; therefore, FDA may limit the number of participants from each organization. Onsite registration on the day of the meeting will be based on space availability. If you need special accommodations because of a disability, please contact Robyn Bent (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days before the meeting.

FDA will also hold an open public comment period at the meeting to give the public an opportunity to present their comments. Registration for open public comment will occur at the registration desk on the day of the meeting on a first-come, first-served basis.

Streaming Webcast of the Public Meeting: This public meeting will also be webcast. To register for the webcast of this public meeting, visit *https://ComplexInnovativeDesigns.eventbrite.com* by March 13, 2018. Please provide complete contact information for each attendee, including name, title, affiliation, address, email, and telephone. A link to the webcast will be provided following registration.

If you have never attended a Connect Pro event before, test your connection at *https://collaboration.fda.gov/common/help/en/support/meeting_test.htm.* To get a quick overview of the Connect Pro program, visit *https://www.adobe.com/go/connectpro_overview.* FDA has verified the website addresses in this document, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

Transcripts: Please be advised that as soon as a transcript of the public meeting is available, it will be accessible at *https://www.regulations.gov.* It may be viewed at the Dockets Management Staff (see **ADDRESSES**). A link to the transcript will also be available on the internet at *https://www.fda.gov/Drugs/NewsEvents/ucm587344.htm.*

Dated: February 20, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03804 Filed 2–23–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–0650]

Psychopharmacologic 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 Psychopharmacologic 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 27, 2018, from 8 a.m. to 5 p.m.

ADDRESSES: Tommy Douglas Conference Center, the Ballroom, 10000 New Hampshire Ave., Silver Spring, MD 20903. The conference center's telephone number is 240–645–4000. 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.* Information about the Tommy Douglas Conference Center can be accessed at: *https://www.tommydouglascenter.com/.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–0650. The docket will close on March 23, 2018. Submit either electronic or written comments on this public meeting by March 23, 2018. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before March 23, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of March 23, 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 March 13, 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–0650 for ''Psychopharmacologic Drugs Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' 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.'' 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 to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts

and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Kalyani Bhatt, 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: *PDAC@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 new drug application (NDA) 209229, lofexidine hydrochloride, submitted by US WorldMeds, LLC, for mitigation of symptoms associated with opioid withdrawal and facilitation of completion of opioid discontinuation treatment.

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 March 13, 2018, will be provided to the committee. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.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 March 5, 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 March 6, 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 Kalyani Bhatt (see **FOR FURTHER INFORMATION CONTACT**) 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 20, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03808 Filed 2–23–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–6175]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food and Drug Administration Recall Regulations

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by March 28, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0249. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Jonna Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

FDA Recall Regulations—21 CFR Part 7

OMB Control Number 0910–0249—Extension

Section 701 of the Federal Food, Drug, and Cosmetic Act charges the Secretary of Health and Human Services, through FDA, with the responsibility of assuring recalls (21 U.S.C. 371, Regulations and Hearings, and 21 CFR part 7, Enforcement Policy, Subpart C, Recalls (Including Product Corrections)—Guidance on Policy, Procedures, and Industry Responsibilities which pertain to the recall regulations and provide guidance to manufacturers on recall responsibilities). The regulations and guidance apply to all FDA-regulated products (*i.e.,* food, including animal feed; drugs, including animal drugs; medical devices, including in vitro diagnostic products; cosmetics; biological products intended for human use; and tobacco).

These responsibilities of companies conducting recalls include providing FDA with complete details of the recall including: (1) Reason(s) for the removal or correction, risk evaluation, quantity produced, distribution information, firm's recall strategy, a copy of any recall communication(s), and a contact official (§ 7.46); (2) notifying direct accounts of the recall, providing guidance regarding further distribution, giving instructions as to what to do with

the product, providing recipients with a ready means of reporting to the recalling firm (§ 7.49); and (3) submitting periodic status reports so that FDA may assess the progress of the recall. Status report information may be determined by, among other things, evaluation return reply cards, effectiveness checks and product returns (§ 7.53), and providing the opportunity for a firm to request in writing that FDA terminate the recall (§ 7.55(b)).

A search of the FDA database was performed to determine the number of recalls that took place during fiscal years 2014 to 2016. The resulting number of total recalls and terminations (8,560) from this database search were then averaged over the 3 years, and the resulting per year average of recalls and terminations (2,853) are used in estimating the current annual reporting and third party disclosure burden in this notice.

FDA estimates, in the following tables, the total annual reporting and third party burden to collect and provide the required information to be 584,477 hours.

In the **Federal Register** of November 17, 2017 (82 FR 54359), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received one comment that did not suggest any changes to the information collection or burden estimates.

The following is a summary of the estimated annual burden hours for recalling firms (manufacturers, processors, and distributors) to comply with the reporting requirements of FDA's recall regulations. Recognizing that there may be a vast difference in the information collection and reporting time involved in different recalls of FDA's regulated products, this summary reflects numbers across FDA.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Firm initiated recall (§ 7.46) and recall communications (§ 7.49)	2,853	1	2,853	25	71,325
Recall status reports (§ 7.53)	2,853	13	37,089	10	370,890
Termination of a recall (§ 7.55(b))	2,853	1	2,853	10	28,530
General industry guidance (§ 7.59)	2,853	1	2,853	15	42,795
Total					513,540

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

A. Firm Initiated Recall and Recall Communications

We request firms that voluntarily remove or correct foods and drugs (human or animal), cosmetics, medical devices, biologics, and tobacco to immediately notify the appropriate FDA District Office of such actions. The firm is to provide complete details of the recall reason, risk evaluation, quantity produced, distribution information, firms' recall strategy, and a contact official as well as requires firms to notify their direct accounts of the recall and to provide recipients with a ready means of reporting to the recalling firm. The estimates in table 1 are multiplied across the FDA product centers to arrive at a reporting burden estimate of 71,325 for firm initiated recall and recall communications.

B. Recall Status Reports

We request that recalling firms provide periodic status reports so FDA can ascertain the progress of the recall. This request only applies to firms with active recalls, and periodic status reports are estimated to be reported every 2 to 4 weeks. The estimates in table 1 are multiplied across the FDA product centers to arrive at a reporting burden estimate of 370,890 hours for recall status reports.

C. Termination of a Recall

We provide the firms an opportunity to request in writing that FDA end the recall. The Agency estimates it will receive 2,853 responses annually based on the average number of terminations over the past 3 fiscal years. The estimates in table 1 are multiplied across the FDA product centers to arrive at a reporting burden estimate of 28,530 for termination of a recall.

D. Enforcement Policy

We request that firms prepare and maintain a current written contingency plan for use in initiating and effecting a recall in accordance with §§ 7.40 through 7.49, 7.53, and 7.55; use sufficient coding of regulated products to make possible positive lot identification and to facilitate effective recall of all violative lots and maintain such product distribution records as are necessary to facilitate location of products that are being recalled. Such records should be maintained for a period of time that exceeds the shelf life and expected use of the product and is at least the length of time specified in other applicable regulations concerning records retention. The estimates in table 1 are multiplied across the FDA product centers to arrive at a reporting burden estimate of 42,795 for enforcement policy.

E. Recall Communications

We request that firms notify their consignees of the recall and to provide recipients with a ready means of reporting to the recalling firm.

TABLE 2—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Recall communications (§ 7.49)	2,853	518	1,477,854	0.048 (2.88 minutes)	70,937

[1] There are no capital costs or operating and maintenance costs associated with this information collections.

The estimates in table 2 are multiplied across the FDA product centers to arrive at a total third party disclosure burden estimate of 70,937.

FDA regulates many different types of products including, but not limited to, medical products, food and feed, cosmetics, and tobacco products. FDA notes that not all third-party disclosures provided by firms to their consignees are similar in nature and may entail different methods and mediums of communication. The total burden hours have decreased since the last information collection approval based on a reduction in the number of respondents.

Dated: February 21, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03847 Filed 2–23–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0510]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Substances Prohibited From Use in Animal Food or Feed

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by March 28, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0627. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10 a.m.–12 p.m., 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Substances Prohibited From Use in Animal Food or Feed—21 CFR 589.2001

OMB Control Number 0910–0627—Extension

This information collection supports Agency regulations regarding substances prohibited from use in animal food or feed. Bovine spongiform encephalopathy (BSE) is a progressive and fatal neurological disorder of cattle that results from an unconventional transmissible agent. BSE belongs to the family of diseases known as transmissible spongiform encephalopathies (TSEs). All TSEs affect the central nervous system of infected animals. Our regulation at § 589.2001 (21 CFR 589.2001) entitled ''Cattle materials prohibited in animal food or feed to prevent the transmission of bovine spongiform encephalopathy'' is designed to further strengthen existing safeguards against the establishment and amplification of BSE in the United States through animal feed. The regulation prohibits the use of certain cattle origin materials in the food or feed of all animals. These materials are referred to as ''cattle materials prohibited in animal feed'' or CMPAF. Under § 589.2001, no animal feed or feed ingredient can contain CMPAF. As a result, we impose requirements on renderers of specifically defined cattle materials, including reporting and recordkeeping requirements. For purposes of the regulation, we define a renderer as any firm or individual that processes slaughter byproducts, animals unfit for human consumption, including carcasses of dead cattle, or meat scraps. Reporting and recordkeeping requirements are necessary because once materials are separated from an animal it may not be possible, without records, to know whether the cattle material meets the requirements of our regulation.

Recordkeeping: Renderers that receive, manufacture, process, blend, or distribute CMPAF, or products that contain or may contain CMPAF, must take measures to ensure that the materials are not introduced into animal feed, including maintaining adequate written procedures specifying how such processes are to be carried out (§ 589.2001(c)(2)(ii)). Renderers that receive, manufacture, process, blend, or distribute CMPAF, are required to establish and maintain records sufficient to track the CMPAF to ensure that they are not introduced into animal feed (§ 589.2001(c)(2)(vi)).

Renderers that receive, manufacture, process, blend, or distribute *any* cattle materials must establish and maintain records sufficient to demonstrate that material rendered for use in animal feed was not manufactured from, processed with, or does not otherwise contain, CMPAF (§ 589.2001(c)(3)(i)).

Renderers that receive, manufacture, process, blend, or distribute *any* cattle materials must, if these materials were obtained from an establishment that segregates CMPAF from other materials, establish and maintain records to demonstrate that the supplier has adequate procedures in place to effectively exclude CMPAF from any materials supplied (§ 589.2001(c)(3)(i)). Records will meet this requirement if they include either: (1) Certification or other documentation from the supplier that materials supplied do not include CMPAF (§ 589.2001(c)(3)(i)(A)) or (2) documentation of another method acceptable to FDA, such as third-party certification (§ 589.2001(c)(3)(i)(B)).

Reporting: Under our regulations, we may designate a country from which cattle materials are not considered CMPAF. Section 589.2001(f) provides that a country seeking to be so designated must send a written request to the Director of the Center for Veterinary Medicine. The information the country is required to submit includes information about that country's BSE case history, risk factors, measures to prevent the introduction and transmission of BSE, and any other information relevant to determining whether the cattle materials from the requesting country do or do not meet the definitions set forth in § 589.2001(b)(1). We use the information to determine whether to grant a request for designation and to impose conditions if a request is granted. Section 589.2001(f) further states that countries designated under that section will be subject to our future review to determine whether their designations remain appropriate. As part of this process, we may ask designated countries from time to time to confirm that their BSE situation and the information submitted by them in support of their original application remains unchanged. We may revoke a country's designation if we determine that it is no longer appropriate. Therefore, designated countries may respond to our periodic requests by

submitting information to confirm their designations remain appropriate. We use the information to ensure their designations remain appropriate.

Description of Respondents: Respondents to this information collection include rendering facilities, feed manufacturers, livestock feeders, and foreign governments seeking designation under § 589.2001(f).

In the **Federal Register** of November 3, 2017 (82 FR 51279), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received four comments, which were not responsive to the four collection of information topics solicited, and therefore will not be discussed in this document.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
589.2001(c)(2)(ii), maintain written procedures	50	1	50	20	1,000
589.2001(c)(2)(vi) and (c)(3)(i), maintain records	175	1	175	20	3,500
589.2001(c)(3)(i)(A) and (B), certification or documentation from the supplier	175	1	175	26	4,550
Total					9,050

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Except where otherwise noted, this estimate is based on our estimate of the number of facilities affected by the final rule entitled ''Substances Prohibited From Use in Animal Food or Feed'' published in the **Federal Register** of April 25, 2008 (73 FR 22720 at 22753). The estimated recordkeeping burden is derived from Agency resources and discussions with affected industry. Our regulations require the maintenance of certain written procedures if cattle not inspected and passed for human consumption are to be rendered for use in animal feed. The recordkeeping burden associated with the requirement to maintain written procedures (§ 589.2001(c)(2)(ii)) will apply to only those renderers that choose to render for use in animal feed cattle not inspected and passed for human consumption. The recordkeeping requirement in § 589.2001(c)(2)(vi) will apply to the limited number of renderers that will handle CMPAF. We estimate that the recordkeeping burden associated with § 589.2001(c)(3)(i) would apply to the balance of the rendering firms not handling CMPAF. Table 1 also reflects the estimated 26 hours each renderer will need to satisfy the requirement in § 589.2001(c)(3)(i)(A) and (B) under which renderers must maintain records from their supplier, certifying that materials provided were free of CMPAF.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
589.2001(f); request for designation	1	1	1	80	80
589.2001(f); response to request for review by FDA	1	1	1	26	26

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimate of the reporting burden for designation under § 589.2001(f) is based on estimates in the final rule entitled ''Substances Prohibited From Use in Animal Food or Feed'' published in the **Federal Register** of April 25, 2008, our experience, and the average number of requests for designation received in the past 3 years. The reporting burden for § 589.2001(f) is minimal because requests for designation are seldom submitted. Since 2009, we have received two requests for designation. In the last 3 years, we have not received any new requests for designation; therefore, we estimate that one or fewer requests for designation will be submitted annually. Although we have not received any new requests for designation in the last 3 years, we believe these information collection provisions should be extended to provide for the potential future need of a foreign government to request designation under § 589.2001(f). Table 2, row 1, presents the expected burden of requests for designation. Countries designated under § 589.2001(f) are subject to review by FDA to ensure that their designation remains appropriate. We assume a country's response to a request for review will take about one third the time and effort of a request for designation. Table 2, row 2, presents the expected burden of a request for review. The burden for this information collection has not changed since the last OMB approval.

Dated: February 21, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–03848 Filed 2–23–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Request for Nominations

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Request for Nominations to the Centers for Disease Control and Prevention (CDC)/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment.

SUMMARY: HRSA is seeking nominations of four qualified candidates to be considered for appointment as members of the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (Committee). The Committee consists of 18 public

members, including two co-chairs. The Committee membership maintains a balance of diverse experiences and expertise. Those requesting consideration require expertise in areas such as: Public health; epidemiology; laboratory practice; immunology; infectious diseases; behavioral health and science including, but not limited to opioid use and related expertise; health education; healthcare delivery; state health programs; clinical care; preventive health; medical education; health services and clinical research; and healthcare financing. In addition, people living with HIV and affected populations as well as individuals employed by state and local health and education agencies, HIV/viral hepatitis/STD community-based organizations, and the ethics or religious community are encouraged to submit nomination packages for consideration. Current federal employees will not be considered.

DATES: Written nominations for membership to the Committee must be received on or before May 30, 2018. Packages received after this time will not be considered for the current membership cycle. (See **SUPPLEMENTARY INFORMATION**, below, for required documentation.)

ADDRESSES: Submit your electronic nomination package by electronic mail to *CHACAdvisoryComm@hrsa.gov.*

FOR FURTHER INFORMATION CONTACT: CDR Holly Berilla, HRSA, HIV/AIDS Bureau by email at *CHACAdvisoryComm@hrsa.gov* or by telephone at (301) 443–9965. A copy of the Committee Charter and background information can be obtained by accessing the Advisory Committee website at *https://www.cdc.gov/maso/facm/facmchachspt.html.*

SUPPLEMENTARY INFORMATION: The CDC/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment was established under Section 222 of the Public Health Service (PHS) Act, [42 U.S.C. Section 217a], as amended.

The purpose of the Committee is to advise the Secretary, HHS; the Director, CDC; and the Administrator, HRSA regarding objectives, strategies, policies, and priorities for HIV, viral hepatitis, and other STD prevention and treatment efforts including surveillance of HIV infection, AIDS, viral hepatitis, and other STDs, and related behaviors; epidemiologic, behavioral, health services, and laboratory research on HIV, viral hepatitis, and other STDs; identification of policy issues related to HIV/viral hepatitis/STD professional education, patient healthcare delivery, and prevention services; Agency policies about prevention of HIV, viral hepatitis and other STDs, treatment, healthcare delivery, and research and training; strategic issues influencing the ability of CDC and HRSA to fulfill their missions of providing prevention and treatment services; programmatic efforts to prevent and treat HIV, viral hepatitis, and other STDs; and support to the Agencies in their developoment of responses to emerging health needs related to HIV, viral hepatitis, and other STDs.

Members selected will be considered special government employees (SGEs) and may be invited to serve four (4) year terms. SGEs are eligible to receive a stipend and reimbursement for per diem and any travel expenses incurred for attending Committee meetings, as authorized by section 5 U.S.C. 5703 for persons employed intermittently in government service. Approved nominees will be invited to serve during calendar year 2019.

The following information must be included in the electronic nomination package for each individual to be considered for nomination: (1) A statement clearly indicating the name and affiliation of the nominee, the basis for the nomination (*i.e.,* specific attributes such as experience, education, current affiliations, positions, etc.), and that the nominee is willing to serve as a member of the Committee; (2) the nominee's name, address, and daytime telephone number and the home/or work address, and email address; and (3) a current copy of the nominee's curriculum vitae. Nomination packages may be summited directly by the individual being nominated or by the person/organization recommending the candidate.

HHS is required to ensure that the membership of the Committee is balanced in terms of points of view represented. Every effort is made to ensure that individuals from a broad representation of geographic areas, gender, ethnic and minority groups, as well as individuals with disabilities are given consideration for membership and therefore, HHS encourages nominations of qualified candidates from these groups. HHS also encourages geographic diversity in the composition of the Committee. Appointments shall be made without discrimination based on age, ethnicity, gender, sexual orientation, and cultural, religious, or socioeconomic status.

Individuals who are selected for appointment will be required to provide detailed information regarding their financial holdings, consultancies, and research grants or contracts. Disclosure of this information is necessary in order to determine if the selected candidate is involved in any activity that may pose a potential conflict with the official duties to be performed as a member of the Committee.

Amy McNulty,

Acting Director, HRSA, Division of the Executive Secretariat.

[FR Doc. 2018–03853 Filed 2–23–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Advisory Commission on Childhood Vaccines

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, notice is hereby given that a meeting is scheduled for the Advisory Commission on Childhood Vaccines (ACCV). This meeting will be open to the public. Information about the ACCV and the agenda for this meeting can be obtained by accessing the following website: *http://www.hrsa.gov/advisorycommittees/childhoodvaccines/index.html.*

DATES: The meeting will be held on March 8, 2018, at 10:00 a.m. ET.

ADDRESSES: This meeting will be held via Adobe Connect meeting and conference call. This is not an in-person meeting. The public can join the meeting by:

1. (Audio Portion) Calling the conference phone number (800) 988–0218 and providing the following information:

Leader Name: Dr. Narayan Nair.

Password: 9302948.

2. (Visual Portion) Connecting to the ACCV Adobe Connect Meeting using the following URL: *https://hrsa.connectsolutions.com/accv/.* Participants should call and connect 15 minutes prior to the meeting in order for logistics to be set up. If you have never attended an Adobe Connect meeting, please test your connection using the following URL: *https://hrsa.connectsolutions.com/common/help/en/support/meeting_test.htm* and get a quick overview by following URL: *http://www.adobe.com/go/connectpro_overview.*

FOR FURTHER INFORMATION CONTACT: Anyone requesting information regarding the ACCV should contact Annie Herzog, Program Analyst, Division of Injury Compensation Programs (DICP), HRSA in one of three ways: (1) Send a request to the following address: Annie Herzog, Program Analyst, DICP, HRSA, 5600 Fishers Lane, 08N146B, Rockville, Maryland 20857; (2) call (301) 443–6593; or (3) send an email to *aherzog@hrsa.gov.*

The ACCV will meet on Thursday, March 8, 2018, beginning at 10:00 a.m. via Adobe Connect Meeting; however, meeting times and information to join the meeting and/or conference call could change. For the latest information regarding meeting start time and information to join the meeting and/or conference call, please check the ACCV website: *http://www.hrsa.gov/advisorycommittees/childhoodvaccines/index.html*.

SUPPLEMENTARY INFORMATION: The ACCV was established by section 2119 of the Public Health Service Act (the Act) (42 U.S.C. 300aa–19), as enacted by Public Law (Pub. L.) 99–660, and as subsequently amended, and advises the Secretary of HHS (the Secretary) on issues related to implementation of the National Vaccine Injury Compensation Program (VICP).

Other activities of the ACCV include: Recommending changes to the Vaccine Injury Table at its own initiative or as the result of the filing of a petition; advising the Secretary in implementing section 2127 of the Act regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions; surveying federal, state, and local programs and activities related to gathering information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b) of the Act; advising the Secretary on the methods of obtaining, compiling, publishing, and using credible data related to the frequency and severity of adverse reactions associated with childhood vaccines; consulting on the development or revision of Vaccine Information Statements; and, recommending to the Director of the National Vaccine Program research related to vaccine injuries which should be conducted to carry out the VICP.

The agenda items for the March 8, 2018, meeting will include, but are not limited to, updates from DICP, Department of Justice (DOJ), National Vaccine Program Office (NVPO), Immunization Safety Office (Centers for Disease Control and Prevention), National Institute of Allergy and Infectious Diseases (National Institutes of Health) and Center for Biologics, Evaluation and Research (Food and Drug Administration). A draft agenda and additional meeting materials will be posted on the ACCV website: *http://www.hrsa.gov/advisorycommittees/childhoodvaccines/index.html* prior to the meeting. Agenda items are subject to change as priorities dictate.

Members of the public will have the opportunity to provide comments. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to make oral comments or provide written comments to the ACCV should be sent to Annie Herzog by March 5, 2018, using the address and phone number above. Individuals who plan to participate and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify Annie Herzog, using the address and phone number above at least 10 days prior to the meeting.

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–03812 Filed 2–23–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Member Conflict Applications.

Date: March 27, 2018.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov.*

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; NIAAA Member Conflict Applications—AA3.

Date: April 2, 2018.

Time: 11:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov.*

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Epidemiology, Prevention and Behavior Research Review Subcommittee.

Date: June 4, 2018.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, National Institute on Alcohol Abuse and Alcoholism, 5635 Fishers Lane, Terrace Level Conference Room 508, Bethesda, MD 20892.

Contact Person: Anna Ghambaryan, M.D., Ph.D., Scientific Review Officer, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5365 Fishers Lane, Room 2019, Rockville, MD 20852, (301) 443–4032, *anna.ghambaryan@nih.gov.*

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Initial Review Group; Clinical, Treatment and Health Services Research Review Subcommittee.

Date: June 15, 2018.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn San Diego Bayside, 4875 North Harbor Drive, San Diego, CA 92106.

Contact Person: Ranga Srinivas, Ph.D., Chief, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, 5365 Fishers Lane, Room 2085, Rockville, MD 20852, (301) 451–2067, *srinivar@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs;

93.891, Alcohol Research Center Grants; 93.701, ARRA Related Biomedical Research and Research Support Awards, National Institutes of Health, HHS)

Dated: February 20, 2018.

Melanie J. Pantoja,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–03780 Filed 2–23–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Integrative Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Center for Complementary and Integrative Health Special Emphasis Panel.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; Exploratory Clinical Trials of Mind and Body Interventions Review Panel.

Date: March 15, 2018.

Time: 12:00 p.m. to 5:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20852, (Virtual Meeting).

Contact Person: Ashlee Tipton, Ph.D., Scientific Review Officer, Division of Extramural Activities, National Center for Complementary and Integrative Health, 6707 Democracy Boulevard, Room 401, Bethesda, MD 20892, 301–451–3849, *ashlee.tipton@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: February 20, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–03777 Filed 2–23–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Integrative Health; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Center for Complementary and Integrative Health Special Emphasis Panel.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; NCCIH Natural Product Phase I–IIa Clinical Trial Award.

Date: March 22, 2018.

Time: 12:00 p.m. to 4:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Viatcheslav A Soldatenkov, MD, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892, *soldatenkovv@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: February 20, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–03778 Filed 2–23–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary and Integrative Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Center for Complementary and Integrative Health Special Emphasis Panel.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; Center of Excellence for Research on Complementary and Integrative Health (P01) Special Emphasis Panel.

Date: March 23, 2018.

Time: 12:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20852 (Video Assisted Meeting).

Contact Person: Yisong Wang, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, National Center for Complementary & Integrative Health (NCCIH), National Institutes of Health, 6707 Democracy Blvd., Suite 401, Bethesda, MD 20817, 301–480–9483, *yisong.wang@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS)

Dated: February 20, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–03779 Filed 2–23–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2017–0894]

2016.1 National Preparedness for Response Exercise Program (PREP) Guidelines

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The U.S. Coast Guard solicits public comment on the regulatory analysis of the potential deregulatory savings that may result from the revisions proposed in the 2016.1 PREP Guidelines. The Coast Guard also continues to seek public comment on

the revisions proposed in the 2016.1 PREP Guidelines. The Coast Guard is publishing this notice on behalf of the Preparedness for Response Exercise Program Compliance, Coordination, and Consistency Committee (PREP 4C). The PREP 4C includes representatives from the Coast Guard under the Department of Homeland Security, the Environmental Protection Agency, the Pipeline and Hazardous Materials Safety Administration under the Department of Transportation, and the Bureau of Safety and Environmental Enforcement under the Department of the Interior.

DATES: Comments and related material must be received by the Coast Guard on or before March 26, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0894 using the Federal eRulemaking Portal at *http://www.regulations.gov.* See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section for further instructions on submitting comments. To view the proposed 2016.1 PREP Guidelines and the regulatory analysis of the proposed 2016.1 PREP Guidelines, go to *http://www.regulations.gov,* type ''USCG–2017–0894'' and click ''Search.'' Then click ''Open Docket Folder.''

FOR FURTHER INFORMATION CONTACT: For information about the regulatory analysis, call Mr. Jonathan Smith, Office of Marine Environmental Response Policy, 202–372–2675. For information about the proposed 2016.1 PREP Guidelines you may call: *For Coast Guard:* Mr. Jonathan Smith, Office of Marine Environmental Response Policy, 202–372–2675. *For EPA:* Mr. Troy Swackhammer, Office of Emergency Management, Regulations Implementation Division, 202–564–1966. *For BSEE/DOI:* Mr. John Caplis, Oil Spill Preparedness Division, 703–787–1364. *For PHMSA/DOT:* Mr. Eddie Murphy, Office of Pipeline Safety, 202–366–4595.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

The Coast Guard encourages you to submit comments on the proposed 2016.1 PREP Guidelines and the regulatory analysis of the potential deregulatory savings that may result from the revisions proposed in the 2016.1 PREP Guidelines. If you submit a comment, please include the docket number for this notice, 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 notice of availability and request for comments for alternate instructions. Documents mentioned in this notice, and all public comments, will be available 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 if a final rule is published.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacyNotice.*

Background

On December 22, 2017, on behalf of the Preparedness for Response Exercise Program Compliance, Coordination, and Consistency Committee (PREP 4C), we published for public comment the 2016.1 PREP Guidelines (82 FR 60693). The revisions proposed in the 2016.1 PREP Guidelines constitute the first change to the 2016 PREP Guidelines. In this notice, we seek public comment on the regulatory analysis of the potential deregulatory savings that may result from the revisions proposed in the 2016.1 PREP Guidelines. Additionally, throughout the public comment period for the regulatory analysis of the 2016.1 PREP Guidelines, we will continue to accept comments that directly pertain to the revisions proposed in the 2016.1 PREP Guidelines. These revisions are detailed in a new ''Record of Changes'' that we have incorporated into the 2016.1 PREP Guidelines. The 2016.1 PREP Guidelines are available for review in docket USCG–2017–0894, as described in the **ADDRESSES** section of this notice.

This notice is issued under the authority of 5 U.S.C. 552(a) and 33 U.S.C. 1225, 1231, 1321(j), and 2735.

Joseph B. Loring,

Captain, Chief of the Office of Marine Environmental Response Policy.

[FR Doc. 2018–03773 Filed 2–23–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation (Martinez, CA), as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation (Martinez, CA), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of January 25, 2017.

DATES: Inspectorate America Corporation (Martinez, CA) was accredited and approved, as a commercial gauger and laboratory as of January 25, 2017. The next triennial inspection date will be scheduled for January 2020.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 3772 Pacheco Boulevard, Martinez, CA 94553 has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
2	Tank Calibration.
3	Tank Gauging.
4	Proving Systems.
6	Metering Assemblies.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum

products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–03	D 4006	Standard Test Method for Water in Crude Oil by Distillation.
27–05	D 4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov.* Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories.*

Dated: February 15, 2018.

James D. Sweet,

Acting Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2018–03816 Filed 2–23–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Coastal Gulf and International (Luling, LA), as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice of accreditation and approval of Coastal Gulf and International (Luling, LA), as a commercial gauger and laboratory.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Coastal Gulf and International (Luling, LA), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of July 19, 2017.

DATES: Coastal Gulf and International (Luling, LA) was accredited and approved, as a commercial gauger and laboratory as of July 19, 2017. The next triennial inspection date will be scheduled for July 2020.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Coastal Gulf and International, 13615 River Road, Luling, LA 70070 has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Coastal Gulf and International is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
7	Temperature Determination.
8	Sampling.
12	Calculations.
17	Marine Measurement.

Coastal Gulf and International is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–03	D 4006	Standard Test Method for Water in Crude Oil by Distillation.
27–04	D 95	Standard Test Method for Water in Petroleum Products and Bituminous Materials by Distillation.
27–05	D 4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–08	D 86	Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure.
27–11	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–46	D 5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
27–48	D 4052	Standard Test Method for Density and Relative Density of Liquids by Digital Density Meter.
27–50	D 93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester.

CBPL No.	ASTM	Title
27–58	D 5191	Standard Test Method for Vapor Pressure of Petroleum Products (Mini Method).

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*.

Dated: February 15, 2018.

James D. Sweet,

Acting Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2018–03811 Filed 2–23–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Accreditation and Approval of Inspectorate America Corporation (Lutcher, LA), as a Commercial Gauger and Laboratory

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Notice is hereby given, pursuant to CBP regulations, that Inspectorate America Corporation (Lutcher, LA), has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes for the next three years as of April 4, 2017.

DATES: Inspectorate America Corporation (Lutcher, LA) was accredited and approved, as a commercial gauger and laboratory as of April 4, 2017. The next triennial inspection date will be scheduled for April 2020.

FOR FURTHER INFORMATION CONTACT: Dr. Justin Shey, Laboratories and Scientific Services Directorate, U.S. Customs and Border Protection, 1300 Pennsylvania Avenue NW, Suite 1500N, Washington, DC 20229, tel. 202–344–1060.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 19 CFR 151.12 and 19 CFR 151.13, that Inspectorate America Corporation, 2184 Jefferson Highway, Lutcher, LA 70071 has been approved to gauge petroleum and certain petroleum products and accredited to test petroleum and certain petroleum products for customs purposes, in accordance with the provisions of 19 CFR 151.12 and 19 CFR 151.13. Inspectorate America Corporation is approved for the following gauging procedures for petroleum and certain petroleum products from the American Petroleum Institute (API):

API chapters	Title
3	Tank Gauging.
5	Metering.
7	Temperature Determination.
8	Sampling.
12	Calculations.
14	Natural Gas Fluids Measurement.
17	Marine Measurement.

Inspectorate America Corporation is accredited for the following laboratory analysis procedures and methods for petroleum and certain petroleum products set forth by the U.S. Customs and Border Protection Laboratory Methods (CBPL) and American Society for Testing and Materials (ASTM):

CBPL No.	ASTM	Title
27–01	D 287	Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method).
27–03	D 4006	Standard Test Method for Water in Crude Oil by Distillation.
27–05	D 4928	Standard Test Method for Water in Crude Oils by Coulometric Karl Fischer Titration.
27–06	D 473	Standard Test Method for Sediment in Crude Oils and Fuel Oils by the Extraction Method.
27–11	D 445	Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and Calculation of Dynamic Viscosity).
27–13	D 4294	Standard Test Method for Sulfur in Petroleum and Petroleum Products by Energy Dispersive X-ray Fluorescence Spectrometry.
27–46	D 5002	Standard Test Method for Density and Relative Density of Crude Oils by Digital Density Analyzer.
27–50	D 93	Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester.

Anyone wishing to employ this entity to conduct laboratory analyses and gauger services should request and receive written assurances from the entity that it is accredited or approved by the U.S. Customs and Border Protection to conduct the specific test or gauger service requested. Alternatively, inquiries regarding the specific test or gauger service this entity is accredited or approved to perform may be directed to the U.S. Customs and Border Protection by calling (202) 344–1060. The inquiry may also be sent to *CBPGaugersLabs@cbp.dhs.gov*. Please reference the website listed below for a complete listing of CBP approved gaugers and accredited laboratories. *http://www.cbp.gov/about/labs-scientific/commercial-gaugers-and-laboratories*

Dated: February 15, 2018.

James D. Sweet,

Acting Executive Director, Laboratories and Scientific Services Directorate.

[FR Doc. 2018–03814 Filed 2–23–18; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–24954; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before January 27, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by March 13, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before January 27, 2018. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

COLORADO

Grand County

Byers Peak Ranch, 1102 St. Louis Creek Rd., Fraser vicinity, SG100002177

DISTRICT OF COLUMBIA

District of Columbia

Fulford, The, 2518 17th St. NW, Washington, MP100002179

Glenn Arms, The, 2524 17th St. NW, Washington, MP100002180

INDIANA

Howard County

Tate, George and Helen, House, 114 E Jefferson St., Kokomo, SG100002182

Noble County

Kneipp Springs Historic District, 2725 & 2730 E Northport Rd., Rome City, SG100002183

Whitley County

Blue Bell Inc., Factory Building, 307 S Whitley St., Columbia City, SG100002184

IOWA

Linn County

WCF & N Center Point Depot and Substation, 700 Washington St., Center Point, SG100002185

MASSACHUSETTS

Worcester County

Fobes—O'Donnell House, 1221 Turnpike Rd., Oakham, SG100002197

MISSOURI

Christian County

Smallin Cave Historic District, 3575 N Smallin Rd., Ozark vicinity, SG100002186

NEW YORK

Erie County

West End Historic District, 90–171 W Main, 17 Park & 186–244 Franklin Sts. & 24–110 N Central Ave., Springville, SG100002187

Franklin County

Lady Tree Lodge, 21 Loon Over Ln., Saranac Lake, SG100002188

New York County

Earl Hall, 2980 Broadway, New York, SG100002189

Wayne County

Lyons Downtown Historic District, Broad bounded by Phelps, William, Butternut, Pearl & Canal with portions of Bear, Lawrence, Geneva & Water Sts., Lyons, SG100002190

RHODE ISLAND

Newport County

Kay Street—Catherine Street—Old Beach Road Historic District (Boundary Decrease), Roughly bounded by Broadway, Memorial Blvd., Whitfield Pl., Champlin & Sherman Sts., Rhode Island, Prairie & Gibbs Ave., Newport, BC100002193

Providence County

L'Union Saint Jean-Baptist d' Amerique, 1 Social St., Woonsocket, SG100002194

VIRGINIA

Virginia Beach Independent city

Thoroughgood House (Boundary Increase), Address Restricted, Virginia Beach (Independent City) vicinity, BC100002195

Virginia Beach Courthouse Village and Municipal Center Historic District, Courthouse Dr., Mattaponi, N Landing & Princess Anne Rds., Virginia Beach (Independent City), SG100002196

WISCONSIN

Milwaukee County

West St. Paul Avenue Industrial Historic District, Generally bounded by the N & S sides of & 1101–2045 W St. Paul Ave. including 272 to 405 N 12th & 324–422 N 15th Sts., Milwaukee, SG100002198

A request for removal has been made for the following resources:

COLORADO

Weld County

Windsor Milling and Elevator Co. Building, 301 Main St., Windsor, OT98001129

OREGON

Malheur County

Vale Independent Order of Odd Fellows Hall, 122 Main St. S, Vale, OT16000822

Additional documentation has been received for the following resource:

OREGON

Multnomah County

Irvington Historic District, Roughly bounded by NE Fremont, NE 27th Ave., NE Broadway, NE 7th Ave., Portland, AD10000850

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nomination and responded to the Federal Preservation Officer within 45 days of receipt of the nomination and supports listing the property in the National Register of Historic Places.

CALIFORNIA

Siskiyou County

Camp Tulelake, Hill R., 2 mi. S of jct. with CA 161, Tulelake vicinity, SG100002176

Authority: 60.13 of 36 CFR Part 60.

Dated: January 31, 2018.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program and Keeper, National Register of Historic Places.

[FR Doc. 2018–03770 Filed 2–23–18; 8:45 am]

BILLING CODE 4312–52–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–25032; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

AGENCY: National Park Service, Interior.

ACTION: Notice.

SUMMARY: The National Park Service is soliciting comments on the significance of properties nominated before February 3, 2018, for listing or related actions in the National Register of Historic Places.

DATES: Comments should be submitted by March 13, 2018.

ADDRESSES: Comments may be sent via U.S. Postal Service and all other carriers to the National Register of Historic Places, National Park Service, 1849 C St. NW, MS 7228, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: The properties listed in this notice are being considered for listing or related actions in the National Register of Historic Places. Nominations for their consideration were received by the National Park Service before February 3, 2018. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation.

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.

Nominations submitted by State Historic Preservation Officers:

ARIZONA

Maricopa County

Dome House, 7199 E. Grapevine Rd., Cave Creek, SG100002208
Borah House, 72 East Country Club Dr., Phoenix, SG100002209

GEORGIA

Fulton County

Peachtree Center Historic District, Roughly bounded by Andrew Young International Blvd., Peachtree Center Ave, Courtland St., Baker St, and Williams St., Atlanta, SG100002207

HAWAII

Hawaii County

Botelho, M.S., Building and Garage, 45–3490 Mamane St., Honoka'a, MP100002214

Honolulu County

Cooke, Sam and Mary, Residence, 2829 Manoa Rd., Honolulu, SG100002213

MASSACHUSETTS

Bristol County

Russell Garrison, Fort Street, Dartmouth, SG100002215

OKLAHOMA

Garfield County

Enid High School Observatory, 611 W. Wabash Ave., Enid, SG100002216

Oklahoma County

Dunbar Elementary School, 1432 Northeast Seventh St., Oklahoma City, SG100002217
1210–1212–1214 North Hudson Historic District, 1210–1214 North Hudson, Oklahoma City, SG100002218
First National Bank and Trust Company Building, 120 N. Robinson Ave. and 111 N. Broadway Ave., Oklahoma City, SG100002220

Okmulgee County

Okmulgee Country Club and Golf Course, 1400 S. Mission Ln., Okmulgee, SG100002219

VIRGINIA

Stafford County

Bethlehem Primitive Baptist Church Cemetery, 135 Chapel Green Rd., Fredricksburg vicinity, SG100002206

Additional documentation has been received for the following resources:

ARIZONA

Pima County

Rincon Heights Historic District, Roughly bounded by 6th St., Broadway Blvd., Campbell & Fremont Aves., Tucson, AD12001190

Yavapai County

Clarkdale Historic District, Roughly along Main St., roughly bounded by Verde R. including industrial smelter site, Clarkdale, AD97001586

Nominations submitted by Federal Preservation Officers:

The State Historic Preservation Officer reviewed the following nominations and responded to the Federal Preservation Officer within 45 days of receipt of the nominations and supports listing the properties in the National Register of Historic Places.

CALIFORNIA

Humboldt County

Lyons Ranches Historic District, Bald Hills Rd., Orick vicinity, SG100002212

NEW MEXICO

Santa Fe County

El Camino Real de Tierra Adentro—La Bajada North Section, Address Restricted, La Cienega vicinity, MP100002204
El Camino Real de Tierra Adentro—La Bajada South Section, Address Restricted, La Cienega vicinity, MP100002205.

Authority: 60.13 of 36 CFR part 60.

Dated: February 9, 2018.

Christopher Hetzel,

Acting Chief, National Register of Historic Places/National Historic Landmarks Program.

[FR Doc. 2018–03807 Filed 2–23–18; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1378–1379 (Final)]

Low Melt Polyester Staple Fiber (PSF) From Korea and Taiwan; Scheduling of the Final Phase of Anti-Dumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping investigation Nos. 731–TA–1378–1379 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of low melt polyester staple fiber (PSF) from Korea and Taiwan, provided for in subheading 5503.20.0015 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce to be sold at less-than-fair-value.

DATES: February 2, 2018.

FOR FURTHER INFORMATION CONTACT: Christopher Robinson ((202) 205–2542), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, the Department of Commerce has defined the subject merchandise as synthetic staple fibers, not carded or combed, specifically bi-component polyester fibers having a polyester fiber component that melts at a lower temperature than the other polyester fiber component (low melt PSF). The scope includes bi-component polyester staple fibers of any denier or cut length. The subject merchandise may be coated, usually with a finish or dye, or not coated.

Excluded from the scope of the investigations are any products covered by the existing antidumping duty order on certain polyester staple fiber from Korea and Taiwan.[1]

Background.—The final phase of these investigations is being scheduled, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), as a result of affirmative preliminary determinations by the Department of Commerce that imports of low melt polyester staple fiber (PSF) from Korea and Taiwan are being sold in the United States at less than fair value within the meaning of section 733 of the Act (19 U.S.C. 1673b). The investigations were requested in a petition filed on June 27, 2017, by Nan Ya Plastics Corporation, America, Livingston, New Jersey.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on May 8, 2018, and a public version will be issued thereafter, pursuant to section 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on Tuesday, May 22, 2018, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 17, 2018. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on May 18, 2018, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.23 of the Commission's rules; the deadline for filing is May 15, 2018. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.25 of the Commission's rules. The deadline for filing posthearing briefs is May 30, 2018. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before May 30, 2018. On June 22, 2018, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 26, 2018, but such final comments must not contain new factual information and must otherwise comply with section 207.30 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on E-Filing,* available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: February 20, 2018.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2018–03796 Filed 2–23–18; 8:45 am]

BILLING CODE 7020–02–P

[1] See Notice of Amended Final Determination of Sales at Less Than Fair Value: Certain Polyester Staple Fiber from the Republic of Korea and Antidumping Duty Orders: Certain Polyester Staple Fiber from the Republic of Korea and Taiwan, 65 FR 33807 (May 25, 2000).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–481 and 731–TA–1190 (Review)]

Crystalline Silicon Photovoltaic Cells and Modules From China; Notice of Commission Determinations To Conduct Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice that it will proceed with full reviews pursuant to the Tariff Act of

1930 to determine whether revocation of the antidumping and countervailing duty orders on crystalline silicon photovoltaic cells and modules from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. A schedule for the reviews will be established and announced at a later date.

DATES: February 5, 2018.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

SUPPLEMENTARY INFORMATION: On February 5, 2018, the Commission determined that it should proceed to full reviews in the subject five-year reviews pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)). The Commission found that both the domestic and respondent interested party group responses to its notice of institution (82 FR 50681, November 1, 2017) were adequate.[1] The Commission also found that other circumstances warranted conducting full reviews. A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

[1] Chairman Rhonda K. Schmidtlein and Commissioner Irving A. Williamson determined that the respondent interested party group response was inadequate and voted to conduct expedited reviews.

By order of the Commission.

Issued: February 21, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–03841 Filed 2–23–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–011]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: March 2, 2018 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. Nos. 701–TA–593–596 and 731–TA–1401–1406 (Preliminary) (Large Diameter Welded Pipe from Canada, China, Greece, India, Korea, and Turkey). The Commission is currently scheduled to complete and file its determinations on March 5, 2018; views of the Commission are currently scheduled to be completed and filed on March 12, 2018.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

By order of the Commission.

Issued: February 22, 2018.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–03967 Filed 2–22–18; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[USITC SE–18–010]

Government in the Sunshine Act Meeting Notice

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: March 1, 2018 at 11:00 a.m.

PLACE: Room 101, 500 E Street SW, Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agendas for future meetings: None.
2. Minutes.
3. Ratification List.
4. Vote in Inv. No. 731–TA–1104 (Second Review) (Polyester Staple Fiber from China). The Commission is currently scheduled to complete and file its determination and views of the Commission by March 15, 2018.
5. Outstanding action jackets: None.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: February 22, 2018.

By order of the Commission.

William R. Bishop,

Supervisory Hearings and Information Officer.

[FR Doc. 2018–03952 Filed 2–22–18; 4:15 pm]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–344 (Fourth Review)]

Tapered Roller Bearings From China; Scheduling of a Full Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of a full review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on tapered roller bearings from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time. The Commission has determined to exercise its authority to extend the review period by up to 90 days.

DATES: February 20, 2018,

FOR FURTHER INFORMATION CONTACT: Keysha Martinez (202–205–2136), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for

this review may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On October 6, 2017, the Commission determined that responses to its notice of institution of the subject five-year review were such that a full review should proceed (82 FR 48527, October 18, 2017); accordingly, a full review is being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's website.

Participation in the review and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in this review as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the review need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the review.

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in this review available to authorized applicants under the APO issued in the review, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the review. A party granted access to BPI following publication of the Commission's notice of institution of the review need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the review will be placed in the nonpublic record on July 11, 2018, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the review beginning at 9:30 a.m. on July 31, 2018, at the U.S. International Trade Commission Building. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before July 23, 2018. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should participate in a prehearing conference to be held on July 27, 2018, at the U.S. International Trade Commission Building, if deemed necessary. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), 207.24, and 207.66 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party to the review may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is July 20, 2018. Parties may also file written testimony in connection with their presentation at the hearing, as provided in section 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is August 9, 2018. In addition, any person who has not entered an appearance as a party to the review may submit a written statement of information pertinent to the subject of the review on or before August 9, 2018. On August 30, 2018, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before September 4, 2018, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at *https://edis.usitc.gov,* elaborates upon the Commission's rules with respect to electronic filing.

Additional written submissions to the Commission, including requests pursuant to section 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

The Commission has determined that this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C.1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: February 20, 2018.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2018–03795 Filed 2–23–18; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0039]

Agency Information Collection Activities; Proposed eCollection; eComments Requested

AGENCY: Criminal Justice Information Services Division, Federal Bureau of Investigation (FBI), Department of Justice.

ACTION: 30-Day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation (FBI), Training Division's Curriculum Management Section (CMS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to U.S. Department of Justice, Federal Bureau of Investigation. Contact Kimberly A. Webber, Global Operations Section, CJIS Division Intelligence Group, Federal Bureau of Investigation, Criminal Justice Information Services Division (CJIS), Biometric Technology Center, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; telephone (304) 625–4164; facsimile (304) 625–2198. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a currently approved collection.

(2) *Title of the Form/Collection:* Federal Bureau of Investigation Bioterrorism Preparedness Act: Entity/Individual Information.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* Agency form number: FD–961 Sponsoring component: Criminal Justice Information Services Division, Federal Bureau of Investigation (FBI), Department of Justice (DOJ).

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: City, county, state, federal, individuals, business or other for profit, and not-for-profit institute. This collection is needed to receive names and other identifying information submitted by individuals requesting access to specific agents or toxins, and consult with appropriate official of the Department of Health and Human Services and the Department of Agriculture as to whether certain individuals specified in the provisions should be denied access to or granted limited access to specific agents.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that approximately 4,635 (FY 2015) respondents at 1 hour and 30 minutes for the FD–961 form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* Given that approximately 6,953 hours, annual burden associated with this information collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Suite 3E.405B, Washington, DC 20530.

Dated: February 21, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–03806 Filed 2–23–18; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0052]

Agency Information Collection Activities; Proposed eCollection eComments Requested; Extension of a Currently Approved Information Collection; Claims Filed Under the Radiation Exposure Compensation Act

AGENCY: Civil Division, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Civil Division, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and will be accepted for an additional days until March 28, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20530 or sent to *OIRA_submissions@omb.eop.gov.*

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and/or
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* Extension of a currently approved collection.

2. *The Title of the Form/Collection:* Claims Filed Under the Radiation Exposure Compensation Act (RECA).

3. *The agency form number: Form Number:* N/A.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Abstract: Information is collected to determine whether an individual is entitled to compensation under the Radiation Exposure Compensation Act.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 2,000 respondents will complete the form annually within approximately 2.5 hours.

6. *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 5,000 total annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Room 3E.405A,Washington, DC 20530.

Dated: February 21, 2018.

Melody Braswell,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2018–03818 Filed 2–23–18; 8:45 am]

BILLING CODE 4410–12–P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0292]

Agency Information Collection Activities; Proposed Collection Comments Requested; Extension With Change of Currently Approved Collection: 2017–19 Survey of Sexual Victimization (SSV)

AGENCY: Bureau of Justice Statistics, Department of Justice.

ACTION: 60-Day Notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, Bureau of Justice Statistics, will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until April 27, 2018.

FOR FURTHER INFORMATION CONTACT: If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Ramona Rantala, Statistician, Bureau of Justice Statistics, 810 Seventh Street NW, Washington, DC 20531 (email: *Ramona.Rantala@usdoj.gov;* telephone: 202–307–6170).

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 Bureau of Justice Statistics, 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:* Extension with change of a currently approved collection.

2. *The Title of the Form/Collection:* Survey of Sexual Victimization [formerly the Survey of Sexual Violence].

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form numbers for the questionnaires are SSV–1, SSV–2, SSV–3, SSV–4, SSV–5, SSV–6, SSV–IA, and SSV–IJ. The applicable component within the Department of Justice is the Bureau of Justice Statistics, in the Office of Justice Programs.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government correctional facilities. Other: Federal Government and business (privately operated correctional institutions, both for-profit and not-for-profit). The data will be used to develop national estimates of the incidence and prevalence of sexual assault within correctional facilities, as well as characteristics of substantiated incidents, as required under the Prison Rape Elimination Act of 2003 (Pub. L. 108–79).

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimate of the total number of respondents is 1,574 adult and juvenile correctional systems and facilities. (This estimate assumes a response rate of 100%.) Federal and state correctional systems for adults and juveniles (102 respondents) will take an estimated 60 minutes to complete the summary form; local, military, Immigrations and Customs Enforcement, tribal, and privately operated facilities (1,472 respondents) will take an estimated 30 minutes to complete the summary form; and each incident form (an estimated 3,000 incident forms will be completed each year, one for each incident that was substantiated) will take about 30 minutes. The burden estimates are based on data from the prior administration of the SSV.

6. *An estimate of the total public burden (in hours) associated with the collection:* There is an estimated 2,338 total burden hours per year associated with this collection, with a combined total of 7,014 for the three years.

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 21, 2018.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2018–03813 Filed 2–23–18; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Final Finding of No Significant Impact for the Proposed Rehabilitation or Replacement of Buildings at the Gulfport Job Corps Center, 3300 20th Street, Gulfport, Mississippi 39501

AGENCY: Office of Job Corps, Employment and Training Administration (ETA), Labor.

ACTION: Publication of Final Finding of No Significant Impact.

SUMMARY: The Department of Labor (DOL or Department), ETA, Office of Job

Corps, is issuing a Final Finding of No Significant Impact (FONSI) regarding the proposed rehabilitation or replacement of buildings at the Gulfport Job Corps Center (JCC) in Gulfport, Mississippi.

FOR FURTHER INFORMATION CONTACT: Marsha Fitzhugh, Division of Facilities and Asset Management, Office of Job Corps, ETA, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–4463, Washington, DC 20210; Telephone (202) 693–3000 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION:

Public Involvement: The Draft FONSI was published in the **Federal Register** on December 11, 2017 (*82 FR 58218*). The **Federal Register** announcement stated that comments would be accepted through January 10, 2018, and that the Draft FONSI and the Draft Final Environmental Assessment (EA) were available for public review and comment for a period of 30 days at the Gulfport Public Library, 1708 25th Avenue, Gulfport, MS 39501, and at *http://www.jobcorps.gov/home.aspx.* No comments were received on the Draft FONSI or the Draft Final EA.

Finding: The findings of the draft final EA and draft FONSI are accepted without alteration.

Rosemary Lahasky,

Deputy Assistant Secretary for Employment and Training.

[FR Doc. 2018–03823 Filed 2–23–18; 8:45 am]

BILLING CODE 4510–FT–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2018- 020]

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when agencies no longer need them for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives of the United States and to destroy, after a specified period, records lacking administrative, legal, research, or other value. NARA publishes notice in the **Federal Register** for records schedules in which agencies propose to destroy records they no longer need to conduct agency business. NARA invites public comments on such records schedules.

DATES: NARA must receive requests for copies in writing by March 28, 2018. Once NARA finishes appraising the records, we will send you a copy of the schedule you requested. We usually prepare appraisal memoranda that contain additional information concerning the records covered by a proposed schedule. You may also request these. If you do, we will also provide them once we have completed the appraisal. You have 30 days after we send to you these requested documents in which to submit comments.

ADDRESSES: You may request a copy of any records schedule identified in this notice by contacting Records Appraisal and Agency Assistance (ACRA) using one of the following means:

Mail: NARA (ACRA); 8601 Adelphi Road; College Park, MD 20740–6001.

Email: request.schedule@nara.gov.

Fax: 301–837–3698.

You must cite the control number, which appears in parentheses after the name of the agency that submitted the schedule, and a mailing address. If you would like an appraisal report, please include that in your request.

FOR FURTHER INFORMATION CONTACT: Margaret Hawkins, Director, by mail at Records Appraisal and Agency Assistance (ACRA), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001, by phone at 301–837–1799, or by email at *request.schedule@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA publishes notice in the **Federal Register** for records schedules they no longer need to conduct agency business. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

Each year, Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing records retention periods and submit these schedules for NARA's approval. These schedules provide for timely transfer into the National Archives of historically valuable records and authorize the agency to dispose of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

The schedules listed in this notice are media neutral unless otherwise specified. An item in a schedule is media neutral when an agency may apply the disposition instructions to records regardless of the medium in which it creates or maintains the records. Items included in schedules submitted to NARA on or after December 17, 2007, are media neutral unless the item is expressly limited to a specific medium. (See 36 CFR 1225.12(e).)

Agencies may not destroy Federal records without Archivist of the United States' approval. The Archivist approves destruction only after thoroughly considering the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value.

In addition to identifying the Federal agencies and any subdivisions requesting disposition authority, this notice lists the organizational unit(s) accumulating the records (or notes that the schedule has agency-wide applicability when schedules cover records that may be accumulated throughout an agency); provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction); and includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it also includes information about the records. You may request additional information about the disposition process at the addresses above.

Schedules Pending

1. Department of Agriculture, Foreign Agricultural Service (DAA–0166–2018–0047, 1 item, 1 temporary item). Case Files of disposed or excessed real property.

2. Department of Defense, Defense Logistics Agency (DAA–0361–2018–0002, 2 items, 1 temporary item). Records related to forms and publications. Proposed for permanent retention are publication master record sets and authentication files.

3. Department of Defense, National Geospatial-Intelligence Agency (DAA–

0537–2018–0001, 1 item, 1 temporary item). Records include audit trail records related to maritime chart production.

4. Department of Health and Human Services, National Institutes of Health (DAA–0443–2017–0004, 3 items, 2 temporary items). Internal policy and procedures approved beneath the director-level such as administrative, background, and working files created during the policy drafting process. Proposed for permanent retention are the finalized policy and procedure records approved at the director-level, including directives, reports, and guides.

5. Department of Homeland Security, United States Citizenship and Immigration Services (DAA–0566–2017–0036, 1 item, 1 temporary item). Records include certificates that no agency record exists on a particular individual, decision, or action, and related documentation.

6. Department of Justice, Justice Management Division (DAA–0060–2017–0025, 2 items, 1 temporary item). Correspondence between the Department and individual members of Congress, primarily constituent referrals, duplicated in the files of Department components. Proposed for permanent retention is correspondence between the Department and Congressional committees and chairs.

7. Department of Justice, Office of Justice for Victims of Overseas Terrorism (DAA–0060–2017–0012, 4 items, 2 temporary items). Records relating to DOJ advocacy on behalf of victims of overseas terrorism. Proposed for permanent retention are historical records of overseas terrorism events, and victim expense reimbursement records.

8. Department of the Treasury, Internal Revenue Service (DAA–0058–2017–0023, 1 item, 1 temporary item). Records of staffing assignments for call center operations.

9. National Indian Gaming Commission, Division of Legislative Affairs (DAA–0600–2017–0009, 6 items, 4 temporary items). Records include legislation background files, pending legislation review files, routine Congressional correspondence, and related working files. Proposed for permanent retention are final Congressional hearing files and reports to Congress.

Laurence Brewer,

Chief Records Officer for the U.S. Government.

[FR Doc. 2018–03784 Filed 2–23–18; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Submission for OMB Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice.

SUMMARY: The National Credit Union Administration (NCUA) will be submitting the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice.

DATES: Comments should be received on or before March 28, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimates, or any other aspect of these information collections, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for NCUA, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) NCUA PRA Clearance Officer, 1775 Duke Street, Suite 5060, Alexandria, VA 22314, or email at *PRAComments@ncua.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dawn Wolfgang at (703) 548–2279, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133—NEW.

Title: Consumer Assistance Center.

Abstract: NCUA has centralized the intake of consumer complaints and inquiries under the Consumer Assistance Center, via the *MyCreditUnion.gov*. The Consumer Assistance Center assists consumer with information about federal financial consumer protection and share insurance matters and assists in resolving disputes with credit unions. Consumers can make inquiries or submit a complaint electronically through the *MyCreditUnion.gov* website. The on-line portal offers a template for consumers to use to aid in identifying their concerns.

Type of Review: Existing collection in use without an OMB control number.

Affected Public: Individuals and Households; Private sector: Not-for-profit institutions.

Estimated Total Annual Burden Hours: 2,404.

OMB Number: 3133–0138.

Title: Community Development Revolving Loan Fund—Loan and Grant Programs, 12 CFR part 705.

Abstract: The Fund is used to support credit unions that serve low-income communities by providing loans and technical assistance grants to qualifying institutions. The programs are designed to increase income, ownership, and employment opportunities for low-income residents, and to stimulate economic growth. In addition, the programs provide assistance to improve the quality of services to the community and formulate more effective and efficient operations of credit unions. The information will allow NCUA to assess a credit union's capacity to repay the Funds and/or ensure that the funds are used as intended to benefit the institution and community it serves.

Type of Review: Revision of a currently approved collection.

Estimated Total Annual Burden Hours: 872.

Reason for Change: An adjustment has been made in the time allotted to complete a grant application. An increase of 112 burden hours from the previous notice is reflected in estimated total annual burden hours for this collection.

By Gerard Poliquin, Secretary of the Board, the National Credit Union Administration, on February 21, 2018.

Dated: February 21, 2018.

Dawn D. Wolfgang,

NCUA PRA Clearance Officer.

[FR Doc. 2018–03857 Filed 2–23–18; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 30–08478; NRC–2018–0033]

National Institutes of Health

AGENCY: Nuclear Regulatory Commission.

ACTION: Environmental assessment and finding of no significant impact; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing an environmental assessment (EA) and finding of no significant impact (FONSI) for an exemption request by the National Institutes of Health (NIH). The NIH requested an exemption from the NRC transportation regulations that require NRC licensees to follow the U.S. Department of Transportation (DOT) hazardous material regulations.

DATES: The EA and FONSI referenced in this document are available on February 20, 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0033 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0033. 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 obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- NRC's PDR: You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Bernard White, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6577; email: *Bernard.White@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC is reviewing a request from NIH (or applicant), dated January 19, 2017 (ADAMS Accession No. ML17306A532), for an exemption in accordance with section 71.12 of title 10 of the *Code of Federal Regulations* (10 CFR). If approved, the action would exempt NIH from the Department of Transportation requirements incorporated in 10 CFR 71.5 for a one-time movement of an irradiator from one building to another on the NIH campus. Therefore, as required by 10 CFR 51.21 and 51.30(a), the NRC staff developed an EA (ADAMS Accession No. ML18036A042) to evaluate the proposed federal action.

The exemption request by NIH would facilitate the movement of an irradiator 0.3 miles through a private parking lot, across a public road, and through another private parking lot to reach its destination. The irradiator will be lifted and moved using a forklift.

Since the movement by NIH will be accomplished using a motor vehicle operated by a Federal government employee solely for noncommercial Federal government purposes, according to 49 CFR 171.1(d)(5), the activity is not subject to DOT's hazardous material regulations. However, since NIH holds an NRC license under 10 CFR part 30, NIH is subject to 10 CFR 71.5, ''Transportation of licensed material.'' The regulations in 10 CFR 71.5 require an NRC licensee to comply with the DOT regulations in 49 CFR parts 107, 171 through 180, and 390 through 397, whether or not the DOT regulations are applicable to a shipment of licensed material.

II. Environmental Assessment

Description of the Proposed Action

The EA defines the NRC's proposed action (*i.e.,* to grant NIH's exemption request from 10 CFR 71.5) and the purpose of and need for the proposed action. The EA also evaluates the potential environmental impacts of the proposed action and alternatives to the proposed action, followed by the NRC's conclusion. Alternatives to the proposed action considered include: The no-action alternative (*i.e.,* not granting the requested exemption); utilizing another route that does not cross a public road; and changing the destination of the irradiator. None of the alternatives is feasible or meets the purpose and need of the proposed action. Therefore, the proposed action is the preferred alternative.

The EA evaluates the potential environmental impacts of granting the exemption from the regulations in 10 CFR 71.5, so that the movement of the irradiator will not be subject to the DOT's hazardous material regulations. The only potential impacts from the proposed movement of the irradiator would be radiological impacts associated with an accident scenario. The analysis in the EA shows that the radiological impacts (direct, indirect, or cumulative) would be no greater than those for a transport of the irradiator if it were accomplished in accordance with the DOT regulations. Any non-radiological impacts, such as impacts to noise, visual/scenic, or socioeconomic environment, would be no greater than those for any other transport that meets all of the DOT regulations.

Agencies and Persons Consulted

The NRC provided the State of Maryland and the DOT a draft copy of this EA for a 30-day review on January 17, 2018 (ADAMS Accession Nos. ML18025B814 and ML18025B815). The State of Maryland did not respond and the NRC did not receive any comments on the draft EA and FONSI from DOT (ADAMS Accession No. ML18033A079).

The NRC staff has determined that the exemption from the requirements in 10 CFR 71.5 would have no impact on historic and cultural resources or ecological resources and, therefore, no consultations are necessary under Section 106 of the National Historic Preservation Act and Section 7 of the Endangered Species Act, respectively.

III. Finding of No Significant Impact

The NRC staff has prepared an EA and FONSI in support of the proposed action. The EA is available at ADAMS Accession No. ML18036A042. The NRC staff has concluded that the proposed action, granting an exemption to NIH from the transportation requirements in 10 CFR 71.5 for this one-time movement of an irradiator, will not significantly impact the quality of the human environment, and that the proposed action is the preferred alternative. On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

Dated at Rockville, Maryland, this 20th day of February 2018.

For the Nuclear Regulatory Commission.

John McKirgan,

Chief, Spent Fuel Licensing Branch, Division of Spent Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–03789 Filed 2–23–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82740; File No. SR–MIAX–2018–04]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule

February 20, 2018.

Pursuant to the provisions of 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 9, 2018, Miami International Securities Exchange, LLC (''MIAX'' or ''MIAX Options'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Options Fee Schedule (''Fee Schedule'') to change the application of a fee waiver relating to certain market data feed products.

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend its Fee Schedule to change the application of a fee waiver relating to certain market data feed products offered by the Exchange—namely, the Exchange's Administrative Information Subscriber (''AIS'') market data feed, and the Exchange's Complex Top of Market (''cToM'') market data feed.

When the Exchange first launched trading in complex orders in October 2016, the Exchange began offering its cToM market data feed.[3] The cToM market data feed is complex order specific and is available to those who wish to subscribe to it. cToM provides subscribers with the same information as the ToM market data product (for the simple market), but it relates to the complex market of orders on the Strategy Book (*i.e.,* the Exchange's best bid and offer for a complex strategy, known as the ''cMBBO,'' with aggregate size, based on displayable order and quoting interest in the complex strategy on the Exchange).[4] Additionally, cToM provides subscribers with the identification of the complex strategies currently trading on MIAX Options; complex strategy last sale information; and the status of securities underlying the complex strategy (*e.g.,* halted, open, or resumed). Since the launch of complex orders on the Exchange and the availability of cToM, and continuing through the present time, the Exchange has made the cToM market data feed available to subscribers free of charge.

The Exchange began offering its AIS market data feed product in April 2013.[5] The AIS market data feed currently includes administrative information for both simple and complex orders. The AIS market data feed includes, among other information, opening imbalance condition information; opening routing information; expanded quote range information; post-halt notification; and liquidity refresh condition information. The Exchange assesses a monthly fee of $1,250.00 for all AIS Internal Distributors and a monthly fee of $1,750.00 for all AIS External Distributors. However, the monthly fee for Distributors of AIS is waived if the Distributor also subscribes to ToM or cToM. Presently, the Exchange assesses a monthly fee of $1,250.00 for ToM Internal Distributors and a monthly fee of $1,750.00 for ToM External Distributors. As stated previously, the Exchange does not presently assess any fee on Internal or External Distributors of cToM.

As a result of the AIS fee waiver provision, a subscriber who only subscribes to AIS will be charged the AIS monthly fee ($1,250.00 for Internal Distributors and $1,750.00 for External Distributors). A subscriber who subscribes to both ToM and AIS will be charged the ToM monthly fee ($1,250.00 for Internal Distributors and $1,750.00 for External Distributors). However, a subscriber who subscribes to both cToM and AIS will be charged no fees.

The Exchange did not intend for subscribers to receive the AIS feed for free as a result of receiving the cToM feed for free. Thus, until such time as the Exchange adopts a fee for cToM, the Exchange proposes to eliminate the fee waiver for subscribers to receive the AIS feed for free solely by receiving the cToM feed.

The Exchange is not proposing to modify any other aspect of either the AIS market data feed product or the cToM market data feed product. The Exchange is solely eliminating the fee waiver for a subscriber of cToM, which is currently free, to also receive a subscription to AIS for free. Accordingly, effective with this change, a subscriber who wishes to subscribe to both cToM and AIS will be charged the AIS monthly fee ($1,250.00 for Internal Distributors and $1,750.00 for External Distributors).

The Exchange initially filed the proposal on January 30, 2018 (SR–MIAX–2018–03). That filing was withdrawn and replaced with the current filing (SR–MIAX–2018–04).

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b)[6] of the Act in general, and furthers the objectives of Section 6(b)(4)[7] of the Act, in that it is designed to provide for an equitable allocation of reasonable dues, fees and other charges among Exchange Members[8] and other persons using its

[3] *See* Securities Exchange Act Release No. 79146 (October 24, 2016), 81 FR 75171 (October 28, 2016) (SR–MIAX–2016–36).

[4] For a complete description of ToM, *see* Securities Exchange Act Release No. 69007 (February 28, 2013), 78 FR 14617 (March 6, 2013) (SR–MIAX–2013–05).

[5] *See* Securities Exchange Act Release No. 69320 (April 5, 2013), 78 FR 21661 (April 11, 2013) (SR–MIAX–2013–13).

[6] 15 U.S.C. 78f(b).

[7] 15 U.S.C. 78f(b)(4).

[8] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

facilities, because it applies equally to all Members and any persons using the facilities or services of the Exchange. The Exchange also believes that the proposal furthers the objectives of Section 6(b)(5) [9] of the Act in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest, and it is not designed to permit unfair discrimination among customers, brokers, or dealers.

The Exchange believes that the proposed amendment to the application of a fee waiver relating to certain market data feed products offered by the Exchange—namely, the Exchange's AIS market data feed, and the Exchange's cToM market data feed—is reasonable, equitable, and not unfairly discriminatory. The proposal to eliminate the ability of a subscriber to subscribe to cToM (for free), to also subscribe to the AIS feed (for free), is designed to promote just and equitable principles of trade by providing MIAX Options participants with access to the same market data products with a reasonably designed fee structure and fee incentives. Because there is no charge to subscribe to the cToM market data feed, the Exchange believes that a subscription to cToM should not entitle a subscriber to receive for free, another market data feed product which, when subscribed to without the cToM market data feed, is fee liable. Furthermore, the proposed changes to the application of the fee waiver are fair and equitable and not unreasonably discriminatory because they apply equally to all MIAX Options participants as the market data feeds are available for purchase for all MIAX Options participants, and access to such market data is offered on terms that are not unfairly discriminatory.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change would promote transparency by providing MIAX Options participants with access to the same market data products with a reasonably designed fee structure and fee incentives. Because there is no charge to subscribe to the cToM market data feed, the Exchange believes that a subscription to cToM should not entitle a subscriber to receive for free, another market data feed product which, when subscribed to without the cToM market data feed, is fee liable. Additionally, respecting intra-market competition, the value-added features relating to complex orders in the [sic] either the AIS feed or the cToM market data product are available to all subscribers, thus providing all subscribers to the data products with an even playing field with respect to information and access to trade complex orders on MIAX Options. The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive. In such an environment, the Exchange must continually adjust its fees and fee waivers to remain competitive with other exchanges and to attract order flow to the Exchange.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[10] and Rule 19b–4(f)(2) [11] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2018–04 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–MIAX–2018–04. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2018–04 and should be submitted on or before March 19, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03786 Filed 2–23–18; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82741; File No. SR–CboeEDGX–2018–005]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Modify EDGX Rule 21.1 and Related Functionality Applicable to the Exchange's Options Platform

February 20, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on February 9, 2018, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6)(iii) thereunder,[4] which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to modify Rule 21.1 of Exchange's rules and related functionality applicable to the Exchange's options platform (''EDGX Options'') in preparation for the technology migration of the Exchange's affiliated options exchanges onto the same technology as the Exchange.

The text of the proposed rule change is available at the Exchange's website at *www.markets.cboe.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2016, the Exchange and its affiliates Cboe BYX Exchange, Inc. (''BYX''), Cboe EDGA Exchange, Inc. (''EDGA''), and Cboe BZX Exchange, Inc. (''BZX'') received approval to affect a merger (the ''Merger'') of the Exchange's then-current indirect parent company, Bats Global Markets, Inc., with Cboe Global Markets f/k/a CBOE Holdings, Inc. (''Cboe''), the direct parent of Cboe Exchange, Inc. (''Cboe Options'') and Cboe C2 Exchange, Inc. (''C2 Options'', and together with the Exchange, BZX, and Cboe Options the ''Cboe Affiliated Exchanges'').[5] The Cboe Affiliated Exchanges are working to align certain system functionality, retaining only intended differences between the Cboe Affiliated Exchanges, in the context of a technology migration. Thus, the proposals set forth below are intended to add certain functionality to the Exchange's System[6] that is more similar to functionality offered by Cboe Options and C2 Options in order to ultimately provide a consistent technology offering for market participants who interact with the Cboe Affiliated Exchanges. Although the Exchange intentionally offers certain features that differ from those offered by its affiliates and will continue to do so, the Exchange believes that offering similar functionality to the extent practicable will reduce potential confusion for Users.

The Exchange is proposing to adopt periodic but relatively minor changes to functionality in order to reduce risk in connection with the technology migration described above; this proposal is related to one such proposed change but is primarily intended to add language to the Exchange's rules regarding ports that are referenced in the Exchange's fee schedule. Specifically, the Exchange proposes to add language to Rule 21.1 to define various types of ports used to submit orders to and receive information from the Exchange. In addition, the Exchange proposes to modify the operation of bulk order entry ports, as described below.

Port Definitions

The Exchange currently provides access to EDGX Options to Users[7] through various ports. These ports have been previously described in multiple filings submitted by the Exchange[8] and are referenced on the Exchange's fee schedule. However, the Exchange has not previously maintained any language in its rules related to such ports. The Exchange proposes to add language to Rule 21.1 to provide additional clarity in the Exchange's rules and to accommodate changes to the rules of other Cboe Affiliated Exchanges that refer to analogous, but different, concepts to describe the technology used to describe system access.[9]

The Exchange proposes to define three different types of ports, specifically, physical ports, logical ports, and bulk order ports. The Exchange notes that bulk order ports is a type of logical port and that there are other types of logical ports that are not specifically identified in the proposed rule. The Exchange believes that a separate definition is warranted for bulk order ports given the specific functionality provided through such ports but that the other types of logical ports are sufficiently described in the proposed definition of logical port.

The Exchange proposes to define a ''physical port'' as a port that provides a physical connection to the System. The Exchange also proposes to note that a physical port may provide access to multiple logical ports.

The Exchange proposes to define a ''logical port'' or ''logical session'' as a port that provides Users with the ability within the System to accomplish a specific function through a connection,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6)(iii).

[5] *See* Securities Exchange Act Release No. 79585 (December 16, 2016), 81 FR 93988 (December 22, 2016) (SR–BatsBZX–2016–68; SR–BatsBYX–2016–29; SR–BatsEDGA–2016–24; SR–BatsEDGX–2016–60). The Exchange notes that BYX and EDGA are also affiliated exchanges but do not operate options platforms and thus the integration described in this proposal is inapplicable to such exchanges.

[6] The ''System'' is the automated trading system used by EDGX Options for the trading of options contracts. *See* Rule 16.1(a)(59).

[7] The term ''User'' means any Options Member or Sponsored Participant who is authorized to obtain access to the Exchange's System (as defined below) pursuant to Rule 11.3. *See* Rule 16.1(a)(63).

[8] *See* Securities Exchange Act Release Nos. 82064 (November 13, 2017), 82 FR 54442 (November 17, 2017) (SR-BatsEDGX–2017–46) (modifying and describing fees for physical ports on an immediately effective basis); 76453 (November 17, 2015), 80 FR 72999 (adopting initial fees for EDGX Options, including description of logical ports and bulk order entry ports to be provided free of charge, on an immediately effective basis).

[9] For instance, C2 Options Rules refer to logins as the mechanism through which a participant on C2, or Trading Permit Holder (''TPH''), can access C2. *See, e.g.,* C2 Options Rule 6.17(g)–(i), which describes various risk controls that can restrict access to the Exchange acronym (*i.e.,* the letters used to identify the TPH) or the login level (*i.e.,* the equivalent of the port level).

such as order entry, data receipt, or access to information.

The Exchange proposes to define a ''bulk order port'' as a logical port that provides Users with the ability to submit bulk messages to enter, modify or cancel orders designated as Post Only Orders, provided such orders are entered with a Time-in-Force of Day or GTD with an expiration time on that trading day. The Exchange does not currently limit bulk order ports to Post Only Orders and further describes this proposed limitation below.

Modification to Operation of Bulk Order Entry Ports

In addition to codifying the three types of ports in the Exchange's Rules, as set forth above, the Exchange proposes to restrict the type of messages that may be submitted through bulk order ports to orders submitted as Post Only Orders with a Time-in-Force of Day or a Time-in-Force of GTD with an expiration time on that trading day. Post Only Orders are defined in Rule 21.1(d)(8) as ''orders that are to be ranked and executed on the Exchange pursuant to Rule 21.8 (Order Display and Book Processing) or cancelled, as appropriate, without routing away to another options exchange except that the order will not remove liquidity from the EDGX Options Book.'' Rule 21.1(d)(8) further provides that ''[a] Post Only Order that is not subject to the Price Adjust process that would lock or cross a Protected Quotation of another options exchange or the Exchange will be cancelled.'' The Time-in-Force of DAY is defined in Rule 21.1(f)(3) to mean, ''for an order so designated, a limit order to buy or sell which, if not executed expires at market close.'' The Time-in-Force of GTD is defined in Rule 21.(f)(1) to mean ''for orders so designated, that if after entry into the System, the order is not fully executed, the order (or the unexecuted portion thereof) shall remain available for potential display and/or execution for the amount of time specified by the entering User unless canceled by the entering party.'' In sum, Post Only Orders with a Time-in-Force of Day or GTD are orders that will be posted to and displayed by the Exchange, rather than removing liquidity or routing to another options exchange. As noted above, the Exchange proposes to limit the acceptable messages with the time in force of GTD to orders with an expiration time on the applicable trading day.

As a general matter, and as further described below, the proposed change is intended to limit the use of bulk order ports to liquidity provision, particularly by, but not limited to, market makers registered with the Exchange. In turn, the Exchange believes it unnecessary to allow orders entered via bulk order entry ports to be able to last beyond the trading day on which they were entered. The Exchange notes that while, as a general matter, bulk order entry provides an efficient way for a market participant to conduct business on the Exchange by allowing the bundling of multiple instructions in a single message, the main purpose of such functionality has always been to encourage quoting on exchanges.[10]

The Exchange proposes this change in order to provide functionality that is more similar to quoting functionality available on Cboe Options and C2 Options. In particular, the Exchange has never differentiated between a quote or an order on entry. Rather, Users submit orders to the Exchange regardless of the capacity of the order (*i.e.,* customer, market-maker or other non-market-maker professional) and regardless of the intended result from submitting such order (*e.g.,* to remove liquidity, post and display liquidity on the Exchange, route to another market, etc.). Of course, an order that is posted and displayed on the Exchange is a quotation and the Exchange does maintain various requirements regarding quotations and quoting on the Exchange; the Exchange, however, reiterates that in order to quote on the Exchange a User submits an order. In contrast, Cboe Options and C2 Options distinguish between orders and quotes, with quotes being required of and only available to registered market makers.[11] While the Exchange does not propose to limit bulk order entry functionality to registered market makers on the Exchange, as such a change would remove access to functionality currently available to all Exchange Users, the Exchange does propose to limit the type of messages that may be submitted through bulk order entry ports in order to mimic the quoting functionality offered by Cboe Options and C2 Options.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[12] in general, and furthers the objectives of Section 6(b)(5) of the Act[13] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. In particular, consistent rules and functionality between the Exchange and its affiliated exchanges will reduce complexity and help avoid potential confusion by the Users of the Exchange that are also participants on other Cboe Affiliated Exchanges.

The Exchange believes the proposed amendment will reduce complexity and increase the understanding of the Exchange's operations for all Users of the Exchange. In particular, the Exchange is promoting transparency by adopting definitions within Rule 21.1 to describe various ports used to access the Exchange that are currently described on the Exchange's fee schedule and in filings previously made by the Exchange.[14] In turn, when Cboe Options and C2 Options are migrated to the same technology as that of the Exchange, Users of the Exchange and other Cboe Affiliated Exchanges will have access to similar functionality on all Cboe Affiliated Exchanges and similar language can be incorporated into the rules of all Cboe Affiliated Exchanges. As such, the proposed rule change would foster cooperation and coordination with persons engaged in facilitating transactions in securities and would remove impediments to and perfect the mechanism of a free and open market and a national market system.

The Exchange further believes that the proposed modification to the operation of bulk order entry ports such that only Post Only Orders with a time in force of DAY or GTD may be entered, modified or cancelled through such ports will protect investors and the public interest and maintain fair and orderly markets by offering specific functionality through which Users can submit orders that will result in quotations on the Exchange. In particular, the options markets are quote driven markets dependent on liquidity providers to an even greater extent than equities

[10] For instance, when initially adopted by the Exchange's affiliate, BZX, bulk order entry was described as a ''bulk-quoting interface'' and such functionality was limited to BZX market makers. *See* Securities Exchange Act Release No. 65133 (August 15, 2011), 76 FR 52032 (August 19, 2011) (SR–BATS–2011–029). Bulk quoting was shortly thereafter expanded to be available to all participants on BZX's options platform but the focus remained on promoting liquidity provision on the Exchange, even though the types of messages permitted were not limited to liquidity providing orders. *See* Securities Exchange Act Release No. 65307 (September 9, 2011), 76 FR 57092 (September 15, 2011) (SR–BATS–2011–034).

[11] *See* Cboe Rule 1.1(ooo), C2 Rule 1.1 (defining ''quote'' or ''quotation'' as ''a bid or offer entered by a Market-Maker that is firm and that updates the Market-Maker's previous quote, if any'').

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5).

[14] *See supra,* note 8.

markets. In contrast to the approximately 7,000 different securities traded in the U.S. equities markets each day, there are more than 500,000 unique, regularly quoted option series. Given this breadth in options series the options markets are more dependent on liquidity providers than equities markets; such liquidity is provided most commonly by registered market makers but also by other professional traders. As such, the Exchange believes maintaining specific functionality to maintain quotations on the Exchange through bulk order entry ports will protect investors and the public interest and the maintenance of fair and orderly markets by ensuring that an efficient process to enter and update quotations is available to Exchange Users. The Exchange also believes this is reasonable and is necessary to afford the Exchange the ability to establish a marketplace that operates more similar to the existing Cboe and C2 options exchanges, which are quote-based markets.

(B) Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposal will further promote consistency between the Exchange and its affiliated exchanges, and is part of a larger technology integration that will ultimately reduce complexity for Users of the Exchange that are also participants on other Cboe Affiliated Exchanges. The Exchange does not believe that the proposed changes will have any direct impact on inter-market competition. The Exchange does not believe that restricting bulk order entry ports to orders that will be displayed as quotations will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act. In particular, while the Exchange believes it could be appropriate to propose to limit such functionality to registered market makers, the Exchange has not proposed such limitation at this time. As such, bulk order entry functionality will still be available to all Users of the Exchange, as it is today.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [15] and subparagraph (f)(6) of Rule 19b–4 thereunder.[16]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CboeEDGX–2018–005 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–CboeEDGX–2018–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CboeEDGX–2018–005 and should be submitted on or before March 19, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Eduardo A. Aleman,

Assistant Secretary.

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[15] 15 U.S.C. 78s(b)(3)(A)(iii).

[16] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82739; File No. SR–BatsBZX–2017–72]

Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change to List and Trade Shares of the Innovator S&P 500 15% Shield Strategy ETF Series, Innovator S&P 500 −5% to −35% Shield Strategy ETF Series, Innovator S&P 500 Enhance and 10% Shield Strategy ETF Series, and Innovator S&P 500 Ultra Strategy ETF Series Under Rule 14.11(i)

February 20, 2018.

I. Introduction

On November 7, 2017, Cboe BZX Exchange, Inc. (''Exchange'' or ''BZX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) [1] of the Securities Exchange Act of 1934 (''Exchange Act'') [2] and Rule 19b–4 thereunder,[3] a proposed rule change to list and trade shares (''Shares'') of the Innovator S&P 500 15% Shield Strategy ETF Series (''Shield Funds''), Innovator S&P 500 −5% to −35% Shield Strategy ETF Series (''Ultra Shield Funds''), Innovator S&P 500 Enhance and 10% Shield Strategy ETF Series (''Enhance and Shield Funds''), and Innovator S&P 500 Ultra Strategy ETF Series (''Ultra Funds,'' and together with the Shield Funds, Ultra Shield Funds, and Enhance and Shield Funds, the ''Funds'') under BZX Rule 14.11(i). The proposed rule change was published for comment in the **Federal Register** on November 22, 2017.[4] On December 21, 2017, the Commission extended the time period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change to February 20, 2018.[5] The Commission received no comments on the proposed rule change. This order institutes proceedings under Section 19(b)(2)(B) of the Exchange Act to determine whether to disapprove the proposed rule change.

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 82097 (November 16, 2017), 82 FR 55689 (''Notice'').

[5] *See* Securities Exchange Act Release No. 82387, 82 FR 61613 (December 28, 2017).

II. Description of the Proposed Rule Change [6]

The Exchange proposes to list and trade the Shares under BZX Rule 14.11(i), which governs the listing and trading of Managed Fund Shares on the Exchange. In total, the Exchange is proposing to list and trade Shares of up to twelve monthly series of each of the Funds. The Shares would be offered by Innovator ETFs Trust (''Trust''), a Delaware statutory trust.[7] The investment adviser to the Funds is Innovator Capital Management LLC (''Adviser''), and the sub-adviser to the Funds is Milliman Financial Risk Management LLC (''Sub-Adviser'').

A. Innovator S&P 500 15% Shield Strategy ETF Series

The Shield Funds are actively managed funds that seek to outperform the Cboe S&P 500 15% Buffer Protect Index Series (''Shield Index'') before expenses are taken into account. The Shield Index is designed to provide investment returns that, over a period of approximately one year, match those of the S&P 500 Index, up to a maximized annual return (''Shield Cap Level''),[8] while guarding against a decline in the S&P 500 Index for the first 15%. Specifically, the Shield Index is designed to provide the following results during the outcome period:

- *If the S&P 500 Index appreciates over the outcome period:* The Shield Index is designed to provide a total return that matches the percentage increase of the S&P 500 Index, up to the Shield Cap Level;
- *If the S&P 500 Index decreases over the outcome period by 15% or less:* The Shield Index is designed to provide a total return of zero; and
- *If the S&P 500 Index depreciates over the outcome period by greater than 15%:* The Shield Index is designed to provide a total return loss that is 15% less than the percentage loss on the S&P 500 Index with a maximum loss of approximately 85%.[9]

The Shield Index is designed to produce these outcomes by including theoretically ''purchased'' and ''written'' FLexible EXchange Options (''FLEX Options'') that, when layered upon each other, are designed to buffer against losses of the S&P 500 Index and cap the level of possible gains.

Under Normal Market Conditions,[10] each Shield Fund would attempt to achieve its investment objective by taking positions that provide performance exposure substantially similar to the exposure provided by components of the Shield Index.[11] Each Shield Fund would invest primarily in the FLEX Options included in the Shield Index or standardized options contracts listed on a U.S. exchange that reference either the S&P 500 Index or exchange traded funds (''ETFs'') that track the S&P 500 Index.[12] Any FLEX Options written by a Shield Fund that create an obligation to sell or buy an asset would be offset with a position in FLEX Options purchased by the Shield Fund to create the right to buy or sell the same asset such that the Shield Fund would always be in a net long position. As the FLEX Options mature at the end of each outcome period, they would be replaced annually to ensure that investments made by the Shield Fund in a given month during the current year buffer against negative returns of the S&P 500 Index up to pre-determined levels in that same month of the following year.

B. Innovator S&P 500 −5% to −35% Shield Strategy ETF Series

The Ultra Shield Funds are actively managed funds that seek to provide total returns that exceed that of the Cboe S&P 500 30% (−5% to −35%) Buffer Protect Index Series (''Ultra Shield

[6] A more detailed description of the Trust, the Funds, and the Shares, as well as the availability of price information values and other information regarding the Funds' portfolio holdings, is included in the Registration Statement (defined below). *See infra* note 7.

[7] The Trust is registered with the Commission as an investment company and has filed a registration statement with the Commission on Form N–1A (File Nos. 333–146827 and 811–22135) (''Registration Statement'') under the Securities Act of 1933 (15 U.S.C. 77a), dated October 19, 2017. The description of the operation of the Funds and the Shares herein is based, in part, on the Registration Statement.

[8] The Exchange states that the Shield Cap Level would be determined with respect to each Shield Fund on the inception date of the Shield Fund and at the beginning of each outcome period. *See* Notice, *supra* note 4, 82 FR at 55691.

[9] The Exchange states that the Shield Funds would not offer any protection against declines in the S&P 500 Index exceeding 15% on an annualized basis. *See id.* at 55691. Shareholders would bear all S&P 500 Index losses exceeding 15% on a one-to-one basis. *See id.*

[10] As defined in Rule 14.11(i)(3)(E), the term ''Normal Market Conditions'' includes, but is not limited to, the absence of trading halts in the applicable financial markets generally; operational issues causing dissemination of inaccurate market information or system failures; or force majeure type events such as natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption, or any similar intervening circumstance.

[11] The Shield Funds are not index tracking funds and are not required to invest in all components of the Shield Index. *See* Notice, *supra* note 4, 82 FR at 55691, n.10

[12] The FLEX Options owned by each of the Shield Funds would have the same terms (*i.e.,* same strike price and expiration) for all investors of a Shield Fund within an outcome period. *See id.* at 55691.

Index''), before expenses are taken into account. The Ultra Shield Index is designed to provide investment returns that, over a period of approximately one year, match those of the S&P 500 Index, up to a maximized annual return (''Ultra Shield Cap Level''),[13] while guarding against a decline in the S&P 500 Index of between 5% and 35%. Specifically, the Ultra Shield Index is designed to produce the following results during outcome period:

- *If the S&P 500 Index appreciates over the outcome period:* The Ultra Shield Index is designed to provide a total return that matches the percentage increase of the S&P 500 Index, up to the Ultra Shield Cap Level;
- *If the S&P 500 Index decreases over the outcome period by 5% or less:* The Ultra Shield Index is designed to provide a total return loss that is equal to the percentage loss on the S&P 500 Index;
- *If the S&P 500 Index decreases over the outcome period by 5%–35%:* The Ultra Shield Index is designed to provide a total return loss of 5%; and
- *If the S&P 500 Index decreases over the outcome period by more than 35%:* The Ultra Shield Index is designed to provide a total return loss that is 30% less than the percentage loss on the S&P 500 Index with a maximum loss of approximately 70%.[14]

The Ultra Shield Index is designed to produce these outcomes by including theoretically ''purchased'' and ''written'' FLEX Options that, when layered upon each other, are designed to buffer against losses of the S&P 500 Index.

Under Normal Market Conditions, each Ultra Shield Fund would attempt to achieve its investment objective by taking positions that provide performance exposure substantially similar to the exposure provided by components of the Ultra Shield Index.[15] Each Ultra Shield Fund would invest primarily in the FLEX Options included in the Ultra Shield Index or standardized options contracts listed on a U.S. exchange that reference either the S&P 500 Index or ETFs that track the S&P 500 Index.[16] Any FLEX Options written by an Ultra Shield Fund that create an obligation to sell or buy an asset would be offset with a position in FLEX Options purchased by the Ultra Shield Fund to create the right to buy or sell the same asset such that the Ultra Shield Fund would always be in a net long position. As the FLEX Options mature at the end of each outcome period, they would be replaced annually to ensure that investments made in a given month during the current year buffer against negative returns of the S&P 500 Index up to pre-determined levels in that same month of the following year.

C. Innovator S&P 500 Enhance and 10% Shield Strategy ETF Series

The Enhance and Shield Funds are actively managed funds that would seek to provide investment returns during the outcome period that exceed the gains of the S&P 500 Index, up to a maximized annual return (''Enhance and Shield Cap Level''),[17] while guarding against a decline in the S&P 500 Index of the first 10%.[18] Pursuant to the Enhance and Shield Strategy, each Enhance and Shield Fund would seek to produce the following outcomes for shareholders holding its shares during the outcome period:

- *If the S&P 500 Index appreciates over the outcome period:* The Enhance and Shield Fund would seek to provide shareholders with a total return that exceeds that of the S&P 500 Index, up to and including the Enhance and Shield Cap Level;
- *If the S&P 500 Index depreciates over the outcome period by 10% or less:* The Enhance and Shield Fund would seek to provide a total return of zero;
- *If the S&P 500 Index decreases over the outcome period by more than 10%:* The Enhance and Shield Fund would seek to provide a total return loss that is 10% less than the percentage loss on the S&P 500 Index with a maximum loss of approximately 90%.

The portfolio managers of the Enhance and Shield Funds would seek to produce those results by investing primarily in FLEX Options or standardized options contracts listed on a U.S. exchange that reference either the S&P 500 Index or ETFs that track the S&P 500 Index.[19] The portfolio managers would purchase and write FLEX Options that, when layered upon each other, are designed to buffer against losses of the S&P 500 Index or cap the level of possible gains. Any FLEX Options written that create an obligation to sell or buy an asset would be offset with a position in FLEX Options purchased by the Enhance and Shield Fund to create the right to buy or sell the same asset such that the Enhance and Shield Fund would always be in a net long position. As the FLEX Options mature at the end of each outcome period, they would be replaced annually to ensure that investments made in a given month during the current year buffer against negative returns of the S&P 500 Index up to pre-determined levels in that same month of the following year.

D. Innovator S&P 500 Ultra Strategy ETF Series

The Ultra Funds are actively managed funds that would seek to provide during the outcome period total returns that exceed those of the S&P 500 Index, up to a maximized annual return (''Ultra Cap Level'').[20] Each Ultra Fund would seek to produce the following results for shareholders that hold its shares during the outcome period:

- *If the S&P 500 Index appreciates over the outcome period:* The Ultra Fund would seek to provide shareholders with a total return that exceeds that of the S&P 500 Index, up to the Ultra Cap Level; and
- *If the S&P 500 Index decreases over the outcome period:* The Ultra Fund would seek to provide a total return loss that is equal to the percentage loss of the S&P 500 Index.

The portfolio managers of the Ultra Funds would seek to produce those results by investing primarily in FLEX Options or standardized options contracts listed on a U.S. exchange that reference either the S&P 500 Index or ETFs that track the S&P 500 Index. The portfolio managers would purchase and write FLEX Options that, when layered upon each other, are designed to exceed

[13] The Ultra Shield Cap Level would be determined with respect to each Ultra Shield Fund on the inception date of the Ultra Shield Fund and at the beginning of each outcome period. *See id.* at 55692.

[14] The Exchange states that the Ultra Shield Funds would not offer any protection against declines in the S&P 500 Index exceeding 35% on an annualized basis. *See id.* Shareholders would bear all S&P 500 Index losses exceeding 35% on a one-to-one basis. *See id.*

[15] The Exchange states that the Ultra Shield Funds are not index tracking funds and are not required to invest in all components of the Ultra Shield Index. *See id.* at 55692, n.11.

[16] The Exchange states that the FLEX Options owned by each of the Ultra Shield Funds would have the same terms (*i.e.,* same strike price and expiration) for all investors of an Ultra Shield Fund within an outcome period. *See id.* at 55692.

[17] The Enhance and Shield Cap Level would be determined with respect to each Enhance and Shield Fund on the inception date of the Enhance and Shield Fund and at the beginning of each outcome period. *See id.* at 55693.

[18] Unlike the Shield Funds and Ultra Shield Funds, the Enhance and Shield Funds would not utilize benchmark indexes.

[19] The FLEX Options owned by each of the Enhance and Shield Funds would have the same terms (*i.e.,* same strike price and expiration) for all investors of an Enhance and Shield Fund within an outcome period. *See* Notice, *supra* note 4, 82 FR at 55693.

[20] The Exchange states that the Ultra Cap Level would be determined with respect to each Ultra Fund on inception date of the Ultra Fund and at the beginning of each outcome period. *See* Notice, *supra* note 4, 82 FR at 55693. Similar to the Enhance and Shield Funds, the Ultra Funds would not utilize benchmark indexes.

the gains of the S&P 500 Index, subject to the Ultra Cap Level. Any FLEX Options that written by the Ultra Fund that create an obligation to sell or buy an asset would be offset with a position in FLEX Options purchased by the Ultra Fund to create the right to buy or sell the same asset such that the Ultra Fund would always be in a net long position. As the FLEX Options mature at the end of each outcome period, they would be replaced.

E. Investment Methodology for the Funds

As mentioned above, under Normal Market Conditions, each Fund would seek to achieve its respective investment objective by investing primarily in U.S. exchange-listed FLEX Options on the S&P 500 Index. Each of the Funds might invest its net assets (in the aggregate) in other investments which the Adviser or Sub-Adviser believes would help each Fund meet its investment objective and that would be disclosed at the end of each trading day (''Other Assets'').[21]

III. Proceedings To Determine Whether To Disapprove SR–BatsBZX–2017–72 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act[22] to determine whether the proposed rule change should be approved or disapproved. Institution of such proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comments on the proposed rule change.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,[23] the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the proposal's consistency with Section 6(b)(5) of the Exchange Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and to protect investors and the public interest.[24]

Under the proposal, the defined outcome strategies for each Fund are designed to participate in market gains and losses within pre-determined ranges over a specified period. Specifically, these outcomes are predicated on the Shares being bought at the beginning and sold at the end of the designated outcome period. The Commission notes that market participants may buy and sell Shares of the Funds at any time. Accordingly, with respect to the performance of the Shares at any time other than the commencement of the applicable outcome period, the Commission seeks commenters' views on the sufficiency of the information provided in the proposed rule change to support a determination that the listing and trading of the Shares would be consistent with Section 6(b)(5) of the Exchange Act.

IV. Procedure: Request for Written Comments

Interested persons are invited to submit written views, data, and arguments concerning the foregoing, including whether the proposed rule change is consistent with Section 6(b)(5) or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 19b–4, any request for an opportunity to make an oral presentation.[25]

Interested persons are invited to submit written data, views, and arguments regarding whether the proposal should be approved or disapproved by March 19, 2018. Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by April 2, 2018.

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–BatsBZX–2017–72 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–BatsBZX–2017–72. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BatsBZX–2017–72 and should be submitted on or before March 19, 2018. Rebuttal comments should be submitted by April 2, 2018.

[21] Other Assets include only cash or cash equivalents, as defined in BZX Rule 14.11(i)(4)(C)(iii), and traditional U.S. exchange-traded options contracts that reference either the S&P 500 Index or ETFs that track the S&P 500 Index. As defined in BZX Rule 14.11(i)(4)(C)(iii), cash equivalents include short-term instruments with maturities of less than three months, including: (i) U.S. Government securities, including bills, notes, and bonds differing as to maturity and rates of interest, which are either issued or guaranteed by the U.S. Treasury or by U.S. Government agencies or instrumentalities; (ii) certificates of deposit issued against funds deposited in a bank or savings and loan association; (iii) bankers acceptances, which are short-term credit instruments used to finance commercial transactions; (iv) repurchase agreements and reverse repurchase agreements; (v) bank time deposits, which are monies kept on deposit with banks or savings and loan associations for a stated period of time at a fixed rate of interest; (vi) commercial paper, which are short-term unsecured promissory notes; and (vii) money market funds.

[22] 15 U.S.C. 78s(b)(2)(B).

[23] *Id.*

[24] 15 U.S.C. 78f(b)(5).

[25] Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94–29 (June 4, 1975), grants the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. *See* Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[26]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–03785 Filed 2–23–18; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA) which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission. This notice also allows an additional 30 days for public comments.

DATES: Submit comments on or before March 28, 2018.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030, *curtis.rich@sba.gov*

A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: Small Business Lending Companies (SBLC's) and Non-Federally Regulations Lenders (NFRL's) are generally non-depository lending instructions authorized by SBA primarily to make loans under sections 7(a) of the Small Business Act. As sole regulator of these institutions, SBA requires them to submit audited financial statements annually as well as interim, quarterly financial statements and other reports to facilitate the agency's oversight lenders.

[26] 17 CFR 200.30–3(a)(57).

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections

(1) Title: Reports to SBA: Provisions of 13 CFR 120.460–464,473, 475, and 1510.

Description of Respondents: Small Business Lending Companies.

Form Number: N/A.

Estimated Annual Respondents: 170.

Estimated Annual Responses: 680.

Estimated Annual Hour Burden: 3,400.

Curtis B. Rich,

Management Analyst.

[FR Doc. 2018–03800 Filed 2–23–18; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice: 10239]

60-Day Notice of Proposed Information Collection: Six DDTC Information Collections

ACTION: Notice of request for public comments.

SUMMARY: The Department of State is seeking Office of Management and Budget (OMB) approval for the information collections described below. In accordance with the Paperwork Reduction Act of 1995, we are requesting comments on these collections from all interested individuals and organizations. The purpose of this notice is to allow 60 days for public comment preceding submission of the collections to OMB.

DATES: The Department will accept comments from the public up to April 27, 2018.

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

- *Web:* Persons with access to the internet may comment on this notice by going to *www.Regulations.gov*. You can search for the document by entering ''Docket Number: DOS–2017–0047'' in the Search field. Then click the ''Comment Now'' button and complete the comment form.
- *Email: DDTCPublicComments@state.gov.*
- *Regular Mail:* Send written comments to: Andrea Battista, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political Military Affairs, U.S. Department of State, Washington, DC 20522–0112.

You must include the DS form number (if applicable), information collection title, and the OMB control number in any correspondence.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Andrea Battista, SA–1, 12th Floor, Directorate of Defense Trade Controls, Bureau of Political Military Affairs, U.S. Department of State, Washington, DC 20522–0112, via phone at (202) 663–3136, or via email at *battistaal@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data.
- *OMB Control Number:* 1405–0003.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- *Form Number:* DSP–5.
- *Respondents:* Business, Nonprofit Organizations, and Individuals.
- *Estimated Number of Respondents:* 1,405.
- *Estimated Number of Responses:* 26,253.
- *Average Time per Response:* 1 hour.
- *Total Estimated Burden Time:* 26,253 hours.
- *Frequency:* On Occasion.
- *Obligation To Respond:* Required to Obtain or Retain a Benefit.
- *Title of Information Collection:* Application/License for Temporary Import of Unclassified Defense Articles.
- *OMB Control Number:* 1405–0013.
- *Type of Request:* Extension of Currently Approved Collection.
- *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
- *Form Number:* DSP–61.
- *Respondents:* Business, Nonprofit Organizations, and Individuals.
- *Estimated Number of Respondents:* 204.
- *Estimated Number of Responses:* 1,103.
- *Average Time per Response:* 30 minutes.
- *Total Estimated Burden Time:* 552 hours.

• *Frequency:* On Occasion.
• *Obligation To Respond:* Required in Order to Obtain or Retain Benefits.
• *Title of Information Collection:* Application/License for Permanent/ Temporary Export or Temporary Import of Classified Defense Articles and Related Classified Technical Data.
• *OMB Control Number:* 1405–0022.
• *Type of Request:* Extension of Currently Approved Collection.
• *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• *Form Number:* DSP–85.
• *Respondents:* Business, Nonprofit Organizations, and Individuals.
• *Estimated Number of Respondents:* 100.
• *Estimated Number of Responses:* 419.
• *Average Time per Response:* 30 minutes.
• *Total Estimated Burden Time:* 210 hours.
• *Frequency:* On Occasion.
• *Obligation To Respond:* Required in Order to Obtain or Retain Benefits.
• *Title of Information Collection:* Application/License for Temporary Export of Unclassified Defense Articles.
• *OMB Control Number:* 1405–0023.
• *Type of Request:* Extension of Currently Approved Collection.
• *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• *Form Number:* DSP–73.
• *Respondents:* Business and Nonprofit Organizations.
• *Estimated Number of Respondents:* 470.
• *Estimated Number of Responses:* 3,222.
• *Average Time per Response:* 1 hour.
• *Total Estimated Burden Time:* 3,222 hours.
• *Frequency:* On Occasion.
• *Obligation To Respond:* Required in Order to Obtain or Retain Benefits.
• *Title of Information Collection:* Application for Amendment to License for Export or Import of Classified or Unclassified Defense Articles and Related Classified Technical Data.
• *OMB Control Number:* 1405–0092.
• *Type of Request:* Extension of Currently Approved Collection.
• *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• *Form Number:* DSP–6; DSP–62; DSP–74.
• *Respondents:* Business, Nonprofit Organizations, and Individuals.
• *Estimated Number of Respondents:* 591.
• *Estimated Number of Responses:* 3,022.
• *Average Time per Response:* 30 minutes.
• *Total Estimated Burden Time:* 1,511 hours.
• *Frequency:* On Occasion.
• *Obligation To Respond:* Required in Order to Obtain or Retain Benefits.
• *Title of Information Collection:* Nontransfer and Use Certificate.
• *OMB Control Number:* 1405–0021.
• *Type of Request:* Extension of Currently Approved Collection.
• *Originating Office:* Bureau of Political-Military Affairs, Directorate of Defense Trade Controls, PM/DDTC.
• *Form Number:* DSP–83.
• *Respondents:* Business, Nonprofit Organizations, and Individuals.
• *Estimated Number of Respondents:* 2,400.
• *Estimated Number of Responses:* 8,800.
• *Average Time per Response:* 1 hour.
• *Total Estimated Burden Time:* 8,800 hours.
• *Frequency:* On Occasion.
• *Obligation To Respond:* Required in Order to Obtain or Retain Benefits.

We are soliciting public comments to permit the Department to:

• Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
• Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
• Enhance the quality, utility, and clarity of the information to be collected.
• Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collections

The export, temporary import, and brokering of defense articles, including technical data, and defense services are authorized by The Department of State, Directorate of Defense Trade Controls (DDTC) in accordance with the International Traffic in Arms Regulations (''ITAR,'' 22 CFR parts 120–130) and section 38 of the Arms Export Control Act. Those who manufacture, broker, export, or temporarily import defense articles, including technical data, or defense services must register with the Department of State and obtain a decision from the Department as to whether it is in the interests of U.S. foreign policy and national security to approve covered transactions. Also, registered brokers must submit annual reports regarding all brokering activity that was transacted, and registered manufacturers and exporter must maintain records of defense trade activities for five years.

• *1405–0003, Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data:* In accordance with part 123 of the ITAR, any person who intends to permanently export unclassified defense articles or unclassified technical data must obtain authorization from DDTC prior to export. ''Application/License for Permanent Export of Unclassified Defense Articles and Related Unclassified Technical Data'' (Form DSP–5) is the licensing vehicle typically used to obtain permission for the permanent export of unclassified defense articles, including unclassified technical data, enumerated on the USML. This form is an application that, when completed and approved by PM/DDTC, Department of State, constitutes the official record and authorization for the permanent commercial export of unclassified U.S. Munitions List articles, pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations.

• *1405–0013, Application/License for Temporary Import of Unclassified Defense Articles:* In accordance with part 123 of the ITAR, any person who intends to temporarily import unclassified defense articles must obtain DDTC authorization prior to import. 'Application/License for Temporary Import of Unclassified Defense Articles' (Form DSP–61) is the licensing vehicle typically used to obtain permission for the temporary import of unclassified defense articles covered by USML. This form is an application that, when completed and approved by PM/DDTC, Department of State, constitutes the official record and authorization for the temporary commercial import of unclassified U.S. Munitions List articles, pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations.

• *1405–0022, Application/License for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Related Classified Technical Data:* In accordance with part 123 of the ITAR, any person who intends to permanently export, temporarily export, or temporarily import classified defense articles,

including classified technical data must first obtain DDTC authorization. ''Application/License for Permanent/Temporary Export or Temporary Import of Classified Defense Articles and Related Classified Technical Data'' (Form DSP–85) is used to obtain permission for the permanent export, temporary export, or temporary import of classified defense articles, including classified technical data, covered by the USML. This form is an application that, when completed and approved by PM/DDTC, Department of State, constitutes the official record and authorization for all classified commercial defense trade transactions, pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations.

• *1405–0023, Application/License for Temporary Export of Unclassified Defense Articles:* In accordance with part 123 of the ITAR, any person who intends to temporarily export unclassified defense articles must DDTC authorization prior to export. ''Application/License for Temporary Export of Unclassified Defense Articles'' (Form DSP–73) is the licensing vehicle typically used to obtain permission for the temporary export of unclassified defense articles covered by the USML. This form is an application that, when completed and approved by PM/DDTC, Department of State, constitutes the official record and authorization for the temporary commercial export of unclassified U.S. Munitions List articles, pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations.

• *1405–0092, Application for Amendment to License for Export or Import of Classified or Unclassified Defense Articles and Related Classified Technical Data:* In accordance with part 123 of the ITAR, any person who intends to permanently export, temporarily import, or temporarily export unclassified or classified defense articles or related technical data must obtain DDTC authorization. ''Application for Amendment to License for Export or Import of Classified or Unclassified Defense Articles and Related Classified Technical Data'' is used to obtain permission for certain changes to previously approved licenses. This form is an application that, when completed and approved by PM/DDTC, Department of State, constitutes the official record and authorization for all requests to amend existing defense trade authorizations made pursuant to the Arms Export Control Act and the International Traffic in Arms Regulations.

• *1405–0021, Nontransfer and Use Certificate:* Pursuant to § 123.10 of the ITAR, a completed Nontransfer and Use Certificate'' (Form DSP–83) must accompany an export license application to export significant military equipment and classified articles and technical data. Pursuant to § 124.10 of the ITAR, a completed ''Nontransfer and Use Certificate'' must be submitted with any request for a manufacturing license agreement or technical assistance agreement that relates to significant military equipment or classified defense articles and technical data. The foreign consignee (if applicable), foreign end-user, and applicant execute this form. By signing the certificate the foreign end-user certifies that they will not, except as specifically authorized by prior written approval of the Department of State, re-export, resell or otherwise dispose of the defense articles enumerated in the application (1) outside the foreign country named as the country of ultimate destination; or (2) to any other person. With respect to agreements that involve classified articles or classified technical data, an authorized representative of the foreign government must also sign the form.

Methodology: This information collection may be sent to the Directorate of Defense Trade Controls via the following methods: Electronically or mail.

Anthony M. Dearth,

Directorate of Defense Trade Controls, Bureau of Political-Military Affairs, U.S. Department of State.

[FR Doc. 2018–03776 Filed 2–23–18; 8:45 am]

BILLING CODE 4710–25–P

DEPARTMENT OF STATE

[Public Notice: 10321]

E.O. 13224 Designation of Ansarul Islam, aka Ansarour Islam, aka Ansar al-Islam, aka Defenders of Islam, aka Ansar-ul-islam lil-ichad wal jihad, aka IRSAD, aka Ansar ul Islam of Malam Boureima Dicko, as a Specially Designated Global Terrorist

Acting under the authority of and in accordance with section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Ansarul Islam, also known as Ansarour Islam, also known as Ansar al-Islam, also known as Defenders of Islam, also known as Ansar ul-islam lil-ichad wal jihad, also known as IRSAD, also known as Ansar ul Islam of Malam Boureima Dicko, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States.

Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: December 12, 2017.

Rex Tillerson,

Secretary of State.

[FR Doc. 2018–03817 Filed 2–23–18; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 10317]

30-Day Notice of Proposed Information Collection: Request for Approval To Travel to a Restricted Country or Area

ACTION: Notice.

SUMMARY: The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

DATES: Submit comments directly to the Office of Management and Budget (OMB) up to March 28, 2018.

ADDRESSES: Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

• *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.

• *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

FOR FURTHER INFORMATION CONTACT: Direct requests for additional information regarding the collection

listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Anita Mody, U.S. Department of State, CA/PPT/S/L/LA, 44132 Mercure Cir, P.O. Box 1227, Sterling, VA 20166–1227, who may be reached on (202) 485–6400 or at *PPTFormsOfficer@state.gov.*

SUPPLEMENTARY INFORMATION:

- *Title of Information Collection:* Request for Approval to Travel to a Restricted Country or Area.
- *OMB Control Number:* 1405–0228.
- *Type of Request:* Extension of a Currently Approved Collection.
- *Originating Office:* Bureau of Consular Affairs, Passport Services, Office of Legal Affairs, CA/PPT/S/L/LA.
- *Form Number:* No form.
- *Respondents:* Individuals requesting they be granted a special validation, in accordance with 22 CFR 51.64, to use a U.S. passport to travel to, in, or through a country or area as to which U.S. passports have been declared invalid for such travel pursuant to 22 U.S.C. 211a and Executive Order 11295 (August 5, 1966) and in accordance with 22 CFR 51.63(a).
- *Estimated Number of Respondents:* 250.
- *Estimated Number of Responses:* 250.
- *Average Time per Response:* 45 minutes.
- *Total Estimated Burden Time:* 188 annual hours.
- *Frequency:* Each time the individual wishes to travel to the restricted country or area.
- *Obligation to Respond:* Required to Obtain or Retain a Benefit.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

Abstract of Proposed Collection

The Secretary of State may exercise authority, under 22 U.S.C. 211a, Executive Order 11295 (August 5, 1966), and 22 CFR 51.63, to invalidate all U.S. passports for travel to a country or area if he determines that any of three conditions exist: The country is at war with the United States; armed hostilities are in progress in the country or area; or there is imminent danger to the public health or physical safety of U.S. travelers in the country or area. The regulations of the Department of State provide that an individual's passport may be considered for validation for travel to, in, or through a country or area despite such restriction if the individual's travel is determined to fall within one of several categories established by the regulations. 22 CFR 51.64. Without the requisite validation, use of a U.S. passport for travel to, in, or through a restricted country or area may justify revocation of the passport for misuse under 22 CFR 51.62(a)(2) and subject the traveler to felony prosecution under 18 U.S.C. 1544 for misuse of a passport or other applicable laws.

The categories of persons specified in 22 CFR 51.64(b) as being eligible for consideration for passport validation are as follows:

(a) An applicant who is a professional reporter and journalist whose trip is for the purpose of collecting and making available to the public information about the restricted country or area;

(b) An applicant who is a representative of the American Red Cross or the International Committee of the Red Cross on an officially sponsored Red Cross mission;

(c) An applicant whose trip to the restricted country or area is justified by compelling humanitarian considerations; or

(d) An applicant whose trip to the restricted country or area is otherwise in the national interest.

The proposed information collection solicits data necessary for the Passport Services Directorate to determine whether an applicant is eligible to receive a special validation in his or her U.S. passport book permitting the applicant to make one round-trip to a restricted country or area. The information requested consists of the applicant's name; a copy of the front and back of the applicant's valid government-issued photo identification card with the applicant's date of birth and signature; current contact information, including telephone number and mailing address; and a statement explaining the reason that the applicant thinks his or her trip is in the national interest, supported by documentary evidence. Failure to provide the requested information may result in denial of a special validation to use a U.S. passport to travel to, in, or through a restricted country or area.

Effective September 1, 2017, upon determining that there is imminent danger to the public health or physical safety of U.S. travelers in the Democratic People's Republic of Korea (DPRK), the Secretary of State imposed a passport restriction with respect to travel to the DPRK. The estimated number of recipients represents the Department of State's estimate of the annual number of special validation requests individuals who wish to use their U.S. passport to travel to the DPRK will submit, based on the current number of requests following the implementation of the Secretary of State's passport restriction. At this time, there are no other countries or areas that are the subject of passport restrictions pursuant to 22 CFR 51.63.

Methodology

Instructions for individuals seeking to apply for a special validation to use a U.S. passport to travel to, in, or through a restricted country or area is posted on a web page maintained by the Department (*travel.state.gov*). The web page directs applicants to submit the requested information via email to the Passport Services Directorate (*PPTSpecialValidations@state.gov*) or by mail to Special Validations, U.S. Department of State, CA/PPT/L/LA, 44132 Mercure Circle, P.O. Box 1227, Sterling, VA 20166–1227.

Information collected in this manner will be used to facilitate the granting of special validations to U.S. nationals who are eligible. The primary purpose of soliciting the information is to establish whether an applicant is within one of the categories specified in the regulations of the Department of State codified at 22 CFR 51.64(b) and therefore eligible to be issued a U.S. passport containing a special validation enabling him or her to make one round-trip to a restricted country or area, and to facilitate the application for a passport of such applicants.

Brenda S. Sprague,

Deputy Assistant Secretary for Passport Services, Consular Affairs, Department of State.

[FR Doc. 2018–03801 Filed 2–23–18; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Agency Information Collection Activities: Information Collection Renewal; Comment Request; Bank Appeals Follow-Up Questionnaire

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection as required by the Paperwork Reduction Act of 1995 (PRA).

In accordance with the requirements of the PRA, the OCC may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

Currently, the OCC is soliciting comment concerning the renewal of an existing collection titled ''Bank Appeals Follow-Up Questionnaire.''

DATES: You should submit written comments by April 27, 2018.

ADDRESSES: Because paper mail in the Washington, DC area and at the OCC is subject to delay, commenters are encouraged to submit comments by email, if possible. You may submit comments by any of the following methods:

- *Email: prainfo@occ.treas.gov.*
- *Mail:* Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0332, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Hand Delivery/Courier:* 400 7th Street SW, Suite 3E–218, Washington, DC 20219.
- *Fax:* (571) 465–4326.

Instructions: You must include ''OCC'' as the agency name and ''1557–0332'' in your comment. In general, the OCC will publish them on *www.reginfo.gov* without change, including any business or personal information that you provide, such as name and address information, email addresses, or phone numbers. Comments received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. Do not include any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

You may review comments and other related materials that pertain to this information collection beginning on the date of publication of the second notice for this collection [1] by any of the following methods:

- *Viewing Comments Electronically:* Go to *www.reginfo.gov.* Click on the ''Information Collection Review'' tab. Underneath, the ''Currently under Review'' section heading, from the drop-down menu, select ''Department of Treasury'' and then click ''submit''. This information collection can be located by searching by OMB control number ''1557–0332'' or ''Bank Appeals Follow-Up Questionnaire.'' Upon finding the appropriate information collection, click on the related ''ICR Reference Number.'' On the next screen, select ''View Supporting Statement and Other Documents'' and then click on the link to any comment listed at the bottom of the screen.
- For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.
- *Viewing Comments Personally:* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW, Washington, DC. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700 or, for persons who are deaf or hearing impaired, TTY, (202) 649–5597. Upon arrival, visitors will be required to present valid government-issued photo identification and submit to security screening in order to inspect and photocopy comments.

FOR FURTHER INFORMATION CONTACT: Shaquita Merritt, OCC Clearance Officer, (202) 649–5490, for persons who are deaf or hearing impaired, TTY, (202) 649–5597, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW, Suite 3E–218, Washington, DC 20219.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the OMB for each collection of information that they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) to include agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of title 44 requires federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each renewal of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the OCC is publishing notice of the renewal of the collection of information set forth in this document.

Title: Bank Appeals Follow-Up Questionnaire.

OMB Control No.: 1557–0332.

Description: The OCC's Office of the Ombudsman (Ombudsman) is committed to assessing its efforts to provide a fair and expeditious appeal process to institutions under OCC supervision. To perform this assessment, it is necessary to obtain feedback from individual appellant institutions on the effectiveness of the Ombudsman's efforts to provide a fair and expeditious appeals process and suggestions to enhance the bank appeals process. The Ombudsman uses the information gathered to assess adherence to OCC Bulletin 2013–15, ''Bank Appeals Process,'' dated June 7, 2013, for each appeal submitted and to enhance its bank appeals program.

Affected Public: Businesses or other for-profit.

Estimated Number of Respondents: 15.

Estimated Annual Burden: 2.5 hours.

Frequency of Response: On occasion.

Comments: Comments submitted in response to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on:

(a) Whether the collection of information is necessary for the proper performance of the functions of the OCC, including whether the information shall have practical utility;

(b) The accuracy of the OCC's estimate of the burden of the collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the collection on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 20, 2018.

Karen Solomon,

Acting Senior Deputy Comptroller and Chief Counsel.

[FR Doc. 2018–03825 Filed 2–23–18; 8:45 am]

BILLING CODE 4810–33–P

[1] Following the close of the 60-Day comment period for this notice, the OCC will publish a notice for 30 days of comment for this collection.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Art Advisory Panel of the Commissioner of Internal Revenue

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of renewal of the Art Advisory Panel of the Commissioner of Internal Revenue.

SUMMARY: The charter for the Art Advisory Panel has been renewed for a two-year period beginning February 3, 2018.

FOR FURTHER INFORMATION CONTACT: Maricarmen R. Cuello, C:AP:SO:ART, 51 SW 1st Avenue, Miami, FL 33130, Telephone No. (305) 982–5364 (not a toll free number).

Notice is hereby given under section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. 2), that the Art Advisory Panel of the Commissioner of Internal Revenue, a necessary committee that is in the public interest, has been renewed for an additional two years beginning on February 3, 2018.

The Panel helps the Internal Revenue Service review and evaluate the acceptability of property appraisals submitted by taxpayers in support of the fair market value claimed on works of art involved in Federal Income, Estate or Gift taxes in accordance with sections 170, 2031, and 2512 of the Internal Revenue Code of 1986, as amended.

For the Panel to perform this function, Panel records and discussions must include tax return information. Therefore, the Panel meetings will be closed to the public since all portions of the meetings will concern matters that are exempted from disclosure under the provisions of section 552b(c)(3), (4), (6) and (7) of Title 5 of the U.S. Code. This determination, which is in accordance with section 10(d) of the Federal Advisory Committee Act, is necessary to protect the confidentiality of tax returns and return information as required by section 6103 of the Internal Revenue Code.

David J. Kautter,

Acting Commissioner of Internal Revenue.

[FR Doc. 2018–03896 Filed 2–23–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Claim Against the United States for the Proceeds of a Government Check

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before March 28, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Bureau of the Fiscal Service (FS)

Title: Claim against the United States for the Proceeds of a Government Check.

OMB Control Number: 1530–0010.

Type of Review: Extension without change of a currently approved collection.

Abstract: This series of forms are used to collect information needed to process an individual's claim for non-receipt of proceeds from a U.S. Treasury check or electronic benefit payments. Once the information is analyzed, a determination is made and a recommendation is submitted to the program agency to either settle or deny the claim.

Form: FMS 1133, 1133–A.

Affected Public: Individuals and households.

Estimated Total Annual Burden Hours: 8,609.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: February 21, 2018.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2018–03833 Filed 2–23–18; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Multiple IRS Information Collection Requests

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before March 28, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Form 843—Claim for Refund and Request for Abatement.

OMB Control Number: 1545–0024.

Type of Review: Extension without change of a currently approved collection.

Abstract: IRC section 6402, 6404, and sections 301.6404–2, and 301.6404–3 of the regulations allow for refunds of taxes (except income taxes) or refund,

abatement, or credit of interest, penalties, and additions to tax in the event of errors or certain action by the IRS. Form 843 is used by taxpayers to claim these refunds, credits, or abatements.

Form: IRS Form 843.

Affected Public: Individuals and households.

Estimated Total Annual Burden Hours: 875,295.

Title: Form 1041–A—U.S. Information Return-Trust Accumulation of Charitable Amounts.

OMB Control Number: 1545–0094.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 1041–A is used to report the information required in 26 U.S.C. 6034 concerning accumulation and distribution of charitable amounts. The data is used to verify that amounts for which a charitable deduction was allowed are used for charitable purposes.

Form: IRS Form 1041–A.

Affected Public: Individuals and households.

Estimated Total Annual Burden Hours: 4,396,854.

Title: Request for Change in Plan/Trust Year.

OMB Control Number: 1545–0201.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 5308 is used to request permission to change the plan or trust year for a pension benefit plan. The information submitted is used in determining whether IRS should grant permission for the change.

Form: IRS Form 5308.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 14.

Title: Monthly Tax Return for Wagers.

OMB Control Number: 1545–0235.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 730 is used to identify taxable wagers and collect the tax monthly. The information is used to determine if persons accepting wagers are correctly reporting the amount of wagers and paying the required tax.

Form: IRS Form 730.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 418,362.

Title: TD 8426—Certain Returned Magazines, Paperbacks or Records (IA–195–78).

OMB Control Number: 1545–0879.

Type of Review: Extension without change of a currently approved collection.

Abstract: The final regulations provide rules relating to an exclusion from gross income for certain returned merchandise. The regulations provide that in addition to physical return of the merchandise, a written statement listing certain information may constitute evidence of the return. Taxpayers who receive physical evidence of the return may, in lieu of retaining physical evidence, retain documentary evidence of the return. Taxpayers in the trade or business of selling magazines, paperbacks, or records, who elect to use a certain method of accounting, are affected.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 8,125.

Title: Form 8582—Passive Activity Loss Limitations.

OMB Control Number: 1545–1008.

Type of Review: Extension without change of a currently approved collection.

Abstract: Under Internal Revenue Code section 469, losses from passive activities, to the extent that they exceed income from passive activities, cannot be deducted against non-passive income. Form 8582 is used to figure the passive activity loss allowed and the loss to be reported on the tax return.

Form: IRS Form 8582.

Affected Public: Individuals and households.

Estimated Total Annual Burden Hours: 875,000.

Title: Form 5305A–SEP—Salary Reduction Simplified Employee Pension-Individual Retirement Accounts Contribution Agreement.

OMB Control Number: 1545–1012.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 5305A–SEP is used by an employer to make an agreement to provide benefits to all employees under a salary reduction Simplified Employee Pension (SEP) described in section 408(k). This form is not to be filed with IRS, but is to be retained in the employer's records as proof of establishing such a plan, thereby justifying a deduction for contributions made to the SEP. The data is used to verify the deduction.

Form: IRS Form 5305A–SEP.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 972,000.

Title: Low-Income Housing Credit Agencies Report of Noncompliance or Building Disposition.

OMB Control Number: 1545–1204.

Type of Review: Extension without change of a currently approved collection.

Abstract: Form 8823 is used by housing agencies to report noncompliance with the low-income housing provisions of Code section 42.

Form: IRS Form 8823.

Affected Public: State and Local Governments.

Estimated Total Annual Burden Hours: 303,200.

Title: TD 8383 Disclosure of Tax Return Information for Purposes of Quality or Peer Reviews.

OMB Control Number: 1545–1209.

Type of Review: Extension without change of a currently approved collection.

Abstract: Section 7216 of the Internal Revenue Code of 1986 authorizes the disclosure or use of information by tax return preparers for purposes of quality or peer reviews. Section 7216 authorizes the issuance of regulations for guidance in this matter. Section 301.7216–2(p) contains a requirement that tax return preparers being reviewed will maintain a record of the review, include the information reviewed and the identity of the persons conducting the review.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 250,000.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: February 21, 2018.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2018–03834 Filed 2–23–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Generic Clearance for Voluntary Surveys To Implement E.O. 12862

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The

public is invited to submit comments on these requests.

DATES: Comments should be received on or before March 28, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

United States Mint

Title: Generic Clearance for Voluntary Surveys to Implement E.O. 12862.

OMB Control Number: 1525–0012.

Type of Review: Extension without change of a currently approved collection.

Abstract: This is a renewal for Generic Clearance for an undefined number of customer satisfaction and opinion surveys or focus group interviews to be conducted over the next three years. The information collected from these surveys will be used to improve United States Mint products and services.

Form: None.

Affected Public: Individuals and households.

Estimated Total Annual Burden Hours: 40,000.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: February 21, 2018.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2018–03832 Filed 2–23–18; 8:45 am]

BILLING CODE 4810–37–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Small Business Lending Fund (SBLF) Supplemental Reports

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury will submit the following information collection requests to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. The public is invited to submit comments on these requests.

DATES: Comments should be received on or before March 28, 2018 to be assured of consideration.

ADDRESSES: Send comments regarding the burden estimate, or any other aspect of the information collection, including suggestions for reducing the burden, to (1) Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Treasury, New Executive Office Building, Room 10235, Washington, DC 20503, or email at *OIRA_Submission@OMB.EOP.gov* and (2) Treasury PRA Clearance Officer, 1750 Pennsylvania Ave. NW, Suite 8142, Washington, DC 20220, or email at *PRA@treasury.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the submissions may be obtained from Jennifer Quintana by emailing *PRA@treasury.gov,* calling (202) 622–0489, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Departmental Offices (DO)

Title: Small Business Lending Fund (SBLF) Supplemental Reports.

OMB Control Number: 1505–0228.

Type of Review: Extension without change of a currently approved collection.

Abstract: Once accepted into the SBLF program, the participating bank is required to submit a Supplemental Report each quarter. The Supplemental Report is used to determine the bank's small business lending baseline and allows Treasury to assess the change in the small business lending for the previous quarter.

Form: None.

Affected Public: Businesses or other for-profits.

Estimated Total Annual Burden Hours: 3,248.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: February 21, 2018.

Spencer W. Clark,

Treasury PRA Clearance Officer.

[FR Doc. 2018–03831 Filed 2–23–18; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF VETERANS AFFAIRS

Veterans and Community Oversight and Engagement Board; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that the Veterans and Community Oversight and Engagement Board (Board) will meet on March 20–21, 2018, at 11301 Wilshire Boulevard, Building 500, Room 1281, Los Angeles, CA. Both meeting sessions will begin at 8:00 a.m. (PST) and adjourn at 5:00 p.m. (PST). The meetings are open to the public.

The Board is a statutory Board established by the West Los Angeles Leasing Act of 2016 on September 29, 2016. The purpose of the Board is to provide advice and make recommendations to the Secretary of Veterans Affairs on: Identifying the goals of the community and Veteran partnership; improving services and outcomes for Veterans, members of the Armed Forces, and the families of such Veterans and members; and on the implementation of the Draft Master Plan approved by the Secretary on January 28, 2016, and on the creation and implementation of any successor master plans.

On March 20, the agenda will include information briefings on the Greater Los Angeles Draft Master Plan Integrated Project Team, a detailed status briefing on the implementation of the Draft Master Plan, and Cross Committee collaboration briefings provided by the Committee Managers from the Minority Veterans Advisory Committee and Homeless Veterans Advisory Committee. On March 21, the Committee's subcommittees on Outreach and Community Engagement, Services and Outcomes, and Master Plan will report out on activities since the last meeting.

Public comments will be received from 8:30–9:50 a.m. on March 21, 2018. Individuals wishing to make a public comment should contact Laureen Barone at *laureen.barone@va.gov* and are requested to submit a 1–2 page summary of their comments for inclusion in the official meeting record. In the interest of time, each speaker will be held to a 5 minute time limit. Any member of the public seeking additional information should contact Ms. Barone at (716) 364–3639 or at *laureen.barone@va.gov.*

Dated: February 21, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–03802 Filed 2–23–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee: National Academic Affiliations Council; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act that a meeting of the National Academic Affiliations Council (NAAC) will be held April 3, 2018–April 4, 2018 at 811 Vermont Avenue NW, VA Office of Academic Affiliations Conference Room, 4th Floor, Washington DC The meeting sessions are open to the public and are scheduled as follows:

Dates	Time
April 3, 2018	8:15 a.m. to 5:00 p.m.
April 4, 2018	8:30 a.m. to 2:30 p.m.

The purpose of the Council is to advise the Secretary on matters affecting partnerships between VA and its academic affiliates.

On April 3, 2018, the Council will review the status of its previous recommendations and receive a series of informational briefings on the budget of the VA Office of Academic Affiliations and the Veterans Equitable Resource Allocation formula for clinical educational activities. During a working lunch, NAAC members will meet with the Chair of the National Research Advisory Council to discuss areas of mutual interest among both committees. During the afternoon, the Council will explore the recent activities of the NAAC Diversity and Inclusion Subcommittee and VA's current affiliations with minority serving institutions. At the close of the day, The Council will receive a presentation on VA's Care in the Community efforts and discuss their potential impact on the VA education mission.

On April 4, 2018, the Council will receive presentations on VA's ongoing efforts to ensure the accountability and oversight of graduate medical education funds and the Office of Academic Affiliations' innovation portfolio. After lunch, the Council will have an open discussion with Dr. Carolyn Clancy, the Executive in Charge for the Veterans Health Administration and Dr. Christopher Vojta, the Principal Deputy Under Secretary for Health. The Council will receive public comments from 4:45 p.m. to 5:00 p.m. on April 3, 2018 and again at or before 2:00 p.m. to 2:15 p.m. on April 4, 2018.

Interested persons may attend and present oral statements to the Council. A sign-in sheet for those who want to give comments will be available at the meeting. Individuals who speak are invited to submit a 1–2 page summary of their comments at the time of the meeting for inclusion in the official meeting record. Oral presentations will be limited to five minutes or less, depending on the number of participants. Interested parties may also provide written comments for review by the Council prior to the meeting or at any time, via email to, *Steve.Trynosky@va.gov,* or by mail to Stephen K. Trynosky JD, MPH, MMAS, Designated Federal Officer, Office of Academic Affiliations (10A2D), 810 Vermont Avenue NW, Washington, DC 20420. Any member of the public wishing to attend or seeking additional information should contact Mr. Trynosky via email or by phone at (202) 461–6723. Because the meeting will be held in a Government building, anyone attending must be prepared to submit to security screening and present a valid photo I.D. Please allow at least 15 minutes prior to the meeting for this process.

Dated: February 21, 2018.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2018–03835 Filed 2–23–18; 8:45 am]

BILLING CODE P

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Federal Register

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