



# FEDERAL REGISTER

---

Vol. 83

Wednesday,

No. 40

February 28, 2018

Pages 8605–8742

OFFICE OF THE FEDERAL REGISTER



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

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

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

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

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

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

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

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

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

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

## SUBSCRIPTIONS AND COPIES

### PUBLIC

#### Subscriptions:

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

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

#### Single copies/back copies:

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

### FEDERAL AGENCIES

#### Subscriptions:

Assistance with Federal agency subscriptions:

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



# Contents

**Federal Register**

Vol. 83, No. 40

Wednesday, February 28, 2018

## Agency for Healthcare Research and Quality

### NOTICES

Requests for Information:

Patient-Reported Outcome Measures, 8674–8675

Requests for Nominations:

Members of the U.S. Preventive Services Task Force,  
8675–8676

## Agriculture Department

### NOTICES

Requests for Comments:

Dietary Guidelines for Americans, 8649–8650

## Air Force Department

### NOTICES

Integrated Natural Resources Management Plan:

Barry M. Goldwater Range, AZ; et al., 8657

## Army Department

### NOTICES

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 8657–8658

## Bureau of Consumer Financial Protection

### NOTICES

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 8656–8657

## Census Bureau

### NOTICES

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

Quarterly Financial Report, 8650–8651

## Centers for Medicare & Medicaid Services

### NOTICES

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 8679–8681

Meetings:

Medicare Program; Calendar Year 2018, All New Public  
Requests for Revisions to the Healthcare Common  
Procedure Coding System Coding and Payment  
Determinations, 8676–8679

## Children and Families Administration

### NOTICES

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

Multi-site Implementation Evaluation of Tribal Home  
Visiting, 8681–8682

## Commerce Department

See Census Bureau

See International Trade Administration

See National Institute of Standards and Technology

See National Oceanic and Atmospheric Administration

## Defense Department

See Air Force Department

See Army Department

See Navy Department

## NOTICES

Agency Information Collection Activities; Proposals,  
Submissions, and Approvals, 8658–8659

Meetings:

Uniform Formulary Beneficiary Advisory Panel, 8658

## Education Department

### NOTICES

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

Annual Report on Appeals Process RSA-722, 8661

Requests for Comments:

Office of Postsecondary Education; Solicitation of Third-  
Party Comments Concerning the Performance of  
Accrediting Agencies; Correction, 8660–8661

## Employee Benefits Security Administration

### NOTICES

Meetings:

Advisory Council on Employee Welfare and Pension  
Benefit Plans, 8710–8711

## Energy Department

### NOTICES

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

Generic Clearance for the Collection of Qualitative  
Feedback on Agency Service Delivery, 8663–8664

Meetings:

Environmental Management Site-Specific Advisory  
Board, Nevada, 8662–8663

Environmental Management Site-Specific Advisory  
Board, Northern New Mexico, 8663

Environmental Management Site-Specific Advisory  
Board, Paducah, 8662

Environmental Management Site-Specific Advisory  
Board, Savannah River Site, 8661–8662

## Environmental Protection Agency

### RULES

Air Quality State Implementation Plans; Approvals and  
Promulgations:

Illinois; Rule Part 225, Control of Emissions from Large  
Combustion Sources, 8612–8615

Indiana; Indiana NSR/PSD; Indiana PM<sub>2.5</sub> NSR;  
Correction, 8610–8612

Tolerance Exemptions:

Titanium Dioxide, 8616–8619

### NOTICES

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

Annual Public Water Systems Compliance Report, 8671–  
8672

Regulation of Fuels and Fuel Additives; Detergent  
Gasoline, 8666

Clean Air Act Operating Permit Program:

Petitions for Objection to State Operating Permits for  
Tennessee Valley Authority—Gallatin Fossil Plant  
(Sumner County, TN), 8665–8666

Decision not to Withdraw Proposed Determination to

Restrict the Use of an Area as a Disposal Site; Pebble  
Deposit Area, Southwest Alaska, 8668–8671

## Final Test Guidelines:

Series 810—Product Performance Test Guidelines, 8666–8667

## Pesticide Product Registrations:

New Uses, 8664–8665

**Federal Aviation Administration****RULES**

## Airworthiness Directives:

AgustaWestland S.p.A. Helicopters, 8605–8606

Instrument Flight Rules Altitudes, 8606–8609

**PROPOSED RULES**

## Amendment of Class E Airspace and Proposed

Establishment of Class E Airspace:

Flint, MI, and Owosso, MI, 8638–8640

**NOTICES**

Change of Physical Address for the Federal Aviation Administration Northwest Mountain Regional Office, 8731

Petitions for Exemptions; Summaries, 8731

**Federal Communications Commission****RULES**

Hearing Aid Compatibility Standards, 8624–8634

## Wireless Emergency Alerts:

Emergency Alert System, 8619–8624

**Federal Highway Administration****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8731–8732

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

Agreements Filed, 8672

**Federal Procurement Policy Office****RULES**

## Cost Accounting Standards:

Clarification of the Exemption from Cost Accounting Standards for Firm-Fixed-Price Contracts and Subcontracts Awarded Without Submission of Certified Cost or Pricing Data, 8634–8635

**Federal Trade Commission****NOTICES**

## Proposed Consent Agreements:

Telomerase Activation Sciences, Inc. and Noel Thomas Patton, 8672–8674

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

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

Policy for Evaluation of Conservation Efforts When Making Listing Decisions, 8698–8699

**Health and Human Services Department**

See Agency for Healthcare Research and Quality

See Centers for Medicare & Medicaid Services

See Children and Families Administration

See National Institutes of Health

**NOTICES**

## Meetings:

National Committee on Vital and Health Statistics, 8682

## Requests for Comments:

Dietary Guidelines for Americans, 8649–8650

**Homeland Security Department****NOTICES**

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

Homeland Security Acquisition Regulation Regulation on Agency Protests, 8687–8688

Statewide Communication Interoperability Plan Template and Progress Report, 8688–8689

Privacy Act; Systems of Records, 8685–8687, 8689–8690

**Housing and Urban Development Department****NOTICES**

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

Application for Displacement/Relocation/Temporary Relocation Assistance for Persons, 8695

Capital Needs Assessments-CNA e Tool, 8695–8696

Choice Neighborhoods, 8690–8691

Evaluation of the Supportive Services Demonstration, 8691–8693

Protection and Enhancement of Environmental Quality, 8693–8694

Public Housing Agency Executive Compensation Information, 8697–8698

Self-Help Homeownership Opportunity Program, 8696–8697

Single Family Mortgage Insurance on Hawaiian Homelands, 8694–8695

**Indian Affairs Bureau****RULES**

Tribal Transportation Program; Delay of Compliance Date, 8609–8610

**NOTICES**

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

Reporting Systems for Public Law 102–477 Demonstration Project, 8700

**Institute of American Indian and Alaska Native Culture and Arts Development****NOTICES**

Requests for Nominations: Board of Trustees, 8698

**Institute of Museum and Library Services****NOTICES**

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

2019–2021 IMLS Grants to States Program Reporting System, 8711–8712

**Interior Department**

See Fish and Wildlife Service

See Indian Affairs Bureau

See National Park Service

See Ocean Energy Management Bureau

See Surface Mining Reclamation and Enforcement Office

**Internal Revenue Service****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8735

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

Tools Relating to the Offshore Voluntary Disclosure Program, 8734–8735

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

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8651  
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:  
    Certain Small Diameter Seamless Carbon and Alloy Standard, Line and Pressure Pipe from Germany, 8651–8653

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

Investigations; Determinations, Modifications, and Rulings, etc.:  
    Certain Mobile Device Holders and Components Thereof, 8709–8710

**Justice Department****NOTICES**

Proposed Consent Decree under the Clean Water Act, 8710

**Labor Department**

See Employee Benefits Security Administration

**Management and Budget Office**

See Federal Procurement Policy Office

**National Foundation on the Arts and the Humanities**

See Institute of Museum and Library Services

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

Removing Regulatory Barriers for Vehicles with Automated Driving Systems; Extension of Comment Period, 8647–8648

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8732–8734

**National Institute of Standards and Technology****NOTICES**

Establishment of a Team under the National Construction Safety Team Act, 8653–8654  
Meetings:  
    Information Security and Privacy Advisory Board, 8653

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

Meetings:  
    Center for Scientific Review, 8683  
    Center for Scientific Review; Amendment, 8684  
    National Cancer Institute; Amendment, 8683–8685  
    National Institute of Diabetes and Digestive and Kidney Diseases, 8684–8685

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

Fisheries of the Exclusive Economic Zone off Alaska:  
    Pacific Cod by Trawl Catcher Vessels in the Western Regulatory Area of the Gulf of Alaska, 8636–8637  
    Pollock in Statistical Area 620 in the Gulf of Alaska, 8636  
Fisheries of the Northeastern United States:  
    Atlantic Mackerel, Squid, and Butterfish; 2018 River Herring and Shad Catch Cap Reached for the Directed Atlantic Mackerel Commercial Fishery, 8635

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8654–8655

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
    Coral Reef Conservation Program Survey, 8655–8656  
Meetings:

    Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Groundfish and Halibut Seabird Working Group, 8654

**Permits:**

    Marine Mammals; File No. 21321, 8655

**National Park Service****PROPOSED RULES**

Special Regulations of the National Park Service:  
    Glen Canyon National Recreation Area; Motor Vehicles, 8640–8647

**NOTICES**

Concession Contracts, 8703  
Concession Contracts:  
    Extensions and Intents to Award Temporary Concession Contracts, 8701–8703  
National Register of Historic Places:  
    Pending Nominations and Related Actions, 8701

**Navy Department****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals, 8659–8660

**Ocean Energy Management Bureau****NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
    Geological and Geophysical Explorations of the Outer Continental Shelf, 8703–8707

**Presidential Documents****ADMINISTRATIVE ORDERS**

Defense and National Security:  
    National Defense Authorization Act for Fiscal Year 2017; Delegation of Certain Functions and Authorities (Memorandum of February 8, 2018), 8737–8739  
    National Defense Authorization Act for Fiscal Year 2018; Delegation of Certain Functions and Authorities (Memorandum of February 9, 2018), 8741

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

Applications for Deregistration under the Investment Company Act, 8718–8719  
Applications:  
    Bain Capital Specialty Finance, Inc., et al., 8712–8717  
Meetings:  
    Investor Advisory Committee, 8727  
Self-Regulatory Organizations; Proposed Rule Changes:  
    Cboe BZX Exchange, Inc., 8717–8719  
    The Nasdaq Stock Market LLC, 8719–8727

**State Department****NOTICES**

Designation as a Specially Designated Global Terrorist:  
    ISIS-Egypt, aka Islamic State in Egypt, aka Islamic State Egypt, 8727  
    ISIS-Somalia, aka Islamic State in Somalia, aka ISS, aka ISIS in East Africa, aka Abnaa ul-Calipha, 8729–8730  
Designations as Foreign Terrorist Organizations:  
    ISIS-Bangladesh (and Other Aliases), 8729  
    ISIS-Philippines (and Other Aliases), 8730–8731

ISIS-West Africa (ISIS-WA) also known as ISIS West Africa also known as ISIS West Africa Province also known as Islamic State of Iraq and Syria West Africa Province, etc., 8730

**Designations as Global Terrorists:**

Abu Musab al-Barnawi aka Habib Yusuf, 8728–8729  
 ISIS-Philippines, aka ISIS in the Philippines, aka ISIL Philippines, aka ISIL in the Philippines, aka IS Philippines, etc., 8728

**Meetings:**

Advisory Committee on International Economic Policy, 8728

**Specially Designated Global Terrorists:**

ISIS-Bangladesh; aka Caliphate in Bangladesh; aka Caliphate's Soldiers in Bangladesh; et al., 8730  
 ISIS-West Africa (ISIS-WA); aka ISIS West Africa; aka ISIS West Africa Province; aka Islamic State of Iraq and Syria West Africa Province; et al., 8729  
 Mahad Moalim, 8729  
 Maute Group, aka IS-Ranao, aka Islamic State of Lanao, 8728

**Surface Mining Reclamation and Enforcement Office**

**NOTICES**

Environmental Impact Statements; Availability, etc.:  
 Western Energy Company's Rosebud Mine Area F;  
 Reopen Public Comment Period, 8708

**Transportation Department**

*See* Federal Aviation Administration  
*See* Federal Highway Administration

*See* National Highway Traffic Safety Administration

**Treasury Department**

*See* Internal Revenue Service  
*See* United States Mint

**United States Mint**

**NOTICES**

Agency Information Collection Activities; Proposals, Submissions, and Approvals:  
 Application for Intellectual Property Use Forms, 8735–8736

---

**Separate Parts In This Issue**

**Part II**

Presidential Documents, 8737–8739, 8741

---

**Reader Aids**

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

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

**CFR PARTS AFFECTED IN THIS ISSUE**

---

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

**3 CFR****Administrative Orders:**

## Memorandums:

Memorandum of February 8, 2018 .....	8739
Memorandum of February 9, 2018 .....	8741

**14 CFR**

39 .....	8605
95 .....	8606

**Proposed Rules:**

71 .....	8638
----------	------

**25 CFR**

170 .....	8609
-----------	------

**36 CFR****Proposed Rules:**

7 .....	8640
---------	------

**40 CFR**

52 (2 documents) ....	8610, 8612
180 .....	8616

**47 CFR**

10 .....	8619
20 .....	8624
68 .....	8624

**48 CFR**

9903 .....	8634
------------	------

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

571 .....	8647
-----------	------

**50 CFR**

648 .....	8635
679 (2 documents) .....	8636

# Rules and Regulations

Federal Register

Vol. 83, No. 40

Wednesday, February 28, 2018

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

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-0111; Product Identifier 2016-SW-079-AD; Amendment 39-19211; AD 2018-05-02]

RIN 2120-AA64

#### Airworthiness Directives; AgustaWestland S.p.A. Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for certain AgustaWestland S.p.A. (AgustaWestland) Model AW189 helicopters. This AD requires replacing the seal and filler wedges of all emergency exit windows. This AD was prompted by a report that some windows were improperly glued when installed. The actions of this AD are intended to correct an unsafe condition on these products.

**DATES:** This AD is effective April 4, 2018.

**ADDRESSES:** For service information identified in this final rule, contact Leonardo S.p.A. Helicopters, Matteo Ragazzi, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39-0331-711756; fax +39-0331-229046; or at <http://www.leonardocompany.com/-/bulletins>. You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N-321, Fort Worth, TX 76177.

#### Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0111; or in person at Docket Operations

between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, the economic evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800-647-5527) is U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Martin R. Crane, Aviation Safety Engineer, Regulations & Policy Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5110; email [martin.r.crane@faa.gov](mailto:martin.r.crane@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

On November 2, 2017, at 82 FR 50847, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to AgustaWestland Model AW189 helicopters. The NPRM proposed to require replacing the seal and filler wedges of all emergency exit windows. The proposed requirements were intended to prevent the failure of the windows from jettisoning during an emergency.

The NPRM was prompted by AD No. 2016-0216, dated October 28, 2016, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Leonardo Helicopters (previously Finmeccanica S.p.A., previously AgustaWestland) Model AW189 helicopters, serial numbers 49007 through 49021, 49023, 49029, 49033, 49035, 89001, 89003, 89004, 92001, 92003, and 92005. The EASA AD does not apply to windows that have been reinstalled at least once since helicopter delivery and windows that are part of bubble window kit part number (P/N) 8G5620F00111.

EASA advises that some windows were installed with glue applied in locations that were not in accordance with the approved design. This condition, if not corrected, could prevent the jettisoning of helicopter emergency exit windows, possibly

affecting the evacuation of crew and passengers during an emergency situation, EASA advises. EASA consequently requires replacement of the seal and the filler wedges of the emergency exit windows installed in the cockpit doors and cabin.

The FAA is in the process of updating AgustaWestland's name change to Leonardo Helicopters on its type certificate. Because this name change is not yet effective, this AD specifies AgustaWestland.

#### Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM.

#### FAA's Determination

These helicopters have been approved by the aviation authority of Italy and are approved for operation in the United States. Pursuant to our bilateral agreement with Italy, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

#### Related Service Information

We reviewed Leonardo Helicopters Bollettino Tecnico No. 189-118, dated October 20, 2016. This service information specifies replacing the seal and filler wedges on all cockpit door and cabin emergency exit windows of Model AW189 helicopters, except on those windows that have been replaced or that are part of bubble window kit P/N 8G5620F00111.

#### Costs of Compliance

We estimate that this AD affects 2 helicopters of U.S. Registry and that labor costs average \$85 per work-hour. Based on these estimates, we expect that removing and replacing the window seals and fillers requires 40 work-hours and that parts cost about \$834, for a total cost of \$4,234 per helicopter and \$8,468 for the U.S. fleet.

#### 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 helicopters identified in this rulemaking action.

### Regulatory Findings

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

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

- (1) Is not a "significant regulatory action" under Executive Order 12866;
- (2) Is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
- (3) Will not affect intrastate aviation in Alaska to the extent that it justifies making a regulatory distinction; 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.

We prepared an economic evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

### List of Subjects in 14 CFR Part 39

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

### Adoption of the Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

### § 39.13 [Amended]

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

**2018-05-02 AgustaWestland S.p.A.:**  
Amendment 39-19211; Docket No. FAA-2017-0111; Product Identifier 2016-SW-079-AD.

#### (a) Applicability

This AD applies to Model AW189 helicopters, serial number 49007 through 49021, 49023, 49029, 49033, 49035, 89001, 89003, 89004, 92001, 92003, and 92005, certificated in any category.

#### (b) Unsafe Condition

This AD defines the unsafe condition as improperly glued emergency exit windows. This condition could result in the window failing to jettison, preventing the occupants from exiting the helicopter during an emergency.

#### (c) Effective Date

This AD becomes effective April 4, 2018.

#### (d) Compliance

You are responsible for performing each action required by this AD within the specified compliance time unless it has already been accomplished prior to that time.

#### (e) Required Actions

Within 75 hours time-in-service, replace the seal and filler wedges of each cabin and cockpit door emergency exit window, except bubble windows installed in accordance with bubble window kit part number 8G5620F00111.

#### (f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Section, Rotorcraft Standards Branch, FAA, may approve AMOCs for this AD. Send your proposal to: Martin R. Crane, Aviation Safety Engineer, Regulations & Policy Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5110; email [9-ASW-FTW-AMOC-Requests@faa.gov](mailto:9-ASW-FTW-AMOC-Requests@faa.gov).

(2) For operations conducted under a 14 CFR part 119 operating certificate or under 14 CFR part 91, subpart K, we suggest that you notify your principal inspector, or lacking a principal inspector, the manager of the local flight standards district office or certificate holding district office, before operating any aircraft complying with this AD through an AMOC.

#### (g) Additional Information

(1) Leonardo Helicopters Bollettino Tecnico No. 189-118, dated October 20, 2016, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Matteo Ragazzi, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39-0331-711756; fax +39-0331-229046; or at <http://www.leonardocompany.com/-/bulletins>. You may review a copy of the service information at the FAA, Office of the

Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N-321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016-0216, dated October 28, 2016. You may view the EASA AD on the internet at <http://www.regulations.gov> in AD Docket No. FAA-2017-0111.

#### (h) Subject

Joint Aircraft Service Component (JASC) Code: 5600, Window/Windshield System.

Issued in Fort Worth, Texas, on February 21, 2018.

#### Scott A. Horn,

*Deputy Director for Regulatory Operations, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2018-03930 Filed 2-27-18; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 95

[Docket No. 31183; Amdt. No. 538]

### IFR Altitudes; Miscellaneous Amendments

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

**DATES:** *Effective Date:* 0901 UTC, March 29, 2018.

#### FOR FURTHER INFORMATION CONTACT:

Harry Hodges, Flight Procedure Standards Branch (AMCAFS-420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954-4164.

**SUPPLEMENTARY INFORMATION:** This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route

or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

**The Rule**

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects

those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

**Conclusion**

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. For the same reason, the FAA certifies that this

amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 95**

Airspace, Navigation (air).  
 Issued in Washington, DC, on February 23, 2018.  
**John S. Duncan,**  
*Executive Director, Flight Standards Service.*

**Adoption of the Amendment**

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, March 29, 2018.

■ 1. The authority citation for part 95 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

**REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT**

[Amendment 538 effective date March 29, 2018]

From	To	MEA	MAA
<b>§ 95.3000 Low Altitude RNAV Routes</b>			
<b>§ 95.3259 RNAV Route T259 Is Amended To Read in Part</b>			
WEXIM, CA WP ..... *12200—MCA NIKOL, CA FIX, W BND	NIKOL, CA FIX .....	14600	17500
From	To	MEA	
<b>95.6001 Victor Routes—U.S</b>			
<b>95.6025 VOR Federal Airway V25 Is Amended To Read in Part</b>			
OCTAD, OR FIX ..... * 7000—GNSS MEA	DESCHUTES, OR VORTAC. N BND ..... S BND .....	* 7000 * 12000	
<b>§ 95.6027 VOR Federal Airway V27 Is Amended To Read in Part</b>			
NEWPORT, OR VORTAC .....	CUTEL, OR FIX S BND ..... N BND .....	3300 8000	
<b>§ 95.6045 VOR Federal Airway V45 Is Amended To Read in Part</b>			
BLUEFIELD, WV VOR/DME ..... *5500—MOCA	CHARLESTON, WV VOR/DME .....	* 6000	
CHARLESTON, WV VOR/DME .....	HENDERSON, WV VORTAC .....	3100	
<b>§ 95.6140 VOR Federal Airway V140 Is Amended To Read in Part</b>			
STACY, VA FIX ..... * 13000—MRA	* KENYA, WV FIX W BND ..... E BND .....	5000 5400	
* KENYA, WV FIX ..... * 13000—MRA	** BLUEFIELD, WV VOR/DME .....	5400	
** 7000—MCA BLUEFIELD, WV VOR/DME, E BND			
BLUEFIELD, WV VOR/DME ..... * 5600—MOCA	SOFTY, WV FIX .....	* 7000	

From		To		MEA
SOFTY, WV FIX ..... #UNUSABLE		CASTE, VA FIX .....		#000
CASTE, VA FIX .....		MONTEBELLO, VA VOR/DME .....		6000
<b>§ 95.6177 VOR Federal Airway V177 Is Amended To Read in Part</b>				
JOLIET, IL VORTAC .....		NUELG, IL FIX .....		2700
<b>§ 95.6244 VOR Federal Airway V244 Is Amended To Delete</b>				
ALTAM, CA FIX .....		BYRON, CA WP W BND .....		4500
		E BND .....		3500
BYRON, CA WP .....		MANTECA, CA VOR/DME .....		2000
MANTECA, CA VOR/DME .....		WRAPS, CA FIX E BND .....		3000
		W BND .....		2000
WRAPS, CA FIX .....		* DUCKE, CA WP .....		8000
* 12000—MCA DUCKE, CA WP, E BND				
DUCKE, CA WP .....		* NIKOL, CA FIX .....		15100
* 13000—MCA NIKOL, CA FIX, W BND				
<b>Is Amended To Read</b>				
ALTAM, CA FIX .....		HAIRE, CA FIX .....		4500
HAIRE, CA FIX .....		* LINDEN, CA VOR/DME .....		** 3000
* 3300—MCA LINDEN, CA VOR/DME, E BND				
* 2100—MOCA				
LINDEN, CA VOR/DME .....		* MERPH, CA FIX. W BND .....		6400
		E BND .....		15300
* 9800—MCA MERPH, CA FIX, E BND				
MERPH, CA FIX .....		* NIKOL, CA FIX .....		15300
* 13100—MCA NIKOL, CA FIX, W BND				
<b>§ 95.6325 VOR Federal Airway V325 Is Amended To Read in Part</b>				
COLUMBIA, SC VORTAC .....		BLANE, SC FIX .....		* 8000
* 2200—MOCA				
BLANE, SC FIX .....		VESTO, GA FIX .....		#
#UNUSABLE				
VESTO, GA FIX .....		ATHENS, GA VOR/DME .....		2500
<b>§ 95.6495 VOR Federal Airway V495 Is Amended To Read in Part</b>				
ALDER, WA FIX .....		* TOUTL, WA FIX .....		** 9000
* 9000—MCA TOUTL, WA FIX, N BND				
** 6800—MOCA				
** 7000—GNSS MEA				
TOUTL, WA FIX .....		BATTLE GROUND, WA VORTAC. N BND .....		** 9000
		S BND .....		** 5300
** 5300—GNSS MEA				
<b>§ 95.6519 VOR Federal Airway V519 Is Amended To Read in Part</b>				
*TELOC, VA FIX .....		BLUEFIELD, WV VOR/DME NE BND .....		6100
		SW BND .....		6900
* 13000—MRA				
BLUEFIELD, WV VOR/DME .....		BECKLEY, WV VORTAC .....		#* 9000
* 5900—MOCA				
* 5900—GNSS MEA				
#BECKLEY R-193 UNUSABLE USE BLUEFIELD R-010				
Airway segment				Changeover points
From	To		From	Distance
<b>§ 95.8003 VOR Federal Airway Changeover Point</b>				
<b>V244 Is Amended To Delete Changeover Point</b>				
MANTECA, CA VOR/DME .....		COALDALE, NV VORTAC .....		96
MANTECA				

[FR Doc. 2018-04082 Filed 2-27-18; 8:45 am]

BILLING CODE 4910-13-P

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs****25 CFR Part 170**[189D0102DRDS5A300000DR.5A311.  
IA000118]

RIN 1076-AF38

**Tribal Transportation Program; Delay of Compliance Date****AGENCY:** Bureau of Indian Affairs, Interior.**ACTION:** Final rule; confirmation.

**SUMMARY:** The Bureau of Indian Affairs (BIA) is confirming the interim final rule published on October 31, 2017, that delayed the deadline for Tribes to comply with Tribal Transportation Program requirements to collect data on proposed roads for the National Tribal Transportation Facility Inventory (NTTFI).

**DATES:** This rule is effective February 28, 2018.

**FOR FURTHER INFORMATION CONTACT:** Mr. LeRoy Gishi, Division of Transportation, Office of Indian Services, Bureau of Indian Affairs, (202) 513-7711, [leroy.gishi@bia.gov](mailto:leroy.gishi@bia.gov).

**SUPPLEMENTARY INFORMATION:**

## I. Summary of Rule

## II. Procedural Requirements

- A. Regulatory Planning and Review (E.O. 12866)
- B. Regulatory Flexibility Act
- C. Small Business Regulatory Enforcement Fairness Act
- D. Unfunded Mandates Reform Act
- E. Takings (E.O. 12630)
- F. Federalism (E.O. 13132)
- G. Civil Justice Reform (E.O. 12988)
- H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)
- I. Paperwork Reduction Act
- J. National Environmental Policy Act
- K. Effects on the Energy Supply (E.O. 13211)
- L. Clarity of This Regulation
- M. E.O. 13771: Reducing Regulation and Controlling Regulatory Costs

**I. Summary of Rule**

Regulations governing the Tribal Transportation Program published in 2016. *See* 81 FR 78456 (November 7, 2016). The regulations became effective on December 7, 2016, except for § 170.443, which required Tribes' compliance one year later: On November 7, 2017. Section 170.443 required Tribes to collect data for proposed roads to be added to, or remain in, the NTTFI.

On October 31, 2017, BIA published an interim final rule delaying the November 7, 2017, deadline for compliance with § 170.443 to November 7, 2019. *See* 82 FR 50312. The delay provides BIA with time to reexamine the need for this data collected in the NTTFI and consult with Tribes on whether revision or deletion of the data collection requirements in § 170.443 is appropriate. BIA received 38 comments in the Federal e-rulemaking docket for this rule, none of which were relevant. The final rule being published today therefore confirms the interim final rule and the delay of the compliance date to November 7, 2019.

**II. Procedural Requirements***A. Regulatory Planning and Review (E.O. 12866 and 13563)*

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) will review all significant rules. OIRA has determined that this rule is not significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The E.O. directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

*B. Regulatory Flexibility Act*

This rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) because Tribes are not small entities under the Regulatory Flexibility Act.

*C. Small Business Regulatory Enforcement Fairness Act*

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule:

(a) Does not have an annual effect on the economy of \$100 million or more because this rule affects only surface transportation for Tribes.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions because it does not affect costs or prices.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises because the rule addresses Tribal surface transportation within the United States.

*D. Unfunded Mandates Reform Act*

This rule does not impose an unfunded mandate on State, local, or Tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments or the private sector. A statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

*E. Takings (E.O. 12630)*

This rule does not affect a taking of private property or otherwise have taking implications under E.O. 12360. A takings implication assessment is not required.

*F. Federalism (E.O. 13132)*

Under the criteria in section 1 of E.O. 13132, this rule does not have sufficient Federalism implications to warrant the preparation of a summary impact statement, because the rule primarily addresses the relationship between the Federal Government and Tribes. A Federalism summary impact statement is not required.

*G. Civil Justice Reform (E.O. 12988)*

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

(a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and written to minimize litigation; and

(b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

*H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)*

The Department of the Interior strives to strengthen its government-to-government regulations with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. We

have evaluated this rule under the Department's consultation policy and have identified substantial direct effects on federally recognized Indian Tribes that will result from this rule. This rule will relieve a regulatory burden from Tribes and allow time for consultation on an appropriate replacement or deletion of regulatory requirements.

#### *I. Paperwork Reduction Act*

This rule contains information collection requirements, and the Office of Management and Budget (OMB) has approved the information collections under the Paperwork Reduction Act (PRA) under OMB Control Number 1076-0161, which expires December 31, 2019. Please note that an agency may not sponsor or request, and an individual need not respond to, a collection of information unless it displays a valid OMB Control Number.

#### *J. National Environmental Policy Act*

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act of 1969 ("NEPA", 42 U.S.C. 4321 *et seq.*) is not required because the rule is covered by a categorical exclusion. This rule is excluded from the requirement to prepare a detailed statement because it is a regulation of an administrative nature. (For further information, see 43 CFR 46.210(i)) We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

#### *K. Effects on the Energy Supply (E.O. 13211)*

This rulemaking is not a significant energy action under the definition in E.O. 13211. A Statement of Energy Effects is not required.

#### *L. Clarity of This Regulation*

We are required by Executive Orders 12866 (section 1(b)(12)), and 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one

of the methods listed in the **ADDRESSES** section. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you think lists or tables would be useful, etc.

#### *M. E.O. 13771: Reducing Regulation and Controlling Regulatory Costs*

This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

#### **List of Subjects in 25 CFR Part 170**

Highways and roads, Indians—lands.

■ For the reasons stated in the preamble, the interim final rule amending 25 CFR part 170 which was published at 82 FR 50312 on October 31, 2017, is adopted as final without change.

Dated: January 26, 2018.

#### **John Tahsuda,**

*Principal Deputy Assistant Secretary—Indian Affairs, exercising the authority of the Assistant Secretary—Indian Affairs.*

[FR Doc. 2018-04103 Filed 2-27-18; 8:45 am]

**BILLING CODE 4337-15-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

**[EPA-R05-OAR-2009-0805; EPA-R05-OAR-2012-0567; FRL-9974-88—Region 5]**

### **Air Plan Approval; Indiana; Indiana NSR/PSD; Indiana PM<sub>2.5</sub> NSR; Correction**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule; correcting amendment.

**SUMMARY:** This action corrects codification errors for New Source Review (NSR) and Prevention of Significant Deterioration (PSD) rules in the Indiana State Implementation Plan (SIP).

**DATES:** This final rule is effective on February 28, 2018.

**FOR FURTHER INFORMATION CONTACT:** Paymon Danesh, Environmental Engineer, Air Permits Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-6219, [danesh.paymon@epa.gov](mailto:danesh.paymon@epa.gov).

**SUPPLEMENTARY INFORMATION:** On two separate occasions, the Environmental Protection Agency (EPA) made inadvertent codification errors when it

approved revisions to Indiana's SIP. The first of these took place on October 29, 2012 (77 FR 65478). At that time, EPA approved revisions to Indiana's infrastructure SIP at 326 IAC 2-2-1 and 326 IAC 2-2-4, and amended the list of EPA-approved Indiana regulations at 40 CFR 52.770(c). In the final rule published in the **Federal Register** on October 29, 2012 (77 FR 65478), on page 65487, EPA mistakenly replaced a September 28, 2011 approval (76 FR 59899) of those Indiana SIP rules in their entirety, instead of adding new entries to the table in 40 CFR 52.770(c) to identify the approval of the updated portions of the rules. Furthermore, this updated portion of 326 IAC 2-2-4 was incorrectly cited at 40 CFR 52.770(c) as 326 IAC 2-2-4(b)(2)(vi), rather than 326 IAC 2-2-4(b)(2)(A)(vi).

The second action took place on July 2, 2014 (79 FR 37646). At that time, EPA approved revisions to Indiana's NSR and PSD regulations at 326 IAC 2-2-1 and 326 IAC 2-2-4 and amended the list of EPA approved Indiana regulations at 40 CFR 52.770(c). In the final rule published in the **Federal Register** on July 2, 2014 (79 FR 37646), on page 37649, EPA mistakenly perpetuated the error that originated in the October 29, 2012 approval (77 FR 65478): It omitted the previous September 28, 2011 approval (76 FR 59899) of those Indiana SIP rules in their entirety. EPA also did not change the incorrect citation of 326 IAC 2-2-4(b)(2)(A)(vi), as was stated in the Preamble. Furthermore, also on July 2, 2014 (79 FR 37646), EPA approved revisions to the Indiana SIP regarding Indiana's opacity rule at 326 IAC 5-1-5(b). On page 37649, EPA made a codification error at 40 CFR 52.770(c) in which the list of remaining approved portions of 326 IAC 5-1-5(b) from a previous November 8, 1998 rulemaking (67 FR 46589) were not updated.

This action amends the regulatory text to correct these errors. Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. We have determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because we are merely correcting incorrect citations in previous actions. Thus, notice and public procedure are unnecessary. We find that this constitutes good cause under 5 U.S.C. 553(b)(B).

**Statutory and Executive Order Reviews**

Under Executive Order (E.O.) 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and is therefore not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to E.O. 13211, “Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use” (66 FR 28355, May 22, 2001). This action is not an E.O. 13771 (82 FR 9339, February 2, 2017) regulatory action because this action is not significant under E.O. 12866. Because the agency has made a “good cause” finding that this action is not subject to notice-and-comment requirements under the Administrative Procedures Act or any other statute as indicated in the Supplementary Information section above, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). 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 UMRA. In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by E.O. 13175 (65 FR 67249, November 9, 2000). This rule 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 governments, as specified by E.O. 13132 (64 FR 43255, August 10, 1999). This rule also is not subject to

E.O. 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. This technical correction action does not involve technical standards; thus the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. The rule also does not involve special consideration of environmental justice related issues as required by E.O. 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of E.O. 12988 (61 FR 4729, February 7, 1996). EPA has complied with E.O. 12630 (53 FR 8859, March 15, 1998) by examining the takings implications of the rule in accordance with the “Attorney General’s Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to the public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA had made such a good cause finding, including the reasons therefore, and

established an effective date of February 28, 2018. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This correction to 40 CFR 52 for Indiana is not a “major rule” as defined by 5 U.S.C. 804(2).

**List of Subjects in 40 CFR Part 52**

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

Dated: February 14, 2018.

**Cathy Stepp**,  
Regional Administrator, Region 5.

Accordingly, 40 CFR part 52 is corrected by making the following correcting amendments:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

- 1. The authority citation for part 52 continues to read as follows:  
**Authority:** 42 U.S.C. 7401 *et seq.*
- 2. In § 52.770, the table in paragraph (c) is amended by:
  - a. Under “Article 2. Permit Review Rules”, “Rule 2. Prevention of Significant Deterioration Requirements”, revising the entries for 2–2–1 “Definitions” and 2–2–4 “Air quality analysis; requirements”; and
  - b. Under “Article 5. Opacity Regulations”, “Rule 1. Opacity Limitations”, revising the entries for 5–1–5 “Violations”.

The revisions read as follows:

**§ 52.770 Identification of plan.**  
\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED INDIANA REGULATIONS**

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*

**Article 2. Permit Review Rules**

EPA-APPROVED INDIANA REGULATIONS—Continued

Indiana citation	Subject	Indiana effective date	EPA approval date	Notes
*	*	*	*	*
<b>Rule 2. Prevention of Significant Deterioration (PSD) Requirements</b>				
2–2–1 ..	Definitions .....	3/16/2011	9/28/2011, 76 FR 59899 ....	(a) through (e), (f)(2) through (f)(3), (g) through (cc), (dd)(2) through (dd)(3), (ee)(1) through (ee)(2), (ff)(1) through (ff)(6), (gg)(1)(A) through (gg)(1)(B), (gg)(2) through (gg)(3), (hh) through (rr), (ss)(2) through (ss)(6), (tt) through (vv), (ww)(1)(A) through (ww)(1)(E), (ww)(1)(G) through (ww)(1)(W), (ww)(2), (xx) through (aaa).
2–2–1 ..	Definitions .....	7/11/2012	10/29/2012, 77 FR 65478 ..	(dd)(1), (ff)(7), (ss)(1), (ww)(1)(F) and (ww)(1)(G) only.
2–2–1 ..	Definitions .....	7/11/2012	7/2/2014, 79 FR 37646 .....	(f)(1), (ee)(3), and (gg)(1)(C) only.
*	*	*	*	*
2–2–4 ..	Air quality analysis; requirements.	3/16/2011	9/28/2011, 76 FR 59899 ....	(a), (b)(1), (b)(2)(A)(i) through (b)(2)(A)(iv), (b)(2)(A)(vi) through (b)(2)(A)(xiii), (b)(2)(B), (b)(3), (c)(1) through (c)(3), (c)(5) through (c)(7).
2–2–4 ..	Air quality analysis; requirements.	7/11/2012	10/29/2012, 77 FR 65478 ..	(b)(2)(A)(vi) only.
2–2–4 ..	Air quality analysis; requirements.	7/11/2012	7/2/2014, 79 FR 37646 .....	(c)(4) only.
*	*	*	*	*
<b>Article 5. Opacity Regulations</b>				
<b>Rule 1. Opacity Limitations</b>				
*	*	*	*	*
5–1–5 ..	Violations .....	6/11/1993	6/15/1995, 60 FR 31412 ....	(a) and (c).
5–1–5 ..	Violations .....	11/8/1998	7/16/2002, 67 FR 46589 ....	(b)(1)(A) through (b)(1)(D), (b)(1)(F) through (b)(1)(I), (b)(2) through (b)(11).
5–1–5 ..	Violations .....	7/11/2012	7/2/2014, 79 FR 37646 .....	(b)(1)(E) only.
*	*	*	*	*

\* \* \* \* \*  
 [FR Doc. 2018–03993 Filed 2–27–18; 8:45 am]  
 BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

[EPA–R05–OAR–2016–0397; FRL–9974–87—Region 5]

**Air Plan Approval; Illinois; Rule Part 225, Control of Emissions From Large Combustion Sources**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving a revision to the Illinois state implementation plan (SIP) to amend requirements applicable to certain coal-fired electric generating units (EGUs). These amendments require the Will County 3 and Joliet 6, 7, and 8 EGUs to permanently cease

combusting coal; allow other subject EGUs to cease combusting coal as an alternative means of compliance with mercury emission standards; allows the transfer of an existing sulfur dioxide (SO<sub>2</sub>) control technology requirement exemption from Joliet 6 EGU to Will County 4 EGU; require all subject EGUs to comply with a group annual nitrogen oxide (NO<sub>x</sub>) emission rate; and require only those subject EGUs that combust coal to comply with a group annual SO<sub>2</sub> emission rate. EPA proposed this action on August 31, 2017, and received two public comments in response.

**DATES:** This final rule is effective on March 30, 2018.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0397. All documents in the docket are listed on the [www.regulations.gov](http://www.regulations.gov) website. Although listed in the index, some information is not publicly available, *i.e.*, Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through [www.regulations.gov](http://www.regulations.gov) or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Charles Hatten, Environmental Engineer, (312) 886–6031 before visiting the Region 5 office.

**FOR FURTHER INFORMATION CONTACT:** Charles Hatten, Environmental Engineer, Control Strategy Section, Air Programs Branch (AR–18), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–6031, [hatten.charles@epa.gov](mailto:hatten.charles@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever

“we,” “us,” or “our” is used, we mean EPA. This supplementary information section is arranged as follows:

- I. Background
- II. Public Comment Received and EPA’s Response
- III. What action is EPA taking?
- IV. Incorporation by Reference
- V. Statutory and Executive Order Reviews

## I. Background

On June 24, 2011, Illinois EPA submitted to EPA state rules to address the visibility protection requirements of Section 169A of the Clean Air Act (CAA) and the regional haze rule, as codified in 40 CFR 51.308. This submission included the following provisions contained in Title 35 of the Illinois Administrative Code (IAC), Part 225 (Part 225): Sections 225.291, 225.292, 225.293, 225.295 and 225.296 (except for 225.296(d)), and Appendix A to Part 225. On July 6, 2012, EPA approved these provisions (77 FR 39943).

On June 23, 2016, Illinois submitted revisions to these rules and on January 9, 2017, Illinois submitted additional information explaining the revisions.<sup>1</sup> These rules are known as the “Combined Pollutant Standard,” and are codified at 35 IAC Part 225, Subpart B, titled “Control of Emissions from Large Combustion Sources” (CPS or Part 225 rules). The CPS provides certain EGUs an alternative means of compliance with the mercury emission standards in 35 IAC 225.230(a).<sup>2</sup> The CPS applies to EGUs at six power plants, which are identified in Appendix A to the CPS. Illinois is revising the CPS to address the conversion of certain EGUs to fuel other than coal.

On August 31, 2017 (82 FR 41376), EPA proposed to approve the revisions to the Illinois air pollution control rules at 35 IAC Part 225, specifically, sections 225.291, 225.292, 225.293, 225.295 (except for 225.295(a)(4)), and 225.296 (except for 225.296(d)) and 225 Appendix A. As discussed in the proposal, the revisions meet all applicable requirements under the CAA,

<sup>1</sup> Illinois’ final rule amended other state regulations, Parts 214 (Sulfur Limitations), and Part 217 (Nitrogen Oxide Emissions), and other portions of Part 225, that are not part of the Illinois SIP, and were not submitted to EPA as part of this action. Illinois stated in its statement of reasons for the final rule that these revisions are proposed to control emissions of sulfur dioxide (SO<sub>2</sub>) in and around areas designated as nonattainment with respect to the 2010 National Ambient Air Quality Standard (NAAQS), and are intended to aid Illinois’ attainment planning efforts for the 2010 SO<sub>2</sub> NAAQS.

<sup>2</sup> 35 IAC 225.230 contains Illinois’ mercury emission standards for EGUs, and is not part of the federally enforceable SIP.

consistent with section 110(k)(3) of the CAA and the regional haze rule. The implementation of CPS for the regional haze SIP rules show that the proposed revisions result in significant reductions of emissions of SO<sub>2</sub>, and no change or potential reductions in emissions of NO<sub>x</sub>. Additionally, although Illinois did not rely on emission reductions of particulate matter (PM) in its regional haze SIP submittal, the state has shown that the proposed SIP amendments should result in reductions of PM emissions. *Id.* at 41377–41378. Finally, with respect to the requirements of section 110(l) of the CAA, EPA has determined that the proposed SIP revisions will not interfere with attainment, reasonable further progress, or any other applicable requirement of the CAA because: (1) There are no proposed changes to any SIP emission limits, except to make the group wide SO<sub>2</sub> limit more stringent; (2) the transfer of an existing sulfur dioxide SO<sub>2</sub> control technology requirement exemption from Joliet 6 EGU to Will County 4 does not change the regional haze plan such that EPA’s assessment remains valid because Will County remains subject to the EGU group wide SO<sub>2</sub> emission limit; (3) the conversion of the EGUs from coal to natural gas will result in a significant decrease in emissions of SO<sub>2</sub>, no increase in emissions of NO<sub>x</sub>, and reductions in emissions of PM; and (4) the changes are consistent with Illinois’ long-term strategy for making reasonable progress toward meeting the visibility goals of Section 169A of the CAA contained in the state’s regional haze plan. *Id.* at 41379.

## II. Public Comments Received and EPA’s Response

EPA received two comments on the proposed approval of Illinois’ plan.

*Comment #1: Citizens Against Ruining the Environment (“CARE”),* a Will County, Illinois-based environmental education and advocacy organization, commented that “it is no longer necessary or advisable for U.S. EPA to include the Will County 4 exemption in this SIP revision.” As the commenter noted, under Illinois’ plan, Will County 4 is exempt from the requirement to either shut down or install FGD equipment to control SO<sub>2</sub> emissions.

In support of this assertion, the commenter notes that in 2016, Illinois EPA issued a Construction Permit to Midwest Generation, LLC authorizing the construction of a Dry Sorbent Injection (DSI) system on Will County 4. According to the commenter, DSI is a type of “dry flue gas desulfurization technology,” as defined by 40 CFR

63.10042. While recognizing that “the explicit and primary purpose” of this Construction Permit is “to control sulfur dioxide (SO<sub>2</sub>) emissions of the boiler,” the commenter also states that “a direct collateral benefit is . . . compliance with the NESHAP for Coal-and Oil-fired Electric Utility Steam Generating Units, 40 CFR 63 Subpart UUUU, as provided by 40 CFR 63.991(c).” The commenter goes on to list additional terms and conditions contained in the Construction Permit.

The commenter concludes that this “proposed SIP amendment is contrary to the manifest weight of the evidence because U.S. EPA does not acknowledge that MWG installed dry flue gas desulfurization technology at Will County 4. In light of this new factual information, there is no need for the amendment as it relates to the FGD exemption for Will County 4 . . . U.S. EPA’s new proposal to provide an FGD exemption for Will County 4 is moot, and an entirely unnecessary component of the proposed SIP amendments. Even worse, U.S. EPA’s uninformed decision to provide an unnecessary exemption could be used as a basis to justify the removal of *already installed* pollution control equipment.” (*emphasis in original*).

*EPA’s Response:* Illinois has shown that the proposed revisions to the CPS will result in equal if not more reasonable progress toward achieving natural visibility conditions in Class I areas under Illinois’ regional haze rules, given the net overall reduction in emissions from the conversion of certain EGUs to natural gas. In enacting the CAA, Congress found that air pollution prevention and air pollution control at its source is the primary responsibility of states and local governments. CAA section 101(a)(3). So long as the ultimate effect of a state’s choice of emission limitations is compliance with the national ambient air quality standards (NAAQS) and other applicable requirements, the State “is at liberty to adopt whatever mix of emission limitations it deems best suited to its particular situation.” *See, e.g., Train v. NRDC*, 421 U.S. 60, 79 (1975).

As documented in EPA’s analysis of the proposed rule, Illinois has met all applicable requirements under the CAA, and the proposed SIP revision is consistent with section 110 of the CAA. Illinois has shown that the revisions to the CPS will result in a reduction of more than 6,000 tons of SO<sub>2</sub> annually in 2017, and more than 4,500 tons of SO<sub>2</sub> annually in 2019 and subsequent years, beyond the emission reductions that would have occurred under the originally-approved CPS emission



standards. Furthermore, Illinois has shown that there will be no increase in emissions of NO<sub>x</sub>, and that there will likely be reductions in emissions of PM. Thus, Illinois has demonstrated that the revisions will not interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable requirement of the CAA, consistent with section 110(l) of the CAA.

More specifically, EPA approved the FGD exemption for Joliet 6 in Illinois' original regional haze plan as meeting the statutory requirements of the CAA, so that "transferring" this exemption to Will County 4 does not change the plan such that EPA's original assessment is altered (82 FR 41376–41378). This is because Will County 4 remains subject to the EGU group wide SO<sub>2</sub> emission limit, which has not changed under the originally-approved CPS emission standards. Additionally, Joliet 6 has been converted to natural gas, which results in substantially less SO<sub>2</sub> emissions than burning coal, and contributes to the overall decrease in SO<sub>2</sub> emission reductions relative to the original regional haze plan that EPA approved. Thus, the state has the legal authority to make this "reallocation," as it has demonstrated that the NAAQS will be protected, and the reallocation does not change the basis for EPA's original approval of Illinois' regional haze plan.

Furthermore, EPA does not agree that approval of the SIP revision will ultimately result in the removal of the DSI system at Will County 4. Midwest Generation, LLC installed the DSI system to control SO<sub>2</sub> emissions, and uses it to meet the group average annual average SO<sub>2</sub> emission rates required by the CPS. It is also likely that Will County 4 will need to operate the DSI system to achieve the required hydrochloric acid emission rates under the Mercury and Air Toxics Standards (MATS) rule. As noted by the commenter, "although the explicit and primary purpose" of the Construction Permit is to control SO<sub>2</sub> emissions of the boiler, "a direct collateral benefit" of the Construction Permit is "namely, compliance with the [MATS rule]."

Additionally, because Midwest Generation has already installed the DSI system and is operating it pursuant to the Construction Permit, removal of the DSI system is a physical change. Any physical change to Will County 4 must be reviewed for applicability under the state's permitting program. If Midwest Generation removes the DSI system, it would be required to evaluate the resulting increases in actual emissions, including SO<sub>2</sub>, to determine whether

additional control technology would be required. In addition, the emission limits that apply to the facility will continue to apply regardless of the status of the DSI system.

*Comment #2:* Another commenter stated that the proper term to mean pounds per million British thermal units should be expressed as "lbs/MMBtu" instead of "lbs/mmBtu."

*EPA's Response:* The commenter provides useful background information on how the term "pounds per million British thermal units" should be abbreviated, but the comment does not directly address the approvability of Illinois' plan. The abbreviation for the term "million British thermal units," can be expressed in more than one way.

EPA abbreviated pounds per million British thermal units as "lbs/mmBtu" in our proposed approval of Illinois' revisions to the CPS published on August 31, 2017. The use of that term merely reflects the use of that abbreviation in the state's regulations to mean pounds per million British thermal units. EPA used "lbs/mmBtu" consistently throughout the rule so it is unlikely that there would be any confusion.

### III. What action is EPA taking?

EPA is approving the revisions to the Illinois air pollution control rules at 35 IAC Part 225, specifically, sections 225.291, 225.292, 225.293, 225.295 (except for 225.295(a)(4)), and 225.296 (except for 225.296(d)) and 225.Appendix A. Illinois EPA submitted the revisions to Part 225 on June 23, 2016, and submitted supplemental information on January 9, 2017.

Illinois' final rule also included revisions to Parts 214 (Sulfur Limitations) and 217 (Nitrogen Oxide Emissions), and other sections of the Part 225 rules. At Illinois' request, EPA is not taking any action on those revisions, and, as noted above, on Illinois' addition of 35 IAC 225.295(a)(4).

### IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Illinois Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through [www.regulations.gov](http://www.regulations.gov), and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.<sup>3</sup>

### V. Statutory and Executive Order Reviews

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

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

<sup>3</sup> 62 FR 27968 (May 22, 1997).

application of those requirements would be inconsistent with the CAA; and

- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a

report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 30, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by

reference, Intergovernmental relations, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

Dated: February 14, 2018.

**Cathy Stepp,**

*Regional Administrator, Region 5.*

40 CFR part 52 is amended as follows:

**PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

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

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

■ 2. In § 52.720, the table in paragraph (c) is amended under “Part 225: Control of Emissions From Large Combustion Sources”, by revising the entries for sections 225.291, 225.292, 225.293, 225.295, and 225.296 and 225.Appendix A to read as follows:

**§ 52.720 Identification of plan.**

\* \* \* \* \*  
(c) \* \* \*

**EPA-APPROVED ILLINOIS REGULATIONS AND STATUTES**

Illinois citation	Title/subject	State effective date	EPA approval date	Comments
* * * * *				
<b>Part 225: Control of Emissions From Large Combustion Sources</b>				
* * * * *				
225.291 .....	Combined Pollutant Standard: Purpose	12/7/2015	2/28/2018, [Insert <b>Federal Register</b> citation].	
225.292 .....	Applicability of the Combined Pollutant Standard.	12/7/2015	2/28/2018, [Insert <b>Federal Register</b> citation].	
225.293 .....	Combined Pollutant Standard: Notice of Intent.	12/7/2015	2/28/2018, [Insert <b>Federal Register</b> citation].	
225.295 .....	Combined Pollutant Standard: Emission Standards for NO <sub>x</sub> and SO <sub>2</sub> .	12/7/2015	2/28/2018, [Insert <b>Federal Register</b> citation].	Except (a)(4).
225.296 .....	Combined Pollutant Standard: Control Technology Requirements for NO <sub>x</sub> , SO <sub>2</sub> , and PM Emissions.	12/7/2015	2/28/2018, [Insert <b>Federal Register</b> citation].	Except (d).
* * * * *				
225.Appendix A .....	Specified EGUs for Purposes of the CPS Coal-Fired Boilers as of July 1, 2016.	12/7/2015	2/28/2018, [Insert <b>Federal Register</b> citation].	
* * * * *				

**ENVIRONMENTAL PROTECTION AGENCY****40 CFR Part 180**

[EPA-HQ-OPP-2017-0257; FRL-9972-63]

**Titanium Dioxide; Exemption From the Requirement of a Tolerance****AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Final rule.

**SUMMARY:** This regulation establishes an exemption from the requirement of a tolerance for residues of titanium dioxide (CAS Reg. No. 13463-67-7) in pre-harvest crops when used as an inert ingredient (colorant) at a concentration of not more than 45% in foliar applications of pesticide formulations containing anthraquinone. Landis International, Inc., on behalf of Arkion Life Sciences, LLC submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting establishment of an exemption from the requirement of a tolerance. This regulation eliminates the need to establish a maximum permissible level for residues of titanium dioxide resulting from this use.

**DATES:** This regulation is effective February 28, 2018. Objections and requests for hearings must be received on or before April 30, 2018, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2017-0257, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

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

**SUPPLEMENTARY INFORMATION:****I. General Information***A. Does this action apply to me?*

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

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

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

You may access a frequently updated electronic version of 40 CFR part 180 through the Government Printing Office's e-CFR site at [http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab\\_02.tpl](http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl).

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

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2017-0257 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before April 30, 2018. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2017-0257, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be CBI or other information whose disclosure is restricted by statute.

- *Mail:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

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

**II. Petition for Exemption**

In the **Federal Register** of September 15, 2017 (82 FR 43352) (FRL-9965-43), EPA issued a document pursuant to FFDCA section 408, 21 U.S.C. 346a, announcing the filing of a pesticide petition (PP IN-11010) by Landis International, Inc., on behalf of Arkion Life Sciences, LLC., 551 Mews Drive, Suite J, New Castle DE 19720. The petition requested that 40 CFR 180.920 be amended by establishing an exemption from the requirement of a tolerance for residues of titanium dioxide (CAS Reg. No. 13463-67-7) in pre-harvest crops when used as an inert ingredient (colorant) at a concentration not more than 45% by weight in pesticide formulations containing anthraquinone. That document referenced a summary of the petition prepared by Landis International Inc., on behalf of Arkion Life Sciences, LLC, the petitioner, which is available in the docket, <http://www.regulations.gov>. There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA is establishing an exemption from the requirement of a tolerance in 40 CFR 180.1195, instead of 40 CFR 180.920 as requested. Exemptions under section 180.920 cover residues applied to growing crops. Because the petitioner requested an exemption to cover residues only in pre-harvest crops with foliar pesticide applications containing anthraquinone, the Agency has determined that the broader exemption in section 180.920 is not appropriate. For ease of reference, the Agency is establishing this exemption in section 180.1195, which contains other limited exemptions for residues of titanium dioxide.

### III. Inert Ingredient Definition

Inert ingredients are all ingredients that are not active ingredients as defined in 40 CFR 153.125 and include, but are not limited to, the following types of ingredients (except when they have a pesticidal efficacy of their own):

Solvents such as alcohols and hydrocarbons; surfactants such as polyoxyethylene polymers and fatty acids; carriers such as clay and diatomaceous earth; thickeners such as carrageenan and modified cellulose; wetting, spreading, and dispersing agents; propellants in aerosol dispensers; microencapsulating agents; and emulsifiers. The term "inert" is not intended to imply nontoxicity; the ingredient may or may not be chemically active. Generally, EPA has exempted inert ingredients from the requirement of a tolerance based on the low toxicity of the individual inert ingredients.

### IV. Aggregate Risk Assessment and Determination of Safety

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

EPA establishes exemptions from the requirement of a tolerance only in those cases where it can be clearly demonstrated that the risks from aggregate exposure to pesticide chemical residues under reasonably foreseeable circumstances will pose no appreciable risks to human health. In order to determine the risks from aggregate exposure to pesticide inert ingredients, the Agency considers the toxicity of the inert in conjunction with possible exposure to residues of the inert ingredient through food, drinking water, and through other exposures that

occur as a result of pesticide use in residential settings. If EPA is able to determine that a finite tolerance is not necessary to ensure that there is a reasonable certainty that no harm will result from aggregate exposure to the inert ingredient, an exemption from the requirement of a tolerance may be established.

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

#### A. Toxicological Profile

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

The available toxicity studies on titanium dioxide via the oral route of exposure clearly demonstrate a lack of toxicity. The several studies in mice, rats, dogs, cats, rabbits and other species of varying durations do not indicate toxicity, even at very high doses (e.g. 50,000 ppm or 2,500 mg/kg/day dietary exposure for two years in rats). There are no studies on the dermal toxicity of titanium dioxide and there is no expected toxicity via the dermal route of exposure because as an insoluble solid material, titanium dioxide is not absorbed via the skin.

The available inhalation studies indicate that the primary toxicity of titanium dioxide is due to deposition of the inhaled particles. Although these studies suggest equivocal evidence of carcinogenicity due to prolonged exposure to titanium dioxide particles, EPA has determined that these effects are not relevant for assessing risk from exposure to titanium dioxide when used as an inert ingredient in pesticide formulations based on the following. First, tumors were only observed in two of the available studies and only in one species. In one study, those tumors were only observed in rats continually exposed to ultrafine particles of titanium dioxide. In the second study, tumors were only observed from

exposure to fine particles of titanium dioxide at extremely high concentrations (250 mg/m<sup>3</sup>), in which the animals experienced overloading of lung clearance, with chronic inflammation resulting in lung tumors. All but one of the tumors in the second study were subsequently reclassified as non-neoplastic or non-cancerous in nature. No tumors were observed in studies involving mice.

The titanium dioxide used in pesticide formulations is considered pigmentary grade, not ultrafine or nanoscale. Consequently, the tumors observed from exposure to ultrafine particles of titanium dioxide are not relevant for assessing exposure to the type of titanium dioxide used in pesticide formulations. Following the reclassification of the tumors observed in the second inhalation study, EPA does not consider these effects to be strong evidence of carcinogenicity from exposure to fine-particle-sized titanium dioxide. Even assuming this study indicates the potential for carcinogenicity, EPA does not expect any reasonably foreseeable uses of titanium dioxide in pesticide formulations that might result in residential exposures to approach the levels of exposure necessary to elicit the effects seen in the available inhalation study. The levels at which effects were observed in that study greatly exceed any reasonable dose for toxicity testing and any likely residential exposure levels. Moreover, when used as an inert in pesticide formulations, titanium dioxide will be bound to other materials, which means there will not be significant inhalation exposure to titanium dioxide particles themselves.

This position is consistent with the National Institute of Occupational Health and Safety's (NIOSH) recent assessment that ultrafine but not fine titanium dioxide would be considered a "potential occupational carcinogen." The NIOSH Current Intelligence Bulletin "Occupational Exposure to Titanium Dioxide" concludes that "[t]he lung tumors observed in rats after exposure to 250 mg/m<sup>3</sup> of fine TiO<sub>2</sub> [titanium dioxide] were the basis for the original NIOSH designation of TiO<sub>2</sub> as a "potential occupational carcinogen." However, because this dose is considered to be significantly higher than currently accepted inhalation toxicology practice, NIOSH concluded that the response at such a high dose should not be used in making its hazard identification." NIOSH concluded that the data is insufficient to classify fine titanium dioxide as a potential occupational carcinogen.

Because the predominant form of titanium dioxide used commercially, and the form used as an inert ingredient in pesticide formulations is pigment grade, which is not in the ultrafine or nanoscale particle size range but rather in the fine particle size range, EPA concludes that carcinogenicity is not a concern from exposure to titanium dioxide resulting from its use as an inert ingredient in pesticides.

Specific information on the studies received and the nature of the adverse effects caused by titanium dioxide as well as the no-observed-adverse-effect level (NOAEL) and the lowest-observed-adverse-effect level (LOAEL) from the toxicity studies are discussed in the final rule published in the **Federal Register** of July 27, 2012 (77 FR 44151) (FRL-9354-6) and in the Agency's risk assessment which can be found at <http://www.regulations.gov> in document Titanium Dioxide; Human Health Risk Assessment and Ecological Effects Assessment to Support Proposed Exemption from the Requirement of a Tolerance When used as an Inert Ingredient in Pesticide Formulations in docket ID number EPA-HQ-OPP-2017-0257.

#### *B. Toxicological Points of Departure/ Levels of Concern*

Because the available data indicate no toxicity via the oral route of exposure, no endpoint of concern for that route of exposure has been identified in the available database. This conclusion is in agreement with the conclusion of the World Health Organization (WHO) Committee on Food Coloring Materials that no Acceptable Daily Intake (ADI) need be set for the use of titanium dioxide based on the range of acute, sub-acute, and chronic toxicity assays, all showing low mammalian toxicity. Similarly, no significant toxicity of titanium dioxide is expected via the dermal route of exposure, so no endpoint was identified.

Because the effects seen in inhalation studies occurred at doses above the levels at which pesticide exposure is expected and for particle sizes that are different from the size of titanium dioxide used in pesticide formulations, the Agency has concluded that those risks are not relevant for assessing risk from pesticide exposure and therefore, did not identify an endpoint for assessing inhalation exposure risk.

#### *C. Exposure Assessment*

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to titanium dioxide, EPA considered exposure under the proposed exemption from the

requirement of a tolerance and all other existing exemptions from the requirement of a tolerance for residues of titanium dioxide. EPA assessed dietary exposures from titanium dioxide in food as follows:

Residues of titanium dioxide are exempt from the requirement of a tolerance when used as an inert ingredient in many different circumstances: When used in pesticide formulations applied to growing crops as a pigment/coloring agent in plastic bags used to wrap growing bananas or colorant on seeds for planting (40 CFR 180.920); when used in pesticide formulations applied to animals (40 CFR 180.930); when used as a Ultraviolet (UV) protectant in microencapsulated formulations of the insecticide lambda-cyhalothrin at no more than 3.0% by weight (40 CFR 180.1195); when used as a UV stabilizer in pesticide formulations of napropamide at no more than 5% of the product formulation (40 CFR 180.1195); and when used in pesticide placed at entrance to bee hives intended to control varroa mites in hive at a maximum of 0.1% weight/weight (wt/wt) (40 CFR 180.1195). Titanium dioxide is also approved for use as a colorant in food (21 CFR 73.575); in drugs (21 CFR 73.1575); and in cosmetics (21 CFR 73.2575 and 73.3126).

Although dietary exposure may be expected from use of titanium dioxide in pesticide formulations applied to bee hives and on other crops (as well as from other non-pesticidal sources), a quantitative exposure assessment for titanium dioxide was not conducted because no endpoint of concern was identified in the database.

2. *Dietary exposure from drinking water.* Since a hazard endpoint of concern was not identified for the acute and chronic dietary assessment, a quantitative dietary exposure risk assessment for drinking water was not conducted, although exposures from drinking water may be expected from use on food crops.

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., textiles (clothing and diapers), carpets, swimming pools, and hard surface disinfection on walls, floors, tables).

Titanium dioxide may be used in non-pesticide products such as paints, printing inks, paper and plastic products around the home. Additionally titanium dioxide may be used as an inert ingredient in pesticides that include residential uses, however based on the discussion in Unit IV.B., a

quantitative residential exposure assessment for titanium dioxide was not conducted.

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

Because titanium dioxide does not have a toxic mode of action or a mechanism of toxicity, this provision does not apply.

#### *D. Safety Factor for Infants and Children*

Due to titanium dioxide's low potential hazard and the lack of a hazard endpoint, it was determined that a quantitative risk assessment using safety factors applied to a point of departure protective of an identified hazard endpoint is not appropriate for titanium dioxide. For the same reasons that a quantitative risk assessment based on a safety factor approach is not appropriate for titanium dioxide, a Food Quality Protection Act Safety Factor (FQPA SF) is not needed to protect the safety of infants and children.

#### *E. Aggregate Risks and Determination of Safety*

Taking into consideration all available information on titanium dioxide, EPA has determined that there is a reasonable certainty that no harm to any population subgroup will result from aggregate exposure to titanium dioxide under reasonable foreseeable circumstances. Therefore, the establishment of an exemption from tolerance under 40 CFR 180.1195 for residues pre-harvest crops of titanium dioxide, when used as an inert ingredient (colorant) up to 45% in foliar pesticide formulations containing anthraquinone, is safe under FFDCA section 408.

#### **V. Analytical Enforcement Methodology**

Although EPA is establishing a limitation on the amount of titanium dioxide that may be used in pesticide formulations, an analytical enforcement methodology is not necessary for this exemption from the requirement of tolerance. The limitation will be enforced through the pesticide registration process under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. 136 *et seq.* EPA will not register any pesticide for sale or distribution for use in pre-harvest crops

with concentrations of titanium dioxide exceeding 45% by weight of the formulations containing anthraquinone.

## VI. Conclusions

Therefore, an exemption from the requirement of a tolerance is established under 40 CFR 180.1195 for titanium dioxide (CAS Reg. No. 13463-67-7) when used as an inert ingredient (colorant) up to 45% in foliar pesticide formulations containing anthraquinone.

## VII. Statutory and Executive Order Reviews

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

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

This action directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of

power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled “Federalism” (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled “Consultation and Coordination with Indian Tribal Governments” (65 FR 67249, November 9, 2000) do not apply to this action. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act (UMRA) (2 U.S.C. 1501 *et seq.*).

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

## VIII. Congressional Review Act

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

### List of Subjects in 40 CFR Part 180

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

Dated: February 15, 2018.

**Michael L. Goodis,**

*Director, Registration Division, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

### PART 180—[AMENDED]

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

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

■ 2. Section 180.1195 is amended by adding paragraph (c) to read as follows:

#### § 180.1195 Titanium dioxide.

\* \* \* \* \*

(c) Titanium dioxide (CAS Reg. No. 13463-67-7) is exempted from the requirement of a tolerance for residues in or on growing crops, when used as an inert ingredient (colorant) in foliar applications at no more than 45% of the formulations containing anthraquinone.

[FR Doc. 2018-04108 Filed 2-27-18; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 10

[PS Docket Nos. 15-91, 15-94; FCC 18-4]

### Wireless Emergency Alerts; Emergency Alert System

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** This document adopts revisions to Wireless Emergency Alert (WEA) rules to improve utility of WEA as a life-saving tool. By this action, the Commission adopts rules that will improve the accuracy with which Participating CMS Providers transmit Alert Messages to the specified target area. This document also adopts rules to preserve Alert Messages on mobile devices, inform consumers about WEA capabilities at the point of sale, define participation in WEA, and extend the compliance deadline for Spanish language alerting. Through this action, the Commission hopes to empower state and local alert originators to utilize WEA during emergencies.

**DATES:** *Effective dates:* The amendments to §§ 10.10 and 10.210 are effective April 30, 2018. The amendments to §§ 10.450 and 10.500 are effective November 30, 2019. The amendment to § 10.240 contains new or modified information collection requirements and will not be effective until those information collection requirements are approved by the Office of Management and Budget. The Federal Communications Commission will publish a document in the **Federal Register** announcing the effective date for the section.

*Compliance dates:* Participating CMS Providers must comply with the new point of sale disclosure rules by November 30, 2019, or as specified by publication in the **Federal Register** of a document announcing approval by the Office of Management and Budget (OMB) and the relevant effective date, whichever is later. CMS Providers are required to update their WEA election status within June 28, 2018 of a document announcing approval by the Office of Management and Budget of the modified information collection requirements.

*Applicability date:* The requirement to support Spanish language Alert Messages in § 10.480 is applicable beginning May 1, 2019.

**FOR FURTHER INFORMATION CONTACT:** James Wiley, Attorney Advisor, Cybersecurity and Communications

Reliability Division, Public Safety and Homeland Security Bureau, at 202-418-1678, or by email at [James.Wiley@fcc.gov](mailto:James.Wiley@fcc.gov). For additional information concerning the information collection requirements contained in this document, send an email to [PRA@fcc.gov](mailto:PRA@fcc.gov) or contact Nicole Ongele, Office of Managing Director, Performance Evaluation and Records Management, 202-418-2991, or by email to [PRA@fcc.gov](mailto:PRA@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Second Report and Order and Second Order on Reconsideration (*Second Report and Order*) in PS Docket No. 15-91, No. 15-94, FCC 18-4, released on January 31, 2018. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY-1257), 445 12th Street SW, Washington, DC 20554, or online at: [https://transition.fcc.gov/Daily\\_Releases/Daily\\_Business/2018/db0131/FCC-18-4A1.pdf](https://transition.fcc.gov/Daily_Releases/Daily_Business/2018/db0131/FCC-18-4A1.pdf). The rules in this part are issued pursuant to the authority contained in the Warning, Alert, and Response Network Act, Title VI of the Security and Accountability for Every Port Act of 2006, Public Law 109-347, Titles I through III of the Communications Act of 1934, as amended, and Executive Order 13407 of June 26, 2006, Public Alert and Warning System, 71 FR 36975 (2006).

## Synopsis

1. In this *Second Report and Order*, the Federal Communication Commission takes measures to enhance the effectiveness of Wireless Emergency Alerts (WEA). In particular, the Commission improves the accuracy with which emergency managers can geographically target the delivery of WEA Alert Messages to areas within their jurisdiction. New rules will ensure that consumers will continue to be able to retrieve and review Alert Message content for 24 hours from receipt. The *Order* also defines what it means for a Commercial Mobile Service (CMS) Provider to participate in WEA "in whole" versus "in part." In the *Second Order on Reconsideration*, the Commission aligns the deadline for supporting Alert Messages initiated in Spanish with the deadline for extending the length of WEA messages from 90 to 360 characters.

## I. Background

2. The WEA system is a tool for authorized federal, state and local government entities to geographically target alerts and warnings to the WEA-

capable mobile devices of Participating CMS Providers' subscribers. The Warning Alert and Response Network (WARN) Act gives the Federal Communications Commission (Commission) authority to adopt "relevant technical standards, protocols, procedures and other technical requirements" governing WEA. In September 2016, the Commission adopted the *WEA Report and Order*, 81 FR 75710 (Nov. 1, 2016), which included requirements to support Spanish language Alert Messages. It also adopted the *WEA Further Notice of Proposed Rulemaking (WEA FNPRM)*, 81 FR 78539 (Nov. 8, 2016), seeking comment on measures to further improve emergency managers' ability to geographically target (geo-target) Alert Messages; to preserve Alert Messages on mobile devices for consumer review until they expire; and to define the extent of participation in WEA.

## II. Discussion

3. *Geo-targeting of Alert Messages.* This *Order* requires Participating CMS Providers to deliver Alert Messages to an area that matches the target area specified by alert originators, as proposed in the *WEA FNPRM*. The record demonstrates a compelling public interest need for WEA Alert Messages to be delivered in a more geographically targeted manner. Emergency managers and others emphasize that more accurate geo-targeting will encourage alert originators to use WEA, enable them to use WEA to more effectively motivate consumers to take protective actions, and will reduce the potential for over-alerting and subscriber opt-out of receiving WEA Alert Messages. In addition to supporting the need for more stringent geo-targeting requirements, the majority of commenters indicate that it is technically feasible to match delivery of WEA Alert Messages to an area prescribed by the alert originator. The *Order* defines "matching" the target area as delivering an Alert Message to 100 percent of the target area with no more than 0.1 of a mile overshoot. The majority of emergency managers support this degree of geo-targeting accuracy as sufficient to meet their alerting needs. The *Order* does not specify the technological approach Participating CMS Providers should take to comply with this geo-targeting requirement.

4. The *Order* acknowledges that, in certain circumstances, a Participating CMS Provider may be technically incapable of matching the target area. These circumstances include when the target area is outside of the Participating CMS Provider's network coverage area,

when mobile devices have location services disabled, and when legacy networks or devices cannot be updated to support this functionality. These circumstances do not include where a CMS Provider cannot match the target area using network-based solutions and declines to pursue other available technologies. Furthermore, the Commission expects network infrastructure constraints to more granular geo-targeting will be a time limited issue.

5. If some or all of a Participating CMS Provider's network infrastructure is technically incapable of matching the specified target area, Participating CMS Providers must deliver the Alert Message to an area that best approximates the target area on and only on those aspects of its network infrastructure that are incapable of matching the target area. Any Participating CMS Provider that is technically capable of matching the target area is required to do so. Inability to comply with this rule by November 30, 2019 does not constitute technical incapability. In addition, a Participating CMS Provider must match only the portion of the target area that falls within its network's coverage area. The *Order* clarifies that CMS Providers are no longer allowed to transmit an Alert Message to an area no larger than the propagation area of a single transmission site.

6. The requirement to match the target area applies only to new mobile devices offered for sale after November 30, 2019 and to existing devices capable of being upgraded to support this matching standard. For existing mobile devices that cannot be upgraded, Participating CMS Providers must deliver the Alert Message to their "best approximation" of the target area. These devices will still be considered "WEA-capable" as of November 30, 2019, as long as the CMS Provider delivers Alert Messages to these devices using its "best approximation" of the target area. WEA-capable mobile devices with location services turned off (or otherwise unavailable) at the time of the Alert Message receipt should display the Alert Message by default, provided they are within a Participating CMS Provider's best approximation of the target area.

7. In matching the target area, Participating CMS Providers may not limit emergency managers' ability to use the full 360 characters of alphanumeric text allocated for displayable WEA Alert Messages. The record indicates that it is technically feasible for Participating CMS Providers to transmit polygon coordinates to mobile devices without

affecting the 360-character allotment for displayable Alert Message text, by using lossless compression techniques or limiting the number of vertices used to describe the target area. The *Order* specifies that Participating CMS Providers that choose to use device-based geo-fencing to match the target area are only required to transmit 76 vertices of up to four decimal places specifying the target area to a mobile device.

8. The *Order* requires Participating CMS Providers to comply with this requirement by November 30, 2019. The record indicates that enhanced geo-targeting can be implemented sooner than the 42 months proposed in the *WEA FNPRM*. In light of this record, and the urgent public safety benefits of enhanced geo-targeting, we find that the November 30, 2019 compliance deadline is feasible and in the public interest. The Commission expects the industry to move expeditiously to meet the November 30, 2019 compliance deadline. However, if the standards process is delayed or prolonged through no fault of a Participating CMS provider, the Commission may consider waiver of this requirement.

9. *Consumer Disclosure Requirements*. Section 10.240 of the Commission's rules requires that CMS Providers participating in WEA "in part" provide notice to consumers that WEA may not be available on all devices or within the entire service area, as well as details about the availability of WEA service. The *Order* further requires CMS Providers participating in WEA "in part" to disclose the extent to which enhanced geo-targeting is available on their network and devices at the point of sale, and the benefits of enhanced geo-targeting. These disclosures will allow consumers to make more informed choices about their ability to receive WEA Alert Messages that are relevant to them. The Commission suggests, but does not require, that Participating CMS Providers disclose to consumers at the point of sale that if they have not enabled location services on their devices, they may receive Alert Messages that are not relevant to them. Participating CMS Providers must comply with these enhanced disclosure rules by November 30, 2019, or as specified by publication in the **Federal Register** of a document announcing approval by the Office of Management and Budget (OMB) and the relevant effective date, whichever is later.

10. *Preservation of Alert Messages*. The *Order* adopts the *WEA FNPRM*'s proposal to amend § 10.500 of the WEA rules to state that WEA-capable mobile

devices must preserve Alert Messages in a consumer-accessible format and location for at least 24 hours after the Alert Message is received on the subscriber's mobile device, or until deleted by the subscriber. The record shows that allowing consumers to review Alert Messages after they have been dismissed can improve comprehension of potentially life-saving information. Commenters indicate that it is feasible to preserve Alert Messages, and that some WEA-capable mobile devices are already capable of preserving Alert Messages. For those mobile devices that do not currently preserve Alert Messages, the record shows this capability can be enabled through a software update.

11. The *Order* require Participating CMS Providers to comply with this requirement by November 30, 2019. The record shows that 22 months is sufficient time for Participating CMS Providers to implement the software update needed to enable this functionality—and making this requirement align with the precise geo-targeting requirement should ease administration and oversight. Because the *Order* does not mandate a uniform approach to the preservation of Alert Messages, compliance with this requirement does not implicate changes to the provision of WEA that would necessitate standards development. Accordingly, the *Order* concludes that it is both feasible and in the public interest to require this functionality on WEA-capable mobile devices by November 30, 2019.

12. *Defining WEA Participation*. As proposed in the *WEA FNPRM*, the *Order* amends § 10.10 of the Commission's rules to state that CMS Providers participate in WEA "in whole" when they agree to transmit WEA Alert Messages in a manner consistent with the technical standards, protocols, procedures, and other technical requirements implemented by the Commission in the entirety of their geographic service area, and when all mobile devices that they offer at the point of sale are WEA-capable. It further amends § 10.10 to state that CMS Providers participate in WEA "in part" when they agree to transmit WEA Alert Messages in a manner consistent with the technical standards, protocols, procedures, and other technical requirements implemented by the Commission in some, but not in all, of their geographic service areas, or not all mobile devices that they offer at the point of sale are WEA-capable. The *Order* clarifies that CMS Providers that participate in WEA "in part" need not offer WEA on all devices available at the

point of sale. These definitions will provide greater clarity to consumers about the availability of WEA service on networks and devices.

13. These definitions will become effective 60 days from their publication in the **Federal Register**. Commenters agree that CMS Providers should be required to renew their elections, if necessary to remain accurate and consistent with these definitions. Accordingly, the *Order* allows CMS Providers 120 days from the date of publication in the **Federal Register** of a document announcing approval by the Office of Management and Budget of the modified information collection requirements to update their WEA election status. This renewal will ensure that Participating CMS Providers' election notices are consistent with the definitions of "in whole" and "in part" participation adopted in this *Order*, and will promote public awareness and understanding of CMS Provider participation.

14. *Second Order on Reconsideration*. The *Second Order on Reconsideration* grants CTIA's request that the Commission extend the compliance deadline for supporting Spanish-language Alert Messages from two years to 30 months from the rule's publication in the **Federal Register**, to be consistent with the deadline for the rule that CMS Providers support WEA messages of up to 360 characters in length. The *Order* concludes that aligning the Spanish-language alert implementation compliance timeframe with the 360-character length requirement timeframe will both ensure that Spanish-language alerts are as effective as possible and will reduce costs for Participating CMS Providers. Absent such relief, Participating CMS Providers would have to incur separate costs of testing for both Spanish-language and 360-character WEA messages. Accordingly, the *Order* finds that extending the compliance deadline for Spanish-language alerting is in the public interest. This requirement will become applicable beginning May 1, 2019.

15. *Cost and Benefit Analysis*. The *Order* shows that the benefits from the improvements to WEA adopted in the *Order* should exceed their cost. The *Order* estimates the cost burden on CMS Providers as \$41 million. This cost results mainly from modifications to standards and software. The *Order* estimates that the public safety benefit of the rules adopted in this *Order* will be in excess of these costs. This assessment of costs is based on the quantitative framework described in the *WEA FNPRM*, which no commenter opposed. The *WEA FNPRM* sought



comment on the costs and benefits of the proposed rules, but the Commission received a sparse record in response, including no dollar figure estimates.

16. *Costs.* The *Order* finds that the primary cost incurred by these rules will stem from the *Order's* enhanced geo-targeting requirement. In the *WEA FNPRM*, the Commission estimated that the rules could present a \$41 million one-time cost to all Participating CMS Providers, which includes \$1,140,000 for updating standards and specifications, \$39,680,000 for new or modified software, \$20,000 for recordkeeping costs, and a small incremental cost for consumer disclosure.

17. The cost of modifying an existing standard is less than the cost of creating a new standard. Assuming that enhanced geo-targeting will require the development of three new standards and the modification of 12 standards, the *Order* concludes that the maximum reasonable cost of standards modifications necessary to support enhanced geo-targeting will be \$76,000 per standard times fifteen standards, or \$1,140,000 as a one-time cost. After standards are set, Participating CMS Providers will need to develop and test new software to support enhanced geo-targeting and alert preservation. The *WEA FNPRM* anticipated that the software updates implicated by its proposals would cost, at most, \$39,680,000 over 12 months. No commenters objected to this level of anticipated costs. The *Order* concludes that the cost of developing and testing new or modified software required to comply with the new rules would be no more than \$39,680,000. Finally, the *WEA FNPRM* estimated that the total annual recordkeeping cost of the election requirement would be \$18,074.53. The Commission received no objections to this estimate in the record. The *Order* concludes that a reasonable ceiling on the cost of renewing elections under the definitions of “in whole” and “in part” would be \$20,000, and will be covered by the \$41 million total cost estimate.

18. *Benefits.* Enhanced geo-targeting will improve the quality of WEA to the public and to emergency managers. Without more granular geo-targeting, the use of WEA can result in over-alerting, which leads to “alert fatigue” and confusion for consumers. Consumers that are outside of an area of concern, but receive alerts anyway, begin to ignore alerts or even choose to opt out of receiving future WEA Alert Messages on their mobile devices. Over-alerting can cause confusion and a burden on emergency resources by people who are

not certain about how to respond to alerts. In the case of a wildfire, for example, alerting a wide area that is not in direct danger can result in clogged evacuation routes and many calls to emergency officials for additional information. Faced with the real cost of over-alerting, many emergency managers have declined to use WEA. Enhanced geo-targeting directly addresses the over-alerting problem and benefits both consumers and emergency managers.

19. The *Order* concludes that a one percent reduction in relevant fatalities, injuries, and costs for emergency services is a modest quantification of the benefits of more targeted WEA alerts. The benefit of a one percent reduction in relevant fatalities (\$134 million), injuries (at least \$2 million) and costs for emergency services (\$48 million) yields a total benefit of \$184 million. This is well in excess of the anticipated costs. Even if benefits were half of this projection, yielding only one half of one percent reduction in relevant fatalities, injuries and emergency response costs, that would still yield a benefit of \$92 million, still significantly above the costs. No commenter has objected to the previous analysis claiming that the benefits of enhanced geo-targeting are sufficient to cover the \$41 million costs imposed by this *Second Report and Order*.

20. In addition, alert preservation will allow subscribers to review details in WEA messages such as shelter locations, improving their ability to seek safety. Additional disclosure requirements will allow consumers to choose a provider and a phone that will bring them WEA alerts that they might otherwise miss.

### III. Procedural Matters

#### A. Accessible Formats

21. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (TTY).

#### B. Final Regulatory Flexibility Act Analysis

22. Pursuant to the Regulatory Flexibility Act of 1980, as amended (RFA), see 5 U.S.C. 603, an Initial Regulatory Flexibility Analysis (IRFA) was included in the *FNPRM* in PS Docket No. 15-91. The Commission sought written comment on the proposals in this docket, including comment on the IRFA. This Final Regulatory Flexibility Analysis conforms to the RFA.

#### C. Paperwork Reduction Act Analysis

23. This Report and Order contains new or modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13 (44 U.S.C. 3501-3520). The requirements will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the new or modified information collection requirements contained in this proceeding. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

24. In this document, we have assessed the effects of new consumer disclosure and election renewal requirements, and find that these rules will impose reasonable implementation costs on small businesses with fewer than 25 employees.

#### D. Congressional Review Act

25. The Commission will send a copy of this Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see U.S.C. 801(a)(1)(A).

### IV. Ordering Clauses

26. Accordingly, *it is ordered*, pursuant to sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), 706, and 715 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(o), 301, 301(r), 303(v), 307, 309, 335, 403, 544(g), 606, and 615, as well as by sections 602(a),(b),(c), (f), 603, 604 and 606 of the WARN Act, 47 U.S.C. 1202(a),(b),(c), (f), 1203, 1204 and 1206, that the *Second WEA Report and Order* and *Second Order on Reconsideration* in PS Docket Nos. 15-91 and 15-94 *is hereby adopted*.

27. *It is further ordered* that the Commission's rules and requirements *are hereby amended* as set forth in Appendix A of the *Second Report and Order*.

28. *It is further ordered* that the rules adopted herein *will become effective* as described herein. Those rules and requirements which contain new or modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction

Act will become effective 120 days after publication in the **Federal Register** of a document announcing such approval, except for the amendment to 47 CFR 10.240, which will become effective on November 30, 2019 or as specified by publication in the **Federal Register** of a document announcing OMB approval and the relevant effective date, whichever is later.

29. It is further ordered, pursuant to sections 1, 2, 4(i), 4(o), 301, 303(r), 303(v), 307, 309, 335, 403, 624(g), and 706 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 152, 154(i), 154(o), 301, 301(r), 303(v), 307, 309, 335, 403, 544(g), and 606, as well as by sections 602(a),(b),(c), (f), 603, 604 and 606 of the WARN Act, 47 U.S.C. 1202(a),(b),(c), (f), 1203, 1204 and 1206, that the CTIA Petition is granted to the extent specified herein and in the *First Order on Reconsideration*.

30. It is further ordered that, as set forth in this *Second Order on Reconsideration*, the effective date of the requirement imposed by 47 CFR 10.480 published at 81 FR 75710 is delayed until May 1, 2019, the same effective date as other rules adopted by the *WEA R&O* that were made effective 30 months from the publication of the rules adopted in the *WEA R&O* in the **Federal Register**.

31. It is further ordered that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, shall send a copy of the *Second WEA Report and Order and Second Order on Reconsideration*, including the Final and Supplemental Final Regulatory Flexibility Analyses, to the Chief Counsel for Advocacy of the Small Business Administration.

32. It is further ordered that the Commission shall send a copy of the *Second WEA Report and Order and Second Order on Reconsideration* to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. 801(a)(1)(A).

**List of Subjects in 47 CFR Part 10**

Communications common carriers, Emergency alerting.  
Federal Communications Commission.  
**Marlene H. Dortch**,  
*Secretary, Office of the Secretary.*

**Final Rules**

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 10 to read as follows:

**PART 10—WIRELESS EMERGENCY ALERTS**

■ 1. The authority citation for part 10 continues to read as follows:

**Authority:** 47 U.S.C. 151, 154(i) and (o), 201, 303(r), 403, and 606; sections 602(a), (b), (c), (f), 603, 604 and 606 of Pub. L. 109–347, 120 Stat. 1884.

■ 2. Amend § 10.10 by adding paragraphs (k) and (l) to read as follows:

**§ 10.10 Definitions.**

\* \* \* \* \*

(k) *CMS Provider participation* “in whole.” CMS Providers that have agreed to transmit WEA Alert Messages in a manner consistent with the technical standards, protocols, procedures, and other technical requirements implemented by the Commission in the entirety of their geographic service area, and when all mobile devices that the CMS Providers offer at the point of sale are WEA-capable.

(l) *CMS Provider participation* “in part.” CMS Providers that have agreed to transmit WEA Alert Messages in a manner consistent with the technical standards, protocols, procedures, and other technical requirements implemented by the Commission in some, but not in all of their geographic service areas, or CMS Providers that offer mobile devices at the point of sale that are not WEA-capable.

■ 3. Amend § 10.210 by revising paragraph (a) introductory text to read as follows:

**§ 10.210 WEA participation election procedures.**

(a) A CMS provider that elects to transmit WEA Alert Messages, in part or in whole as defined by § 10.10(k) and (l), shall electronically file with the Commission a letter attesting that the Provider:

\* \* \* \* \*

■ 4. Amend § 10.240 by revising paragraph (c) to read as follows:

**§ 10.240 Notification to new subscribers of non-participation in WEA.**

\* \* \* \* \*

(c) CMS Providers electing to transmit alerts “in part” shall use the following notification:

NOTICE REGARDING  
TRANSMISSION OF WIRELESS  
EMERGENCY ALERTS (Commercial  
Mobile Alert Service)

[[CMS provider]] has chosen to offer wireless emergency alerts, including enhanced geo-targeting, within portions of its service area, as defined by the terms and conditions of its service agreement, on wireless emergency alert capable devices. There is no additional

charge for these wireless emergency alerts.

Wireless emergency alerts, including enhanced geo-targeting, may not be available on all devices or in the entire service area, or if a subscriber is outside of the [[CMS provider]] service area. For details on the availability of this service and wireless emergency alert capable devices, including the availability and benefits of enhanced geo-targeting, please ask a sales representative, or go to [[CMS provider's URL]].

Notice required by FCC Rule 47 CFR 10.240 (Commercial Mobile Alert Service)

\* \* \* \* \*

■ 5. Amend § 10.450 by revising paragraph (a) and adding paragraph (c) to read as follows:

**§ 10.450 Geo-targeting.**

\* \* \* \* \*

(a) This section establishes minimum requirements for the geographic targeting of Alert Messages. A Participating CMS Provider will determine which of its network facilities, elements, and locations will be used to geographically target Alert Messages. A Participating CMS Provider must deliver any Alert Message that is specified by a circle or polygon to an area that matches the specified circle or polygon. A Participating CMS Provider is considered to have matched the target area when they deliver an Alert Message to 100 percent of the target area with no more than 0.1 of a mile overshoot. If some or all of a Participating CMS Provider's network infrastructure is technically incapable of matching the specified target area, then that Participating CMS Provider must deliver the Alert Message to an area that best approximates the specified target area on and only on those aspects of its network infrastructure that are incapable of matching the target area. A Participating CMS Provider's network infrastructure may be considered technically incapable of matching the target area in limited circumstances, including when the target area is outside of the Participating CMS Provider's network coverage area, when mobile devices have location services disabled, and when legacy networks or devices cannot be updated to support this functionality.

\* \* \* \* \*

(c) In matching the target area, Participating CMS Providers may not limit the availability of 360 characters for the Alert Message text.

■ 6. Amend § 10.500 by revising the introductory text and adding paragraph (h) to read as follows:

**§ 10.500 General requirements.**

WEA mobile device functionality is dependent on the capabilities of a Participating CMS Provider's delivery technologies. Mobile devices are required to perform the following functions:

\* \* \* \* \*

(h) Preservation of Alert Messages in a consumer-accessible format and location for at least 24 hours or until deleted by the subscriber.

[FR Doc. 2018-03990 Filed 2-27-18; 8:45 am]

BILLING CODE 6712-01-P

---

**FEDERAL COMMUNICATIONS COMMISSION**
**47 CFR Parts 20 and 68**

[CG Docket No. 13-46, WT Docket Nos. 07-250 and 10-254; FCC 17-135]

**Hearing Aid Compatibility Standards**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission amends its hearing aid compatibility (HAC) rules to enhance equal access to the national telecommunications network by people with hearing loss and implement the Twenty-First Century Communications and Video Accessibility Act. The changes incorporate by reference a revised technical standard for volume control for wireline telephones, expand the scope of the wireline HAC rules, add a volume control requirement for wireless handsets, and eliminate an outdated wireless technical standard.

**DATES:** Effective March 30, 2018, except 47 CFR 68.501 through 68.504, which contain modified information collection requirements that require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA), and which will become effective after the Commission publishes a document in the **Federal Register** announcing such approval and the relevant effective date.

The incorporation by reference of ANSI/TIA-4965-2012 is approved by the Director of the Federal Register as of March 30, 2018. The incorporation by reference of the material in § 20.19 was approved by the Director of the Federal Register as of June 6, 2008 and August 16, 2012. The incorporation by reference of the other material in § 68.317 was approved by the Director of the Federal Register as of October 23, 1996.

*Compliance Dates:* See

**SUPPLEMENTARY INFORMATION.**

**FOR FURTHER INFORMATION CONTACT:** Susan Bahr, Disability Rights Office,

Consumer and Governmental Affairs Bureau, at (202) 418-0573 or email: [Susan.Bahr@fcc.gov](mailto:Susan.Bahr@fcc.gov).

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Report and Order and Order on Reconsideration, document FCC 17-135, adopted on October 24, 2017, released on October 26, 2017, in CG Docket No. 13-46, WT Docket Nos. 07-250 and 10-254. The full text of this document will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street SW, Room CY-A257, Washington, DC 20554. To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (844) 432-2272 (videophone), or (202) 418-0432 (TTY).

Document FCC 17-135 concerns the Commission's rules for HAC for wireline and wireless handsets. The Commission previously sought comment on these issues in *Access to Telecommunication Equipment and Services by Persons with Disabilities; Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets; Comment Sought on 2010 Review of Hearing Aid Compatibility Regulations*, Notice of Proposed Rulemaking, published at 80 FR 80722, December 28, 2015 (*NPRM*). Document FCC 17-135 also responds to the Petition for Partial Reconsideration filed by LG Electronics MobileComm U.S.A., Inc., *et al.* on October 8, 2010, concerning *Amendment of the Commission's Rules Governing Hearing Aid-Compatible Mobile Handsets*, Policy Statement and Second Report and Order and Further Notice of Proposed Rulemaking, document FCC 10-145, published at 75 FR 54508, September 8, 2010 (*August 2010 Report and Order*).

**Compliance Dates**

Wireline telephones manufactured or imported into the United States on or after February 28, 2020, must comply with the revised wireline volume control technical standard (ANSI/TIA-4965-2012) incorporated by reference into 47 CFR 68.317. Wireline telephones manufactured or imported into the United States before February 28, 2020, may comply with either ANSI/TIA-4965-2012 or the existing wireline volume control standard referenced in 47 CFR 68.317(a)(1). Wireline telephones used for advanced

communications services (ACS telephonic CPE) must comply with the applicable provisions of 47 CFR part 68 as amended by document FCC 17-135 if they are manufactured or imported on or after February 28, 2020. However, §§ 68.501 through 68.504 contain information collections that have not yet been approved by OMB. In the event that OMB approval does not occur before February 28, 2020, the FCC will publish a document in the **Federal Register** extending the compliance deadline for these provisions and will subsequently publish a document announcing a later compliance date.

Wireless handsets submitted for equipment certification or for a permissive change relating to hearing aid compatibility starting March 1, 2021, must comply with the wireless volume control requirements set forth in 47 CFR 20.19. Any grants of certification issued to wireless handsets not equipped with such volume control that were submitted for certification before March 1, 2021, remain valid for HAC purposes.

Wireless handsets submitted for equipment certification or for a permissive change relating to HAC beginning August 28, 2018, must comply with the M3 and T3 ratings associated with the ANSI C63.19-2011 standard. Any grants of certification issued for wireless handsets that were submitted for certification before August 28, 2018, under ANSI C63.19-2011, or previous versions of ANSI 63.19, remain valid for HAC purposes.

**Incorporation by Reference**

The Office of Federal Register (OFR) recently revised its regulations to require that agencies must discuss in the preamble of a final rule ways that the materials the agency is incorporating by reference are reasonably available to interested parties or how it worked to make those materials reasonably available to interested parties. In addition, the preamble of the final rule must summarize the material. Several standards are incorporated by reference: (a) Paragraph 4.1.2 (including table 4.4) of ANSI/EIA-470-A-1987; (b) paragraph 4.3.2 of ANSI/EIA/TIA-579-1991; (c) ANSI/TIA-4965-2012; (d) ANSI C63.19-2007; and (e) ANSI C63.19-2011. These standards address the use of wireless and wireline handsets by people with hearing loss, including people who use hearing aids.

The standards listed as (a), (b) and (c) apply to inductive coupling and volume control for wireline telephones, and by document FCC 17-135, to ACS telephonic CPE. Standards (a) and (b) were previously incorporated in the

Commission's rules. Standard (c) is new. This standard modifies in two ways the manner in which amplification is measured for wireline phones. First, the standard discontinues the use of an IEC-318 coupler and specifies instead the Head and Torso Simulator (HATS) method. Second, the standard replaces the Receive Objective Loudness Rating (ROLR) method of calibrating amplification with a new method called Conversational Gain. These three standards may be purchased from the Telecommunications Industry Association (TIA) at (877) 413-5184 and <http://www.tiaonline.org/standards/buy-tia-standards>. The standards listed as (d) and (e) apply to RF interference reduction and inductive coupling for wireless handsets. These two standards were previously incorporated in the Commission's rules, and are available from the IEEE at (732) 981-0060 and <http://standards.ieee.org/>.

#### **Congressional Review Act**

The Commission sent a copy of document FCC 17-135 to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

#### **Final Paperwork Reduction Act of 1995 Analysis**

Document FCC 17-135 contains modified information collection requirements, which are not applicable until approval is obtained from OMB. The Commission, as part of its continuing effort to reduce paperwork burdens, will invite the general public to comment on the information collection requirements contained in document FCC 17-135 as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104-13. The Commission will publish a separate document in the **Federal Register** announcing approval of the information collection requirements contained in document FCC 17-135. In addition, the Commission notes that, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, 44 U.S.C. 3506(c)(4), the Commission previously sought comment on how the Commission might further reduce the information burden for small business concerns with fewer than 25 employees.

#### **Synopsis**

##### **Report and Order**

##### *Revised Wireline Volume Control Technical Standard*

1. The Commission amends § 68.317 of its rules to incorporate a revised technical standard for volume control in wireline telephones, ANSI/TIA-4965-

2012 (2012 ANSI Wireline Volume Control Standard). The revised standard, developed by TIA technical standards committee, significantly improves the measurement of volume amplification in two ways. First, instead of measuring the volume received by the user with an IEC-318 coupler, which is designed to form a seal with the telephone handset, the standard uses a HATS, which takes into account the lack of a seal between a telephone receiver and the ears of users in real-life settings. Thus, the HATS more closely mirrors how handsets are actually used, offering an improved measurement.

2. Further, instead of measuring loudness in terms of ROLR, where gain is measured relative to each phone's normal unamplified, or nominal, sound level, the new standard uses "conversational gain," where gain is measured relative to an absolute benchmark based on the sound of face-to-face conversation at a distance of 1 meter. This approach eliminates the variation in maximum amplification levels that results from maximum amplification being measured relative to each telephone's nominal sound level.

3. The specified volume levels are formulated to be approximately equivalent to those commonly achieved under the prior standard by older wireline telephones. Thus, telephones will be in compliance with the volume control requirements if they provide at least 18 dB and no more than 24 dB Conversational Gain at the maximum setting. The 18 dB Conversational Gain minimum must be achieved without significant clipping of the speech signal used for testing. The upper limit of 24 dB Conversational Gain may be exceeded if the volume automatically resets to 24 dB Conversational Gain or below upon hang-up.

4. By providing consumers with phones that have standardized, easy-to-understand volume amplification levels measured using a HATS, this action will improve telephone communications, including communication needed for emergencies, for individuals with hearing loss.

5. Any existing inventory and installed base of telephones that comply with the current version of § 68.317 of the Commission's rules may remain in place until retired. The record does not support a determination that the potential benefits of requiring existing telephones to comply with the 2012 Wireline Volume Control Standard are greater than the potential costs.

6. The Commission does not adopt its proposal to require covered manufacturers to test a sample of products that they make available for

purchase to assess whether these products are providing a uniform and appropriate range of volume to meet the telephone needs of people with hearing loss. Based on input from commenters, currently required testing will be sufficient. The Commission also does not adopt its proposal to require wireline telephone manufacturers to consult with consumers and their representative organizations under a specified timetable, to assess the 2012 Wireline Volume Control Standard after it goes into effect. Because HAC technical standards are subject to revision over time, the Commission expects that there will be regular opportunities for industry and consumer stakeholders to confer with one another in the course of further reevaluation of the 2012 Wireline Volume Control Standard.

##### *Application of Inductive Coupling and Volume Control Requirements to Wireline VoIP Telephones*

7. Section 710(b)(1) of the Act, as amended by the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA), Public Law 111-260, 102, 124 Stat. 2751, Public Law 111-265, 124 Stat. 2795, directs the Commission to require that "[a]ll customer premises equipment used with advanced communications services that is designed to provide 2-way voice communication via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone" must "provide internal means for effective use with hearing aids that are designed to be compatible with telephones which meet established technical standards for hearing aid compatibility." 47 U.S.C. 610(b)(1). The Act defines "advanced communications services" to include interconnected and non-interconnected VoIP service. 47 U.S.C. 153(1).

8. The Commission therefore amends its rules to specify that VoIP telephones and other wireline equipment described in 47 U.S.C. 710(b)(1)(C), collectively termed "ACS telephonic CPE," must comply with the same HAC requirements that apply to other wireline telephones, including compliance with volume control and inductive coupling standards, as well as, for purposes of HAC compliance, the same testing, attestations of compliance, registration, labeling, and complaint handling requirements that currently apply to CPE that is directly connected to the public switched telephone network.

9. To ensure that the terminal equipment database managed by the Administrative Council for Terminal

Attachments (ACTA) will be able to receive and make available the information required for registration of ACS telephonic CPE as of the two-year compliance deadline, the Commission requests that ACTA submit, by August 27, 2018, a report explaining: (a) the progress of any modifications necessary to accommodate ACS telephonic CPE in the database, including any changes to how ACTA will administer the database; (b) the pertinent information that ACTA will request from responsible parties for ACS telephonic CPE, especially for the HAC and volume control features; and (c) any procedures for submitting or accessing information on ACS telephonic CPE that will differ from the existing procedures for currently registered terminal equipment. Responsible parties for ACS telephonic CPE that is manufactured in or imported for use in the United States on or after February 28, 2020, must submit all information required by ACTA (or a successor entity) for inclusion in the database within 30 days after the date that the equipment is manufactured in or imported into the United States.

#### *Volume Control for Wireless Handsets*

10. The record in this proceeding confirms that the public interest and the objectives mandated by section 710 of the Act will be served by modifying the Commission's HAC rules for wireless handsets to include a volume control requirement designed to accommodate people with hearing loss. Given the significantly expanded reliance on wireless telephone communications—and concomitant decline in wireline phone usage—the Commission affirms its belief that a volume control requirement that specifies certain levels of amplification as an element of hearing aid compatibility is just as necessary for wireless handsets as it is for wireline phones, to ensure the provision of effective telecommunications for people with hearing loss. This is especially true in emergency situations where having access to a phone—be it one's own device or a device belonging to someone else on the scene—can mean the difference between life and death. Further, a volume control requirement will not only improve communications for those using hearing aids and cochlear implants, it also will help millions of Americans with hearing loss who do not use these devices.

11. The Commission's conclusions are supported in the record. Two surveys reveal that the existing volume control features contained in wireless handsets often do not produce sufficient amplification to enable people with

hearing loss to comprehend wireless telephone conversations through acoustic coupling. Although TIA and CTIA dispute the significance of the survey results, noting that less than 30 percent of the complaints about wireless phones pertained to loudness or volume, we find that these results provide persuasive evidence that current wireless handset volume controls are insufficient to ensure that wireless handsets can be effectively used with hearing aids and that people with hearing loss have effective access to the wireless phone network. Even if only 29 percent of the estimated 48 million Americans with hearing loss were able to benefit from wireless volume control, the Commission concludes that the resulting benefits to some 13.9 million people are sufficient to justify a requirement for wireless phones to provide effective communication through amplification.

12. TIA also asserts that wireless handsets already allow users to adjust the volume on wireless handsets to provide an acceptable, comfortable user experience, but provides no specific or quantitative information on the extent to which amplification levels in wireless handsets have improved since 2010, nor how these levels have been effective in enabling individuals with hearing loss to receive and understand speech received through wireless handsets. Further, there is no indication in the record that industry volume control standards currently required for wireless handsets were formulated to specifically address the needs of consumers with hearing loss. The record also provides no basis for accepting claims that consumer education is sufficient to address consumer concerns about volume control. Ratings for wireless handsets currently are available only for RF interference reduction and inductive coupling capability, not volume amplification, and selecting a different handset is not a viable option if wireless handsets with effective amplification are not available.

13. Commenters did not supply specific cost data, *e.g.*, to quantify the costs involved in the general claim that a volume control requirement would result in additional testing and design limitations, or to substantiate such design limitations. In contrast, the major benefits to people with hearing loss from increased access to the telephone network—whether achieved by improvements in inductive coupling, RF interference reduction, or volume control—while hard to quantify, are well documented. The hearing aid compatibility legislation enacted in 1988 contains a finding that universal

telephone service for people with hearing loss will lead to greater employment opportunities and increased productivity, Public Law 100–394, sec. 2(4), 102 Stat. 976, and recognition of the importance of telephone access for people with disabilities has only increased since then. Based on the record, the volume control rule will directly address the problems of an estimated 13.9 million people who experience dissatisfaction with handset volume controls. The Commission further concludes on this record, including the absence of any quantification of costs, that these benefits, while not fully quantified, are sufficient to justify the adoption of a volume control rule, consistent with the Commission's prior rulings and with its statutory mandate to ensure that “to the fullest extent made possible by technology and medical science, [persons with hearing loss] have equal access to the national telecommunications network.” Public Law 100–394, sec. 2. Finally, improving the ability of people with hearing loss to directly access the wireless telephone network through this volume control requirement could reduce the costs associated with support of telecommunications relay services.

14. The Commission also believes that any costs associated with meeting certain levels of volume control in wireless handsets will be mitigated by the flexibility afforded by this order. Rather than relying on a government-mandated technical solution, the Commission adopts a general volume control requirement that provides standards-setting organizations with an opportunity to submit for Commission approval a technical standard that they believe will enable a phone to meet this general requirement and can be implemented in a cost-effective manner. Additionally, because the extended timeline for implementation of the requirement will apply only to handsets newly submitted for HAC certification, volume control meeting the standard that the Commission approves can be incorporated into the mobile handset environment in a cost-effective manner.

15. The Commission notes that its legal authority to adopt a volume control requirement for wireless phones stems from section 710(a) and (b) of the Act and the stated purposes of the HAC provisions of the Act. 47 U.S.C. 610(a), (b); Public Law 100–394, sec. 2. The Commission previously found that sections 710(a) and (b) both authorize the adoption of volume control requirements for wireline telephones, published at 61 FR 42181, August 14,

1996, and the Commission's analysis applies equally to wireless telephones.

16. The volume control requirement applies to all wireless handset models newly submitted for HAC certification on or after March 1, 2021. New wireless handset models submitted on or after that date for certification as hearing aid compatible for RF interference reduction and inductive coupling must also comply with the new volume control rule (including technical standards approved by the Commission). By setting a three-year compliance timeline, the Commission allows one year for the completion and adoption of a technical standard for wireless volume control by a standards development organization (SDO) (which began earlier in 2017) and adoption by the Commission, and an additional two years for manufacturers to implement such technical standard in new handset models submitted for HAC certifications through the Commission's existing equipment authorization process. The Commission grandfathered all hearing aid compatible handsets that were certified as HAC compliant without volume control provided they were submitted for certification prior to the three-year compliance deadline.

17. The adopted timeframe will provide ample opportunity for informed development of a wireless volume control technical standard and the incorporation of such standard into the Commission's rules, as well as for manufacturers to obtain the necessary testing equipment, and to implement design alterations needed to ensure that their new products meet the standard. Further, this approach will afford manufacturers and service providers the flexibility to work through their inventories of older models to meet their M- and T-rating HAC deployment benchmarks, while ensuring that in the ensuing years effective volume control will increasingly become a standard feature as new hearing aid compatible models universally incorporate volume control. In this manner, companies will not be required to retrofit or recertify any HAC-compliant grandfathered models or drop any such models from their portfolios prematurely to comply with the volume control requirements.

18. Upon the completion of a wireless volume control technical standard, the Commission anticipates that it can expeditiously begin a rulemaking process to evaluate the standard and incorporate it by reference into the wireless HAC rules. The Commission will monitor developments in this regard and take appropriate steps if standards development and adoption do not proceed as expected.

19. *Labeling.* Section 710 of the Act instructs the Commission to "establish requirements for the labeling of packaging materials . . . to provide adequate information to consumers on the compatibility between telephones and hearing aids." 47 U.S.C. 610(d). Adoption of a requirement for wireless handset packages to be labeled with volume amplification information is supported by comments explaining that often, when sufficient information is not provided on a handset's packaging, the consumer must first order and wait for delivery of the handset, and only then test it to assess whether its amplification meets the consumer's hearing needs. If such amplification is not suitable, the consumer must return it and start the process again. Although service providers are required to allow consumers to try out handsets in service provider stores, consumers who shop at other types of retail establishments or shop online do not have the same capability. Further, because during the transitional years following the compliance deadline for the rules, only certain handset models will be required to meet the new volume control requirement, consumers with hearing loss will need labeling information to inform them as to which wireless handsets are suitable for them.

20. To rectify this and achieve consistency with the current Commission requirements for HAC labeling and disclosure for wireless handsets, the Commission requires manufacturers of wireless handsets and service providers to ensure that packaging on each handset covered by the volume control requirement adopted herein clearly displays information to enable consumers to determine the handset's amplification capabilities. The Commission requires compliance with this labeling requirement to be concurrent with the implementation of the volume control requirement—*i.e.*, volume control labeling will be required for wireless handsets newly submitted for certification as compliant with HAC requirements beginning March 1, 2021. The Commission also encourages wireless manufacturers and service providers to provide information about which of their handsets have amplification by other means, such as by providing such information on their call-out cards in retail stores and websites.

21. At this time, the Commission does not specify either the format or language for the volume control label. However, beginning with the three-year compliance deadline discussed above, if a handset is certified as compliant with a HAC technical standard relating to

volume control that specifies acceptable numerical metrics or qualitative ratings for handset volume control (comparable to the M- and T-ratings provided under the RF interference reduction and inductive coupling standards), the labeling for handsets granted HAC certification for volume control must include the relevant amplification metrics or ratings. In addition, as is currently required for M- and T-ratings, an explanation of such amplification metrics or ratings must be included in the device's user manual or as an insert in the packaging material for the handset.

22. To the extent that a technical standard for volume control is approved by an SDO and adopted or authorized by the Commission, compliance with the standard will constitute compliance with the Commission's new wireless volume control rule. Based on current information about volume control and related technical standards, the Commission suggests that a wireless volume control standard could include: (a) The use of conversational gain for measuring receive loudness; (b) the establishment of minimum value(s) for the acceptable maximum volume(s); (c) the use of a HATS; and (d) the use of two pressure measurements for holding the handset next to the ear—one for people who use hearing aids, and one for people who do not use hearing aids.

#### *Wireless RF Interference/Inductive Coupling Standard*

23. The Commission adopts its proposal to eliminate the 2007 version of ANSI C63.19 (2007 Wireless RF Interference/Inductive Coupling Standard) as an option for measuring and rating the HAC compliance of wireless handsets and to require the use of ANSI C63.19–2011 (2011 Wireless RF Interference/Inductive Coupling Standard), which has been available as an option for many handsets since 2012.

24. In 2007, the Commission incorporated ANSI C63.19–2007 into its rules. This standard specifies testing procedures for determining the M-rating (RF interference reduction) and T-rating (inductive coupling capability) of digital wireless handsets that operate over the air interfaces that, at the time the standard was promulgated, were commonly used for wireless services in the 800–950 MHz and 1.6–2.5 GHz bands. In 2012, the Commission incorporated ANSI C63.19–2011 into its rules. This standard expanded the range of frequencies over which inductive coupling can be tested to include frequencies between 698 MHz and 6 GHz (to take into account other new technologies), and established a direct

method for measuring the RF interference level of wireless devices to hearing aids, enabling testing procedures to be applied to operations over any RF air interface or protocol. Manufacturers currently have the option to obtain certification for new handsets as compliant with either the 2007 or the 2011 Wireless RF Interference/Inductive Coupling Standard.

25. Parties commenting on this issue agree that use of the 2011 Wireless RF Interference/Inductive Coupling Standard provides the most accurate available RF interference reduction and inductive coupling ratings for handsets generally. Accordingly, the Commission amends its rules to require that manufacturers use the 2011 Wireless RF Interference/Inductive Coupling Standard exclusively to obtain certification for future wireless handsets as HAC compliant.

26. *Power-Down Exception.* For technical reasons, the Commission has permitted some GSM handsets operating at 1900 MHz to meet the HAC requirements under the 2007 Wireless RF Interference/Inductive Coupling Standard at a reduced power level, while other handsets have been subject to testing at maximum power. This “power-down” exception has been permitted because the 2007 standard was not effective in addressing all of the specific characteristics of certain GSM devices. 47 CFR 20.19(e)(1)(iii). The 2011 Wireless RF Interference/Inductive Coupling Standard provides revised measurement methodologies that can be used effectively for these GSM handsets. The Commission therefore eliminates the power-down exception.

27. The Commission allows service providers and manufacturers until August 28, 2018, to transition to the 2011 Wireless RF Interference/Inductive Coupling Standard. The Commission grandfathered handsets previously certified under the 2007 Wireless RF Interference/Inductive Coupling Standard or any previous RF interference reduction or inductive coupling standard, including GSM handsets that were previously certified under the power-down exception.

#### Outreach

28. The Commission reminds manufacturers and service providers that its rules require them generally to ensure that consumers have the information they need about the availability of hearing aid compatible wireline and wireless phones and the accessibility features of these phones. Specifically, the Commission reminds these entities of the following obligations.

- *Manufacturers and service providers:* Under section 255 of the Act, which requires the usability of telecommunications products if readily achievable, and section 716 of the Act, which requires the usability of products used with advanced communications services unless not achievable, manufacturers and service providers must: (a) Make their product information, including information about accessibility features, usable, in part by providing written manuals and instructions in accessible formats, such as large print, and Braille; (b) provide usable and accessible customer and technical support in their call and service centers; and (c) include in their general product materials contact information for obtaining information about the products and their accessibility features. To this end, the Commission expects service providers and manufacturers to have trained staff available during their business hours to answer questions about how their equipment complies with applicable HAC standards and how to operate features of wireline and wireless handsets to make them accessible to and usable by people with hearing loss.

- *Wireless service providers* must permit consumers to test out handsets in any retail store owned or operated by the service provider.

- *Wireless manufacturers and service providers* must ensure that hearing aid compatible handsets clearly display the ratings on the packaging material of the handsets.

- *Wireless manufacturers and service providers with publicly accessible websites* must post a list of all hearing aid compatible models offered, their ratings, and an explanation of the rating system; and provide information about the levels of functionality defined by the service provider and how the functionality of handsets varies at different levels.

29. Consumers may also obtain information about hearing aid compatible wireless handsets from the Hearing Aid Compatibility Status Reports filed by wireless manufacturers and service providers and the Commission’s summaries of those reports. See FCC, Wireless Telecommunications Bureau, *Hearing Aid Compatibility Status Reporting*, <http://wireless.fcc.gov/hac/index.htm?job=home>; *Hearing Aid Compatibility Reports: Device Manufacturers*, [http://wireless.fcc.gov/hac/index.htm?job=reports\\_dm](http://wireless.fcc.gov/hac/index.htm?job=reports_dm); *Hearing Aid Compatibility Reports: Service Providers*, [http://wireless.fcc.gov/hac/index.htm?job=reports\\_sp](http://wireless.fcc.gov/hac/index.htm?job=reports_sp). Additional information about hearing aid

compatible wireless handsets, although not associated with specific service providers, is available from the Global Accessibility Reporting Initiative, which can be accessed from the Commission’s Accessibility Clearinghouse. See Global Accessibility Reporting Initiative, *Find Accessible Devices & Apps*, <https://www.gari.info/findphones.cfm>; FCC, *Accessibility Clearinghouse—Products and Services*, <https://ach.fcc.gov/products-and-services/>; FCC, *Accessibility Clearinghouse—Hearing, Language and Speech Disabilities*, <https://ach.fcc.gov/resources-by-disability/hearing-language-and-speech-disabilities/>.

#### Order on Reconsideration

30. On October 8, 2010, LG Electronics MobileComm U.S.A., Inc., and several other manufacturers of wireless handsets filed a Petition for Partial Reconsideration (LG Petition) of the Commission’s *August 2010 Report and Order*, requesting the Commission to apply the power-down exception uniformly to all manufacturers of GSM handsets that operate in the 1900 MHz band. In the *August 2010 Report and Order*, the Commission had stated that the power-down exception applies to “companies that, but for their size, would be eligible for the amended de minimis exception.” In document FCC 17–135, the Commission eliminates the power-down exception. The Commission therefore concludes that the LG Petition is moot and, accordingly, dismisses the petition.

#### Final Regulatory Flexibility Act Analysis

31. As required by the Regulatory Flexibility Act of 1980 (RFA), as amended, the Commission incorporated an Initial Regulatory Flexibility Analysis (IRFA) into the *NPRM*. The Commission sought written public comment on the proposals in the *NPRM*, including comment on the IRFA. No comments were received on the IRFA.

#### *Need For, and Objectives of, the Report and Order and Order on Reconsideration*

32. Document FCC 17–135 amends the hearing aid compatibility (HAC) rules with the goal of ensuring that Americans with hearing loss are able to access wireline services, wireless services and wireline ACS through a wide array of phones, including voice-over-internet-protocol (VoIP) telephones. The Commission takes the following actions to ensure that individuals who rely on HAC technologies will have access to emerging communications technologies

in accordance with the objectives of the Twenty-First Century Communications and Video Accessibility Act of 2010 (CVAA) and its legislative predecessors. In the Report and Order of document FCC 17–135, the Commission:

- Adopts a new standard to improve the method used to measure volume control on wireline handsets that will be phased in over two years;
- adopts rules to require certain customer premises equipment (CPE) used with ACS, including VoIP telephones, to be HAC compliant;
- adopts a rule requiring volume control on wireless handsets sufficient to meet the communications needs of people with hearing loss;
- eliminates two superseded rules—the inductive coupling standard (2007 Wireless RF Interference/Inductive Coupling Standard) and a power-down exception for certain GSM handsets—and adopts a deadline after which all wireless handsets submitted for new certifications of hearing aid compatibility must adhere to the 2011 Wireless RF Interference/Inductive Coupling Standard; and
- reminds manufacturers and service providers of their existing obligations to provide consumers with sufficient information to make informed decisions about their wireless handset purchases.

In the Order on Reconsideration of document FCC 17–135, the Commission dismisses as moot a pending Petition for Partial Reconsideration concerning the power-down rule, 47 CFR 20.19(e)(1)(iii), because it eliminates the rule in the Report and Order. The above rules reflect adjustments, such as transition times prior to new rules taking effect, that may be particularly helpful to small entities.

*Summary of Significant Issues Raised by Public Comments in Response to the IRFA*

33. The Commission received no comments directly addressing the IRFA.

*Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration*

34. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments in response to the proposed rules in this proceeding.

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

35. The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rule changes. The RFA generally defines the term “small entity” as

having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.” In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act. A “small business concern” is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

36. The entities which may be affected by the rules include: Small entities; wireless telecommunications carriers (except satellite); all other telecommunications; telephone apparatus manufacturing; radio and television broadcasting and wireless equipment manufacturing; electronic computer manufacturing; computer terminal manufacturing; and software publishers.

*Description of Projected Reporting, Recordkeeping and Other Compliance Requirements*

37. Certain rule changes adopted in document FCC 17–135 modify or add requirements governing reporting, recordkeeping, and other compliance obligations. As described above and below, the adoption of these requirements factors in the needs of small entities.

38. First, the Commission incorporates the 2012 Wireline Volume Control Standard into the wireline volume control rules and eliminates the currently applicable standard after a transition period. This action alters the compliance obligations of wireline telephone apparatus manufacturers, including small entities, by requiring them to use a different method for testing and evaluating compliance with the volume control requirement.

39. Second, the Commission explicitly applies the Commission’s wireline telephone volume control and other HAC rules to equipment used for ACS, which includes VoIP devices. The Commission also applies related labeling, certification, complaint processing, and registration requirements, to handsets used with ACS. These actions impose new compliance obligations and reporting and recordkeeping obligations on some wireline telephone apparatus manufacturers, electronic computer manufacturers, computer terminal manufacturers, and software publishers, including small entities.

40. Third, the Commission adopts a rule for wireless handsets to address volume control. This action imposes new compliance obligations and may impose additional reporting and

recordkeeping obligations on wireless telecommunications carriers and wireless communications equipment manufacturers, including small entities.

41. Fourth, the Commission eliminates the 2007 Wireless RF Interference/Inductive Coupling Standard and a power-down exception, and requires wireless handsets to comply with the existing 2011 Wireless RF Interference/Inductive Coupling Standard to achieve more effective coupling between handsets and hearing aids or cochlear implants. This action could alter the compliance obligations of wireless telecommunications carriers and wireless communications equipment manufacturers, including small entities. However, such changes would not result in new regulatory burdens. In fact, it is the Commission’s understanding that the 2011 Wireless RF Interference/Inductive Coupling Standard already is used almost exclusively.

42. Fifth, the Commission reminds manufacturers and service providers of their existing obligations to provide consumers with sufficient information to make informed decisions about their handset purchases. These requirements are not new. So there are no new compliance obligations.

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

43. The Commission considered ways to reduce potential burdens and/or allow sufficient transition time for new requirements, which may be especially helpful to small entities. First, regarding the Commission’s incorporation of the 2012 Wireline Volume Control Standard into the wireline volume control rules, the Commission notes that the 2012 Wireline Volume Control Standard is a performance standard, not a design standard. To minimize the difficulty of adjusting to the revised standard, document FCC 17–135 allows a phase-in period during which manufacturers may comply with either the existing standard or the 2012 Wireline Volume Control Standard. To limit any potential burdens regarding the impact of the proposed rule change on previously manufactured telephones, the Commission allows the existing inventory and installed base of telephones that comply with the existing volume control standard to remain in place until retired.

44. In the *NPRM*, the Commission asked for comment generally on the cost of incorporating the 2012 Wireline Volume Control Standard into the Commission’s rules. No commenter addresses this issue or raises



alternatives. Because this revised standard more accurately measures the amplification achievable by wireline telephone products, incorporation of this standard could lighten regulatory burdens by increasing market certainty, promoting a level playing field, and reducing the number of complaints made to manufacturers by consumers of their products.

45. Second, regarding the Commission's new requirement that wireline CPE used with VoIP or other ACS comply with the wireline HAC and volume control requirements of part 68, the Commission notes that the standards provided in the rules are performance standards, not design standards. To minimize the difficulty of adjusting to the revised standard, document FCC 17-135 allows a two-year phase-in period before compliance is required. The Commission is aware that some manufacturers are already voluntarily complying with some of the new HAC requirements. To limit any potential burdens regarding the impact of the rule change on previously manufactured telephones, the Commission allows the existing inventory and installed base of ACS telephonic CPE to remain in place until retired. The Commission applies the relevant part 68 rules regarding complaint handling, labeling, certifications, and Suppliers' Declarations of Conformity to ACS telephonic CPE. Among other things, these rules provide for HAC consumer complaints to be filed with state public utility commissions or with the Commission, require labels to be affixed to telephones that are HAC compliant, permit equipment to be certified by Telecommunication Certification Bodies, and in the alternative, permit suppliers to make their own Declarations of Conformity. In the *NPRM*, the Commission sought comment on the costs of compliance. No commenter directly addresses this issue or raises alternatives. The Commission continues to believe that these requirements will promote accountability and compliance with the HAC requirements and thus effectively serve people with hearing loss. Finally, the Commission notes that the rule amendment could increase regulatory certainty and market fairness regarding the application of the wireline HAC rules because these rules would apply both to telephones connected to the public switched telephone network and to ACS telephonic CPE used with VoIP services.

46. Third, regarding the Commission's adoption of rules requiring wireless handsets to provide volume control that produces sound levels suitable for

persons with hearing loss (including persons with and without hearing aids), these rules also reflect a performance, not a design, standard. The introduction of new handsets that comply with a volume control standard is spread out over about seven years, which corresponds to the timeline of other wireless HAC requirements. In addition, reduced requirements apply to smaller manufacturers and service providers, and a total exemption is applied to the smallest manufacturers and service providers. The record shows that many wireless handsets already need to comply with volume control standards adopted by European and Asian standards groups; thus, it is possible that in complying with those standards, much of the cost of complying with this rule is already being borne by wireless manufacturers and service providers. Moreover, in the *NPRM*, the Commission asked for comment on the costs and benefits of adopting a wireless volume control requirement, and whether there are any specific burdens associated with requiring handsets to achieve a specified amplification level for manufacturers and service providers. No commenter responds to this issue. The Commission has not identified any alternative to this rule that would have further lessened the economic impact on small entities while remaining consistent with its objectives.

47. Fourth, regarding the Commission's adoption of a requirement for manufacturers to use the 2011 Wireless RF Interference/Inductive Coupling Standard exclusively and to eliminate the power-down exception to the existing wireless HAC rule, the Commission notes that the 2011 Wireless RF Interference/Inductive Coupling Standard is a performance standard, not a design standard. The revised rule will be implemented for new HAC certifications, and all prior certifications are grandfathered. Further, while HAC certifications will be necessary for increasing portions of a manufacturer's offered handset models over the next seven years under other recently adopted requirements, reduced requirements apply to smaller manufacturers and service providers, and a total exemption is applied to the smallest manufacturers and service providers. In the *NPRM*, the Commission asked for comment on the costs of compliance with the 2011 Wireless RF Interference/Inductive Coupling Standard and eliminating the power-down exception. No commenter addresses this issue. The Commission has not identified any alternative to these measures that would have

lessened the economic impact on small entities while remaining consistent with its objectives.

48. Fifth, regarding the Commission's reminder to manufacturers and service providers concerning their existing obligations to provide consumers with sufficient information to make informed decisions about their handset purchases, these obligations include placing HAC information on handset packaging, providing accessible customer support, and posting information on wireless service providers' websites. These are not new obligations, so there are no new costs. The Commission has not identified any alternative to these rules that would have further lessened the economic impact on small entities while remaining consistent with its objectives of improving the ways that Americans with hearing loss can access our nation's wireline and wireless communications services.

#### *Report to Congress*

49. The Commission has sent a copy of document FCC 17-135, including this FRFA, in a report to Congress and the Government Accountability Office pursuant to the Congressional Review Act.

#### *Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission's Rules*

50. None.

#### **Ordering Clauses**

51. Pursuant to sections 4(i), 303(r), and 710 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 303(r), 610, document FCC 17-135 is adopted, and parts 20 and 68 of title 47 are amended.

52. The Petition for Partial Reconsideration filed October 8, 2010 by LG Electronics MobileComm U.S.A., Inc., Motorola, Inc., Nokia Inc., Research in Motion Corp., Samsung Information Systems America, Inc., and Sony Ericsson Mobile Communications (USA) Inc. in WT Docket No. 07-250 is dismissed.

53. The Commission's Consumer and Governmental Affairs Bureau, Reference Information Center shall send a copy of document FCC 17-135, including the Final Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

#### **List of Subjects in 47 CFR Parts 20 and 68**

Incorporation by reference, Individuals with disabilities, Telecommunications, Telephones.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary, Office of the Secretary.*

## Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR parts 20 and 68 as follows:

### PART 20—COMMERCIAL MOBILE SERVICES

■ 1. The authority citation for part 20 continues to read as follows:

**Authority:** 47 U.S.C. 151, 152(a), 154(i), 157, 160, 201, 214, 222, 251(e), 301, 302, 303, 303(b), 303(r), 307, 307(a), 309, 309(j)(3), 316, 316(a), 332, 610, 615, 615a, 615b, 615c, unless otherwise noted.

■ 2. Amend § 20.19 by:

- a. Revising paragraphs (b)(1) and (2) and (e)(1)(iii)(B) and (C);
- b. Adding paragraph (e)(1)(iii)(D); and
- c. Revising paragraphs (f)(1), (k)(2), and (l) to read as follows:

#### § 20.19 Hearing aid-compatible mobile handsets.

\* \* \* \* \*

(b) \* \* \*

(1) *For radio frequency interference and volume control.* A wireless handset submitted for equipment certification or for a permissive change relating to hearing aid compatibility on or after August 28, 2018, must meet, at a minimum, the M3 rating associated with the technical standard set forth in the standard document “American National Standard Methods of Measurement of Compatibility Between Wireless Communication Devices and Hearing Aids,” ANSI C63.19–2011. Any grants of certification issued before August 28, 2018, under ANSI C63.19–2011, or previous versions of ANSI C63.19, remain valid for hearing aid compatibility purposes. Beginning March 1, 2021, a wireless handset submitted for equipment certification or for a permissive change relating to hearing aid compatibility must also be equipped with volume control that produces sound levels suitable for persons with hearing loss (including persons with and without hearing aids). Any grants of certification issued to handsets not equipped with such volume control that were submitted for certification before March 1, 2021, remain valid for hearing aid compatibility purposes.

(2) *For inductive coupling.* A wireless handset submitted for equipment certification or for a permissive change relating to hearing aid compatibility on or after August 28, 2018, must meet, at a minimum, the T3 rating associated

with the technical standard set forth in the standard document “American National Standard Methods of Measurement of Compatibility Between Wireless Communication Devices and Hearing Aids,” ANSI C63.19–2011. Any grants of certification issued for handsets submitted for such certification before August 28, 2018, under ANSI C63.19–2011, or previous versions of ANSI C63.19, remain valid for hearing aid compatibility purposes.

\* \* \* \* \*

(e) \* \* \*  
(1) \* \* \*  
(iii) \* \* \*

(B) The handset would comply with paragraph (b)(1) of this section if the power as so reduced were the maximum power at which the handset could operate;

(C) Customers are informed of the power reduction mode as provided in paragraph (f)(3) of this section. Manufacturers and service providers covered by this paragraph must also comply with all other requirements of this section; and

(D) The handset was certified as meeting the requirements of paragraph (b)(1) of this section with the power reduction prior to August 28, 2018.

\* \* \* \* \*

(f) \* \* \*

(1) *Labeling requirements—(i) Inductive coupling and RF interference reduction.* Manufacturers and service providers shall ensure that handsets that are hearing aid-compatible, as defined in paragraph (b) of this section, clearly display the rating, as defined in paragraphs (b)(1) and (2) of this section, on the packaging material of the handset. In the event that a hearing aid-compatible handset achieves different radio interference or inductive coupling ratings over different air interfaces or different frequency bands, the RF interference reduction and inductive coupling capability ratings displayed shall be the lowest rating assigned to that handset for any air interface or frequency band. An explanation of the ANSI C63.19 rating system must also be included in the device’s user’s manual or as an insert in the packaging material for the handset.

(ii) *Volume control.* Beginning March 1, 2021, manufacturers and service providers shall ensure that handsets that are hearing aid compatible, as defined in paragraph (b) of this section, clearly display information indicating the handset’s amplification capabilities on the packaging material of the handset. If the handset has been certified as compliant with a technical standard that specifies acceptable numerical metrics

or qualitative ratings for handset volume control, the labeling shall include the relevant volume control metrics or ratings. In the event that such a handset achieves different metrics or ratings over different air interfaces or different frequency bands, the volume control metrics or ratings displayed shall be the lowest metrics or ratings assigned to that handset for any air interface or frequency band. An explanation of such volume control metrics or ratings shall be included in the device’s user manual or as an insert in the packaging material for the handset.

\* \* \* \* \*

(k) \* \* \*

(2) The Chief of the Wireless Telecommunications Bureau and the Chief of the Office of Engineering and Technology are delegated authority, by notice-and-comment rulemaking if required by statute or otherwise in the public interest, to issue an order amending this section to the extent necessary to approve any version of the technical standards for radio frequency interference, inductive coupling, or volume control adopted subsequently to ANSI C63.19–2007 for use in determining whether a wireless handset meets the appropriate rating over frequency bands and air interfaces for which technical standards have previously been adopted either by the Commission or pursuant to paragraph (k)(1) of this section. This delegation is limited to the approval of changes to the technical standards that do not raise major compliance issues. Further, by such approvals, the Chiefs may only permit, and not require, the use of such subsequent versions of the technical standards to establish hearing aid compatibility.

(l) The standards required in this section are incorporated by reference into this section with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Federal Communications Commission (FCC), 445 12th St. SW, Reference Information Center, Room CY–A257, Washington, DC 20554, (202) 418–0270, and is available from the source indicated below. They are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(1) IEEE Standards Association (IEEE-SA), 445 Hoes Lane, Piscataway, NJ 08854–4141, (732) 981–0060, email to

stds-info@ieee.org, and <http://standards.ieee.org/>.

(i) ANSI C63.19–2007, American National Standard Methods of Measurement of Compatibility between Wireless Communication Devices and Hearing Aids, June 8, 2007.

(ii) ANSI C63.19–2011, American National Standard Methods of Measurement of Compatibility between Wireless Communication Devices and Hearing Aids, May 27, 2011.

(2) [Reserved]

**PART 68—CONNECTION OF TERMINAL EQUIPMENT TO THE TELEPHONE NETWORK**

■ 3. The authority citation for part 68 is revised to read as follows:

Authority: 47 U.S.C. 154, 303, 610.

**Subpart A—General**

■ 4. The authority citation for part 68, subpart A, is revised to read as follows:

Authority: Secs. 4, 5, 303, 710, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303, 610).

■ 5. Revise § 68.1 to read as follows:

**§ 68.1 Purpose.**

The purpose of the rules and regulations in this part is to provide for uniform standards for the protection of the telephone network from harms caused by the connection of terminal equipment and associated wiring thereto, and for the compatibility of hearing aids and telephones so as to ensure that, to the fullest extent made possible by technology and medical science, people with hearing loss have equal access to the national telecommunications network, including advanced communications services.

■ 6. Amend § 68.2 by revising paragraph (a) to read as follows:

**§ 68.2 Scope.**

(a) Except as provided in paragraphs (b) and (c) of this section, and excluding subpart F, which applies only to ACS telephonic CPE, the rules and regulations of this part apply to direct connection of all terminal equipment to the public switched telephone network for use in conjunction with all services other than party line services. Sections 68.4, 68.5, 68.6, 68.112, 68.160, 68.162, 68.316, and 68.317, and other sections to the extent they are made applicable by subpart F of this part, also apply to ACS and ACS telephonic CPE that is manufactured in the United States or imported for use in the United States on or after February 28, 2020.

\* \* \* \* \*

■ 7. Amend § 68.3 by adding the definitions of “ACS telephonic CPE” and “Advanced communications services” in alphabetical order, and revising the definitions of “Hearing aid compatible” and “Responsible party” to read as follows:

**§ 68.3 Definitions.**

\* \* \* \* \*

*ACS telephonic CPE.* Customer premises equipment used with advanced communications services that is designed to provide 2-way voice communication via a built-in speaker intended to be held to the ear in a manner functionally equivalent to a telephone, except for mobile handsets.

*Advanced communications services.* Interconnected VoIP service, non-interconnected VoIP service, electronic messaging service, and interoperable video conferencing service.

\* \* \* \* \*

*Hearing aid compatible.* Except as used at §§ 68.4(a)(3) and 68.414, and subpart F of this part the terms hearing aid compatible or hearing aid compatibility are used as defined in § 68.316, unless it is specifically stated that hearing aid compatibility volume control, as defined in § 68.317, is intended or is included in the definition.

\* \* \* \* \*

*Responsible party.* The party or parties responsible for the compliance of terminal equipment or protective circuitry intended for connection directly to the public switched telephone network, or of ACS telephonic CPE, with the applicable rules and regulations in this part and with any applicable technical criteria published by the Administrative Council for Terminal Attachments. If a Telecommunications Certification Body certifies the terminal equipment or ACS telephonic CPE, the responsible party is the holder of the certificate for that equipment. If the terminal equipment or ACS telephonic CPE is the subject of a Supplier’s Declaration of Conformity, the responsible party shall be: The manufacturer of the equipment, or the manufacturer of protective circuitry that is marketed for use with terminal equipment that is not to be connected directly to the network, or if the equipment is imported, the importer, or if the equipment is assembled from individual component parts, the assembler. If the equipment is modified by any party not working under the authority of the responsible party, the party performing the modifications, if located within the U.S., or the importer, if the equipment is imported subsequent

to the modifications, becomes the new responsible party. Retailers or original equipment manufacturers may enter into an agreement with the assembler or importer to assume the responsibilities to ensure compliance of the terminal equipment or ACS telephonic CPE and to become the responsible party.

\* \* \* \* \*

■ 8. Amend § 68.224 by revising paragraph (b) to read as follows:

**§ 68.224 Notice of non-hearing aid compatibility.**

\* \* \* \* \*

(b) Be accompanied by instructions in accordance with § 68.218(b)(2).

■ 9. The authority citation for subpart D of part 68 is revised to read as follows:

**Subpart D—Conditions for Terminal Equipment Approval**

Authority: Secs. 4, 5, 303, 710, 48 Stat., as amended, 1066, 1068, 1082 (47 U.S.C. 154, 155, 303, 610).

■ 10. Amend § 68.317 by:

- a. Redesignating paragraph (g) as paragraph (i);
- b. Redesignating paragraphs (a) through (f) as (b) through (g);
- c. Adding new paragraph (a);
- d. Redesignating “Note to paragraph (a)” as “Note 1 to paragraph (b)”;
- e. Adding paragraph (h); and
- f. Revising newly redesignated paragraph (i).

The additions and revision read as follows:

**§ 68.317 Hearing aid compatibility volume control: technical standards.**

(a)(1) A telephone manufactured in the United States or imported for use in the United States prior to February 28, 2020, complies with the volume control requirements of this section if it complies with:

(i) The applicable provisions of paragraphs (b) through (g) of this section; or

(ii) Paragraph (h) of this section.

(2) A telephone manufactured in the United States or imported for use in the United States on or after February 28, 2020, complies with the volume control requirements of this section if it complies with paragraph (h) of this section.

\* \* \* \* \*

(h) A telephone complies with the Commission’s volume control requirements if it is equipped with a receive volume control that provides, through the receiver in the handset of the telephone, at the loudest volume setting, a conversational gain greater than or equal to 18 dB and less than or equal to 24 dB Conversational Gain

when measured as described in ANSI/TIA-4965-2012 (Telecommunications—Telephone Terminal Equipment—Receive Volume Control Requirements for Digital and Analog Wireline Telephones). A minimum of 18 dB Conversational Gain must be achieved without significant clipping of the speech signal used for testing. The maximum 24 dB Conversational Gain may be exceeded if the amplified receive capability automatically resets to a level of not more than 24 dB Conversational Gain when the telephone is caused to pass through a proper on-hook transition, in order to minimize the likelihood of damage to individuals with normal hearing.

(i) The standards required in this section are incorporated by reference with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection at the Federal Communications Commission (FCC), 445 12th St. SW, Reference Information Center, Room CY-A257, Washington, DC 20554, (202) 418-0270, and is available from the source indicated below. They are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030 or go to <http://www.archives.gov/federal-register/cfr/ibr-locations.html>.

(1) The following standards are available from the Telecommunications Industry Association (TIA), 1320 North Courthouse Road, Suite 200, Arlington, VA 22201, (877) 413-5184, email to [smontgomery@tiaonline.org](mailto:smontgomery@tiaonline.org), and <http://www.tiaonline.org/standards/catalog>.

(i) Paragraph 4.1.2 (including table 4.4) of American National Standards Institute (ANSI) Standard ANSI/EIA-470-A-1987, Telephone Instruments with Loop Signaling, July 1987.

(ii) Paragraph 4.3.2 of ANSI/EIA/TIA-579-1991, Acoustic-to-Digital and Digital-to-Acoustic Transmission Requirements for ISDN Terminals, February 1991.

(iii) ANSI/TIA-4965-2012, Telecommunications; Telephone Terminal Equipment; Receive Volume Control Requirements for Digital and Analog Wireline Handset Terminals, approved October 19, 2012.

(2) [Reserved]

■ 11. Amend § 68.320 by revising paragraph (e) to read as follows:

**§ 68.320 Supplier's Declaration of Conformity.**

\* \* \* \* \*

(e) No person shall use or make reference to a Supplier's Declaration of

Conformity in a deceptive or misleading manner or to convey the impression that such a Supplier's Declaration of Conformity reflects more than a determination by the responsible party that the device or product has been shown to be capable of complying with the applicable technical criteria.

■ 12. Add subpart F to read as follows:

**Subpart F—ACS Telephonic CPE**

Sec.

68.501 Authorization procedures.

68.502 Labeling, warranty, instructions, and notice of revocation of approval.

68.503 Complaint procedures.

68.504 Administrative Council on Terminal Attachments.

**§ 68.501 Authorization procedures.**

(a) *Authorization required.* Unless exempt from the requirements of §§ 68.4 and 68.6, ACS telephonic CPE manufactured in or imported into the United States after February 28, 2020, shall be certified as hearing aid compatible by a Telecommunications Certification Body or the responsible party shall follow the procedures in this part for a Supplier's Declaration of Conformity to establish that such CPE is hearing aid compatible.

(b) *Certification.* The requirements of §§ 68.160 and 68.162 shall apply to the certification of ACS telephonic CPE as hearing aid compatible.

(c) *Supplier's Declaration of Conformity.* The requirements of §§ 68.320–68.350 (except § 68.324(f)) shall apply to the use of the Supplier's Declaration of Conformity procedure to establish that ACS telephonic CPE is hearing aid compatible.

(d) *Revocation procedures.* (1) The Commission may revoke the authorization of ACS telephonic CPE under this section, where:

(i) The equipment approval is shown to have been obtained by misrepresentation;

(ii) The responsible party willfully or repeatedly fails to comply with the terms and conditions of its equipment approval; or

(iii) The responsible party willfully or repeatedly fails to comply with any rule, regulation or order issued by the Commission under the Communications Act of 1934 relating to terminal equipment.

(2) Before revoking such authorization, the Commission, or the Enforcement Bureau under delegated authority, will issue a written Notice of Intent to Revoke part 68 Authorization, or a Joint Notice of Apparent Liability for Forfeiture and Notice of Intent to Revoke part 68 Authorization, pursuant to §§ 1.80 and 1.89 of this chapter. The

notice will be sent to the responsible party for the equipment at issue at the address provided to the Administrative Council for Terminal Attachments. A product that has had its authorization revoked may not be reauthorized for a period of six months from the date of revocation of the approval. A responsible party for ACS telephonic CPE that has had its authorization revoked or that has been assessed a forfeiture, or both, may request reconsideration or make administrative appeal of the decision pursuant to part 1 of the Commission's rules: Practice and Procedure, part 1 of this chapter.

**§ 68.502 Labeling, warranty, instructions, and notice of revocation of approval.**

(a) *Labeling—(1) Hearing aid compatible equipment.* All ACS telephonic CPE manufactured in the United States (other than for export) or imported for use in the United States after February 28, 2020, that is hearing aid compatible, as defined in §§ 68.316 and 68.317, shall have the letters "HAC" permanently affixed thereto. "Permanently affixed" means that the label is etched, engraved, stamped, silkscreened, indelibly printed, or otherwise permanently marked on a permanently attached part of the equipment or on a nameplate of metal, plastic, or other material fastened to the equipment by welding, riveting, or a permanent adhesive. The label must be designed to last the expected lifetime of the equipment in the environment in which the equipment may be operated and must not be readily detachable.

(2) *Non-hearing aid compatible equipment.* Non-hearing aid compatible ACS telephonic CPE offered for sale to the public on or after February 28, 2020, shall contain in a conspicuous location on the surface of its packaging a statement that the ACS telephonic CPE is not hearing aid compatible, as defined in §§ 68.4(a)(3), 68.316, 68.317, or if offered for sale without a surrounding package, shall be affixed with a written statement that the telephone is not hearing aid compatible, as defined in §§ 68.4(a)(3), 68.316 and 68.317; and be accompanied by instructions in accordance with § 68.218(b)(2).

(b) *Warranty.* In acquiring approval for equipment to be labeled and otherwise represented to be hearing aid compatible, the responsible party warrants that each item of equipment marketed under such authorization will comply with all applicable rules and regulations of this part and with the applicable technical criteria.

(c) *Instructions.* The responsible party or its agent shall provide the user of the

approved ACS telephonic CPE the following:

(1) Any consumer instructions required to be included with approved ACS telephonic CPE by the Administrative Council for Terminal Attachments;

(2) For ACS telephonic CPE that is not hearing aid compatible, as defined in § 68.316:

(i) Notice that FCC rules prohibit the use of that handset in certain locations; and

(ii) A list of such locations (*see* § 68.112).

(d) *Notice of revocation.* When approval is revoked for any item of equipment, the responsible party must take all reasonable steps to ensure that purchasers and users of such equipment are notified to discontinue use of such equipment.

#### § 68.503 Complaint procedures.

The complaint procedures of §§ 68.414 through 68.423 shall apply to complaints regarding the hearing aid compatibility of ACS telephonic CPE.

#### § 68.504 Administrative Council on Terminal Attachments.

The database registration and labeling provisions of §§ 68.354, 68.610, and 68.612 shall apply to ACS telephonic CPE that is approved as hearing aid compatible and is manufactured in or imported to the United States on or after February 28, 2020. After that date, the information required by the Administrative Council on Terminal Attachments shall be submitted within 30 days after the date that the equipment is manufactured in or imported into the United States.

[FR Doc. 2018-04012 Filed 2-27-18; 8:45 am]

BILLING CODE 6712-01-P

## OFFICE OF MANAGEMENT AND BUDGET

### Office of Federal Procurement Policy

#### 48 CFR Part 9903

#### Cost Accounting Standards: Clarification of the Exemption From Cost Accounting Standards for Firm-Fixed-Price Contracts and Subcontracts Awarded Without Submission of Certified Cost or Pricing Data

**AGENCY:** Office of Management and Budget, Office of Federal Procurement Policy, Cost Accounting Standards Board.

**ACTION:** Final rule.

**SUMMARY:** The Office of Federal Procurement Policy (OFPP), Cost Accounting Standards (CAS) Board, is publishing, without change from the proposed rule, a final rule revising the exemption from CAS for firm-fixed-price (FFP) contracts and subcontracts awarded on the basis of adequate price competition without submission of cost or pricing data. This final rule clarifies that the exemption applies to FFP contracts and subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

**DATES:** *Effective date:* March 30, 2018.

**FOR FURTHER INFORMATION CONTACT:** Ida Pham, Acting Staff Director, Cost Accounting Standards Board (telephone: 202-881-9062; email: [Ida.L.Pham@omb.eop.gov](mailto:Ida.L.Pham@omb.eop.gov)).

#### SUPPLEMENTARY INFORMATION:

##### A. Regulatory Process—Changes to 48 CFR Part 9903

The CAS Board's regulations and Standards are codified at 48 CFR chapter 99. This final rule amends of a CAS Board regulation other than a Standard, and as such is not subject to the statutorily prescribed rulemaking process for the promulgation of a Standard at 41 U.S.C. 1502(c) [formerly, 41 U.S.C. 422(g)].

##### B. Background and Summary

In October 2011, the CASB issued a proposed rule to clarify the CAS exemption provided by 48 CFR 9903.201-1(b)(15) (76 FR 61660). Since 2000, this provision has provided an exemption from CAS for FFP contracts and subcontracts awarded on the basis of adequate price competition without submission of cost or pricing data. In proposing to add the word "certified" before "cost or pricing data," the Board explained that at the time the CAS rule was promulgated in 2000, the term cost or pricing data was understood to mean certified cost or pricing data. However, as a result of changes made to the Federal Acquisition Regulation in 2010 by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council, the term could also be read to mean cost or pricing data without the certification. The Board sought to avoid confusion and provide clarity to the government contractor community on its original intent, which was to implement section 802 of the NDAA for FY 2000 (Pub. L. 106-65). Section 802 adopted the recommendation of the Cost Accounting Standards Board Review Panel, which stated that when certified cost or pricing data were not obtained for FFP contracts

and subcontracts, the safeguards provided by CAS were likewise not necessary. For additional background on the proposed rule, go to (76 FR 61660).

Two comments were received in response to the proposed rule, both of which expressed support for the proposed change. Accordingly, the CAS Board is adopting and finalizing the proposed rule without change.

##### C. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. Chapter 35, Subchapter I) does not apply to this rulemaking, because this rule imposes no additional paperwork burden on offerors, affected contractors and subcontractors, or members of the public which requires the approval of OMB under 44 U.S.C. 3501, *et seq.* The purpose of this rule is to clarify the implementation of the "Streamlined Applicability of Cost Accounting Standards" at Section 802 of National Defense Authorization Act for Fiscal Year 2000. The records required by this final rule are those normally maintained by contractors and subcontractors who claim reimbursement of costs under Government contracts.

##### D. Executive Orders 12866 and 13771, the Congressional Review Act, and the Regulatory Flexibility Act

This rule serves to clarify the elimination of certain administrative requirements associated with the application and administration of the Cost Accounting Standards by covered Government contractors and subcontractors, consistent with the provisions of "Streamlined Applicability of Cost Accounting Standards" at Section 802 of National Defense Authorization Act for Fiscal Year 2000. In addition, because the final rule will achieve greater consistency between the CAS and the FAR, the rule promotes simplification for contractors. The economic impact on contractors and subcontractors is, therefore, expected to be minor. As a result, the CAS Board has determined that this final rule will not result in the promulgation of an "economically significant rule" under the provisions of Executive Order 12866, that a regulatory impact analysis is not required, and the requirements of E.O. 13771, *Reducing Regulation and Controlling Regulatory Costs*, do not apply. For the same reason, this final rule is not a "major rule" under the Congressional Review Act, 5 U.S.C. Chapter 8. Finally, this final rule does not have a significant effect on a substantial number of small entities because small businesses are exempt from the application of the Cost

Accounting Standards. Therefore, this final rule does not require a regulatory flexibility analysis under the Regulatory Flexibility Act of 1980, 5 U.S.C. Chapter 6.

#### List of Subjects in 48 CFR Part 9903

Cost accounting standards,  
Government procurement.

**Lesley A. Field,**

*Acting Chair, Cost Accounting Standards Board.*

For the reasons set forth in this preamble, chapter 99 of title 48 of the Code of Federal Regulations is amended as set forth below:

#### PART 9903—CONTRACT COVERAGE

■ 1. The authority citation for part 9903 continues to read as follows:

**Authority:** Public Law 111–350, 124 Stat. 3677, 41 U.S.C. 1502.

#### Subpart 9903.2—CAS Program Requirements

■ 2. Section 9903.201–1 is amended by revising paragraph (b)(15) to read as follows:

##### 9903.201–1 CAS applicability.

\* \* \* \* \*

(b) \* \* \*

(15) Firm-fixed-price contracts or subcontracts awarded on the basis of adequate price competition without submission of certified cost or pricing data.

[FR Doc. 2018–04101 Filed 2–27–18; 8:45 am]

BILLING CODE 3110–01–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[Docket No. 130903775–4276–02]

RIN 0648–XG054

#### Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish; 2018 River Herring and Shad Catch Cap Reached for the Directed Atlantic Mackerel Commercial Fishery

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is reducing the Atlantic mackerel possession limit for Federal limited access Atlantic mackerel

permitted vessels based on a projection that the 2018 river herring and shad catch cap for that fishery has been reached. This action is necessary to comply with the regulations implementing the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan and is intended to limit the harvest of river herring and shad in the Greater Atlantic Region.

**DATES:** Effective 00:01 hr local time, February 27, 2018, through December 31, 2018.

#### FOR FURTHER INFORMATION CONTACT:

Alyson Pitts, Fishery Management Specialist, (978) 281–9352.

#### SUPPLEMENTARY INFORMATION:

Regulations governing the Atlantic mackerel fishery can be found at 50 CFR part 648, including requirements for setting annual catch cap allocations for river herring and shad. NMFS set the 2018 river herring and shad catch cap for the directed Atlantic mackerel fishery at 82 mt as part of a final rule to implement the 2016 through 2018 Atlantic mackerel specifications (81 FR 24504, April 4, 2016).

The NMFS Administrator of the Greater Atlantic Region (Regional Administrator) monitors river herring and shad catch from the directed Atlantic mackerel fishery based on vessel and dealer reports, state data, and other available information. The regulations at § 648.24 require that when the Regional Administrator projects that when 95 percent of the river herring and shad catch cap has been caught by the directed Atlantic mackerel fishery (*i.e.*, trips that land more than 20,000 lb (9.08 mt) of Atlantic mackerel) will reach 95 percent of a catch cap, NMFS must prohibit, through notification in the **Federal Register**, Federal limited access permitted Atlantic mackerel vessels from fishing for, possessing, transferring, receiving, landing, or selling more than 20,000 lb (9.08 mt) of Atlantic mackerel per trip or landing more than once per calendar day for the remainder of the calendar year.

The Regional Administrator has determined, based on vessel and dealer reports, state data, and other available information, that Federal limited access Atlantic mackerel vessels will have caught 95 percent of the river herring and shad catch cap by February 20, 2018. The regulations at § 648.24(d) require NMFS to provide at least a 72 hour notice to the public before any Atlantic mackerel possession reduction or fishery closure. Therefore, effective 00:01 hr local time, February 27, 2018, federally permitted vessels targeting Atlantic mackerel may not fish for,

catch, possess, transfer, land, or sell more than 20,000 lb (9.08 mt) of Atlantic mackerel per trip or calendar day through December 31, 2018. Vessels with more than 20,000 lb (9.08 mt) of Atlantic mackerel that have entered port before 00:01 hr local time, February 27, 2018, may land and sell more than 20,000 lb (9.08 mt) of Atlantic mackerel from that trip.

#### Classification

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

NMFS finds good cause pursuant to 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment because it would be contrary to the public interest and impracticable. This action restricts the catch of Atlantic mackerel for the remainder of the fishing year. Data have only recently become available indicating that directed Atlantic mackerel trips by federally permitted vessels will have caught 95 percent of the river herring and shad catch cap established for the 2018 calendar year. Once NMFS projects that river herring and shad catch will reach 95 percent of the catch cap, NMFS is required by Federal regulation to implement a 20,000 lb (9.08 mt) Atlantic mackerel possession limit and prohibit vessels from landing Atlantic mackerel more than once per calendar day through December 31, 2018. The regulations at § 648.24(b)(6) require such action to ensure that such vessels do not exceed the river herring and shad catch cap for the Atlantic mackerel fishery. If implementation of this closure is delayed to solicit prior public comment, the river herring and shad catch cap for this fishing year will likely be exceeded, thereby undermining the conservation objectives of the Atlantic Mackerel, Squid, and Butterfish Fishery Management Plan. NMFS further finds, pursuant to 5 U.S.C 553(d)(3), good cause to waive the 30-day delayed effectiveness period for the reasons stated above.

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

Dated: February 23, 2018.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2018–04073 Filed 2–23–18; 4:15 pm]

BILLING CODE 3510–22–P

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 160920866–7167–02]

RIN 0648–XF901

**Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 620 in the Gulf of Alaska**

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

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for pollock in Statistical Area 620 in the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2018 total allowable catch of pollock for Statistical Area 620 in the GOA.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), February 23, 2018, through 1200 hours, A.l.t., March 10, 2018.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679.

The A season allowance of the 2018 total allowable catch (TAC) of pollock in Statistical Area 620 of the GOA is 27,314 metric tons (mt) as established by the final 2017 and 2018 harvest specifications for groundfish in the GOA (82 FR 12032, February 27, 2017) and inseason adjustment (82 FR 60327, December 20, 2017).

In accordance with § 679.20(d)(1)(i), the Regional Administrator has determined that the A season allowance of the 2018 TAC of pollock in Statistical Area 620 of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 27,000 mt and is setting aside the remaining 314 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed

fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for pollock in Statistical Area 620 of the GOA.

After the effective date of this closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

**Classification**

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of directed fishing for pollock in Statistical Area 620 of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 22, 2018.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C. 553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 23, 2018.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2018–04071 Filed 2–23–18; 4:15 pm]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 679**

[Docket No. 160920866–7167–02]

RIN 0648–XF904

**Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Trawl Catcher Vessels in the Western Regulatory Area of the Gulf of Alaska**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; closure.

**SUMMARY:** NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the Gulf of Alaska (GOA). This action is necessary to prevent exceeding the A season allowance of the 2018 Pacific cod total allowable catch apportioned to trawl catcher vessels in the Western Regulatory Area of the GOA.

**DATES:** Effective 1200 hours, Alaska local time (A.l.t.), February 23, 2018, through 1200 hours, A.l.t., June 10, 2018.

**FOR FURTHER INFORMATION CONTACT:** Josh Keaton, 907–586–7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the groundfish fishery in the GOA exclusive economic zone according to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson-Stevens Fishery Conservation and Management Act. Regulations governing fishing by U.S. vessels in accordance with the FMP appear at subpart H of 50 CFR part 600 and 50 CFR part 679. Regulations governing sideboard protections for GOA groundfish fisheries appear at subpart B of 50 CFR part 680.

The A season allowance of the 2018 Pacific cod total allowable catch (TAC) apportioned to trawl catcher vessels in the Western Regulatory Area of the GOA is 1,528 metric tons (mt), as established by the final 2017 and 2018 harvest specifications for groundfish of the GOA (82 FR 12032, February 27, 2017) and inseason adjustment (82 FR 60327, December 20, 2017).

In accordance with § 679.20(d)(1)(i), the Administrator, Alaska Region, NMFS (Regional Administrator) has determined that the A season allowance of the 2018 Pacific cod TAC apportioned to trawl catcher vessels in the Western Regulatory Area of the GOA will soon be reached. Therefore, the Regional Administrator is establishing a directed fishing allowance of 1,378 mt and is setting aside the remaining 150 mt as bycatch to support other anticipated groundfish fisheries. In accordance with § 679.20(d)(1)(iii), the Regional Administrator finds that this directed fishing allowance has been reached. Consequently, NMFS is prohibiting directed fishing for Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA. After the effective date of this

closure the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a trip.

#### Classification

This action responds to the best available information recently obtained from the fishery. The Acting Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is

impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the directed fishing closure of Pacific cod by catcher vessels using trawl gear in the Western Regulatory Area of the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of February 22, 2018.

The AA also finds good cause to waive the 30-day delay in the effective date of this action under 5 U.S.C.

553(d)(3). This finding is based upon the reasons provided above for waiver of prior notice and opportunity for public comment.

This action is required by § 679.20 and is exempt from review under Executive Order 12866.

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

Dated: February 23, 2018.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2018-04074 Filed 2-23-18; 4:15 pm]

**BILLING CODE 3510-22-P**



# Proposed Rules

Federal Register

Vol. 83, No. 40

Wednesday, February 28, 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 71

[Docket No. FAA-2018-0020; Airspace Docket No. 17-AGL-28]

#### Proposed Amendment of Class E Airspace; Flint, MI, and Proposed Establishment of Class E Airspace; Owosso, MI

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to amend Class E airspace extending upward from 700 feet above the surface at Bishop International Airport, Flint, MI, and establish separate Class E airspace extending upward from 700 feet above the surface at Owosso Community Airport, Owosso, MI. The FAA is proposing this action due to the closure of the Athelone Williams Memorial Airport, Davison, MI, which is included in the Flint, MI, airspace description, and the cancellation of the instrument approach procedures at the Genesys Regional Medical Center, Grand Blanc, MI, also included in the Flint, MI, airspace description, and to update the Bishop International Airport airspace and the Owosso Community Airport airspace to comply with FAA Order 7400.2L, Procedures for Handling Airspace Matters. The geographic coordinates of the Bishop International Airport and Prices Airport, Linden, MI, would also be updated to coincide with the FAA's aeronautical database.

**DATES:** Comments must be received on or before April 16, 2018.

**ADDRESSES:** Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366-9826, or (800) 647-5527. You must identify FAA Docket No. FAA-2018-

0020; Airspace Docket No. 17-AGL-28, at the beginning of your comments. You may also submit 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 online at [http://www.faa.gov/air\\_traffic/publications/](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 7400.11A at NARA, call (202) 741-6030, or go to <https://www.archives.gov/federal-register/cfr/ibr-locations.html>.

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

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

#### SUPPLEMENTARY INFORMATION:

##### Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace extending upward from 700 feet above the surface at Bishop International Airport, Flint, MI, and establish separate Class E

airspace extending upward from 700 feet above the surface at Owosso Community Airport, Owosso, MI, to support instrument flight rules (IFR) operations at these airports, and remove Class E airspace extending upward from 700 feet above the surface that is no longer required at Athelone Williams Memorial Airport and Genesys Regional Medical Center.

#### 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 and be submitted in triplicate to the address listed above. Commenters 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-2018-0020; Airspace Docket No. 17-AGL-28." 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/](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 during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

#### 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 proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 by:

Modifying the Class E airspace designated as a surface area at Bishop International Airport, Flint, MI, by updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database, and replacing the outdated term "Airport/Facility Directory" with the term "Chart Supplement" in the airspace legal description;

Modifying the Class E airspace area extending upward from 700 feet above the surface to within a 6.9-mile radius (decreased from a 10.5-mile radius) at Bishop International Airport; removing the extension to the north referencing the Flint ILS localizer; adding an extension 2.4 miles each side of the 016° radial of the Flint VORTAC extending from the 6.9-mile radius to 7.9 miles north of the airport; adding an extension 2.4 miles each side of the 179° radial of the Flint VORTAC extending from the 6.9-mile radius to 7.9 miles south of the airport; removing the Owosso Community Airport, Owosso, MI, from the airspace description (a separate Class E airspace area extending upward from 700 feet above the surface would be created for Owosso Community Airport as it no longer adjoins the Flint, MI, Class E airspace area extending upward from 700 feet above the surface with this amendment); removing Athelone Williams Memorial Airport, Davison, MI, from the airspace description; removing the PETLI LOM from the airspace description; removing Genesys Regional Medical Center,

Grand Blanc, MI, from the airspace description; updating the geographic coordinates for Bishop International Airport and Prices Airport, Linden, MI, to coincide with the FAA's aeronautical database; and removing exclusionary language contained in the legal description to comply with FAA Order 7400.2L; and

Establishing Class E airspace area extending upward from 700 feet above the surface to within a 6.4-mile radius of Owosso Community Airport, Owosso, MI.

Airspace reconfiguration is necessary due to the closure of the Athelone Williams Memorial Airport and the cancellation of the instrument procedures at the Genesys Regional Medical Center, as they no longer require a Class E airspace area extending upward from 700 feet above the surface. This action would enhance safety and the management of IFR operations at these airports.

Class E airspace designations are published in paragraph 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 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

#### Regulatory Notices and Analyses

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, 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 6002 Class E Surface Area Airspace.*

\* \* \* \* \*

#### AGL MI E2 Flint, MI [Amended]

Bishop International Airport, MI  
(Lat. 42°57'56" N, long. 83°44'41" W)

That airspace extending upward from the surface within a 5-mile radius of Bishop International 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.*

\* \* \* \* \*

#### AGL MI E5 Flint, MI [Amended]

Bishop International Airport, MI  
(Lat. 42°57'56" N, long. 83°44'42" W)  
Prices Airport, MI  
(Lat. 42°48'27" N, long. 83°46'08" W)  
Flint VORTAC  
(Lat. 42°58'00" N, long. 83°44'49" W)

That airspace extending upward from 700 feet above the surface within a 6.9-mile radius of Bishop International Airport, and within 2.4 miles each side of the 016° radial of the Flint VORTAC extending from the 6.9-mile radius to 7.9 miles north of Bishop International Airport, and within 2.4 miles each side of the 179° radial of the Flint VORTAC extending from the 6.9-mile radius to 7.9 miles south of Bishop International Airport, and within a 6.4-mile radius of Prices Airport.

\* \* \* \* \*

#### AGL MI E5 Owosso, MI [New]

Owosso Community Airport, MI

(Lat. 42°59'35" N, long. 84°08'19" W)

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

Issued in Fort Worth, Texas, on February 21, 2018.

**Christopher L. Southerland,**

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

[FR Doc. 2018-03958 Filed 2-27-18; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF THE INTERIOR

### National Park Service

#### 36 CFR Part 7

[NPS-GLCA-20681; PPIMGLCAS1;  
PPMPSAS1Z.YP0000]

RIN 1024-AD93

#### Special Regulations of the National Park Service; Glen Canyon National Recreation Area; Motor Vehicles

**AGENCY:** National Park Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** The National Park Service proposes to amend its special regulations for Glen Canyon National Recreation Area to manage the use of motor vehicles on and off park roads. The rule would require a permit to operate a motor vehicle off roads in selected locations, designate routes and areas where motor vehicles may be used off roads, and allow the superintendent to establish closures and restrictions based upon specific criteria. The rule would also allow certain types of off-road vehicles on some paved and unpaved roads in the recreation area. Unless provided for by special regulation, operating a motor vehicle off roads within areas of the National Park System is prohibited.

**DATES:** Comments must be received by April 30, 2018.

**ADDRESSES:** You may submit comments, identified by the Regulation Identifier Number (RIN) 1024-AD93, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail to:* Superintendent, Glen Canyon National Recreation Area, P.O. Box 1507, Page, Arizona 86040.
- *Hand Deliver to:* Superintendent, Glen Canyon National Recreation Area, 691 Scenic View Drive, Page, Arizona.

*Instructions:* All submissions received must include the agency name and RIN for this rulemaking. Comments received will be posted without change to <http://www.regulations.gov>, including any

personal information provided. For additional information, see the "Public Participation" heading of the **SUPPLEMENTARY INFORMATION** section of this document.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

#### FOR FURTHER INFORMATION CONTACT:

William Shott, Superintendent, Glen Canyon National Recreation Area, P.O. Box 1507, Page, Arizona 86040, by phone at 928-608-6205, or by email at [GLCA\\_Superintendent@nps.gov](mailto:GLCA_Superintendent@nps.gov).

#### SUPPLEMENTARY INFORMATION:

##### Purpose and Significance of Glen Canyon National Recreation Area

Congress established Glen Canyon National Recreation Area (the recreation area) in 1972 "to provide for the public outdoor recreation use and enjoyment of Lake Powell and lands adjacent thereto in the states of Arizona and Utah and to preserve the scenic, scientific, and historic features contributing to the public enjoyment of the area." 16 U.S.C. 460dd.

The recreation area encompasses 1,254,117 acres in northern Arizona and southeastern Utah. The recreation area allows for a variety of recreational opportunities, including on- and off-road motor vehicle use. The recreation area contains Lake Powell, the second-largest human-made lake in North America, which provides the opportunity to recreate in a natural environment and access remote backcountry areas. The recreation area is located in the heart of the Colorado Plateau region, which offers a natural diversity of rugged water- and wind-carved canyons, buttes, mesas, and other outstanding physiographic features. Evidence of 11,000 years of human occupation and use of resources in the recreation area provides a continuing story of the prehistoric, historic, and present-day affiliation of humans and their environment. The recreation area constitutes a substantial part of the outstanding public lands of the Colorado Plateau.

##### Authority To Promulgate Regulations

The National Park Service (NPS) manages the recreation area under the NPS Organic Act (54 U.S.C. 100101 *et seq.*), which gives the NPS broad authority to regulate the use of the park areas under its jurisdiction. The Organic Act authorizes the Secretary of the Interior, acting through the NPS, to "prescribe such regulations as the Secretary considers necessary or proper for the use and management of [National

Park] System units." 54 U.S.C. 100751(a). In the recreation area's enabling act, Congress directed the Secretary of the Interior to "administer, protect, and develop the recreation area in accordance with the [Organic Act], and with any other statutory authority available to him for the conservation and management of natural resources." 16 U.S.C. 460dd-3.

Executive Order 11644, Use of Off-Road Vehicles on the Public Lands, was issued in 1972 and amended by Executive Order 11989 in 1977. Executive Order 11644 required federal agencies to issue regulations designating specific areas and routes on public lands where the use of off-road vehicles (ORVs) may be used. NPS implemented these Executive Orders by promulgating a regulation at 36 CFR 4.10 (Travel on park roads and designated routes). Under 36 CFR 4.10, the use of motor vehicles off established roads is not permitted unless routes and areas are designated for off-road motor vehicle use by special regulation. Under 36 CFR 4.10(b), such routes and areas "may be designated only in national recreation areas, national seashores, national lakeshores and national preserves." The proposed rule would designate routes where motor vehicles may be used off roads in the recreation area in compliance with 36 CFR 4.10 and Executive Orders 11644 and 11989.

##### Current Motor Vehicle Use in the Recreation Area

###### Off-Road Motor Vehicles

The use of motor vehicles to reach off-road destinations in Glen Canyon predates the establishment of the recreation area in 1972. After Lake Powell began to fill behind the Glen Canyon Dam in 1963, the public began driving off road to access the new lake for recreational activities. This ORV use continued following the establishment of the recreation area in 1972. ORV use is currently occurring in four general locations within the recreation area:

- *Lone Rock Beach* is open to conventional vehicles, off-highway vehicles, and street-legal all-terrain vehicles. The speed limit at Lone Rock Beach is 15 mph.
- *Lone Rock Beach Play Area* is located on a hill above and to the southwest of Lone Rock Beach. This 180-acre area is enclosed by a fence and open to unrestricted, high-intensity ORV use. This area is a place where ORV operators can challenge themselves, develop riding skills, operate at high speeds, and perform jumps and hill climbs. There is no speed limit in the play area.

- *Accessible Shoreline Areas* provide public access by conventional motor vehicles to the Lake Powell shoreline for the purposes of recreation (fishing, swimming, boating, etc.). The public is allowed to depart the road and drive to the shoreline and park in designated ORV areas. There are 13 designated accessible shoreline areas (Blue Notch, Bullfrog North and South, Copper Canyon, Crosby Canyon, Dirty Devil, Farley Canyon, Neskahi, Paiute Canyon, Red Canyon, Stanton Creek, Warm Creek, White Canyon, and Hite Boat Ramp). Three shoreline areas (Bullfrog North and South, Crosby Canyon, and Warm Creek) are closed to ORVs in the superintendent's compendium. ORVs are not allowed at Nokai Canyon and Paiute Farms, but these areas are accessed occasionally by ORVs.

- *Ferry Swale* is an area in the Arizona portion of the recreation area with approximately 54 miles of unauthorized routes that have been created by users over time.

#### *On-Road Motor Vehicle Use*

A comprehensive planning process begun by the NPS after the establishment of the recreation area resulted in a General Management Plan (GMP) that was published in 1979. The GMP designated a system of paved and unpaved roads open to vehicle travel and closed several existing unpaved roads in the backcountry. The paved and unpaved network of roads identified in the GMP is open to motor vehicle travel, subject to restrictions on the types of vehicles that are allowed on specific roads. These roads are referred to in this proposed rule as "GMP roads." All other roads within the recreation area are closed to public motor vehicle travel. Driving a motor vehicle off any paved or unpaved GMP road is considered off-road motor vehicle use.

The Orange Cliffs Special Management Unit is located in the northeast portion of the recreation area. This Unit adjoins Canyonlands National Park, is similar in physiography, and has many of the same management issues as the Canyonlands Maze District. The Canyonlands National Park and Orange Cliffs Unit of Glen Canyon National Recreation Area Backcountry Management Plan (NPS 1995) and the accompanying environmental assessment (NPS 1993) consist of an inter-park management plan developed to increase consistency and protection for visitors to both the Maze District of Canyonlands and the Orange Cliffs in Glen Canyon. The backcountry management plan was predicated on the GMP, which states that the Orange Cliffs

Special Management Unit is to be "maintained as a critical backdrop for Canyonlands National Park and as a major vantage point for spectacular views into the park." The Orange Cliffs Unit is managed "to maintain a relatively primitive, undeveloped atmosphere" and to provide "year-round access to Panorama Point" (NPS 1979).

#### **Off-Road Vehicle Management Plan/ Draft Environmental Impact Statement**

The NPS has been managing ORV use in the recreation area for several decades. Although NPS had implemented ORV management plans for various parts of the recreation area in 1981 (Lone Rock Beach) and 1988 (20 accessible shoreline areas on Lake Powell), past planning efforts failed to comply with the NPS regulation that requires a special regulation to designate off-road use areas. In 2005, the NPS was challenged in federal court over the failure to comply with Executive Orders 11644 and 11989, and 36 CFR 4.10(b) (*Friends of the Earth, Bluewater Network Division, et al. v. United States Department of the Interior, et al.* Case 1:05-cv-02302-RCL). Under the terms of the 2008 settlement agreement between the parties to that litigation, the NPS prepared an Off-Road Vehicle Management Plan/Draft Environmental Impact Statement (DEIS). In compliance with the settlement agreement, the NPS also developed interim ORV plans for the accessible shoreline areas, Lone Rock Beach, and Lone Rock Play Area. The interim plans will remain in effect until the Off-Road Vehicle Management Plan/Final Environmental Impact Statement (FEIS) is completed and the Regional Director for the Intermountain Region signs a Record of Decision (ROD) identifying the selected action from the alternatives described in the FEIS. After the ROD is signed, the FEIS will supersede all previous ORV management plans for the recreation area.

A detailed history of prior NPS management of on- and off-road vehicle use can be found in the FEIS, which can be viewed online at <http://parkplanning.nps.gov/GLCAFfinalORVplan>. The FEIS analyzes the issues and environmental impacts of five alternatives for the management of on- and off-road motor vehicle use in the recreation area. Major issues analyzed in the FEIS include social and economic issues, human health and safety, wildlife, natural soundscapes, wilderness, and visitor use and experience. Impacts associated with

each of the alternatives are described in the FEIS.

#### **Proposed Rule**

This proposed rule would establish a special regulation pursuant to 36 CFR 4.10(b) to manage ORV use at the recreation area. The special regulation would implement the preferred alternative (Alternative E) for the recreation area described in the FEIS. The preferred alternative provides the largest range of experiences for visitors and enhances experiences of different user groups, such as motor vehicle users and those who seek a more primitive camping experience. The preferred alternative is designed to protect resources while enhancing the visitor experience by identifying and designating specific areas capable of ORV use while prohibiting ORV use in areas where resources and values may be at risk. The final rule will implement the alternative selected in the Record of Decision, which will be signed by the Intermountain Regional Director prior to publication of the final rule.

#### *Types of Motor Vehicles*

In order to effectively manage the use of motor vehicles in the recreation area, the NPS is proposing definitions to distinguish among a range of vehicle types. Under Executive Order 11644, an ORV means any motor vehicle designed for or capable of cross-country travel on or immediately over natural terrain. Under this broad definition, an ORV may be a truck, an all-terrain vehicle (ATV), a sedan, a dirt bike, or any other motor vehicle that is capable of off-road travel. Among ORVs, the proposed rule would distinguish between conventional motor vehicles, off-highway vehicles (OHVs), and street-legal ATVs, as follows:

- *Conventional motor vehicle* would be defined as any motor vehicle that is designed primarily for operation on streets and highways, and that is licensed and registered for interstate travel. Automobiles, vans, highway motorcycles (including a dual-sports motorcycle licensed for use on a highway), sport utility vehicles (SUVs), recreational vehicles (RVs), pickup trucks, and buses would be examples of conventional motor vehicles.

- *OHV* would be defined as any motor vehicle—excluding snowmobiles—that is designed primarily for off-road travel. ATVs, dirt bikes, sand rails, side-by-sides, and dune buggies would be examples of OHVs.

- *Street-legal ATV* would be defined as an ATV that qualifies under Arizona or Utah motor vehicle and traffic code

to be operated on state roads and highways. Under current Arizona and Utah law, dune buggies, sand rails, go-karts, and rock crawlers cannot be licensed as street legal.

Under the proposed rule's definitions, conventional motor vehicles would not include OHVs or street-legal ATVs. The proposed rule would allow certain types of ORVs (conventional motor vehicles, OHVs, or street-legal ATVs) to operate in designated ORV areas, on designated ORV routes, and on paved and unpaved roads identified in the GMP.

#### *Adoption of Non-Conflicting State Motor Vehicle Laws*

Existing NPS regulations at 36 CFR 4.2 adopt state traffic and vehicle laws to manage the use of motor vehicles within NPS-administered areas, unless specifically addressed by NPS regulations. The proposed rule would implement specific regulations governing the use of ORVs in the recreation area, and would allow the superintendent to impose additional closures, restrictions, or conditions to resolve visitor safety or resource protection concerns that are not addressed by state law. All other issues (e.g. license, registration, vehicle requirements, inspection, insurance) related to the use of motor vehicles in the recreation area would continue to be governed by the adopted laws and regulations of Arizona or Utah. Operators of conventional motor vehicles, OHVs, and street-legal ATVs would continue to be responsible for complying with all applicable Utah and Arizona statutes and regulations pertaining to the lawful operation of those vehicles. The FEIS lists current OHV operator and vehicle requirements for Arizona and Utah. These requirements are subject to change and may not be inclusive of all requirements.

#### *Permit System*

The proposed rule would require a special use permit to operate a motor vehicle off GMP roads in the recreation area. Permits would be required for all designated ORV locations except for designated routes in Middle Moody Canyon, East Gypsum Canyon, Imperial Valley, and Gunsight Springs. The NPS would issue a decal with each permit that would be required to be affixed to each vehicle in a manner and location determined by the superintendent. Decals would be required for each ORV operating in designated ORV areas or on designated ORV routes in the recreation area where a permit is required. Families could submit a single application for permits for multiple

vehicles that are registered to members of that family. Annual permits would be valid for one calendar year from the date of issuance; two-week permits would also be available and valid from the date of issuance.

Permit applications (NPS Form 10-933 "Application for Special Use Permit—Vehicle/Watercraft Use") would be available at headquarters (691 Scenic View Drive, Page, AZ 86040), at recreation area entrance stations when staffed, on the recreation area's website, and at other locations as designated by the superintendent. Permits would be issued after the applicant reads educational materials and acknowledges that he or she has read, understood, and agrees to abide by the rules governing ORV use in the recreation area and the terms and conditions of the permit. Permit applications could be mailed to the recreation area at Glen Canyon National Recreation Area, P.O. Box 1507, Page, AZ 86040-1507, brought to headquarters or an entrance station, or completed online. After the NPS processes completed permit applications, it would mail or provide a permit to the applicant with instructions and educational materials, including a decal to be affixed to each permitted ORV. Violating the terms or conditions of any permit would be prohibited and may result in the suspension or revocation of the permit and the denial of future permits.

To the extent practicable, the NPS intends to recover the costs of administering this special use permit program under 54 U.S.C. 103104. In order to obtain a special use permit to operate a motor vehicle off roads in the recreational area, the proposed rule would require operators to pay a permit fee to allow the NPS to recover these costs.

#### *Designated ORV Routes and Areas*

The proposed rule would prohibit ORV use off GMP roads in the recreation area, except for NPS-designated ORV routes and areas. The proposed rule contains management prescriptions for each location, including seasonal closures, speed limits, quiet hours, and the types of ORV that would be allowed. These locations would be identified on maps located at headquarters (691 Scenic View Drive, Page, AZ 86040), visitor contact stations, and on the recreation area's website. Certain locations within some designated ORV areas would be designated as vehicle-free zones to provide a different camping experience for those who prefer to be separated from motor vehicle use. All locations designated for ORV use would be posted with

appropriate signs that include applicable rules and regulations. The lakeside boundary of accessible shoreline areas that are designated for ORV use will fluctuate with the level of Lake Powell, but the remaining boundary of such areas will remain fixed.

#### *Operational and Vehicle Requirements*

To provide for the safety of ORV operators at the Lone Rock Beach Play Area, the NPS is proposing to require the display of a solid red or orange safety flag that is a minimum of six by 12 inches in size and that is attached to either:

- The ORV so that the safety flag is at least eight feet above the surface level of the ground, or
- the protective headgear of the operator of a motorcycle so that the safety flag is at least 18 inches above the top of the operator's head.

To reduce the degree and geographic extent of impacts from vehicle noise on soundscapes in the recreation area, NPS is proposing to implement a 96 dBA noise limit on all vehicles. Noise level would be measured by NPS staff using the SAE J1287 standard. Enforcement of this standard may include courtesy checks, checkpoints, and individual contacts. Measurements would be taken using certified equipment and protocols as is done with traffic radar. The proposed rule would require motor vehicles to have a functioning muffler system. These requirements would be in addition to state motor vehicle and operator requirements that are adopted by 36 CFR 4.2.

#### *Travel on GMP Roads*

The proposed rule would continue to allow conventional motor vehicles on all paved and unpaved GMP roads in the recreation area. Street-legal ATVs would be allowed to operate on paved GMP roads except for the Lees Ferry Access Road. OHVs and street-legal ATVs would be allowed to operate on most unpaved GMP roads. OHVs and street-legal ATVs would be prohibited on GMP roads in the Orange Cliffs Special Management Unit, except for the Poison Spring Loop. On-road OHV and street-legal ATV use would be subject to the same restrictions and rules as conventional motor vehicle use. The speed limit on unpaved GMP roads would be 25 mph or as posted. The speed limits on paved GMP roads would not change and would remain as currently posted. GMP roads would be designated and posted with road numbers. Signs would indicate the status of a road segment as open or closed to OHV and street-legal ATV use

and would delineate the designated travel routes. Signs indicating that a GMP road is closed to OHVs or street-legal ATVs would remain in place or would be posted as needed.

#### *Superintendent's Discretionary Authority*

Independent from the authority in 36 CFR 1.5, the proposed rule would allow the superintendent to close or reopen designated areas or routes to motor vehicle use, or designate roads for street-legal ATV or OHV use, or portions thereof, or impose conditions or restrictions on the use of off-road motor vehicles after taking into consideration public health and safety, natural and cultural resource protection, lake levels, and other management activities and objectives. The superintendent would provide public notice of all such actions through one or more of the methods listed in 36 CFR 1.7.

#### **Compliance With Other Laws, Executive Orders, and Department Policy**

##### **Use of Off-Road Vehicles on the Public Lands (Executive Orders 11644 and 11989)**

Executive Order 11644, as amended by Executive Order 11989, was adopted to address impacts on public lands from ORV use. The Executive Order applies to ORV use on federal public lands that is not authorized under a valid lease, permit, contract, or license. Section 3(a)(4) of Executive Order 11644 provides that ORV “[a]reas and trails shall be located in areas of the National Park System, Natural Areas, or National Wildlife Refuges and Game Ranges only if the respective agency head determines that off-road vehicle use in such locations will not adversely affect their natural, aesthetic, or scenic values.” Since the E.O. clearly was not intended to prohibit all ORV use everywhere in these units, the term “adversely affect” does not have the same meaning as the somewhat similar terms “adverse impact” and “adverse effect” used in the National Environmental Policy Act of 1969 (NEPA). In analyses under NEPA, a procedural statute that provides for the study of environmental impacts, the term “adverse effect” includes minor or negligible effects.

Section 3(a)(4) of the Executive Order, by contrast, concerns substantive management decisions and must be read in the context of the authorities applicable to such decisions. Glen Canyon National Recreation Area is an area of the National Park System. Therefore, NPS interprets the Executive Order term “adversely affect” consistent

with its NPS Management Policies 2006. Those policies require that the NPS only allow “appropriate use” of parks and avoid “unacceptable impacts.”

This rule is consistent with those requirements. It will not impede attainment of the recreation area’s desired future conditions for natural and cultural resources as identified in the FEIS. NPS has determined that this rule will not unreasonably interfere with the atmosphere of peace and tranquility or the natural soundscape maintained in natural locations within the recreation area. Therefore, within the context of the resources and values of the recreation area, motor vehicle use on the routes and areas designated by this rule would not cause an unacceptable impact to the natural, aesthetic, or scenic values of the recreation area.

Section 8(a) of the Executive Order requires agency heads to monitor the effects of ORV use on lands under their jurisdictions. On the basis of information gathered, agency heads may from time to time amend or rescind designations of areas or other actions as necessary to further the policy of the Executive Order. The preferred alternative in the FEIS includes monitoring and resource protection procedures and periodic review to provide for the ongoing evaluation of impacts of motor vehicle use on protected resources. The superintendent has authority to take appropriate action as needed to protect the resources of the recreation area.

##### **Regulatory Planning and Review (Executive Orders 12866 and 13563)**

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of Executive Order 12866 while calling for improvements in the nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. Executive Order 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have

developed this rule in a manner consistent with these requirements.

##### **Reducing Regulation and Controlling Regulatory Costs (Executive Order 13771)**

This rule is an E.O. 13771 deregulatory action because once finalized, it will have costs less than zero.

##### **Regulatory Flexibility Act (RFA)**

This rule will not have a significant economic effect on a substantial number of small entities under the RFA (5 U.S.C. 601 *et seq.*). This certification is based on the cost-benefit and regulatory flexibility analyses found in the report entitled “Benefit-Cost and Regulatory Flexibility Analyses: Special Regulations of Off-Road Motor Vehicles at Glen Canyon National Recreation Area” that can be viewed online at <http://parkplanning.nps.gov/GLCAFinalORVplan> by clicking the link entitled “Document List.” According to that report, no small entities would be directly regulated by the proposed rule, which would only regulate visitor use of ORVs.

##### **Small Business Regulatory Enforcement Fairness Act (SBREFA)**

This rule is not a major rule under 5 U.S.C. 804(2), the SBREFA. This rule:

- (a) Does not have an annual effect on the economy of \$100 million or more.
- (b) Will not cause a major increase in costs or prices for consumers, individual industries, federal, state, or local government agencies, or geographic regions.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign-based enterprises.

##### **Unfunded Mandates Reform Act (UMRA)**

This rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than \$100 million per year. The rule does not have a significant or unique effect on state, local or tribal governments or the private sector. The designated ORV routes and areas are located entirely within the recreation area, and would not result in direct expenditure by state, local, or tribal governments. This rule addresses public use of NPS lands, and imposes no requirements on other agencies or governments. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

### Takings (Executive Order 12630)

This rule does not effect a taking of private property or otherwise have taking implications under Executive Order 12630. Access to private property adjacent to the recreation area will not be affected by this rule. A takings implication assessment is not required.

### Federalism (Executive Order 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism summary impact statement. The proposed rule is limited in effect to federal lands managed by the NPS and would not have a substantial direct effect on state and local government. A Federalism summary impact statement is not required.

### Civil Justice Reform (Executive Order 12988)

This rule complies with the requirements of E.O. 12988. Specifically, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation; and
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written in clear language and contain clear legal standards.

### Consultation With Indian Tribes (Executive Order 13175 and Department Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the criteria in Executive Order 13175 and under the Department's consultation policy and have determined that tribal consultation on the rule is not required because the rule will have no substantial direct effect on federally recognized Indian tribes. In support of the Department of Interior and NPS commitment for government-to-government consultation with the 19 Native American tribes and bands associated with the recreation area, and as a reflection of the shared boundary of the recreation area and the Navajo Nation, the NPS has engaged in a continuing process of consultation with these tribes and bands. This consultation has taken the form of correspondence, phone conversations, and meetings during the preparation of the FEIS.

### Paperwork Reduction Act (PRA)

This rule does not contain any new collections of information that require approval by the Office of Management and Budget (OMB) under the PRA. OMB has approved the information collection requirements associated with NPS Special Park Use Permits and has assigned OMB Control Number 1024–0026 (expires 01/31/20) and in accordance with 5 CFR 1320.10, the agency may continue to conduct or sponsor this collection of information while the submission is pending at OMB). We estimate the annual burden associated with this information collection to be 21,750 hours 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.

### National Environmental Policy Act of 1969 (NEPA)

This rule constitutes a major Federal action significantly affecting the quality of the human environment. We have prepared the FEIS under the NEPA. The FEIS is summarized above and available online at <http://parkplanning.nps.gov/GLCAFinalORVplan>.

### Effects on the Energy Supply (Executive Order 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

### Clarity of This Regulation

We are required by Executive Orders 12866 (section 1(b)(12)), 12988 (section 3(b)(1)(B)), and 13563 (section 1(a)), and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (a) Be logically organized;
- (b) Use the active voice to address readers directly;
- (c) Use common, everyday words and clear language rather than jargon;
- (d) Be divided into short sections and sentences; and
- (e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in the **ADDRESSES** section above. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

### Public Participation

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments regarding this proposed rule by one of the methods listed in the **ADDRESSES** section above.

### Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

### List of Subjects in 36 CFR Part 7

National Parks, Reporting and recordkeeping requirements.

In consideration of the foregoing, the NPS proposes to amend 36 CFR part 7 as follows:

### PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

- 1. The authority citation for part 7 continues to read as follows:

**Authority:** 54 U.S.C. 100101, 100751, 320102; Sec. 7.96 also issued under DC Code 10–137 and DC Code 50–2201.07.

- 2. In § 7.70, add paragraph (f) to read as follows:

#### § 7.70 Glen Canyon National Recreation Area.

\* \* \* \* \*

(f) *Motor vehicle use.* Operating a motor vehicle is allowed within the boundaries of Glen Canyon National Recreation Area under the conditions in this paragraph (f).

(1) *What terms do I need to know?* In addition to the definitions found in § 1.4 of this chapter, the following definitions apply to this paragraph (f) only:

*Conventional motor vehicle* means any motor vehicle that is designed primarily for operation on streets and highways, and that is licensed and registered for interstate travel. Automobiles, vans, highway motorcycles (including dual-sports motorcycles licensed for use on a highway), sport utility vehicles (SUVs), recreational vehicles (RVs), pickup trucks, and buses are examples of conventional motor vehicles.

*GMP road* means a paved or unpaved road that is identified in the Glen

Canyon 1979 General Management Plan as open to motor vehicle travel.

*Off-highway vehicle (OHV)* means any motor vehicle designed primarily for off-road travel. ATVs, dirt bikes, sand rails, side-by-sides, and dune buggies are examples of OHVs.

*Orange Cliffs Special Management Unit* means the area identified as the Orange Cliffs Special Management Unit in the Canyonlands National Park and Orange Cliffs Unit of Glen Canyon National Recreation Area Backcountry Management Plan (NPS 1995).

*Street-legal all-terrain vehicle (ATV)* means an ATV that qualifies under a state's motor vehicle and traffic code to be operated on state roads and highways.

(2) *Off-road motor vehicle permit requirement.* (i) A special use permit issued and administered by the superintendent is required to operate a motor vehicle off GMP roads at designated locations in the recreation area. Operating a motor vehicle off GMP

roads in the recreation area without a permit is prohibited except for designated ORV routes that do not require a permit as indicated in the table to § 7.70(f)(3)(ii).

(ii) Annual permits are valid for one calendar year from the day they are issued. Two-week permits are valid from the day issued.

(iii) A permit applicant must acknowledge that he or she understands and agrees to abide by the rules governing off-road vehicle use in the recreation area.

(iv) Each motor vehicle permitted to operate off GMP roads must display an NPS decal issued by the superintendent and affixed to the vehicle in a manner and location specified by the superintendent.

(v) Permits may be requested at the recreation area headquarters in Page, Arizona, at recreation area entrance stations when staffed, on the recreation area website, or at other locations as designated by the superintendent.

(vi) Violating any term, condition, or requirement of an off-road vehicle permit is prohibited and may result in the suspension or revocation of the permit and the denial of future permits, in addition to the penalties provided by § 1.3 of this chapter.

(3) *Designated off-road motor vehicle locations.* (i) The operation of a motor vehicle off GMP roads within the recreation area is prohibited except at the locations designated by this paragraph (f). Designated locations and vehicle-free zones are identified on maps available at the recreation area headquarters, visitor contact stations, and on the recreation area website ([www.nps.gov/glca](http://www.nps.gov/glca)).

(ii) Motor vehicles may be used off GMP roads at the following locations and subject to the following management prescriptions in the recreation area, except for vehicle-free zones where off-road vehicle use is prohibited:

TABLE TO § 7.70(f)(3)(ii)

Designated area or route for off-road motor vehicle use	Approximate size	Management prescriptions
Lone Rock Beach .....	250 acres .....	<ul style="list-style-type: none"> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Vehicle-free zone as posted.</li> <li>• Conventional motor vehicles, street-legal ATVs, and OHVs allowed with ORV permit.</li> </ul>
Lone Rock Beach Play Area .....	180 acres .....	<ul style="list-style-type: none"> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent</li> <li>• Conventional motor vehicles, street-legal ATVs, and OHVs allowed with ORV permit.</li> <li>• OHVs required to display a red or orange safety flag at least six by 12 inches in size that is located at least eight feet off the ground, or at least 18 inches above the top of the protective headgear of a motorcycle operator.</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Blue Notch .....	325 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit from March 1–October 31.</li> <li>• Conventional motor vehicles allowed with ORV permit from November 1–February 28/29.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Bullfrog North and South .....	2,250 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit from March 1–October 31.</li> <li>• Conventional motor vehicles allowed with ORV permit from November 1–February 28/29.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Copper Canyon .....	30 acres .....	<ul style="list-style-type: none"> <li>• Vehicle-free zone as posted.</li> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit year-round.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Crosby Canyon .....	450 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit from March 1–October 31.</li> <li>• Conventional motor vehicles allowed with ORV permit from November 1–February 28/29.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Dirty Devil .....	75 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit from March 1–October 31.</li> <li>• Conventional motor vehicles allowed with ORV permit from November 1–February 28/29.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>



TABLE TO § 7.70(f)(3)(ii)—Continued

Designated area or route for off-road motor vehicle use	Approximate size	Management prescriptions
Farley Canyon .....	275 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit from March 1–October 31.</li> <li>• Conventional motor vehicles allowed with ORV permit from November 1–February 28/29.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Hite Boat Ramp .....	50 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit year-round.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Neskahi .....	15 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit year-round.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Nokai Canyon .....	275 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit year-round.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Paiute Canyon .....	100 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit year-round.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Paiute Farms .....	1,000 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit year-round.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Red Canyon .....	50 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit from March 1–October 31.</li> <li>• Conventional motor vehicles allowed with ORV permit from November 1–February 28/29.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Stanton Creek .....	675 acres .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit from March 1–October 31.</li> <li>• Conventional motor vehicles allowed with ORV permit from November 1–February 28/29.</li> <li>• 15 mph speed limit (unless otherwise posted.)</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
White Canyon .....	325 acres .....	<ul style="list-style-type: none"> <li>• Vehicle-free zone as posted.</li> <li>• Conventional motor vehicles and street-legal ATVs allowed with ORV permit from March 1–October 31.</li> <li>• Conventional motor vehicles allowed with ORV permit from November 1–February 28/29.</li> <li>• 15 mph speed limit (unless otherwise posted).</li> <li>• Quiet hours between 10 pm and 6 am or as designated by superintendent.</li> </ul>
Ferry Swale .....	16 miles .....	<ul style="list-style-type: none"> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed with ORV permit year-round.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> </ul>
Middle Moody Canyon Trailhead .....	2 miles .....	<ul style="list-style-type: none"> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> </ul>
East Gypsum Canyon Overlook .....	1.2 miles .....	<ul style="list-style-type: none"> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> </ul>
Imperial Valley .....	0.75 miles .....	<ul style="list-style-type: none"> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> </ul>
Gunsight Springs Trailhead .....	1 mile .....	<ul style="list-style-type: none"> <li>• 25 mph speed limit (unless otherwise posted).</li> <li>• Conventional motor vehicles, street-legal ATVs and OHVs allowed year-round.</li> <li>• ORV permit not required.</li> <li>• 25 mph speed limit (unless otherwise posted).</li> </ul>

(4) *On-road motor vehicle use.* (i)  
Motor vehicles may be used on GMP  
roads as set forth in the following table:

TABLE TO § 7.70(f)(4)(i)

Type of motor vehicle	Allowed on paved GMP roads in the recreation area, including in the Orange Cliffs Special Management Unit	Allowed on unpaved GMP roads in the recreation area outside the Orange Cliffs Special Management Unit	Allowed on paved and unpaved GMP roads in the Orange Cliffs Special Management Unit
Conventional motor vehicle .....	Yes .....	Yes .....	Yes.
Street-legal ATV .....	Yes (except for the Lees Ferry Developed Area).	Yes. ....	No (except for Poison Spring Loop).
OHV .....	No .....	Yes .....	No (except for Poison Spring Loop).

(ii) Operating a prohibited vehicle on a GMP road is prohibited.

(5) *Motor vehicle and operator requirements.*

(i) Motor vehicles must have a functioning muffler system. Operating a motor vehicle that emits more than 96 decibels of sound (using the SAE J1287 test standard) is prohibited. Creating or sustaining unreasonable noise considering the nature and purpose of the actor's conduct, impact on park users, location, and other factors which would govern the conduct of a reasonably prudent person is prohibited during quiet hours.

(ii) All motor vehicles operating in Lone Rock Beach Play Area must be equipped with a solid red or orange safety flag that is a minimum of six by 12 inches in size and that is attached to the vehicle so that the safety flag is at least eight feet above the surface of the level ground, or attached to the protective headgear of a person operating a motorcycle so that the safety flag is at least 18 inches above the top of the person's head. Operating a motor vehicle without a safety flag at Lone Rock Beach Play Area is prohibited.

(iii) Operating a motor vehicle in excess of 15 mph (unless otherwise posted) at the following off-road motor vehicle areas—Lone Rock Beach, Blue Notch, Bullfrog North and South, Copper Canyon, Crosby Canyon, Dirty Devil, Farley Canyon, Hite Boat Ramp, Neskahi, Nokai Canyon, Paiute Canyon, Paiute Farms, Red Canyon, Stanton Creek, and White Canyon—is prohibited.

(iv) Operating a motor vehicle in excess of 25 mph (unless otherwise posted) on off-road motor vehicle routes in Ferry Swale, Middle Moody Canyon Trailhead, East Gypsum Canyon Overlook, Imperial Valley, and Gunsight Springs Trailhead is prohibited.

(v) Operating a motor vehicle within a designated off-road motor vehicle area during posted quiet hours with the exception of entering and exiting the area is prohibited.

(vi) Operating a generator or audio device, such as a radio, deck or compact disc player, within a designated off-road

motor vehicle area during posted quiet hours is prohibited. During the hours of permitted operation, generators must be adequately muffled and not create excessive noise as defined in 36 CFR 2.12(a)(1).

(vii) Operating a motor vehicle within a posted "vehicle-free" zone is prohibited.

(6) *Superintendent's authority.* (i) The superintendent may close or reopen designated areas or routes to motor vehicle use, or impose conditions or restrictions on the use of off-road motor vehicles after taking into consideration public health and safety, natural and cultural resource protection, lake levels, and other management activities and objectives.

(ii) The superintendent will provide public notice of all such actions through one or more of the methods listed in § 1.7 of this chapter.

(iii) Violating any such closure, condition, or restriction is prohibited.

(iv) The superintendent may suspend or revoke an existing permit, and may deny future applications for an off-road motor vehicle permit based upon violations of any such closure, condition, or restriction.

**Jason Larrabee,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, Exercising the Authority of the Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2018-04030 Filed 2-27-18; 8:45 am]

**BILLING CODE 4312-52-P**

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

**49 CFR Part 571**

[Docket No. NHTSA-2018-0009]

**Removing Regulatory Barriers for Vehicles With Automated Driving Systems; Extension of Comment Period**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Request for comment; extension of comment period.

**SUMMARY:** In response to a request, NHTSA is extending the comment period on the Removing Regulatory Barriers for Vehicles with Automated Driving Systems Request for Comment (RFC) to March 20, 2018. The RFC was published in the **Federal Register** on January 18, 2018. The comment period for the RFC was originally scheduled to end on March 5, 2018.

**DATES:** The comment period for the request for comment published January 18, 2018, at 83 FR 2607, is extended. Written comments must be received on or before March 20, 2018 in order to be considered timely.

**ADDRESSES:** Comments must refer to the docket number above and be submitted by one of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Mail:* Docket Management Facility, M-30, U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery or Courier:* U.S. Department of Transportation, West Building, Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays.

- *Fax:* 202-493-2251.

Regardless of how you submit your comments, you must include the docket number identified in the heading of this notice.

Note that all comments received, including any personal information provided, will be posted without change to <http://www.regulations.gov>. Please see the "Privacy Act" heading below.

You may call the Docket Management Facility at 202-366-9324.

**Docket:** For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> or the street address listed above. We will continue to file relevant information in the Docket as it becomes available.

**Privacy Act:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its decision-making process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at <https://www.transportation.gov/privacy>. Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

**FOR FURTHER INFORMATION CONTACT:** For research issues, Ellen Lee, Human Injury Research Division, Office of Vehicle Safety Research, telephone:

202-366-1435, email: [Ellen.Lee@dot.gov](mailto:Ellen.Lee@dot.gov);

For rulemaking issues, David Hines, Director, Office of Crash Avoidance Standards, telephone 202-366-1810, email [David.Hines@dot.gov](mailto:David.Hines@dot.gov);

For legal issues, Stephen Wood, Assistant Chief Counsel, Vehicle Rulemaking and Harmonization, Office of Chief Counsel, 202-366-2992, email [Steve.Wood@dot.gov](mailto:Steve.Wood@dot.gov).

**SUPPLEMENTARY INFORMATION:** On January 18, 2018, NHTSA published a request for comment (RFC) (83 FR 2607) to identify regulatory barriers in the existing Federal Motor Vehicle Safety Standards (FMVSS) to the testing, compliance certification, and compliance verification of motor vehicles with Automated Driving Systems (ADSs) and certain unconventional interior designs. The RFC solicited public comments and stated that the closing date for comment is on March 5, 2018.

On February 8, 2018, NHTSA received a request for a 15-day extension of the comment period from the Association of Global Automakers, Inc. and the Alliance of Automobile Manufacturers. That request can be found in the docket for the RFC listed above under **ADDRESSES**. NHTSA has considered this request and believes that a 15-day extension beyond the original due date is acceptable to provide additional time for the public to comment on the RFC. This is to notify the public that NHTSA is extending the

comment period on the RFC, and allowing it to run until March 20, 2018.

NHTSA also notes that, on February 13, 2018, it published a notice of a public meeting on regulatory barriers to be held at the Department of Transportation headquarters in Washington, DC on March 6, 2018, from 10 a.m. through 3:30 p.m., EST (83 FR 6148). NHTSA is holding this public meeting to present to the public a summary of the RFC and activities underway at NHTSA and across the industry to identify and remove barriers that might impede safe deployment of ADSs. The combination of the comment period extension and the public meeting will provide the public with even greater opportunities to learn about efforts to address regulatory barriers and to provide meaningful input through oral remarks or written comment.

NHTSA will consider all comments received before the close of business on the comment closing date, and will also consider comments received after that date to the extent practicable. Instructions for submitting comments are described in the Public Participation section of the RFC (83 FR 2607, January 18, 2018).

Issued in Washington, DC, on February 21, 2018 pursuant to authority delegated in 49 CFR 1.81 and 1.95.

**Heidi R. King,**

*Deputy Administrator.*

[FR Doc. 2018-04063 Filed 2-27-18; 8:45 am]

**BILLING CODE 4910-59-P**

# Notices

Federal Register

Vol. 83, No. 40

Wednesday, February 28, 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

### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Dietary Guidelines for Americans: Request for Comments on Topics and Questions

**AGENCY:** Food, Nutrition, and Consumer Services, U.S. Department of Agriculture, and Office of the Assistant Secretary for Health, Office of the Secretary, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The Departments of Agriculture (USDA) and Health and Human Services (HHS) solicit written comments on the topics and questions to be examined in the review of scientific evidence supporting the development of the 2020–2025 Dietary Guidelines for Americans.

**DATES:** The topics and questions are available for review and public comment. Electronic or written/paper comments will be accepted through midnight Eastern Time on March 30, 2018.

**ADDRESSES:** The topics and questions are available on the internet at [www.DietaryGuidelines.gov](http://www.DietaryGuidelines.gov). You may submit comments as follows:

- *Electronic submissions:* Follow the instructions for submitting comments at [www.regulations.gov](http://www.regulations.gov). Comments submitted electronically, including attachments, will be posted to the docket.

- *Written/paper submissions:* Mail/courier to Kristin Koegel, USDA Food and Nutrition Service, Center for Nutrition Policy and Promotion, 3101 Park Center Drive, Suite 1034, Alexandria, VA 22302. For written/paper submissions, CNPP will post your

comment, as well as any attachments, to [www.regulations.gov](http://www.regulations.gov).

**FOR FURTHER INFORMATION CONTACT:**

Kristin Koegel, Center for Nutrition Policy and Promotion, Food and Nutrition Service, Department of Agriculture, (703) 305–7600 or by email at [dietaryguidelines@cnpp.usda.gov](mailto:dietaryguidelines@cnpp.usda.gov). If members of the public need special accommodations, please notify Kristin Koegel by March 30, 2018, at (703) 305–7600, or email at [dietaryguidelines@cnpp.usda.gov](mailto:dietaryguidelines@cnpp.usda.gov).

**SUPPLEMENTARY INFORMATION:** Section 301 of the National Nutrition Monitoring and Related Research Act of 1990 (7 U.S.C. 5341) requires the Secretaries of USDA and HHS to publish the Dietary Guidelines for Americans (Dietary Guidelines) jointly at least every five years. Recent editions of the Dietary Guidelines have provided food and nutrition advice for Americans ages two years and older to promote health and help prevent chronic disease. The 2020–2025 Dietary Guidelines, and subsequent editions, must address the mandate from the Agricultural Act of 2014 which requires the provision of nutritional and dietary guidelines and information for women who are pregnant and children, from birth to 2 years of age.

To inform effective management of resources and enhance transparency, the Departments are identifying topics and questions to be considered in the review of scientific evidence supporting the development of the 2020–2025 Dietary Guidelines. In establishing this list of topics and questions, the Departments considered the following criteria for prioritization:

- *Relevance:* Topic is within the scope of the Dietary Guidelines. The focus of the Dietary Guidelines is food-based recommendations; changes to the Dietary Reference Intakes are not within the scope of the Dietary Guidelines. Clinical guidelines for the medical treatment and care of individuals with specific diseases and conditions are not included in the Dietary Guidelines.

- *Importance:* Topics for which there are new, relevant data and that represent an area of substantial public health concern, uncertainty, and/or a knowledge gap.

- *Potential Federal Impact:* Probability that guidance on the topic in

the Dietary Guidelines would inform Federal food and nutrition policies and programs.

- *Duplication:* Topic is not currently addressed through existing evidence-based Federal guidance (other than the Dietary Guidelines).

*Electronic or Written Public*

*Comments:* Comments on the topics and questions are encouraged from the public and will be accepted through March 30, 2018. The

[www.regulations.gov](http://www.regulations.gov) electronic filing system will accept electronic comments until midnight Eastern Time at the end of March 30, 2018. Comments received by mail/courier will be considered if they are postmarked or the delivery service acceptance receipt date is on or before that date. Written comments via mail/courier will be uploaded into [www.regulations.gov](http://www.regulations.gov) and are under the same limitations as for those directly submitted electronically into [www.regulations.gov](http://www.regulations.gov): 5,000 character limit for text box, and maximum number (10) of attached files and maximum size (10 MB) of each attached file. Please make note of copyright issues on your attachments. A link to the [www.regulations.gov](http://www.regulations.gov) electronic filing system will also be available at [www.DietaryGuidelines.gov](http://www.DietaryGuidelines.gov).

USDA and HHS request comments on the topics and questions to be examined in the review of scientific evidence supporting the development of the 2020–2025 Dietary Guidelines. Specifically, USDA and HHS request comments in support or opposition of the proposed topics and questions available at [www.DietaryGuidelines.gov](http://www.DietaryGuidelines.gov). If a new topic or question is suggested, provide a brief summary of the topic, including information pertaining to the prioritization criteria listed above. It is requested that comments be limited to one page per topic. USDA and HHS will consider all comments in finalizing the list of topics and questions to be examined in the development of the 2020–2025 Dietary Guidelines. This final list of topics and questions will inform the scope of the next edition of the Dietary Guidelines.

Dated: February 21, 2018.

**Brandon Lipps,**

*Administrator, Food and Nutrition Service, U.S. Department of Agriculture.*

Dated: February 22, 2018.

**Donald Wright,**

*Deputy Assistant Secretary for Health, Office of Disease Prevention and Health Promotion, Office of the Assistant Secretary for Health, U.S. Department of Health and Human Services.*

[FR Doc. 2018-04058 Filed 2-27-18; 8:45 am]

BILLING CODE 3410-30-P

**DEPARTMENT OF COMMERCE**

**Census Bureau**

**Proposed Information Collection; Comment Request; Quarterly Financial Report**

**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 30, 2018.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at [PRAComments@doc.gov](mailto:PRAComments@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Brandi Maxson, U.S. Census Bureau, HQ-6K181, Washington, DC 20233, Telephone (301) 763-6600 (or via the internet at [brandi.maxson@census.gov](mailto:brandi.maxson@census.gov)).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

The Census Bureau is planning to resubmit to the Office of Management and Budget for approval, the Quarterly Financial Report (QFR) program information collection forms. The QFR forms to be submitted for approval are: The QFR 200 (MT) long form (manufacturing, mining, wholesale trade, and retail trade); QFR 201 (MG) short form (manufacturing); and the QFR 300 (S) long form (information services and professional and technical services). The Census Bureau is not requesting any changes to the current forms.

The QFR program collects and publishes up-to-date aggregate statistics on the financial results and position of U.S. corporations. The QFR target population consists of all corporations engaged primarily in manufacturing with total assets of \$250,000 and over, and all corporations engaged primarily in mining; wholesale trade; retail trade; information; or professional and technical services (except legal services) industries with total assets of \$50 million and over.

The QFR program is a principal federal economic indicator that has published up-to-date aggregate statistics on the financial results and position of U.S. corporations since 1947. The QFR provides critical source data to the Bureau of Economic Analysis' (BEA) quarterly estimates of Gross Domestic Product (GDP) and Gross Domestic Income (GDI), key components of the National Income and Product Accounts (NIPA). The QFR data are also vital to the Federal Reserve Board's (FRB) Financial Accounts. Title 13 of the United States Code, Section 91 requires that financial statistics of business operations be collected and published quarterly. Public Law 114-72 extended the authority of the Secretary of Commerce to conduct the QFR Program under Section 91 through September 30, 2030.

The main purpose of the QFR is to provide timely, accurate data on business financial conditions for use by government and private-sector organizations and individuals. Primary public users include U.S. governmental organizations with economic measurement and policymaking responsibilities such as the Bureau of Economic Analysis, the Bureau of Labor Statistic and the Federal Reserve Board. In turn, these organizations provide guidance, advice, and support to the QFR program. The primary non-governmental data users are a diverse group including universities, financial analysts, unions, trade associations, public libraries, banking institutions, and U.S. and foreign corporations.

**II. Method of Collection**

The Census Bureau uses two forms of data collection: Mail out/mail back paper survey forms and a secure encrypted internet data collection system called Centurion. Centurion has automatic data checks and is context-sensitive to assist respondents in identifying potential reporting problems before submission, thus reducing the need for follow-up from Census Bureau staff. Data collection through Centurion is completed via the internet, eliminating the need for downloading

software and ensuring the integrity and confidentiality of the data.

Companies are asked to respond to the survey within 25 days of the end of the quarter for which the data are being requested. Census Bureau staff contact companies that have not responded by the designated time through letters and/or telephone calls to encourage participation.

**III. Data**

*OMB Control Number:* 0607-0432.

*Form Number(s):* QFR 200 (MT), QFR 201 (MG) and QFR 300 (S).

*Type of Review:* Regular submission.

*Affected Public:* Manufacturing corporations with assets of \$250,000 or more and Mining, Wholesale Trade, Retail Trade, Information, Professional, Scientific, and Technical Services (excluding legal) with assets of \$50 million or more.

*Estimated Number of Respondents:*  
Form QFR 200 (MT)—5,200 per quarter = 20,800 annually  
Form QFR 201 (MG)—5,500 per quarter = 22,000 annually  
Form QFR 300 (S)—1,550 per quarter = 6,200 annually  
Total 49,000 annually

*Estimated Time per Response:*  
Form QFR 200 (MT)—Average hours 3.0  
Form QFR 201 (MG)—Average hours 1.2  
Form QFR 300 (S)—Average hours 3.0

*Estimated Total Annual Burden Hours:* 107,400 hours.

*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:* Mandatory.  
*Legal Authority:* Title 13 U.S.C. Sections 91 and 224.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or

included in the request for OMB approval of this information collection; they also will become a matter of public record.

**Sheleen Dumas,**

*Departmental Lead PRA Officer, Office of the Chief Information Officer.*

[FR Doc. 2018-04077 Filed 2-27-18; 8:45 am]

**BILLING CODE 3510-07-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Proposed Information Collection; Comment Request; Surveys for User Satisfaction, Impact and Needs

**AGENCY:** International Trade Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before April 30, 2018.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at [PRACOMMENT@DOC.GOV](mailto:PRACOMMENT@DOC.GOV)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Joe Carter—Office of Strategic Planning, 1999 Broadway—Suite 2205, Denver, CO 80220, (303) 844-5656, [joe.carter@trade.gov](mailto:joe.carter@trade.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The International Trade Administration provides a multitude of international trade related programs to help U.S. businesses. These programs include information products, services, and trade events. To accomplish its mission effectively, ITA needs ongoing feedback on its programs. This information collection item allows ITA to solicit clients' opinions about the use of ITA products, services, and trade events. To promote optimal use and provide focused and effective improvements to ITA programs, we are requesting approval for this clearance package; including: Use of Comment

Cards (*i.e.*, transactional-based surveys) to collect feedback immediately after ITA assistance is provided to clients; use of annual surveys (*i.e.*, relationship-based surveys) to gauge overall satisfaction, impact and needs for clients with ITA assistance provided over a period time; use of multiple data collection methods (*i.e.*, web-enabled surveys sent via email, telephone interviews, automated telephone surveys, and in-person surveys via mobile devices/laptops/tablets at trade events/shows) to enable clients to conveniently respond to requests for feedback; and a forecast of burden hours. Without this information, ITA is unable to systematically determine the actual and relative levels of performance for its programs and products/services and to provide clear, actionable insights for managerial intervention. This information will be used for program evaluation and improvement, strategic planning, allocation of resources and stakeholder reporting.

##### II. Method of Collection

The International Trade Administration is seeking approval for the following data collection methods to provide flexibility in conducting customer satisfaction surveys and to reduce the burden on respondents: (1) An email message delivering a hot link to a web enabled survey with an email reminder sent if the client does not respond to the survey within two weeks; (2) a telephone survey/interview; and (3) a web-enabled survey conducted in-person at trade shows/events via a laptop, tablet or mobile phone so participants can immediately respond without having to provide their email address.

##### III. Data

*OMB Control Number:* 0625-0275.

*Form Number(s):* ITA-XXXX.

*Type of Review:* Regular.

*Affected Public:* Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; and Federal government.

*Estimated Number of Respondents:* 50,000.

*Estimated Time per Response:* 5-30 minutes.

*Estimated Total Annual Burden Hours:* 25,000 hours.

##### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden

(including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

**Sheleen Dumas,**

*Departmental Lead PRA Officer, Office of the Chief Information Officer.*

[FR Doc. 2018-04036 Filed 2-27-18; 8:45 am]

**BILLING CODE 3510-FP-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-428-820]

#### Certain Small Diameter Seamless Carbon and Alloy Standard, Line and Pressure Pipe From Germany: Continuation of Antidumping Duty Order

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

**SUMMARY:** As a result of the determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on certain small diameter seamless carbon and alloy standard, line and pressure pipe (seamless pipe) from Germany would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of the AD order.

**DATES:** Applicable February 28, 2018.

**FOR FURTHER INFORMATION CONTACT:** John McGowan, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3019.

#### SUPPLEMENTARY INFORMATION:

##### Background

On August 1, 2017, Commerce published the notice of initiation of the fourth sunset review of the AD order on seamless pipe from Germany, pursuant to section 751(c) of the Tariff Act of

1930, as amended (the Act).<sup>1</sup> As a result of the review, Commerce determined that revocation of the AD order would likely lead to a continuation or recurrence of dumping.<sup>2</sup> Commerce, therefore, notified the ITC of the magnitude of the dumping margins likely to prevail should the AD order be revoked. On February 20, 2018, the ITC published notice of its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the AD order on seamless pipe from Germany would likely lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>3</sup>

### Scope of the Order

The scope of the order includes small diameter seamless carbon and alloy standard, line and pressure pipes (seamless pipes) produced to the ASTM A-335, ASTM A-106, ASTM A-53 and API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of the order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters below, regardless of specification.

For purposes of the order, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thicknesses are commonly referred to as tubes.

The seamless pipes subject to the order are currently classifiable under subheadings 7304.19.10.20, 7304.19.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05,

7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (HTSUS).

The following information further defines the scope of the order, which covers pipes meeting the physical parameters described above:

Specifications, Characteristics, and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the American Society for Testing and Materials (“ASTM”) standard A-106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (“ASME”) code stress levels. Alloy pipes made to ASTM standard A-335 must be used if temperatures and stress levels exceed those allowed for A-106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A-106 standard.

Seamless standard pipes are most commonly produced to the ASTM A-53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements.

Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless pipes are commonly produced and certified to meet ASTM A-106, ASTM A-53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent A-106 specification necessarily meet the API 5L and ASTM A-53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A-53 specification. However, pipes meeting the A-53 or API 5L specifications do not necessarily meet the A-106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple certify the pipes. Since distributors sell the vast

majority of this product, they can thereby maintain a single inventory to service all customers.

The primary application of ASTM A-106 pressure pipes and triple certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, A-106 pipes may be used in some boiler applications.

The scope of the order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, and whether or not also certified to a non-covered specification. Standard, line and pressure applications and the above-listed specifications are defining characteristics of the scope of the order. Therefore, seamless pipes meeting the physical description above, but not produced to the A-335, A-106, A-53, or API 5L standards shall be covered if used in a standard, line or pressure application.

For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A-106 applications. These specifications generally include A-162, A-192, A-210, A-333, and A-524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of the order.

Specifically excluded from the order are boiler tubing and mechanical tubing, if such products are not produced to A-335, A-106, A-53 or API 5L specifications and are not used in standard, line or pressure applications. In addition, finished and unfinished oil country tubular goods (“OCTG”) are excluded from the scope of the order, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in the scope when used in standard, line or pressure applications. Finally, also excluded from the order are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube.

Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this order is dispositive.

<sup>1</sup> See *Initiation of Five-Year (Sunset) Reviews*, 82 FR 35748 (August 1, 2017).

<sup>2</sup> See *Certain Small Diameter Seamless Carbon and Alloy Standard, Line and Pressure Pipe from Germany: Final Results of the Expedited Fourth Sunset Review of the Antidumping Duty Order*, 82 FR 57577 (December 6, 2017) (*Final Results*).

<sup>3</sup> See *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Germany: Investigation No. 731-TA-709 (Fourth Review)*, USITC Publication 4760 (February 2018); see also *Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe from Germany*, 83 FR 7217 (February 20, 2018).

**Continuation of the Order**

As a result of the determinations by Commerce and the ITC that revocation of the AD order would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the AD order on seamless pipe from Germany.

U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the order will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next five-year sunset review of the order not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year sunset review and this notice are in accordance with section 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: February 23, 2018.

**Prentiss Lee Smith,**

*Deputy Assistant Secretary for Policy and Negotiations.*

[FR Doc. 2018-04172 Filed 2-27-18; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****Open Meeting of the Information Security and Privacy Advisory Board**

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Information Security and Privacy Advisory Board (ISPAB) will meet Thursday, March 15, 2018 from 9:00 a.m. until 5:00 p.m., Eastern Time, and Friday, March 16, 2018 from 9:00 a.m. until 4:30 p.m. Eastern Time. All sessions will be open to the public.

**DATES:** The meeting will be held on Thursday, March 15, 2018, from 9:00 a.m. until 5:00 p.m., Eastern Time, and Friday, March 16, 2018, from 9:00 a.m. until 4:30 p.m. Eastern Time.

**ADDRESSES:** The meeting will be held at the American Institute of Architects, 1735 New York Ave. NW, Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** Matthew Scholl, Information

Technology Laboratory, NIST, 100 Bureau Drive, Stop 8930, Gaithersburg, MD 20899-8930, Telephone: (301) 975-2941, Email address: [mscholl@nist.gov](mailto:mscholl@nist.gov).

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act, as amended, 5 U.S.C. App., notice is hereby given that the Information Security and Privacy Advisory Board (ISPAB) will meet Thursday, March 15, 2018, from 9:00 a.m. until 5:00 p.m., Eastern Time, and Friday, March 16, 2018 from 9:00 a.m. until 4:30 p.m. Eastern Time. All sessions will be open to the public. The ISPAB is authorized by 15 U.S.C. 278g-4, as amended, and advises the National Institute of Standards and Technology (NIST), the Secretary of Homeland Security, and the Director of the Office of Management and Budget (OMB) on information security and privacy issues pertaining to Federal government information systems, including thorough review of proposed standards and guidelines developed by NIST. Details regarding the ISPAB's activities are available at <http://csrc.nist.gov/groups/SMA/ispab/index.html>.

The agenda is expected to include the following items:

- Deliberations and recommendations by the Board on security and privacy issues,
- Presentation and discussion on cybersecurity standards used for the Internet of Things,
- Briefing on the Distributed Denial of Service Report directed by Executive Order 13800,
- Presentation and discussion on the White House Information Technology Modernization Report action items,
- Presentation and discussion on the current update to the Cybersecurity Framework,
- Presentation and discussion on bias in machine learning and artificial intelligence systems,
- Presentation and discussion on cybersecurity workforce initiatives,
- Presentation on the Department of Homeland Security Continuous Diagnostic and Mitigation Program, and
- Updates on NIST Information Technology Laboratory cybersecurity work.

Note that agenda items may change without notice. The final agenda will be posted on the website indicated above. Seating will be available for the public and media. Pre-registration is not required to attend this meeting.

**Public Participation:** The ISPAB agenda will include a period, not to exceed thirty minutes, for oral comments from the public (Thursday,

March 15, 2018, between 4:30 p.m. and 5:00 p.m.). Speakers will be selected on a first-come, first-served basis. Each speaker will be limited to five minutes. Questions from the public will not be considered during this period. Members of the public who are interested in speaking are requested to contact Matthew Scholl at the contact information indicated in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Speakers who wish to expand upon their oral statements, those who had wished to speak but could not be accommodated on the agenda, and those who were unable to attend in person are invited to submit written statements. In addition, written statements are invited and may be submitted to the ISPAB at any time. All written statements should be directed to the ISPAB Secretariat, Information Technology Laboratory, 100 Bureau Drive, Stop 8930, National Institute of Standards and Technology, Gaithersburg, MD 20899-8930.

**Kevin Kimball,**

*NIST Chief of Staff.*

[FR Doc. 2018-04084 Filed 2-27-18; 8:45 am]

**BILLING CODE 3510-13-P**

**DEPARTMENT OF COMMERCE****National Institute of Standards and Technology****Establishment of a Team Under the National Construction Safety Team Act**

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice.

**SUMMARY:** The Director of the National Institute of Standards and Technology (NIST), United States Department of Commerce, announces the establishment of a National Construction Safety Team pursuant to the National Construction Safety Team Act. The Team was established to study building performance and emergency response and evacuation during Hurricane Maria, which made landfall in the U.S. territory of Puerto Rico on September 20, 2017.

**DATES:** The National Construction Safety Team was established on February 21, 2018.

**ADDRESSES:** Dr. Howard Harary, Engineering Laboratory, National Institute of Standards and Technology, Mail Stop 8600, Gaithersburg, MD 20899-8600, telephone number (301) 975-5900. Members of the public are encouraged to submit to the Team non-



privileged evidence that is relevant to the subject matter of the NIST investigation described in this notice. Such evidence may be submitted to the address contained in this section. Confidential information will only be accepted pursuant to an appropriate nondisclosure agreement.

**FOR FURTHER INFORMATION CONTACT:** Dr. Howard Harary, Engineering Laboratory, National Institute of Standards and Technology, Mail Stop 8600, Gaithersburg, MD 20899-8600, telephone number (301) 975-5900.

**SUPPLEMENTARY INFORMATION:**

*Background:* The National Construction Safety Team Act (“Act”), Public Law 107-231, codified at 15 U.S.C. 7301 *et seq.*, was enacted to provide for the establishment of investigative teams (“Teams”) to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life. The purpose of investigations by Teams is to improve the safety and structural integrity of buildings in the United States. As stated in the statute, a Team shall (1) establish the likely technical cause or causes of the building failure; (2) evaluate the technical aspects of evacuation and emergency response procedures; (3) recommend, as necessary, specific improvements to building standards, codes, and practices based on the findings made pursuant to (1) and (2); and recommend any research and other appropriate actions needed to improve the structural safety of buildings, and improve evacuation and emergency response procedures, based on the findings of the investigation. In addition, NIST has promulgated regulations implementing the Act. The regulations are found at 15 CFR part 270.

NIST sent a preliminary reconnaissance team to collect information and data related to the hurricane that made landfall in the U.S. territory of Puerto Rico on September 20, 2017. Based on the recommendations of the preliminary reconnaissance team and evaluation of the criteria listed in the regulations implementing the Act, specifically in 15 CFR 270.102, on February 28, 2018, the Director of the National Institute of Standards and Technology (NIST), United States Department of Commerce, established a Team to study building performance and emergency response and evacuation during Hurricane Maria. The Team may include members who are Federal employees and members

who are not Federal employees. Team members who are Federal employees are governed by the Federal conflict of interest laws. Team members who are not Federal employees will be Federal government contractors, and conflicts of interest related to their service on the Team will be governed by FAR Subpart 9.5, Organizational and Consultant Conflicts of Interest, which will be incorporated by reference into all such contracts.

Members of the public are encouraged to submit to the Team non-privileged data and artifacts that are relevant to the subject matter of the NIST investigation described in this notice. Such data and artifacts may be submitted to the address contained in the **ADDRESSES** section of this notice. Confidential information will only be accepted pursuant to an appropriate nondisclosure agreement.

**Authority:** 15 U.S.C. 7301 *et seq.*, 15 CFR part 270.

**Kevin Kimball,**

*NIST Chief of Staff.*

[FR Doc. 2018-04085 Filed 2-27-18; 8:45 am]

**BILLING CODE 3510-13-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XG042**

**Fisheries of the Exclusive Economic Zone Off Alaska; Alaska Groundfish and Halibut Seabird Working Group; Public Meeting**

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

**ACTION:** Notice of public meeting.

**SUMMARY:** NMFS Alaska Groundfish and Halibut Seabird Working Group will meet to discuss use of electronic monitoring (EM) to report seabird bycatch and a discussion on the challenges of quantifying seabird bycatch in the trawl fisheries.

**DATES:** The meeting will be held on March 20, 2018, from 1 p.m. to 5 p.m., and on March 21, 2018, from 8 a.m. to 11:30 a.m., Alaska Daylight Time.

**ADDRESSES:** The meeting will be held at the NMFS Alaska Regional Office located at 709 W 9th St., Room 445C, Juneau, AK. Photo identification is required to enter this facility.

**FOR FURTHER INFORMATION CONTACT:**

Anne Marie Eich, 907-586-7172.

**SUPPLEMENTARY INFORMATION:** The Alaska Groundfish and Halibut Seabird

Working Group formed as a result of the 2015 biological opinion on effects of the Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fisheries on short-tailed albatross. The working group is tasked with reviewing information for mitigating effects of the groundfish fisheries on short-tailed albatross and other seabirds. The workgroup will hold an in-person meeting in Juneau, Alaska on March 20 and 21, 2018. Meeting topics include the use of EM to report seabird bycatch and a discussion on the challenges of quantifying seabird bycatch in trawl fisheries. NMFS will keep the North Pacific Fishery Management Council (Council) apprised of the working group’s activities and any resulting recommendations for methods to reduce seabird bycatch. Any changes to seabird avoidance regulations are expected to follow the standard Council process.

**Special Accommodations**

This workshop will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Marie Eich, 907-586-7172, at least 5 working days prior to the meeting date.

Dated: February 23, 2018.

**Emily H. Menashes,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2018-04104 Filed 2-27-18; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Submission for OMB Review; Comment Request**

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* National Oceanic and Atmospheric Administration (NOAA).

*Title:* National Centers for Environmental Information Send2NCEI Web Application.

*OMB Control Number:* 0648-0024.

*Form Number(s):* NOAA 24-13.

*Type of Request:* Regular (extension of a currently approved information collection).

*Number of Respondents:* 300.

*Average Hours per Response:* 1 hour.

*Burden Hours:* 300.

*Needs and Uses:* This request is for extension of a currently approved information collection.

When creating a Request to Archive oceanographic data or information at the United States (U.S.) National Centers for Environmental Information (NCEI), well-organized and complete metadata describing those data are needed for long term understanding and use of those data. The Send2NCEI web application provides a web-based form for easily collecting required and optional descriptive metadata to describe oceanographic data in a way that supports Executive Order 12906 and structures those metadata to conform to the internationally used ISO 19115 Geospatial Metadata suite of standards. Descriptive metadata informs the suitability of data for use by future data users and should provide critical context about how data were collected, what techniques and measurements were made, and data quality characterizations. Information about the data provider or other individuals is only used by NCEI to contact the data provider with questions about submitted data, about the status of the data in the archival process, and to provide appropriate scientific recognition and attribution for submitted data. Send2NCEI will be used by earth, ocean, and atmospheric scientists and their data managers.

*Affected Public:* Not for profit institutions; state, local or tribal governments; business or other for-profit organizations.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

This information collection request may be viewed at [reginfo.gov](http://reginfo.gov). Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax to (202) 395-5806.

Dated: February 23, 2018.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

[FR Doc. 2018-04096 Filed 2-27-18; 8:45 am]

**BILLING CODE 3510-HR-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XG047**

#### Marine Mammals; File No. 21321

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that Pacific Whale Foundation (300 Ma'alaia Rd., Suite 211, Wailuku, HI 96793; Responsible Party: Stephanie Stack) has applied in due form for a permit to conduct research on false killer whales (*Pseudorca crassidens*).

**DATES:** Written, telefaxed, or email comments must be received on or before March 30, 2018.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 21321 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Courtney Smith or Amy Hapeman, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531

*et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The applicant requests a five-year research permit to assess the distribution, abundance, social organization, population structure, population size, foraging, reproduction, movements, habitat use, body condition, and behavior of false killer whales (including the endangered Main Hawaiian Islands insular false killer whale distinct population segment) within near- and off-shore waters of the Maui 4-island region (Hawaii). Researchers would closely approach false killer whales by vessel and unmanned aerial surveys for up to 520 annual harassment takes.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 23, 2018.

**Julia Harrison,**

*Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2018-04062 Filed 2-27-18; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Proposed Information Collection; Comment Request; Coral Reef Conservation Program Survey

**AGENCY:** National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before April 30, 2018.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW, Washington, DC 20230 (or via the internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Peter Edwards, (240) 533-0784 or [Peter.Edwards@noaa.gov](mailto:Peter.Edwards@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This request is for extension of a currently approved information collection.

The purpose of this information collection is to obtain information from individuals in the seven United States (U.S.) jurisdictions containing coral reefs. Specifically, NOAA is seeking information on the knowledge, attitudes and reef use patterns, as well as information on knowledge and attitudes related to specific reef protection activities. In addition, this survey will provide for the ongoing collection of social and economic data related to the communities affected by coral reef conservation programs.

The Coral Reef Conservation Program (CRCP), developed under the authority of the Coral Reef Conservation Act of 2000, is responsible for programs intended to enhance the conservation of coral reefs. We intend to use the information collected through this instrument for research purposes as well as measuring and improving the results of our reef protection programs. Because many of our efforts to protect reefs rely on education and changing attitudes toward reef protection, the information collected will allow CRCP staff to ensure programs are designed appropriately at the start, future program evaluation efforts are as successful as possible, and outreach efforts are targeting the intended recipients with useful information.

**II. Method of Collection**

Information will be collected in the means most efficient and effective in the individual jurisdiction. For the three years covered by this clearance we expect to use face-to-face interviews in American Samoa, and as appropriate, face-to-face, telephone and/or internet-based survey techniques in Hawaii and Florida, Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.

**III. Data**

OMB Control Number: 0648-0646.

*Form Number(s):* None.  
*Type of Review:* Regular submission (extension of a currently approved information collection).

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 5,000.

*Estimated Time per Response:* 20 minutes.

*Estimated Total Annual Burden Hours:* 1,667 hours.

*Estimated Total Annual Cost to Public:* \$0 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 23, 2018.

**Sarah Brabson,**

NOAA PRA Clearance Officer.

[FR Doc. 2018-04097 Filed 2-27-18; 8:45 am]

**BILLING CODE 3510-JS-P**

**BUREAU OF CONSUMER FINANCIAL PROTECTION**

[Docket No. CFPB-2018-0008]

**Agency Information Collection Activities: 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 requesting to renew the Office of Management and Budget (OMB) approval for an existing information collection, titled, "Consumer and College Credit Card Agreements."

**DATES:** Written comments are encouraged and must be received on or

before April 30, 2018 to be assured of consideration.

**ADDRESSES:** 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:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Email:* [FederalRegisterComments@cfpb.gov](mailto:FederalRegisterComments@cfpb.gov). Include Docket No. CFPB-2018-0008 in the subject line of the message.

- *Mail:* Comment intake, Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

- *Hand Delivery/Courier:* Comment intake, Consumer Financial Protection Bureau (Attention: PRA Office), 1700 G Street NW, Washington, DC 20552.

Please note that comments submitted after the comment period will not be accepted. 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.regulations.gov](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](mailto:CFPB_PRA@cfpb.gov). If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov). Please do not submit comments to this mailbox.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Consumer and College Credit Card Agreements.

*OMB Control Number:* 3170-0052.

*Type of Review:* Extension without change of an existing information collection.

*Affected Public:* Business or other for-profit.

*Estimated Number of Respondents:* 430.

*Estimated Total Annual Burden Hours:* 430.

*Abstract:* Sections 204 and 305 of the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act) and 12 CFR 226.57(d) and 226.58 require card issuers to submit to the Bureau:

- Agreements between the issuer and a consumer under a credit card account for an open-end consumer credit plan; and

- any college credit card agreements to which the issuer is a party and certain additional information regarding those agreements.

The data collections enable the Bureau to provide consumers with a centralized depository for consumer and college credit card agreements. It also presents information to the public regarding the arrangements between financial institutions and institutions of higher education.

*Request For Comments:* Comments are 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 summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Dated: February 22, 2018.

**Darrin A. King,**

*Paperwork Reduction Act Officer, Bureau of Consumer Financial Protection.*

[FR Doc. 2018-04081 Filed 2-27-18; 8:45 am]

**BILLING CODE 4810-AM-P**

## DEPARTMENT OF DEFENSE

### Department of the Air Force

#### **Notice of Intent To Prepare an Update to the 2012 Integrated Natural Resources Management Plan and Public Report for the Barry M. Goldwater Range and Prepare a New Integrated Natural Resources Management Plan for Marine Corps Air Station—Yuma, Luke AFB, Including Fort Tuthill and Auxiliary Field #1, Arizona**

**AGENCY:** United States Air Force and United States Marine Corps, Department of Defense.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Air Force (USAF), in consultation with the United States Marine Corps (USMC) is issuing this notice of intent (NOI) to conduct a five year review and update of the Integrated Natural Resources Management Plan

(INRMP) for the Barry M. Goldwater Range (BMGR), AZ.

**DATES:** Meetings will be held in Ajo on 13 March, 2018 and Yuma on 14 March, 2018.

1. Tuesday, March 13, 2018. 5:30–7:30 p.m. International Sonoran Desert Alliance Learning Center, 401 W Esperanza Avenue, Ajo, AZ 85321.

2. Wednesday, March 14, 2018. 5:30–7:30 p.m. Yuma County Library District, Main Library, 2951 S 21st Drive, Yuma, AZ 85364.

**ADDRESSES:** Comments may be submitted to: Ms. Jennie Anderson, Center for Environmental Management of Military Lands, (970) 491–5640, Colorado State University, 1490 Campus Delivery, Fort Collins, CO 80523–1490, [cemml\\_azinrmps@colostate.edu](mailto:cemml_azinrmps@colostate.edu).

**SUPPLEMENTARY INFORMATION:** This NOI (40 CFR 1508.22) is to conduct a five year review and update of the INRMP for the BMGR and prepare a Public Report pursuant to Section 3031(b)(5)(B) of the Military Lands Withdrawal Act [MLWA of 1999 (Pub. L. 106–65, Title XXX)]. The public meetings will familiarize the public with the progress made in the management of natural resources, share information about projects planned to support natural resource management during the next five years, and facilitate public involvement with the existing Public Report and INRMP for the BMGR.

The USAF and USMC are conducting an update of the 2012 BMGR INRMP along with development of new INRMP documents for Luke Air Force Base, including Fort Tuthill and Auxiliary Airfield #1 for the USAF; as well as a new INRMP for Marine Corps Air Station (MCAS) Yuma. The Sikes Act (16 U.S.C. 670a) provides that established INRMPs must be reviewed as to their operation and effect not less than every five years. The existing BMGR INRMP will be updated in accordance with the Sikes Act provision in coordination with the Director of the U.S. Fish and Wildlife Service and the Director of the Arizona Game and Fish Department. Additionally, an updated Public Report summarizing changes in military use of the BMGR since 2012, as well as summarizing management initiatives involving resources found on these lands will be prepared in accordance with the MLWA of 1999.

**Henry Williams,**

*Acting Air Force Federal Register Officer.*

[FR Doc. 2018-04065 Filed 2-27-18; 8:45 am]

**BILLING CODE 5001-10-P**

## DEPARTMENT OF DEFENSE

### Department of the Army

[Docket ID USA-2018-HQ-0004]

#### **Proposed Collection; Comment Request**

**AGENCY:** Office of the Administrative Assistant of the Secretary of the Army, DoD.

**ACTION:** Information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Administrative Assistant of the Secretary of the Army announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 30, 2018.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Department of Defense, Office of Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at <http://www.regulations.gov> for submitting comments. Please submit comments on

any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the to the Department of the Army, Institute for Water Resources, Corps of Engineers Waterborne Commerce Statistics Center, P.O. Box 61280, ATTN: Christopher (Dale) Brown, New Orleans, LA 70161-1280, or call Department of the Army Reports Clearance Officer at (703) 428-6440.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Service Members Transitioning from Active Duty to Veterans Status; OMB Control Number 0702-XXXX.

*Needs and Uses:* This study, exploratory in nature, is designed to capture baseline data prior to transition and at three subsequent data points after the transition out of service. The purpose of data capture before, during, and after transition is to allow the researchers to monitor how transition stressors change over time and what factors might influence their course. This information will be enormously useful in attempts to design and implement interventions that might target these stressors.

Participants will be recruited during a set nine month window in which Service Members have self-identified as transitioning out of the service within the six months. Participation in the study is voluntary and participants will be consented twice, once at baseline (time point 1) while the Service Member is still active duty and then again at time point 2 as civilians. This burden information only accounts for the public being affected.

*Affected Public:* Individuals and Households.

*Annual Burden Hours:* 350 Hours.

*Number of Respondents:* 600.

*Responses per Respondent:* 1.

*Annual Responses:* 600.

*Average Burden per Response:* 35 minutes.

*Frequency:* Annually.

Dated: February 23, 2018.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2018-04059 Filed 2-27-18; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF DEFENSE**

**Uniform Formulary Beneficiary Advisory Panel; Notice of Federal Advisory Committee Meeting**

**AGENCY:** Under Secretary of Defense for Personnel and Readiness, Department of Defense.

**ACTION:** Notice of Federal Advisory Committee meeting.

**SUMMARY:** The Department of Defense (DoD) is publishing this notice to announce that the following Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel will take place.

**DATES:** Open to the public Thursday, April 5, 2018 from 9:00 a.m. to 12:00 p.m.

**ADDRESSES:** The address of the open meeting is the Naval Heritage Center Theater, 701 Pennsylvania Avenue NW, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** CAPT Edward Norton, U.S. Navy, 703-681-2890 (Voice), None (Facsimile), [dha.ncr.health-it.mbx.baprequests@mail.mil](mailto:dha.ncr.health-it.mbx.baprequests@mail.mil) (Email). Mailing address is 7700 Arlington Boulevard, Suite 5101, Falls Church, VA 22042-5101. Website: <http://www.health.mil/About-MHS/Other-MHS-Organizations/Beneficiary-Advisory-Panel>. The most up-to-date changes to the meeting agenda can be found on the website.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.140 and 102-3.150.

The Panel will review and comment on recommendations made to the Director of the Defense Health Agency, by the Pharmacy and Therapeutics Committee, regarding the Uniform Formulary.

*Purpose of the Meeting:* The Department of Defense is publishing this notice to announce a Federal Advisory Committee meeting of the Uniform Formulary Beneficiary Advisory Panel (hereafter referred to as the Panel).

*Agenda:* Meeting Agenda: 1. Sign-In. 2. Welcome and Opening Remarks. 3. Scheduled Therapeutic Class Reviews (Comments will follow each agenda item). a. Diabetes Non-Insulin: Glucagon-Like Peptide 1 Receptor Agonists Subclass. b. Osteoporosis Drugs: Parathyroid Hormone (PTH) Analog Subclass. c. Anti-Inflammatory Immunomodulatory Ophthalmic

Agents—Ophthalmic Immunomodulatory Agents Subclass. d. Corticosteroids-Immune Modulators—Adrenocorticotrophic Hormones Subclass. 4. Newly Approved Drugs Review. 5. Pertinent Utilization Management Issues. 6. Panel Discussions and Vote.

*Meeting Accessibility:* Pursuant to 5 U.S.C. 552b, as amended, and 41 Code of Federal Regulations (CFR) 102-3.140 through 102-3.165, and the availability of space, this meeting is open to the public. Seating is limited and will be provided only to the first 220 people signing-in. All persons must sign-in legibly.

*Written Statements:* Pursuant to 41 CFR 102-3.140, the public or interested organizations may submit written statements to the membership of the Panel about its mission and/or the agenda to be addressed in this public meeting. Written statements should be submitted to the Panel's Designated Federal Officer (DFO). The DFO's contact information can be obtained previously in this announcement. Written comments or statements must be received by the committee DFO at least five (5) business days prior to the meeting so that they may be made available to the Panel for its consideration prior to the meeting. The DFO will review all submitted written statements and provide copies to all the committee members.

Dated: February 23, 2018.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2018-04066 Filed 2-27-18; 8:45 am]

**BILLING CODE 5001-06-P**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

[Docket ID: DOD-2018-OS-0006]

**Proposed Collection; Comment Request**

**AGENCY:** Defense Finance and Accounting Service, DoD.

**ACTION:** Information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Defense Finance and Accounting Service announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the

agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 30, 2018.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24, Suite 08D09B, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at <http://www.regulations.gov>

for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Defense Finance and Accounting Services—Indianapolis, DFAS-ZPR, 8899 E 56th St., Indianapolis, IN 46249, ATTN: Ms. La Zaleus D. Leach, [LaZaleus.Leach@DFAS.mil](mailto:LaZaleus.Leach@DFAS.mil), 317-212-603.

**SUPPLEMENTARY INFORMATION:** *Title; Associated Form; and OMB Number:* Waiver/Remission of Indebtedness Application; DD Form 2789; OMB Number 0730-0009.

*Needs and Uses:* The information collection requirement is necessary for current or former DoD civilian employees or military members to request waiver or remission of an indebtedness owed to the Department of Defense. Under 5 U.S.C. 5584, 10 U.S.C. 2774, and 32 U.S.C. 716, certain debts

arising out of erroneous payments may be waived. Under 10 U.S.C. 4837, 10 U.S.C. 6161, and 10 U.S.C. 9837, certain debts may be remitted. Information obtained through this form is used in adjudicating the request for waiver or remission. Remissions apply only to active duty military members, and thus are not covered under the Paperwork Reduction Act of 1995.

*Affected Public:* Individuals and Households.

*Annual Burden Hours:* 6,750.

*Number of Respondents:* 4,500.

*Responses per Respondent:* 1.

*Annual Responses:* 4,500.

*Average Burden per Response:* 1.5 hours.

*Frequency:* On occasion.

The referenced United States Code sections on waivers provide for an avenue of relief for individuals who owe debts to the United States which resulted from erroneous payments. Criteria for waiver of a debt includes a determination that there is no indication of fraud, misrepresentation, fault, or lack of good faith on the part of the individual owing the debt or any other person interested in obtaining a waiver. Information obtained through the proposed collection is needed in order to adjudicate the waiver request under law.

Dated: February 22, 2018.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2018-04009 Filed 2-27-18; 8:45 am]

**BILLING CODE 5001-06-P**

## DEPARTMENT OF DEFENSE

### Department of the Navy

[Docket ID USN-2018-HQ-0005]

#### Proposed Collection; Comment Request

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Department of the Navy announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: 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; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be

collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by April 30, 2018.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Department of Defense, Office of the Chief Management Officer, Directorate for Oversight and Compliance, 4800 Mark Center Drive, Mailbox #24 Suite 08D09B, Alexandria, VA 22350-1700.

*Instructions:* All submissions received must include the agency name, docket number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

Any associated form(s) for this collection may be located within this same electronic docket and downloaded for review/testing. Follow the instructions at <http://www.regulations.gov>

for submitting comments. Please submit comments on any given form identified by docket number, form number, and title.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to the Commander, Navy Recruiting Command (ATTN: Privacy Act Coordinator), 5722 Integrity Drive, Millington, TN 38054-5057 or call (901)-874-7110.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Personalized Recruiting for Immediate and Delayed Enlistment Modernization (PRIDE Mod); OMB Control Number 0703-0062.

*Needs and Uses:* The information collection requirement is necessary to support the U.S. Navy's process to recruit and access persons for naval service.

*Affected Public:* Individuals and Households.

*Annual Burden Hours:* 60,000.

*Number of Respondents:* 60,000.

*Responses per Respondent:* 1.

*Annual Responses:* 60,000.

*Average Burden per Response:* 60 minutes.

*Frequency:* On occasion.

Respondents are persons who wish to be considered for accession into the U.S. Navy. Respondents enter their information into the information system, or they orally provide the information to a Navy Recruiter who inputs the information on their behalf.

Dated: February 23, 2018.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018-04091 Filed 2-27-18; 8:45 am]

BILLING CODE 5001-06-P

## DEPARTMENT OF EDUCATION

### Office of Postsecondary Education; Solicitation of Third-Party Comments Concerning the Performance of Accrediting Agencies; Correction

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Call for written third-party comments; extension of comment period; correction.

**SUMMARY:** On January 24, 2018 we published a notice in the **Federal Register** soliciting comments in connection with, *inter alia*, the Department's review of the application of the Accrediting Council for Independent Colleges and Schools (ACICS) for initial recognition and the compliance report submitted by the American Bar Association (ABA), both of which are currently undergoing review for purposes of recognition by the U.S. Secretary of Education. The deadline for comments set forth in that notice was February 16, 2018. On February 22, 2018, we published a notice in the **Federal Register** extending the public comment period until March 1, 2018 for the submission of comments relating to those two agencies. This notice corrects our earlier statements in those two **Federal Register** notices about the scope of the public comments.

**DATES:** Applicable February 28, 2018.

**FOR FURTHER INFORMATION CONTACT:** Herman Bounds, Director, Accreditation Group, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW., room 270-01, Washington, DC 20202, telephone: (202) 453-7615, or email: [herman.bounds@ed.gov](mailto:herman.bounds@ed.gov).

If you use a telecommunications device for the deaf or a text telephone, call the Federal Relay Service, toll free, at 1-800-877-8339.

#### SUPPLEMENTARY INFORMATION:

**Background:** On January 24, 2018 (83 FR 3335), we published in the **Federal**

**Register** a notice of a call for written third-party comments. That notice provided information to members of the public on submitting written comments with respect to accrediting agencies currently undergoing review for purposes of recognition by the Secretary of Education. That notice established a comment period beginning on January 24, 2018, and closing on February 16, 2018. On February 15, 2018, the U.S. District Court for the Southern District of New York entered an order the effect of which was to require the Department of Education to extend the comment period relating to ACICS and ABA to March 1, 2018. (See *The Century Foundation v. Betsy Devos*, case number 18-cv-1128). Pursuant to that court order, on February 22, 2018 (83 FR 7702), we published a notice in the **Federal Register** extending the public comment period until March 1, 2018, and stated that the extension was "for comments on the initial application for recognition of ACICS and the compliance report submitted by the ABA." Under the Higher Education Act, the Department solicits "third-party information concerning the performance of the accrediting agency," 20 U.S.C. 1099b(n)(1)(A), and accordingly, takes comments with regard to "the agency's compliance with the criteria for recognition." 34 CFR 602.32(a) (emphasis added). The comment process established by 34 CFR 602.32 therefore solicits comments on the accrediting agencies' performance and compliance with the criteria for recognition, and not on any applications or reports agencies may have submitted to the Department. The process does not require the commenters to have access to the specific applications or compliance reports submitted by the accrediting agencies, and the Department has not traditionally provided those materials in advance of the comment process.

This notice corrects certain language related to the comment period in both the January 24, 2018, and February 22, 2018, **Federal Register** notices. All other language and requirements from the prior notices, not amended by this notice of correction, remain the same.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register**

and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fdsys](http://www.gpo.gov/fdsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at this site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

#### Corrections

1. In the **Federal Register** notice of February 22, 2018, on page 7702 in the second column under the heading *Summary*, correct the last sentence in the Summary to read as follows:

"Pursuant to a recent court order, we are extending the public comment period until March 1, 2018 for the submission of comments on the compliance of Accrediting Council for Independent Colleges and Schools (ACICS) with the criteria for recognition set forth in Subpart B of 34 CFR 602, and for the submission of comments about the compliance of the American Bar Association with the criteria for recognition cited in the Senior Department Official's September 22, 2016 letter<sup>1</sup> following the June 23, 2016 NACIQI meeting available at: <https://opeweb.ed.gov/aslweb/finalstaffreports.cfm>. The review of the ABA's compliance is limited to 34 CFR 602.15(a)(1), 602.15(a)(2), 602.15(a)(3), 602.16(a)(1)(viii), and 602.17(b)."

2. In the **Federal Register** notice of February 22, 2018, on page 7702 in the second column under the heading **ADDRESSES**, correct the section to read as follows:

"**ADDRESSES:** Written comments about ACICS's compliance with the criteria for recognition or the ABA's compliance with the criteria for recognition cited in the Senior Department Official's September 22, 2016 letter must be received by March 1, 2018, in the *ThirdPartyComments@ed.gov* mailbox and include the subject line 'Written Comments: (agency name).'"

3. In the **Federal Register** notice of January 24, 2018, on page 3336 in the

<sup>1</sup> The January 24, 2018 (83 FR 3335), **Federal Register** notice solicitation for written third-party comments relating to the ABA incorrectly identified the letter from the Senior Department Official as being dated "October 28, 2016." As noted herein, the correct date is "September 22, 2016."

first column, correct the first full paragraph to read as follows:

“2. American Bar Association Compliance report includes the following: (1) Findings identified in the September 22, 2016 letter from the senior Department official following the June 23, 2016 NACIQI meeting available at: <http://opeweb.ed.gov/aslweb/finalstaffreports.cfm>, (2) Review under 34 CFR 602.15(a)(1), § 602.15(a)(2), § 602.15(a)(3), § 602.16(a)(1)(viii), and § 602.17(b).”

4. In the **Federal Register** notice of January 24, 2018, on page 3336 in the second column under the heading *Submission of Written Comments Regarding a Specific Accrediting Agency or State Approval Agency Under Review*, correct the fourth sentence to read as follows:

“Comments about an agency’s recognition after review of a compliance report must relate to issues identified in the senior Department official’s letter that requested the report, or in the Secretary’s appeal decision, if any.”

Dated: February 26, 2018.

**Lynn B. Mahaffie**,

*Deputy Assistant Secretary for Policy, Planning, and Innovation, Office of Postsecondary Education.*

[FR Doc. 2018-04192 Filed 2-26-18; 4:15 pm]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF EDUCATION

[Docket No.: ED-2017-ICCD-0158]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Annual Report on Appeals Process RSA-722

**AGENCY:** Office of Special Education and Rehabilitative Services (OSERS), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing an extension of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before March 30, 2018.

**ADDRESSES:** To access and review all the documents related to the information collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED-2017-ICCD-0158. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the

Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216-44, Washington, DC 20202-4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Edward West, 202-245-6145.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public’s reporting burden. It also helps the public understand the Department’s information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Annual Report on Appeals Process RSA-722.

*OMB Control Number:* 1820-0563.

*Type of Review:* An extension of an existing information collection.

*Respondents/Affected Public:* State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 79.

*Total Estimated Number of Annual Burden Hours:* 158.

*Abstract:* Pursuant to Subsection 102(c)(8)(A) and (B) of the Rehabilitation Act of 1973 as amended by the Workforce Innovation and

Opportunity Act the RSA-722 is needed to meet specific data collection requirements on the number of requests for mediations, hearings, administrative reviews and other methods of dispute resolution requested and the manner in which they were resolved. The information collected is used to evaluate the types of complaints made by applicants and eligible individuals of the vocational rehabilitation program and the final resolution of appeals filed. Respondents are State agencies that administer the Federal/State Program for Vocational Rehabilitation.

Dated: February 22, 2018.

**Tomakie Washington**,

*Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.*

[FR Doc. 2018-04008 Filed 2-27-18; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Savannah River Site

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:**

Monday, March 19, 2018—1:00 p.m.—4:30 p.m.

Tuesday, March 20, 2018—9:00 a.m.—5:00 p.m.

**ADDRESSES:** North Augusta Municipal Building, 100 Georgia Avenue, North Augusta, SC 29841.

**FOR FURTHER INFORMATION CONTACT:**

Susan Clizbe, Office of External Affairs, Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952-8281.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities.

### Tentative Agenda

Monday, March 19, 2018

Opening, Chair Update, and Agenda Review  
Agency Updates



Break  
 Administrative & Outreach Committee Update  
 Facilities Disposition & Site Remediation Committee Update  
 Nuclear Materials Committee Update  
 Strategic & Legacy Management Committee Update  
 Waste Management Committee Update  
 Integrated Priority List Discussion  
 Public Comments  
 Recess

*Tuesday, March 20, 2018:*

Reconvene  
 Agenda Review

Presentations

- Savannah River Site Remediation Projects
- Management and Disposal of DOE Spent Nuclear Fuel

Lunch Break

Presentations

- Sonar Mapping Technology
- H-Canyon and Aluminum Clad Highly Enriched Uranium

Break

Presentations

- Savannah River Archaeology
- Savannah River Site Natural Resources Management Plan

Public Comments

Voting

- Integrated Priority List Letter Adjourn

*Public Participation:* The EM SSAB, Savannah River Site, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Susan Clizbe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Susan Clizbe's office at the address or telephone listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling Susan Clizbe at the

address or phone number listed above. Minutes will also be available at the following website: <http://cab.srs.gov/srs-cab.html>.

Issued at Washington, DC, on February 23, 2018.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2018-04098 Filed 2-27-18; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Paducah

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Paducah. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Thursday, March 15, 2018, 6:00 p.m.

**ADDRESSES:** West Kentucky Community and Technical College, Emerging Technology Center, 4810 Alben Barkley Drive, Paducah, Kentucky 42001.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Woodard, Deputy Designated Federal Officer, Department of Energy Paducah Site Office, Post Office Box 1410, MS-103, Paducah, Kentucky 42001, (270) 441-6825.

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management and related activities.

#### Tentative Agenda

- Call to Order, Introductions, Review of Agenda
- Administrative Issues
- Public Comments (15 minutes)
- Adjourn

Breaks Taken As Appropriate

*Public Participation:* The EM SSAB, Paducah, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Jennifer Woodard as soon as possible in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish

to make oral statements pertaining to agenda items should contact Jennifer Woodard at the telephone number listed above. Requests must be received as soon as possible prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business.

Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments. The EM SSAB, Paducah, will hear public comments pertaining to its scope (clean-up standards and environmental restoration; waste management and disposition; stabilization and disposition of non-stockpile nuclear materials; excess facilities; future land use and long-term stewardship; risk assessment and management; and clean-up science and technology activities). Comments outside of the scope may be submitted via written statement as directed above.

*Minutes:* Minutes will be available by writing or calling Jennifer Woodard at the address and phone number listed above. Minutes will also be available at the following website: [http://www.pgdpceb.energy.gov/2018\\_meetings.htm](http://www.pgdpceb.energy.gov/2018_meetings.htm).

Issued at Washington, DC, on February 23, 2018.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2018-04090 Filed 2-27-18; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Environmental Management Site-Specific Advisory Board, Nevada

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Nevada. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, March 14, 2018, 4:00 p.m.

**ADDRESSES:** Frank H. Rogers Science and Technology Building, 755 East Flamingo, Las Vegas, Nevada 89119.

**FOR FURTHER INFORMATION CONTACT:**

Barbara Ulmer, Board Administrator, 232 Energy Way, M/S 167, North Las Vegas, Nevada 89030. Phone: (702) 630-0522; Fax (702) 295-2025 or Email: [NSSAB@nnsa.doe.gov](mailto:NSSAB@nnsa.doe.gov).

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities.

**Tentative Agenda**

1. Briefing and Recommendation Development for Fiscal Year 2020 Baseline Prioritization—Work Plan Item #8
2. Overview Briefing of the Federal Advisory Committee Act  
*Public Participation:* The EM SSAB, Nevada, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Barbara Ulmer at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral presentations pertaining to agenda items should contact Barbara Ulmer at the telephone number listed above. The request must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments can do so during the 15 minutes allotted for public comments.

*Minutes:* Minutes will be available by writing to Barbara Ulmer at the address listed above or at the following website: [http://www.nnss.gov/NSSAB/pages/MM\\_FY18.html](http://www.nnss.gov/NSSAB/pages/MM_FY18.html).

Issued at Washington, DC on February 23, 2018.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2018-04088 Filed 2-27-18; 8:45 am]

**BILLING CODE 6450-01-P**

**DEPARTMENT OF ENERGY****Environmental Management Site-Specific Advisory Board, Northern New Mexico**

**AGENCY:** Department of Energy.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico. The Federal Advisory

Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

**DATES:** Wednesday, March 14, 2018, 1:00 p.m.–5:15 p.m.

**ADDRESSES:** University of New Mexico, Los Alamos Campus, Building 2, Room 230, 4000 University Drive, Los Alamos, New Mexico 87544.

**FOR FURTHER INFORMATION CONTACT:**

Menice Santistevan, Northern New Mexico Citizens' Advisory Board (NNMCAB), 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995-0393; Fax (505) 989-1752 or Email: [Menice.Santistevan@em.doe.gov](mailto:Menice.Santistevan@em.doe.gov).

**SUPPLEMENTARY INFORMATION:**

*Purpose of the Board:* The purpose of the Board is to make recommendations to DOE-EM and site management in the areas of environmental restoration, waste management, and related activities.

**Tentative Agenda**

- Call to Order
- Welcome and Introductions
- Approval of Agenda and Meeting Minutes of January 24, 2018
- Old Business  
—Report from Chair  
—Other Items
- New Business
- Update on EM Contract Transition
- Break
- EM Contract Transition Update Continues with Questions from NNMCAB Members
- Public Comment Period
- Update from EM Los Alamos Field Office
- Update from New Mexico Environment Department
- Update from NNMCAB Deputy Designated Federal Officer and Executive Director
- Wrap-Up Comments from NNMCAB Members
- Adjourn

*Public Participation:* The EM SSAB, Northern New Mexico, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting

and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

*Minutes:* Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the internet at: <https://energy.gov/em/nnmcab/meeting-materials>.

Issued at Washington, DC, on February 23, 2018.

**LaTanya R. Butler,**

*Deputy Committee Management Officer.*

[FR Doc. 2018-04089 Filed 2-27-18; 8:45 am]

**BILLING CODE 6450-01-P**

**DEPARTMENT OF ENERGY****30-Day Federal Register Notice—Extension of Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery**

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of Energy (DOE), as part of its continuing effort to reduce paperwork and respondent burden, invites the general public to comment on the “Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery” for approval under the Paperwork Reduction Act (PRA). This collection was developed as part of a Federal Government-wide effort to streamline the process for seeking feedback from the public on service delivery. This notice announces DOE’s intent to submit this collection to the Office of Management and Budget (OMB) for approval and solicits comments on specific aspects of the proposed information collection.

**DATES:** Comments regarding this collection must be received on or before March 30, 2018. If you anticipate difficulty in submitting comments by the deadline, as soon as possible, please advise the OMB Desk Officer of your intention to make a submission. The OMB Desk Officer may be telephoned at 202-395-4718.

**ADDRESSES:** Written comments should be sent to the OMB Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, 735 17th

Street NW, Room 10102, Washington, DC 20503 and to the Office of the Chief Information Officer, U.S. Department of Energy, 19901 Germantown Road, Room G-312, Germantown, MD 20874. Comments can also be emailed to DOE's Paperwork Reduction Act mailbox at [DOEPRA@hq.doe.gov](mailto:DOEPRA@hq.doe.gov).

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information should be directed to Christina Rouleau, Paperwork Reduction Act Officer, Office of the Chief Information Officer, U.S. Department of Energy, 19901 Germantown Road, Room G-312, Germantown, MD 20874. Desk Phone: (301) 903-6227; Email: [DOEPRA@hq.doe.gov](mailto:DOEPRA@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** This information collection request contains: (1) OMB No. 1910-5160; (2) Information Collection Request Title: "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery;" (3) Type of Request: Extension; (4) Purpose: The proposed information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner in accordance with the Administration's commitment to improving service delivery. "Qualitative feedback" refers to information that provides useful insights on perceptions and opinions but not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback will provide insights into customer or stakeholder perceptions, experiences and expectations, provide an early warning of issues with service, or focus attention on areas where communication, training, or changes in operations might improve delivery of products or services. These collections will allow for ongoing, collaborative, and actionable communications between DOE and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management; (5) Annual Estimated Number of Respondents: 10,000; (6) Annual Estimated Number of Total Responses: 10,000; (7) Annual Estimated Number of Burden Hours: 200,000; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: There are no costs for Reporting and Recordkeeping.

**Statutory Authority:** Executive Order 13571, *Streamlining Service Delivery and Improving Customer Service* (2011).

Issued in Washington, DC on January 10, 2018.

**Allan K. Manuel,**

*Deputy CIO for Enterprise, Policy, Portfolio Management & Governance, Office of the Chief Information Officer, U.S. Department of Energy.*

[FR Doc. 2018-04060 Filed 2-27-18; 8:45 am]

**BILLING CODE 6450-01-P**

**ENVIRONMENTAL PROTECTION AGENCY**

**[EPA-HQ-OPP-2017-0008; FRL-9972-18]**

**Pesticide Product Registration; Receipt of Applications for New Uses**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

**DATES:** Comments must be received on or before March 30, 2018.

**ADDRESSES:** Submit your comments, identified by the Docket Identification (ID) Number and the File Symbol of interest as show in the body of this document, 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:* OPP Docket, Environmental Protection Agency Docket Center (EPA/DC), (28221T), 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at <http://www.epa.gov/dockets/contacts.html>.

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

**FOR FURTHER INFORMATION CONTACT:** Michael Goodis, Registration Division (7505P), main telephone number: (703) 305-7090; email address: [RDfRNotices@epa.gov](mailto:RDfRNotices@epa.gov). The mailing address for each contact person is: Office of Pesticide Programs,

Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001.

**SUPPLEMENTARY INFORMATION:**

**I. General Information**

*A. Does this action apply to me?*

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

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

*B. What should I consider as I prepare my comments for EPA?*

1. *Submitting CBI.* Do not submit this information to EPA through [regulations.gov](http://www.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, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

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. Registration Applications**

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

**III. New Uses**

1. *EPA Registration Number:* 100–791, 100–1202. *Docket ID number:* EPA–HQ–OPP–2017–0562. *Applicant:* Syngenta Crop Protection, LLC, P.O. Box 18300, Greensboro, NC 27419. *Active ingredient:* Mefenoxam. *Product type:* Fungicide. *Proposed use:* Wasabi, cacao and small vine climbing fruit (except grape), subgroup 13–07E. *Contact:* RD.

2. *EPA Registration Numbers:* 264–776 and 264–1055. *Docket ID number:* EPA–HQ–OPP–2017–0530. *Applicant:* Bayer CropScience LP2, T.W. Alexander Dr., Research Triangle Park, NC 27709. *Active ingredient:* Trifloxystrobin. *Product type:* Fungicide. *Proposed Uses:* Flax. *Contact:* RD.

3. *EPA Registration Number(s):* 264–825, 264–825, and 264–1055. *Docket ID number:* EPA–HQ–OPP–2017–0531. *Applicant:* Bayer CropScience LP2, T.W. Alexander Dr., Research Triangle Park, NC 27709. *Active ingredient:* Prothioconazole. *Product type:* Fungicide. *Proposed Use:* Crop group expansion from current use on canola to Crop Subgroup 20A (Rapeseed subgroup). *Contact:* RD.

4. *EPA File Symbol:* 432–RLOT. *Docket ID number:* EPA–HQ–OPP–2017–0643. *Applicant:* Bayer CropScience, 2 T.W. Alexander Drive, Raleigh, NC 27709. *Active ingredient:* Deltamethrin. *Product type:* Insecticide. *Proposed Use:* Non-food indoor use, broadcast spray to carpeting for flea control. *Contact:* RD.

5. *EPA Registration Numbers:* 7969–283 and 7969–URE. *Docket ID number:* EPA–HQ–OPP–2017–0616. *Applicant:* BASF Corporation. *Active ingredient:* Metrafenone. *Product type:* Fungicide. *Proposed Use:* Mushrooms. *Contact:* RD.

6. *EPA Registration Numbers:* 10163–331 and 10163–6415. *Docket ID number:* EPA–HQ–OPP–2017–0665. *Applicant:* Gowan Company, P.O. Box 5569, Yuma, AZ 85366. *Active ingredient:* Zoxamide. *Product type:* Fungicide. *Proposed Use:* Crop subgroup 8–10B (pepper/eggplant subgroup). *Contact:* RD.

7. *EPA Registration Number:* 11678–73, 66222–243 and 66222–262. *Docket ID number:* EPA–HQ–OPP–2017–0572. *Applicant:* Makhteshim Agan of North America (d/b/a ADAMA), 3120 Highlands Blvd., Suite 100, Raleigh, NC 27604. *Active ingredient:* Fluensulfone. *Product type:* Nematicide. *Proposed Use:* Citrus Fruit Group 10–10 and Peanut. *Contact:* RD.

8. *EPA Registration Numbers:* 71711–30; 71711–31; 71711–36. *Docket ID number:* EPA–HQ–OPP–2017–0587. *Applicant:* NICHINO AMERICA, INC., 4550 Linden Hill Road, Suite 501, Wilmington, DE 19808. *Active*

*ingredient:* Tolfenpyrad. *Product type:* Insecticide. *Proposed uses:* Avocado, Vegetable, fruiting, group 8–10; Vegetable, tuberous and corm, subgroup 1C; Onion, bulb, subgroup 3–07A; Onion, green, subgroup 3–07B; Caneberry, subgroup 13–07A; Bushberry, subgroup 13–07B; Fruit, small, vine climbing, except fuzzy kiwifruit, subgroup 13–07F; Berry, low growing, subgroup 13–07G excluding cranberry and blueberry, lowbush; Vegetable, cucurbit, group 9; Cottonseed subgroup 20C; Leafy greens subgroup 4–16A; Leaf petiole vegetable subgroup 22B; Arugula, Celtnuce; Florence fennel; Garden cress; and Upland cress. *Contact:* RD.

**Authority:** 7 U.S.C. 136 *et seq.*

Dated: December 19, 2017.

**Delores Barber,**

*Director, Information Technology and Resources Management Division, Office of Pesticide Programs.*

[FR Doc. 2018–04107 Filed 2–27–18; 8:45 am]

**BILLING CODE 6560–50–P**

**ENVIRONMENTAL PROTECTION AGENCY**

**[Petitions IV–2016–11 and IV–2017–17; FRL–9974–65—Region 4]**

**Clean Air Act Operating Permit Program; Petitions for Objection to State Operating Permits for Tennessee Valley Authority—Gallatin Fossil Plant (Sumner County, Tennessee)**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of final order on petitions to object to state operating permits.

**SUMMARY:** The Environmental Protection Agency (EPA) Administrator signed an Order, dated January 30, 2018, denying the petitions submitted by Sierra Club (Petitioner) objecting to a proposed Clean Air Act (CAA) title V operating permit issued to Tennessee Valley Authority (TVA) for its Gallatin Fossil Fuel Plant located in Gallatin, Sumner County, Tennessee. The Order responds to two petitions: The first, dated August 8, 2016, requested that the EPA object to the proposed renewal permit no. 561209; the second, dated November 20, 2017, requested that the EPA object to the proposed significant modification to permit no. 561209. Both permitting actions were issued by the Tennessee Department of Environment and Conservation (TDEC). The Order constitutes a final action on the petitions addressed therein.

**ADDRESSES:** Copies of the Order, the petitions, and all pertinent information relating thereto are on file at the following location: EPA Region 4; Air, Pesticides and Toxics Management Division; 61 Forsyth Street SW; Atlanta, Georgia 30303–8960. The Order is also available electronically at the following address: <https://wcms.epa.gov/sites/production/files/2018-02/documents/tvagallatinorder2018.pdf>.

**FOR FURTHER INFORMATION CONTACT:** Art Hofmeister, Air Permits Section, EPA Region 4, at (404) 562–9115 or [hofmeister.art@epa.gov](mailto:hofmeister.art@epa.gov).

**SUPPLEMENTARY INFORMATION:** The CAA affords the EPA a 45-day period to review and, as appropriate, the authority to object to operating permits proposed by state permitting authorities under title V of the CAA, 42 U.S.C. 7661–7661f. Section 505(b)(2) of the CAA and 40 CFR 70.8(d) authorize any person to petition the EPA Administrator to object to a title V operating permit within 60 days after the expiration of the EPA’s 45-day review period if EPA has not objected on its own initiative. Petitions must be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided by the state, unless the petitioner demonstrates that it was impracticable to raise these issues during the comment period or the grounds for the issues arose after this period. Pursuant to sections 307(b) and 505(b)(2) of the CAA, a petition for judicial review of those parts of the Order that deny issues in the petition may be filed in the United States Court of Appeals for the appropriate circuit within 60 days from the date this notice is published in the **Federal Register**.

Petitioner submitted petitions requesting that the EPA object to the proposed CAA title V operating permit no. 561209 and the subsequent significant modification to this permit., both issued by TDEC to TVA. Petitioner claims that these permitting actions: Fail to include monitoring requirements adequate to ensure compliance with opacity, particulate matter, and fugitive dust requirements; fail to include reporting requirements to ensure compliance with a previous consent decree; include startup/shutdown provisions that are inconsistent with the CAA; impose an unreasonably permissive limit for sulfur dioxide (SO<sub>2</sub>); and include a limit that fails to protect the one-hour National Ambient Air Quality Standard for SO<sub>2</sub>.

On January 30, 2018, the Administrator issued an Order denying

the petitions. The Order explains EPA's basis for denying the petitions.

Dated: February 8, 2018.

**Onis "Trey" Glenn, III,**

*Regional Administrator, Region 4.*

[FR Doc. 2018-04093 Filed 2-27-18; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2007-0595; FRL-9974-36-OEI]

### Proposed Information Collection Request; Comment Request; Regulation of Fuels and Fuel Additives: Detergent Gasoline

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Regulation of Fuels and Fuel Additives: Detergent Gasoline (EPA ICR No. 1655.10, OMB Control No. 2060-0275), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed reinstatement of the ICR, which was approved through November 30, 2017. Public comments were previously requested via the **Federal Register** on October 6, 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 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 March 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID No. EPA-HQ-OAR-2007-0595, online using <https://www.regulations.gov> (our preferred method), by email to [a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov), or by mail to: (1) EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460, and (2) OMB via email to [oria\\_submission@omb.eop.gov](mailto:oria_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:

James W. Caldwell, Environmental Engineer, Compliance Division, Office of Transportation and Air Quality, Mail Code 6405A, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460; Telephone: (202) 343-9303; Fax: (202) 343-2802; Email address: [caldwell.jim@epa.gov](mailto:caldwell.jim@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 <https://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:* Gasoline combustion results in the formation of engine deposits. The accumulation of deposits, particularly in the orifices of fuel injectors and on intake valves, typically results in increased emissions and reduced engine performance. As fuel injectors replaced carburetors in the 1980's, a number of vehicle manufacturers experienced problems with deposit formation. Detergent additives, which had been available for years to control deposits in carbureted vehicles, were improved to accommodate the new technology. However, their use was voluntary and there were no regulatory standards by which to gauge their effectiveness. Congress recognized the importance of effective detergent additives in minimizing vehicle emissions, and added Section 211(1) in the Clean Air Act Amendments of 1990. It required gasoline to contain detergent additives, effective January 1, 1995, and provided EPA with the authority to establish specifications for such additives. The regulations at 40 CFR 80, Subpart G implemented certification requirements for detergents and imposed a variety of recordkeeping and reporting requirements for certain parties involved with detergents, gasoline, or post-refinery component (any gasoline blending stock or any oxygenate that is blended with gasoline subsequent to the gasoline refining process (PRC)). All gasolines must contain certified detergents, with the exception of research, racing, and aviation gasolines.

*Form Numbers:* None

*Respondents/affected entities:* The respondents are related to the following major group Standard Industrialization Classification (SIC) codes: 5172-Petroleum Products and 2911-Petroleum Refining. The respondents are related to the following major group NAICS codes: 324110-Petroleum Refineries; 324199-All Other Petroleum and Coal Products Manufacturing; 325110-Petrochemical Manufacturing; 325199-All Other Basic Organic Chemical Manufacturing; 424710-Petroleum Bulk Stations and Terminals; and 424720-Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals).

*Respondent's obligation to respond:* Mandatory per 40 CFR 80, Subpart G.

*Estimated number of respondents:* 1,354 (total).

*Frequency of response:* On occasion.

*Total estimated burden:* 220,181 hours (per year). Burden is defined at 5 CFR 1320.03(b).

*Total estimated cost:* \$16,554,566.00 (per year), which includes \$335,040.00 annualized capital or operation & maintenance costs.

*Changes in Estimates:* There is no increase of hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The respondent universe and responses also remain the same in this collection. There is a decrease in cost to the industry of \$2,281,002 per year due to a correction in industry labor costs.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018-04056 Filed 2-27-18; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2015-0276; FRL-9971-08]

### Final Test Guidelines; Series 810—Product Performance Test Guidelines; Notice of Availability

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is announcing the availability of the following 810 Series final test guidelines: General Considerations for Testing Public Health Antimicrobial Pesticides—Guidance for Efficacy Testing, OCSPP Test Guideline 810.2000; Sterilants, Sporicides, and Decontaminants—Guidance for Efficacy Testing, OCSPP Test Guideline 810.2100; and Disinfectants for Use on Environmental Surfaces—Guidance for Efficacy Testing, OCSPP Test Guideline

810.2200. These test guidelines are part of a series of test guidelines established by the Office of Chemical Safety and Pollution Prevention (OCSPP) for use in testing pesticides and chemical substances. The test guidelines serve as a compendium of accepted scientific methodologies and protocols for testing that is intended to provide data to inform regulatory decisions. The test guidelines provide guidance for conducting the tests, and are also used by EPA, the public, and companies that are subject to data submission requirements under one or more statutes.

**FOR FURTHER INFORMATION CONTACT:**

Thao Pham, Antimicrobials Division (7510P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; telephone number: 703-308-0125; email address: [pham.thao@epa.gov](mailto:pham.thao@epa.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

EPA is announcing the availability of three final test guidelines: General Considerations for Testing Public Health Antimicrobial Pesticides—Guidance for Efficacy Testing, OCSPP Test Guideline 810.2000; Sterilants, Sporicides, and Decontaminants—Guidance for Efficacy Testing, OCSPP Test Guideline 810.2100; and Disinfectants for Use on Environmental Surfaces—Guidance for Efficacy Testing, OCSPP Test Guideline 810.2200.

These final test guidelines are part of a series of test guidelines established by OCSPP for use in testing pesticides and chemical substances to develop data for submission to the Agency under the Federal Food, Drug and Cosmetic (FFDCA) section 408 (21 U.S.C. 346a), the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) (7 U.S.C. 136 *et seq.*), and the Toxic Substances Control Act (TSCA) (15 U.S.C. 2601 *et seq.*). The test guidelines serve as a compendium of accepted scientific methodologies and protocols for testing that is intended to provide data to inform regulatory decisions under TSCA, FIFRA, and/or FFDCA.

The test guidelines provide guidance for conducting tests, and are also used by EPA, the public, and companies that are subject to data submission requirements under TSCA, FIFRA, and/or FFDCA. As guidance documents, the test guidelines are not binding on either EPA or any outside parties, and EPA may depart from the test guidelines where circumstances warrant and without prior notice. At places in this guidance, the Agency uses the word “should.” In this guidance, use of

“should” with regard to an action means that the action is recommended rather than mandatory. The procedures contained in the test guidelines are recommended for generating the data that are the subject of the particular test guideline, but EPA recognizes that departures may be appropriate in specific situations. You may propose alternatives to the recommendations described in the test guidelines, and the Agency will assess them for appropriateness on a case-by-case basis.

**II. General Information**

*A. Does this action apply to me?*

This action is directed to the public in general. Although this action may be of particular interest to those persons who are or may be required to conduct testing of pesticides and chemical substances for submission to EPA under TSCA, FIFRA, and/or FFDCA, the Agency has not attempted to describe all the specific entities that may be affected by this action.

*B. How can I get copies of this document and other related information?*

1. *Docket for this document.* The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2015-0276, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OPP Docket is (703) 305-5805. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

2. *Electronic access to the OCSPP test guidelines.* To access OCSPP test guidelines electronically, please go to <http://www.epa.gov/ocspp/pubs/frs/home/testmeth.htm>. You may also access the test guidelines in <http://www.regulations.gov>, grouped by series under docket ID numbers: EPA-HQ-OPPT-2009-0150 through EPA-HQ-OPPT-2009-0159 and EPA-HQ-OPPT-2009-0576.

**III. Overview**

*A. What action is EPA taking?*

EPA is announcing the availability of final test guidelines under Series 810, entitled “Product Performance Test Guidelines” and identified as OCSPP

Test Guidelines 810.2000, 810.2100, and 810.2200. The OCSPP 810 Test Guideline Series addresses antimicrobial pesticide products with public health uses or that bear public health claims for which product performance (efficacy) test data are required to be submitted to the Agency to support registration or amended registration, including, but not limited to the requirements of 40 CFR 158.2220(a)(2). These guidelines provide an update to the 2012 OCSPP Guidelines 810.2000, 810.2100, and 810.2200 and supersede previous efficacy testing guidance for sterilants, sporicides, decontaminants, and disinfectant products.

All studies initiated one year after the final publication date should utilize the revised guidelines for testing.

*B. How was this final test guideline developed?*

The updated test guidelines integrate agency policies and revised test methods that have been released after the 2012 publication of the 810 guideline series. The availability of public draft test guidelines for public comment was announced in a June 17, 2015 **Federal Register** notice (80 FR 34638) (FRL-9927-37). The public draft test guidelines were placed in the EPA Docket for public access. These final test guidelines were reformatted for ease of navigation and reading and incorporate changes resulting from the public comments received in response to the 2015 public draft test guidelines. The Agency is also making available in the docket a Response to Comments document that summarizes changes to the 2015 draft guidelines and addresses issues raised in the public comment submissions.

**Authority:** 7 U.S.C. 136 *et seq.*; 15 U.S.C. 2601 *et seq.*; 21 U.S.C. 301 *et seq.*

Dated: February 6, 2018.

**Charlotte Bertrand,**

*Acting Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2018-04106 Filed 2-27-18; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-R10-OW-2017-0369; FRL 9974-52—Region 10]

### Notification of Decision Not To Withdraw Proposed Determination To Restrict the Use of an Area as a Disposal Site; Pebble Deposit Area, Southwest Alaska

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The United States Environmental Protection Agency (EPA) Administrator and Region 10 Regional Administrator are announcing the EPA's decision not to withdraw at this time the EPA Region 10 July 2014 Proposed Determination that was issued pursuant to Section 404(c) of the Clean Water Act and EPA's implementing regulations. Today's notice suspends the proceeding to withdraw the Proposed Determination and leaves that Determination in place pending further consideration by the Agency of information that is relevant to the protection of the world-class fisheries contained in the Bristol Bay watershed. The Agency intends at a future time to solicit public comment on what further steps, if any, the Agency should take under Section 404(c) to prevent unacceptable adverse effects to the watershed's abundant and valuable fishery resources in light of the permit application that has now been submitted to the U.S. Army Corps of Engineers.

**FOR FURTHER INFORMATION CONTACT:** Visit [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay) or contact a Bristol Bay-specific phone line, (206) 553-0040, or email address, [r10bristolbay@epa.gov](mailto:r10bristolbay@epa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. General Information

*A. How to Obtain a Copy of the Proposed Determination:* The July 2014 Proposed Determination is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

*B. How to Obtain a Copy of the Settlement Agreement:* The May 11, 2017, settlement agreement is available via the internet on the EPA Region 10 Bristol Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay).

*C. How to Obtain a Copy of the Proposal to Withdraw the Proposed Determination:* The July 2017 proposal to withdraw the Proposed Determination is available via the internet on the EPA Region 10 Bristol

Bay site at [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay). Information regarding the proposal to withdraw can also be found in the docket for this effort at [www.regulations.gov](http://www.regulations.gov), see docket ID No. EPA-R10-OW-2017-0369 or use the following link: <https://www.regulations.gov/docket?D=EPA-R10-OW-2017-0369>.

##### II. Background

On July 19, 2017, EPA Region 10 published in the **Federal Register** (82 FR 33123) a notice of a proposal to withdraw its July 2014 Proposed Determination under section 404(c) of the Clean Water Act (CWA) to restrict the use of certain waters in the South Fork Kaktuli River, North Fork Kaktuli River, and Upper Talarik Creek watersheds (located within the larger Bristol Bay watershed) as disposal sites for dredged or fill material associated with mining the Pebble deposit, a copper-, gold- and molybdenum-bearing ore body. A Proposed Determination is the second step in EPA's four-step CWA Section 404(c) review process of: (1) Initiation, (2) Proposed Determination, (3) Recommended Determination, and (4) Final Determination (40 CFR part 231).

The July 19, 2017 (82 FR 33123), notice opened a public comment period that closed on October 17, 2017. EPA held two public hearings in the Bristol Bay watershed during the week of October 9, 2017. EPA also consulted with federally recognized tribal governments from the Bristol Bay region and Alaska Native Claims Settlement Act (ANCSA) Regional and Village Corporations with lands in the Bristol Bay watershed on the Agency's proposal to withdraw.

EPA agreed to initiate a process to propose to withdraw the 2014 Proposed Determination as part of a May 11, 2017, settlement agreement with the Pebble Limited Partnership (PLP), whose subsidiaries own the mineral claims to the Pebble deposit. The settlement agreement resolved all of PLP's outstanding lawsuits against EPA. Also under the terms of the settlement agreement, Region 10 may not forward a signed Recommended Determination, if such a decision is made, before either May 11, 2021, or until EPA provides public notice of a final Environmental Impact Statement (EIS) issued by the U.S. Army Corps of Engineers (Corps) on PLP's CWA Section 404 permit application regarding the Pebble deposit, whichever comes first. For a link to a copy of the settlement agreement, see Section I of this notice.

In its July 19, 2017, notice and during the concurrent tribal and ANCSA

Corporation consultation periods, EPA defined the scope of the input it was seeking on its proposal to withdraw. Specifically, EPA sought public comment and tribal and ANCSA Corporation input on three reasons underlying its proposed withdrawal. EPA's reasons were that withdrawing the Proposed Determination now would:

1. Provide PLP with additional time to submit a section 404 permit application to the Corps,

2. Remove any uncertainty, real or perceived, about PLP's ability to submit a permit application and have that permit application reviewed, and

3. Allow the factual record regarding any forthcoming permit application to develop.

In addition to seeking comment on whether to withdraw the July 2014 Proposed Determination at this time for the reasons stated above, in the event that the final decision was to withdraw the Proposed Determination, EPA also sought comment on whether the Administrator should review and reconsider the withdrawal decision consistent with 40 CFR 231.5(c).

##### III. Summary of Input From Public Comment, Tribal Consultation, and ANCSA Corporation Consultation Periods

During the public comment period, EPA received more than one million public comments regarding its proposal to withdraw. An overwhelming majority of these commenters expressed opposition to withdrawal of the Proposed Determination. EPA also held two public hearings in the Bristol Bay watershed on the proposal to withdraw; approximately 200 people participated in the hearings. Of the 119 participants who testified, an overwhelming majority also expressed opposition to withdrawal of the Proposed Determination. Similarly, the vast majority of tribal governments and ANCSA Corporation shareholders who consulted with EPA expressed opposition to the proposed withdrawal. The public comments, transcripts from the public hearings, and summaries of the tribal and ANCSA Corporation consultations can be found in the docket for this effort; see Section I of this notice for information on how to access this docket.

##### *A. Comments Opposing Withdrawal That Were Within the Scope of EPA's July 2017 Notice*

A large number of commenters expressed opposition to the proposal to withdraw. Commenters stated that withdrawal of the Proposed Determination is not necessary to allow for PLP to submit its permit application

because nothing in the regulations prevents PLP from submitting a permit application while a section 404(c) review is ongoing. Other commenters indicated that regardless of whether the Proposed Determination is withdrawn, other provisions of the settlement agreement pause EPA's section 404(c) review and provide PLP with additional time to submit its permit application and allow that permit application to be reviewed by the Corps. EPA received many comments noting that withdrawal of the Proposed Determination is not necessary to ensure that the Corps' 404 permit and National Environmental Policy Act (NEPA) review processes proceed. The applicable regulations prevent the Corps from issuing a final permit decision for a project while a section 404(c) review is ongoing (33 CFR 323.6(b) and 40 CFR 231.3(a)(2)), but affirmatively provide that the Corps will continue to complete its administrative processing of PLP's permit application, including final coordination with EPA under 33 CFR part 325, while EPA's section 404(c) review is underway.

Commenters also stated that it is not necessary to withdraw the Proposed Determination in order to allow the factual record associated with a permit application from PLP to develop because nothing in the statute, its implementing regulations, or the Proposed Determination preclude PLP from submitting a permit application and the Corps from reviewing that application. In addition, some commenters stated that the Proposed Determination is supported by a sufficient factual record that does not need further development.

Commenters also noted that there is precedent for EPA leaving a Proposed Determination in place while it awaits additional project-related information and cited EPA's section 404(c) review process relating to the Pamo Dam project where EPA kept its Proposed Determination in place pending completion and review of additional information and analysis by the project proponent.<sup>1</sup> Commenters also noted that EPA's section 404(c) regulations allow it to extend the timeframes for section 404(c) decisions for "good cause" (40 CFR 231.8) and argued that EPA has good cause in this case to extend the specific time period at 40 CFR 231.5(a) for the Regional Administrator to decide whether to withdraw a Proposed Determination or prepare a Recommended Determination (which is the next step in the section 404(c) review process). Commenters also noted

that when EPA first initiated its section 404(c) action in February 2014, PLP told EPA that it supported pausing EPA's section 404(c) review process for "good cause" pursuant to 40 CFR 231.8 to allow time for it to submit its permit application and for that application to be reviewed.<sup>2</sup>

Commenters also asserted that EPA's July 2017 notice was inappropriately limited to process and policy arguments and did not adequately consider the underlying scientific and technical record in the July 2014 Proposed Determination.

#### *B. Comments Supporting Withdrawal That Were Within the Scope of EPA's July 2017 Notice*

Commenters in support of withdrawal of the Proposed Determination indicated that EPA preemptively issued its Proposed Determination before PLP submitted a permit application or the Corps initiated the NEPA review process. These commenters stated that this was an overreach by EPA and that it denied PLP due process. Commenters felt that the Section 404 permitting process should be allowed to proceed, which would allow future decisions to be made based on the permit application materials, related mitigation strategies, and NEPA review. Commenters stated that this would allow the Agency to examine all possible merits of a project, as well as potential environmental impacts, through an EIS. Commenters noted that the NEPA process considers the views of a much broader group of constituents, including the Secretary of the Interior, Fish and Wildlife Service, National Marine Fisheries Service, State Historic Preservation Office, and the Coast Guard.

Some commenters asserted that EPA does not have the authority to initiate the section 404(c) process or issue a Proposed Determination in the absence of a permit application. In addition, some commenters indicated that, in their view, withdrawing the Proposed Determination was necessary in order for the Corps to accept and review a permit application from PLP and conduct the NEPA review process.

Commenters also expressed a belief that the issuance of the Proposed Determination prevents the development of a full record by stifling the extensive permitting process that would be required to permit a mine of this scale, including local, state, and federal permits. They noted that the

permit application will provide comprehensive, site-specific data and alternatives analysis, and that the process will ensure a rigorous review, including development of an EIS, and consideration of mitigation strategies. Several commenters stated that the fate of the project should not be decided without consideration of the full social, economic, and environmental impacts, which would occur during permit review.

Many of the other reasons offered by commenters in support of the withdrawal revolved around their policy view that EPA should not take a section 404(c) action in advance of the filing of a permit application because such an action would have negative repercussions for the business and investing community. Commenters noted that maintaining the integrity of the existing regulatory review process and ensuring due process for all projects is important to Alaska's economy for future investment in natural resource development.

#### *C. Comments Received That Were Outside the Scope of EPA's July 2017 Notice*

EPA received comments regarding the specific scientific and technical record underlying the Proposed Determination and subsequent public process. Certain commenters expressed support for the analysis conducted as part of EPA's Bristol Bay Watershed Assessment (BBWA) completed in 2014 (for more information regarding the BBWA see: [www.epa.gov/bristolbay](http://www.epa.gov/bristolbay)), which these commenters indicated did not support withdrawal of the Proposed Determination. Other commenters argued that the BBWA was flawed and should not be a basis for agency decision making. EPA also received comments relating to economic value of a potential mine and metals to be mined as a general matter and the potential value of the mine for the local and national economy.

EPA also received comments regarding the amount of public input relating to this issue as a general matter and the amount of resources that both EPA and stakeholders have expended on Bristol Bay-related issues associated with mining of the Pebble deposit. Comments also focused on the ecological, cultural, and economic value of Bristol Bay's fishery resources, and potential environmental, cultural, and economic harms to these and other resources associated with potential mining activity.

<sup>2</sup> Letter from Tom Collier, CEO, PLP to Dennis McLerran, former EPA R10 Regional Administrator, (March 11, 2014).

<sup>1</sup> 54 FR 30599 (July 21, 1989).



#### IV. Recent Developments

Since the close of the public comment, tribal consultation, and ANCSA Corporation consultation periods on October 17, 2017, there have been a number of other relevant developments. On December 22, 2017, PLP submitted a section 404 permit application to the Corps that proposes to develop a mine at the Pebble deposit. On January 5, 2018, the Corps issued a public notice that provides PLP's permit application to the public and states that an EIS will be required as part of its permit review process consistent with NEPA. The Corps also invited relevant federal and state agencies to be cooperating agencies on the development of this EIS.

Since PLP has now submitted its CWA Section 404 permit application to the Corps regarding the Pebble deposit, Region 10 will not forward a signed Recommended Determination, if such a decision is made, before either May 11, 2021, or public notice of a final EIS on PLP's Section 404 permit application regarding the Pebble deposit, whichever comes first.

#### V. Conclusions

In making its decision regarding whether to withdraw the Proposed Determination at this time, EPA considered its relevant statutory authority, applicable regulations, and the input it received as part of the tribal consultation, ANCSA consultation, and public comment periods regarding the Agency's reasons for its proposing withdrawal as well as the recent developments.

1. Additional time to submit Section 404 permit application and initiate permit review. As several commenters noted, PLP has had the ability as a legal matter to submit a permit application while a section 404(c) review is ongoing. In fact, PLP submitted its application on December 22, 2017, notwithstanding the pending section 404(c) review and existing Proposed Determination, and the Corps issued a public notice that provides PLP's permit application to the public and states that an EIS will be required as part of its permit review process consistent with NEPA. As a result, withdrawal of the Proposed Determination at this time is not necessary to provide PLP with additional time to submit a section 404 permit application to the Corps and potentially allow the Corps permitting process to initiate.

2. Remove uncertainty regarding PLP's ability to submit Section 404 permit application and have it reviewed. As many commenters pointed

out and as EPA noted in its proposal, the Corps' regulations allow it to accept, review, and process a permit application for a proposed project even if EPA has an ongoing section 404(c) review for that project. In addition, since PLP has now submitted its permit application to the Corps regarding the Pebble deposit and the Corps has initiated its permit review process and begun taking steps to initiate development of an EIS for this project, any potential uncertainty about PLP's ability to submit a permit application and have that permit application reviewed by the Corps has been resolved. The Corps' regulations state that it will continue to complete its administrative processing of a permit application for a proposed project if EPA has an ongoing section 404(c) review for that project. While the Corps cannot issue a final decision on the permit application while a section 404(c) process remains open and unresolved (33 CFR 323.6(b)), in this case, such a decision is likely a number of years away. Therefore, this reason to withdraw the Proposed Determination at this time is no longer applicable.

3. Allow factual record for Section 404 permit application to develop. As previously noted, the Corps has already initiated its permit review process for PLP's application. Even if EPA leaves the Proposed Determination in place at this time, EPA will provide PLP with nearly three and a half years (unless a final EIS for the project is noticed sooner) to advance through the permit review process before Region 10 could forward a signed Recommended Determination to EPA Headquarters, if such a decision is made. Thus, in light of EPA's forbearance from proceeding to the next step of the section 404(c) process until a later time as described above, EPA concludes that the factual record regarding the permit application can develop notwithstanding the Proposed Determination. EPA has discretion to consider that factual record after it has been further developed before Region 10 determines whether to forward a signed Recommended Determination to EPA Headquarters and, if such a decision is made, to determine the contents of such a Recommended Determination. As such, this reason does not support withdrawal of the Proposed Determination at this time.

Further, in light of recent developments and the framework outlined in the settlement agreement, many of the key concerns raised by those who supported withdrawal have already been resolved, even while the Proposed Determination remains in

place. For example, concerns regarding EPA potentially finalizing its section 404(c) review in advance of PLP submitting a permit application, concerns that the Corps would not accept or process PLP's permit application with an open section 404(c) action, and concerns that PLP should be provided more time to advance through the Section 404 permit and NEPA review processes before EPA makes any decisions regarding potentially advancing its section 404(c) review are moot.

Given the relevant statutory authority, applicable regulations, recent developments, public comments, tribal input, and ANCSA Corporation input described above, the Agency has decided not to withdraw the 2014 Proposed Determination at this time. Today's notice suspends the proceeding to withdraw the Proposed Determination and leaves that Determination in place pending consideration of any other information that is relevant to the protection of the world-class fisheries contained in the Bristol Bay watershed in light of the permit application that has now been submitted to the Corps. As noted above, EPA also sought comment on whether the Administrator should review and reconsider the withdrawal decision consistent with 40 CFR 231.5(c) in the event that the final decision was to withdraw the Proposed Determination. Since today's decision is not to withdraw the Proposed Determination at this time, comments received on this issue do not need to be addressed.

EPA acknowledges the significant public interest on this issue and remains committed to listening to all stakeholders as the permitting process progresses. Neither this decision nor the previous settlement agreement guarantees or prejudices a particular outcome in the permitting process or any particular EPA decision-making under section 404(c) or otherwise constrain EPA's discretion except as provided in the terms of the settlement agreement.

EPA received several comments stating that EPA cannot withdraw a Proposed Determination without considering the proposed restrictions or the science or technical information underlying the Proposed Determination. In light of EPA's decision not to withdraw the Proposed Determination, those comments are moot.

EPA also received comments that it has to withdraw the Proposed Determination because it does not have the statutory authority to initiate the section 404(c) process before a permit application has been filed with the

Corps. To the contrary, EPA has the authority whenever it makes the requisite finding of unacceptable adverse effect. 33 U.S.C. 1344(c); 40 CFR 231.1(a) & (c); *see also Mingo Logan Coal Co. v. EPA*, 714 F.3d 608, 613 (DC Cir. 2013). As such, EPA need not withdraw the Proposed Determination on the basis of a lack of statutory authority because EPA had authority to issue the Proposed Determination.

## VI. Further Proceedings

EPA's regulations at 40 CFR 231.5(a) provide a specific time period for the Regional Administrator to decide whether to withdraw a Proposed Determination or prepare a Recommended Determination. As explained above, the Agency has decided not to withdraw the Proposed Determination at this time and is suspending this withdrawal proceeding and leaving the Proposed Determination in place. As previously noted, however, under the terms of the May 2017 settlement agreement, Region 10 may not forward a signed Recommended Determination, if such a decision is made, before either May 11, 2021, or until public notice of a final EIS on PLP's CWA Section 404 permit application regarding the Pebble deposit, whichever comes first.

The Agency intends at a future time to solicit public comment on what further steps, if any, the Agency should take in the section 404(c) process in order to prevent unacceptable adverse effects to the watershed's world-class fisheries in light of the permit application that has now been submitted to the Corps. EPA will review and consider any other relevant information that becomes available during the interim. EPA has determined that there is good cause under 40 CFR 231.8 to extend the regulatory time frames in 40 CFR 231.5(a) in order to allow for an additional public comment period and to align with the timeframes established in the settlement agreement.

Dated: January 26, 2018.

**Chris Hladick**,

*Regional Administrator, EPA Region 10.*

[FR Doc. 2018-04092 Filed 2-27-18; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OECA-2017-0438; FRL-9974-30-OEI]

### Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Annual Public Water Systems Compliance Report (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), Annual Public Water System Compliance Report (EPA ICR No. 1812.06, OMB Control No. 2020-0020), 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 September 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 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:** Additional comments may be submitted on or before March 30, 2018.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA-HQ-OECA-2017-0438 to (1) EPA online using [www.regulations.gov](http://www.regulations.gov) (our preferred method), by email to [docket.oeca@epa.gov](mailto: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 [oir\\_submission@omb.eop.gov](mailto:oir_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:

Raquel Taveras, Monitoring, Assistance and Media Programs Division, Office of Compliance, MC-2227A, Environmental Protection Agency, 1200 Pennsylvania

Ave. NW, Washington, DC 20460; telephone number: (202) 564-9651; fax number: (202) 564-7083; email address: [taveras.raquel@epa.gov](mailto:taveras.raquel@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at [www.regulations.gov](http://www.regulations.gov) or in person at the EPA Docket Center, 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:** Section 1414(c)(3)(A) of the Safe Drinking Water Act (SDWA) requires that each state (a term that includes states, commonwealths, tribes and territories) that has primary enforcement authority under the SDWA shall prepare, make readily available to the public, and submit to the Administrator of EPA, an annual report of violations of national primary drinking water regulations in the state. These Annual State Public Water System Compliance Reports are to include violations of maximum contaminant levels, treatment requirements, variances and exemptions, and monitoring requirements determined to be significant by the Administrator after consultation with the states. To minimize a state's burden in preparing its annual statutorily-required report, EPA issued guidance that explains what Section 1414(c)(3)(A) requires and provides model language and reporting templates. EPA also annually makes available to the states a computer query that generates for each state (from information states are already separately required to submit to EPA's national database on a quarterly basis) the required violations information in a table consistent with the reporting template in EPA's guidance.

**Form numbers:** None.

**Respondents/affected entities:** States that have primacy enforcement authority and meet the definition of "state" under the SDWA.

**Respondent's obligation to respond:** Mandatory Section 1414 (c)(3)(A) of SDWA.

**Estimated number of respondents:** 55 (total).

**Frequency of response:** Annually.

**Total estimated burden:** 4,400 hours (per year). Burden is defined at 5 CFR 1320.03(b).

**Total estimated cost:** \$470,000 (per year), includes \$0 annualized capital or operation & maintenance costs.

*Changes in estimates:* There is no change of hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This universe of respondents remains the same. The changes in costs are due to inflation and an increase in wages for respondents, rounded to 3 significant figures.

**Courtney Kerwin,**

*Director, Regulatory Support Division.*

[FR Doc. 2018-04055 Filed 2-27-18; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL MARITIME COMMISSION

### Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A copy of the agreement is available through the Commission's website ([www.fmc.gov](http://www.fmc.gov)) or by contacting the Office of Agreements at (202) 523-5793 or [tradeanalysis@fmc.gov](mailto:tradeanalysis@fmc.gov).

*Agreement No.:* 012442-001.

*Title:* Miami Marine Terminal Conference Agreement.

*Parties:* Port of Miami Terminal Operating Company, L.C. and South Florida Container Terminal, LLC.

*Filing Party:* David F. Smith; Cozen O'Connor; 1200 19th Street NW, Washington, DC 20036.

*Synopsis:* The amendment revises Article 3 of the Agreement to correct the name of one of the Agreement Parties, the Port of Miami Terminal Operating Company, L.C.

By Order of the Federal Maritime Commission.

Dated: February 23, 2018.

**Rachel E. Dickon,**

*Secretary.*

[FR Doc. 2018-04080 Filed 2-27-18; 8:45 am]

**BILLING CODE 6731-AA-P**

## FEDERAL TRADE COMMISSION

[File No. 142 3103]

### Telomerase Activation Sciences, Inc. and Noel Thomas Patton; Analysis To Aid Public Comment

**AGENCY:** Federal Trade Commission.

**ACTION:** Proposed consent agreement.

**SUMMARY:** The consent agreement in this matter settles alleged violations of

federal law prohibiting unfair or deceptive acts or practices. The attached Analysis to Aid Public Comment describes both the allegations in the complaint and the terms of the consent order—embodied in the consent agreement—that would settle these allegations.

**DATES:** Comments must be received on or before March 23, 2018.

**ADDRESSES:** Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write: "In the Matter of Telomerase Activation Sciences, Inc., et al." on your comment, and file your comment online at <https://ftcpublic.commentworks.com/ftc/telomeraseconsent> by following the instructions on the web-based form. If you prefer to file your comment on paper, write "In the Matter of Telomerase Activation Sciences, Inc., et al." on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:**

Andrew Wone (202-326-2934), Bureau of Consumer Protection, 600 Pennsylvania Avenue NW, Washington, DC 20580.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 6(f) of the Federal Trade Commission Act, 15 U.S.C. 46(f), and FTC Rule 2.34, 16 CFR 2.34, notice is hereby given that the above-captioned consent agreement containing a consent order to cease and desist, having been filed with and accepted, subject to final approval, by the Commission, has been placed on the public record for a period of thirty (30) days. The following Analysis to Aid Public Comment describes the terms of the consent agreement, and the allegations in the complaint. An electronic copy of the full text of the consent agreement package can be obtained from the FTC Home Page (for February 21, 2018), on the World Wide Web, at <https://www.ftc.gov/news-events/commission-actions>.

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before March 23, 2018. Write "In the Matter of Telomerase Activation

Sciences, Inc., et al." on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission website, at <https://www.ftc.gov/policy/public-comments>.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online. To make sure that the Commission considers your online comment, you must file it at <https://ftcpublic.commentworks.com/ftc/telomeraseconsent> by following the instructions on the web-based form. If this Notice appears at <http://www.regulations.gov#!home>, you also may file a comment through that website.

If you prefer to file your comment on paper, write "In the Matter of Telomerase Activation Sciences, Inc., et al." on your comment and on the envelope, and mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex D), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex D), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible FTC website at <https://www.ftc.gov>, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal information, such as your or anyone else's Social Security number; date of birth; driver's license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any "trade secret or any commercial or financial information which . . . is privileged or confidential"—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs,

sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled "Confidential," and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. See FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted on the public FTC website—as legally required by FTC Rule 4.9(b)—we cannot redact or remove your comment from the FTC website, unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

Visit the FTC website at <http://www.ftc.gov> to read this Notice and the news release describing it. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding, as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before March 23, 2018. For information on the Commission's privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

#### Analysis of Proposed Consent Order To Aid Public Comment

The Federal Trade Commission ("FTC" or "Commission") has accepted, subject to final approval, an agreement containing a consent order as to Telomerase Activation Sciences, Inc. and Noel Thomas Patton (collectively "respondents").

The proposed consent order ("order") has been placed on the public record for 30 days for receipt of comments by interested persons. Comments received during this period will become part of the public record. After 30 days, the Commission will again review the agreement and the comments received, and will decide whether it should withdraw from the agreement or make final the agreement's order.

This matter involves respondents' advertising for TA-65MD, a product that comes in capsule and powder forms, and TA-65 for Skin ("TA-65 Skin"), a topical cream product. The

complaint alleges that respondents violated Sections 5(a) and 12 of the FTC Act by making false or unsubstantiated health or performance claims that: TA-65MD and TA-65 Skin reverse aging; TA-65MD prevents and repairs DNA damage; TA-65MD restores aging immune systems; TA-65MD increases bone density; TA-65MD reverses the effects of aging, including improving skin elasticity, increasing energy and endurance, and improving vision; TA-65MD prevents or reduces the risk of cancer; TA-65 Skin reverses the effects of aging, including improving skin elasticity; and TA-65 Skin decreases recovery time of the skin after medical procedures. The complaint also alleges that respondents claimed that some of the above performance claims were clinically or scientifically proven.

The complaint further alleges that respondents misrepresented that a 2012 paid-for segment on *The Suzanne Show* featuring TA-65MD was independent, educational programming and not paid commercial advertising. Additionally, the complaint alleges that respondents deceptively represented that consumers appearing in advertisements were independent users of TA-65MD, expressing their impartial views of satisfaction. According to the complaint, respondents failed to disclose that these consumer endorsers received compensation, including free TA-65MD. Finally, the complaint alleges that by providing promotional materials that had false or unsubstantiated health or performance claims to marketers of other products containing TA-65MD, respondents provided these other marketers the means and instrumentalities to engage in deceptive acts and practices.

The order includes injunctive relief that prohibits these alleged violations and fences in similar and related violations. The order applies to marketing claims for any covered product, defined as TA-65MD and TA-65 Skin or any other drug, food, dietary supplement, or cosmetic. As additional fencing-in relief, the order requires respondents to provide a notice to all of its licensees authorized to advertise, market, or sell any covered product, monitor certain high-selling licensees, and follow appropriate recordkeeping, compliance reporting, and document preservation requirements.

*Provision I* prohibits any representation that a covered product reverses human aging; prevents or repairs DNA damage; restores aging immune systems; increases bone density; reverses the effects of aging, including improving skin elasticity, increasing energy and endurance, and

improving vision; decreases recovery time of the skin after medical procedures; prevents or reduces the risk of cancer; or cures, mitigates, or treats any disease unless the representation is non-misleading and respondents possess and rely upon competent and reliable scientific evidence that substantiates that the representation is true. The definition of competent and reliable scientific evidence in Provision I specifies human clinical testing and requires that the testing be sufficient in quality and quantity, based on standards generally accepted by experts in the relevant disease, condition, or function to which the representation relates, when considered in light of the entire body of relevant and reliable scientific evidence, to substantiate that the representation is true. Such testing must (1) be randomized, double-blind, and placebo-controlled; and (2) be conducted by researchers qualified by training and experience to conduct such testing. In addition, respondents must maintain all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing.

*Provision II* prohibits representations regarding the health benefits, performance, efficacy, safety, or side effects of any covered product unless the representation is non-misleading and respondents possess and rely upon competent and reliable scientific evidence to substantiate that the representation is true. Provision II defines competent and reliable scientific evidence as tests, analyses, research, or studies: (1) That have been conducted and evaluated in an objective manner by experts in the relevant disease, condition, or function to which the representation relates; (2) that are generally accepted by such experts to yield accurate and reliable results; and (3) that are randomized, double-blind, and placebo-controlled human clinical testing of the covered product, when such experts would generally require such human clinical testing to substantiate that the representation is true. When such tests or studies are human clinical tests or studies, respondents must maintain all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of such testing.

*Provision III* prohibits misrepresentations that any covered product is clinically or scientifically proven to reverse human aging, prevent or repair DNA damage, restore aging immune systems, or increase bone density. Provision III also prohibits any misrepresentation that the performance

or benefits of any product are scientifically or clinically proven or about the existence, contents, validity, results, conclusions, or interpretations of any test, study, or research.

*Provision IV* is a provision for FDA-approved claims.

*Provision V* prohibits misrepresentations in connection with the marketing, advertising, or promoting of any product, service, or program that paid commercial advertising is independent programming.

*Provision VI* prohibits any representation about any user, consumer, or endorser of a covered product without disclosing, clearly and conspicuously, and in close proximity to that representation, any unexpected material connection between such endorser and (1) any respondent; or (2) any other individual or entity affiliated with the product. "Unexpected material connection" means any relationship that might materially affect the weight or credibility of the testimonial or endorsement and that would not reasonably be expected by consumers.

*Provision VII* prohibits misrepresentations regarding the status of any endorser or person providing a review of a product, including a misrepresentation that the endorser or reviewer is an independent or ordinary user of the product.

*Provision VIII* prohibits respondents from providing the means and instrumentalities to make any false or misleading statement of material fact, including the representations prohibited by Provisions I to III. "Means and instrumentalities" mean any information, document, or article referring or relating to any covered product, including any advertising, labeling, promotional, or purported substantiation materials, for use by a licensee to market or sell any covered product.

*Provision IX*, triggered when the human clinical testing requirement in Provisions I or II applies, requires that respondents secure and preserve all underlying or supporting data and documents generally accepted by experts in the field as relevant to an assessment of the test, such as protocols, instructions, participant-specific data, statistical analyses, and contracts with the test's researchers. There is an exception for a reliably reported test (defined as a test that is published in a peer-reviewed journal) that was not conducted, controlled, or sponsored by, with, or on behalf of any respondent or by any supplier or manufacturer of the product. Also, the published report must provide sufficient information about the test for experts in the relevant

field to assess the reliability of the results.

*Provision X* mandates that respondents acknowledge receipt of the order, distribute the order to principals, officers, and certain employees and agents, and obtain signed acknowledgments from them.

*Provision XI* requires that respondents submit compliance reports to the FTC 60 days after the order's issuance and submit notifications when certain events occur for 10 years.

*Provision XII* requires that respondents create and retain certain records for 10 years.

*Provision XIII* provides for the FTC's continued compliance monitoring of respondents' activities during the order's effective dates.

*Provision XIV* requires that respondents notify their licensees, monitor their highest-selling licensees' advertising to ensure compliance with Provisions I through III, and suspend any licensee who makes any prohibited claims. Respondents must terminate any licensee who continues to make prohibited claims. There are two limited exceptions to the monitoring requirement: (1) Representations during private consultations between a licensee and one of the licensee's patients about the potential safety, health benefits, performance, efficacy, or side effects of a covered product; and (2) representations about the potential safety, health benefits, performance, efficacy, or side effects of a covered product by a licensee who has purchased a covered product solely for incorporation into the licensee's own product and markets that product without any involvement by respondents.

*Provision XV* requires that respondents send a notice to all customers who purchased directly from them TA-65MD or TA-65 Skin within one year prior to the issuance of the order or through a currently active enrollment in a continuity or autoshop program.

*Provision XVI* provides that, with exceptions, the order will terminate in 20 years.

The purpose of this analysis is to facilitate public comment on the order, and it is not intended to constitute an official interpretation of the complaint or order, or to modify the order's terms in any way.

By direction of the Commission.

**Donald S. Clark,**  
Secretary.

[FR Doc. 2018-04025 Filed 2-27-18; 8:45 am]

**BILLING CODE 6750-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

#### Request for Information Regarding Patient-Reported Outcome Measures

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), HHS.

**ACTION:** Request for information.

**SUMMARY:** AHRQ is seeking information submissions from the public.

Information is being solicited to inform our work on patient-reported outcomes (PROs). Access to information regarding physical function PRO measure use will assist the selection of measures for AHRQ's efforts to develop and implement user-friendly technical tools to collect and integrate PRO data in electronic health records or other health information technology products.

**DATES:** Submission must be received by April 1, 2018.

**ADDRESSES:** Electronic responses are preferred and should be addressed to [Janey.hsiao@ahrq.hhs.gov](mailto:Janey.hsiao@ahrq.hhs.gov). Non-electronic responses will also be accepted. Please mail to: Janey Hsiao, Agency for Healthcare Research and Quality, 5600 Fishers Lane, Rockville, MD 20857, Mailstop: 06E73A.

**FOR FURTHER INFORMATION CONTACT:** Janey Hsiao, Health Scientist Administrator, Center for Evidence and Practice Improvement, [Janey.hsiao@ahrq.hhs.gov](mailto:Janey.hsiao@ahrq.hhs.gov), (301) 427-1335.

**SUPPLEMENTARY INFORMATION:** AHRQ plans to conduct a Challenge Competition in Fall 2018 to develop user-friendly technical tools to collect and integrate patient-reported outcome (PRO) data in electronic health records or other health information technology products. The technical tools will be intended for use in ambulatory care settings including primary care and specialty care. For this competition, AHRQ will choose a physical function PRO measure as a use case for the tool development. More information about the Challenge Competition is available at <https://www.gpo.gov/fdsys/pkg/FR-2017-12-26/pdf/2017-27663.pdf>. AHRQ will also conduct another project to pilot test whether the specified standards used in the Challenge Competition can be adapted for data collection utilizing other PRO measures or domains. AHRQ is interested in learning what physical function PRO measures are being used, and about experiences with these measures in clinical practice. We are also interested in methods used to collect these PROs, including computer adaptive testing

(CAT). The information will inform AHRQ's decision in selecting physical function PRO measures for the Challenge Competition and the subsequent pilot test.

Your contribution will be very beneficial to AHRQ's PRO projects. This is a voluntary request for information, and all costs for complying with this request must be borne by the submitter.

This RFI is for planning purposes only and should not be construed as a policy, solicitation for applications, or as an obligation on the part of the Government to provide support for any ideas identified in response to it. AHRQ will use the information submitted in response to this RFI at its discretion and will not provide comments to any responder's submission. However, responses to the RFI may be reflected in future solicitation(s) or policies. Respondents are advised that the Government is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted. No proprietary, classified, confidential, or sensitive information should be included in your response. The Government reserves the right to use any non-proprietary technical information in any resultant solicitation(s). The contents of all submissions will be made available to the public upon request. Materials submitted must be publicly available or able to be made public.

#### Submission Instructions

Specific questions of interest to AHRQ include, but are not limited to:

1. What *physical function* PRO measures does your health system/practice currently use to collect PRO data? Which PRO measures in use do you find most useful with respect to clinical management, quality improvement, population health, or for other uses?

2. What is the type of care setting (primary care or specialty care) within which these physical function PRO data are collected? Are similar measures used in other settings (e.g., acute care, post-acute care, rehabilitation, home care, long term care)?

3. How are the PRO data collected? Is the PRO data collection via paper or an electronic mechanism? Please specify the electronic mechanism (e.g., patient portal, tablet) and whether the electronic mechanism is internal or external to an electronic health records system. Is CAT used? What is the typical workflow for collecting PRO data?

4. How are the PRO data used (e.g., patient assessment, shared decision

making, quality improvement, research?) What has been your experience with the use of these measures?

AHRQ is interested in all of the questions listed above, but respondents are welcome to address as many or as few as they choose and to address additional areas of interest not listed. Submission of copies of existing documentation or reports describing the measure and its properties, existing data sources, etc., is highly desirable but not required.

**Gopal Khanna,**

*Director.*

[FR Doc. 2018-04050 Filed 2-27-18; 8:45 am]

**BILLING CODE 4160-90-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

#### Solicitation for Nominations for Members of the U.S. Preventive Services Task Force (USPSTF)

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ), HHS.

**ACTION:** Solicits nominations for new members of the USPSTF.

**SUMMARY:** The Agency for Healthcare Research and Quality (AHRQ) invites nominations of individuals qualified to serve as members of the U.S. Preventive Services Task Force (USPSTF).

**DATES:** All nominations submitted in writing or electronically will be considered for appointment to the USPSTF. Nominations must be received by May 15th of a given year to be considered for appointment to begin in January 2019.

#### Nomination Submissions

Nominations may be submitted in writing or electronically, but should include:

1. The applicant's current curriculum vitae and contact information, including mailing address, email address, and telephone number; and

2. A letter explaining how this individual meets the qualification requirements and how he or she would contribute to the USPSTF. The letter should also attest to the nominee's willingness to serve as a member of the USPSTF.

AHRQ will later ask people under serious consideration for USPSTF membership to provide detailed information that will permit evaluation of possible significant conflicts of interest. Such information could

include financial holdings, consultancies, non-financial scientific interests, and research grants or contracts.

To obtain a diversity of perspectives, AHRQ particularly encourages nominations of women, members of minority populations, and persons with disabilities. Interested individuals can nominate themselves. Organizations and individuals may nominate one or more people qualified for membership on the USPSTF at any time. Individuals nominated prior to May 15, 2017, who continue to have interest in serving on the USPSTF should be re-nominated.

#### Qualification Requirements

To qualify for the USPSTF and support its mission, an applicant or nominee should, at a minimum, demonstrate knowledge, expertise and national leadership in the following areas:

1. The critical evaluation of research published in peer-reviewed literature and in the methods of evidence review;
2. Clinical prevention, health promotion and primary health care; and
3. Implementation of evidence-based recommendations in clinical practice including at the clinician-patient level, practice level, and health-system level.

Additionally, the Task Force benefits from members with expertise in the following areas:

- Public health
- Health equity and the reduction of health disparities
- Application of science to health policy
- Behavioral medicine
- Communication of scientific findings to multiple audiences including health care professionals, policy makers and the general public.

Candidates with experience and skills in any of these areas should highlight them in their nomination materials.

Applicants must have no substantial conflicts of interest, whether financial, professional, or intellectual, that would impair the scientific integrity of the work of the USPSTF and must be willing to complete regular conflict of interest disclosures.

Applicants must have the ability to work collaboratively with a team of diverse professionals who support the mission of the USPSTF. Applicants must have adequate time to contribute substantively to the work products of the USPSTF.

**ADDRESSES:** Submit your responses either in writing or electronically to: Lydia Hill, ATTN: USPSTF Nominations, Center for Evidence and Practice Improvement, Agency for

Healthcare Research and Quality, 5600 Fishers Lane, Mailstop: 06E53A, Rockville, Maryland 20857, *USPSTF* [membershipnominations@ahrq.hhs.gov](mailto:membershipnominations@ahrq.hhs.gov).

#### Nominee Selection

Nominated individuals will be selected for the USPSTF on the basis of how well they meet the required qualifications and the current expertise needs of the USPSTF. It is anticipated that new members will be invited to serve on the USPSTF beginning in January 2019. All nominated individuals will be considered; however, strongest consideration will be given to individuals with demonstrated training and expertise in the areas of Pediatrics and Behavioral Health. AHRQ will retain and may consider for future vacancies nominations received this year and not selected during this cycle.

Some USPSTF members without primary health care clinical experience may be selected based on their expertise in methodological issues such as meta-analysis, analytic modeling or clinical epidemiology. For individuals with clinical expertise in primary health care, additional qualifications in methodology would enhance their candidacy.

**FOR FURTHER INFORMATION:** Lydia Hill at (301) 427-1587 or [USPSTFmembershipnominations@ahrq.hhs.gov](mailto:USPSTFmembershipnominations@ahrq.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

Under Title IX of the Public Health Service Act, AHRQ is charged with enhancing the quality, appropriateness, and effectiveness of health care services and access to such services. 42 U.S.C. 299(b). AHRQ accomplishes these goals through scientific research and promotion of improvements in clinical practice, including clinical prevention of diseases and other health conditions. See 42 U.S.C. 299(b).

The USPSTF, an independent body of experts in prevention and evidence-based medicine, works to improve the health of all Americans by making evidence-based recommendations about the effectiveness of clinical preventive services and health promotion. The recommendations made by the USPSTF address clinical preventive services for adults and children, and include screening tests, counseling services, and preventive medications.

The USPSTF was first established in 1984 under the auspices of the U.S. Public Health Service. Currently, the USPSTF is convened by the Director of AHRQ, and AHRQ provides ongoing scientific, administrative, and

dissemination support for the USPSTF's operation. USPSTF members serve four-year terms. New members are selected each year to replace those members who are completing their appointments.

The USPSTF is charged with rigorously evaluating the effectiveness, appropriateness and cost-effectiveness of clinical preventive services and formulating or updating recommendations regarding the appropriate provision of preventive services. See 42 U.S.C. 299b-4(a)(1). Current USPSTF recommendations and associated evidence reviews are available on the internet ([www.uspreventiveservicestaskforce.org](http://www.uspreventiveservicestaskforce.org)).

USPSTF members currently meet three times a year for two days in the Washington, DC area. A significant portion of the USPSTF's work occurs between meetings during conference calls and via email discussions. Member duties include prioritizing topics, designing research plans, reviewing and commenting on systematic evidence reviews of evidence, discussing and making recommendations on preventive services, reviewing stakeholder comments, drafting final recommendation documents, and participating in workgroups on specific topics and methods. Members can expect to receive frequent emails, can expect to participate in multiple conference calls each month, and can expect to have periodic interaction with stakeholders. AHRQ estimates that members devote approximately 200 hours a year outside of in-person meetings to their USPSTF duties. The members are all volunteers and do not receive any compensation beyond support for travel to in person meetings.

#### Arrangement for Public Inspection

Nominations and applications are kept on file at the Center for Evidence and Practice Improvement, AHRQ, and are available for review during business hours. AHRQ does not reply to individual nominations, but considers all nominations in selecting members. Information regarded as private and personal, such as a nominee's social security number, home and email addresses, home telephone and fax numbers, or names of family members will not be disclosed to the public in accord with the Freedom of Information Act. 5 U.S.C. 552(b)(6); 45 CFR 5.31(f).

**Gopal Khanna,**

*Director.*

[FR Doc. 2018-04052 Filed 2-27-18; 8:45 am]

**BILLING CODE 4160-90-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[CMS-1683-N]

#### Medicare Program; Public Meetings in Calendar Year 2018 for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the dates, time, and location of the Healthcare Common Procedure Coding System (HCPCS) public meetings to be held in calendar year 2018 to discuss our preliminary coding and payment determinations for all new public requests for revisions to the HCPCS. These meetings provide a forum for interested parties to make oral presentations or to submit written comments in response to preliminary coding and payment determinations. The discussion will be focused on responses to our specific preliminary recommendations and will include all items on the public meeting agenda.

**DATES:** *Meeting Dates:* The following are the 2018 HCPCS public meeting dates:

1. Monday, May 14, 2018, 1:00 p.m. to 5 p.m., eastern daylight time (e.d.t.) (Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).
2. Tuesday, May 15, 2018, 9 a.m. to 6 p.m., e.d.t. (Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).
3. Wednesday, May 16, 2018, 9 a.m. to 6 p.m., e.d.t. (Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).
4. Thursday, May 17, 2018, 9 a.m. to 12 p.m., e.d.t. (Drugs/Biologicals/Radiopharmaceuticals/Radiologic Imaging Agents).
5. Tuesday, June 1, 2018, 9 a.m. to 5 p.m., e.d.t. (Durable Medical Equipment (DME), and Accessories, Orthotics and Prosthetics (O&P), Supplies and Other).
6. Wednesday, June 2, 2018, 9 a.m. to 5 p.m., (e.d.t.) (Durable Medical Equipment (DME), and Accessories, Orthotics and Prosthetics (O&P), Supplies and Other).

*Deadlines for Primary Speaker Registration and Presentation Materials:* The deadline for registering to be a primary speaker and submitting materials and writings that will be used

in support of an oral presentation are as follows:

- May 1, 2018, for the May 14, 15, 16, and 17, 2018 public meetings.

- May 22, 2018, for the June 5 and 6, 2018 public meetings.

**Registration Deadline for Attendees that are Foreign Nationals:** Attendees that are foreign nationals (as described in section IV. of this notice) are required to identify themselves as such, and provide the necessary information for security clearance (as described in section IV. of this notice) to the public meeting coordinator in advance of the date of the public meeting the individual plans to attend. CMS' registration deadlines for attendees that are foreign nationals (including the deadlines for providing necessary information for security clearance) are as follows:

- April 24, 2018, for the May 14, 15, 16, and 17, 2018 public meetings.

- May 10, 2018, for the June 5 and 6, 2018 public meetings.

**Registration Deadlines for all Other Attendees:** All individuals who are not foreign nationals who plan to enter the building to attend the public meeting must register for each date that they plan on attending. The registration deadlines are different for each meeting. Registration deadlines are as follows:

- May 7, 2018, for the May 14, 15, 16, and 17, 2018 public meetings.

- May 24, 2018, for the June 5 and 6, 2018 public meeting dates.

**Deadlines for Requesting Special Accommodations:** Individuals who plan to attend the public meetings and require sign-language interpretation or other special assistance must request these services by the following deadlines:

- May 1, 2018, for the May 14, 15, 16, and 17, 2018 public meetings.

- May 22, 2018, for the June 5 and 6, 2018 public meetings.

**Deadline for Submission of Written Comments:** Written comments and other documentation in response to a preliminary coding or payment determination that are received by no later than the date of the public meeting at which the code request is scheduled for discussion, will be considered in formulating a final coding decision.

**ADDRESSES: Meeting Location:** The public meetings will be held in the main auditorium of the central building of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

**Submission of Written Comments:** Written comments may either be emailed to [HCPCS@cms.hhs.gov](mailto:HCPCS@cms.hhs.gov) or sent via regular mail to Judi Wallace, HCPCS

Public Meeting Coordinator, Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Mail Stop C5–09–14, Baltimore, MD 21244–1850.

**Registration and Special Accommodations:** Individuals wishing to participate or who need special accommodations or both must register by completing the on-line registration located at [www.cms.hhs.gov/medhcpcsgeninfo](http://www.cms.hhs.gov/medhcpcsgeninfo) or by contacting Judi Wallace at (410) 786–3197 or [JudiWallace@cms.hhs.gov](mailto:JudiWallace@cms.hhs.gov).

**FOR FURTHER INFORMATION CONTACT:**

Judi Wallace, (410) 786–3197 or [JudiWallace@cms.hhs.gov](mailto:JudiWallace@cms.hhs.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Background**

On December 21, 2000, the Congress passed the Medicare, Medicaid, and SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) (Pub. L. 106–554). Section 531(b) of BIPA mandated that we establish procedures that permit public consultation for coding and payment determinations for new durable medical equipment (DME) under Medicare Part B of title XVIII of the Social Security Act (the Act). In the November 23, 2001 **Federal Register** (66 FR 58743), we published a notice providing information regarding the establishment of the public meeting process for DME. The procedures and public meetings announced in that notice for new DME were in response to the mandate of section 531(b) of BIPA. As part of HCPCS reform, we expanded the public meeting forum to include all public requests as of the 2005–2006 coding cycle.

It is our intent to distribute any materials submitted to us to the Healthcare Common Procedure Coding System (HCPCS) workgroup members for their consideration. CMS and the HCPCS workgroup members require sufficient preparation time to review all relevant materials. Therefore, we are implementing a 10-page submission limit and firm deadlines for receipt of any presentation materials a meeting speaker wishes us to consider. For this reason, our HCPCS Public Meeting Coordinator will only accept and review presentation materials received by the deadline for each public meeting, as specified in the **DATES** section of this notice.

The public meeting process provides an opportunity for the public to become aware of and provide input regarding coding changes under consideration, as well as an opportunity for us to gather public input.

**II. Meeting Registration**

**A. Required Information for Registration**

The following information must be provided when registering on-line to attend:

- Name.
- Company name and address.
- Direct-dial telephone and fax numbers.
- Email address.
- Special needs information.

A CMS staff member will confirm your registration by email.

**B. Registration Process**

**1. Primary Speakers**

Individuals must also indicate whether they are the “primary speaker” for an agenda item. Primary speakers must be designated by the entity that submitted the HCPCS coding request. When registering, primary speakers must provide a brief written statement regarding the nature of the information they intend to provide, and advise the HCPCS Public Meeting Coordinator regarding needs for audio/visual support. To avoid disruption of the meeting and ensure compatibility with our systems, tapes and disk files are tested and arranged in speaker sequence well in advance of the meeting. We will accept tapes and disk files that are received by the deadline for submissions for each public meeting as specified in the **DATES** section of this notice. Late submissions and updates of electronic materials after our deadline cannot be accommodated.

Please note our page limit for primary speaker presentation materials. The sum of all presentation materials and additional supporting documentation may not exceed 10 pages (each side of a page counts as 1 page). An exception will be made to the 10-page limit only for relevant studies newly published between the application deadline and the public meeting date, in which case, we would like a copy of the complete publication as soon as possible. This exception applies only to the page limit and not the submission deadline.

The materials may be emailed or delivered by regular mail to the HCPCS Public Meeting Coordinator as specified in the **ADDRESSES** section of this notice. The materials must be emailed or postmarked no later than the deadline specified in the **DATES** section of this notice. Individuals will need to provide 35 copies if materials are delivered by mail.

**2. “5-Minute Speakers”**

To afford the same opportunity to all attendees, 5-minute speakers are not



required to register as primary speakers. However, 5-minute speakers must still register as attendees by the deadline set forth under "Registration Deadlines for all Other Attendees" in the **DATES** section of this notice. Attendees can sign up only on the day of the meeting to do a 5-minute presentation. Individuals must provide their name, company name and address, contact information as specified on the sign-up sheet, and identify the specific agenda item that they will address.

### C. Additional Meeting/Registration Information

The product category reported in the HCPCS code application by the applicant may not be the same as that assigned by us. Prior to registering to attend a public meeting, all participants are advised to review the public meeting agendas at [www.cms.hhs.gov/medhcpcsgeninfo](http://www.cms.hhs.gov/medhcpcsgeninfo) which identify our category determinations, and the dates each item will be discussed. Draft agendas, including a summary of each request and our preliminary decision will be posted on our HCPCS website at [www.cms.hhs.gov/medhcpcsgeninfo](http://www.cms.hhs.gov/medhcpcsgeninfo) at least 4 weeks before each meeting.

Additional details regarding the public meeting process for all new public requests for revisions to the HCPCS, along with information on how to register and guidelines for an effective presentation, will be posted at least 4 weeks before the first meeting date on the official HCPCS website at [www.cms.hhs.gov/medhcpcsgeninfo](http://www.cms.hhs.gov/medhcpcsgeninfo). The document titled "Guidelines for Participation in Public Meetings for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS)" will be made available on the HCPCS website at least 4 weeks before the first public meeting in 2018 for all new public requests for revisions to the HCPCS. Individuals who intend to provide a presentation at a public meeting need to familiarize themselves with the HCPCS website and the valuable information it provides to prospective registrants. The HCPCS website also contains a document titled "Healthcare Common Procedure Coding System (HCPCS) Level II Coding Procedures," which is a description of the HCPCS coding process, including a detailed explanation of the procedures used to make coding determinations for all the products, supplies, and services that are coded in the HCPCS.

The HCPCS website also contains a document titled "HCPCS Decision Tree & Definitions" which illustrates, in flow diagram format, HCPCS coding standards as described in our Coding Procedures document.

### III. Presentations and Comment Format

We can only estimate the amount of meeting time that will be needed since it is difficult to anticipate the total number of speakers that will register for each meeting. Meeting participants must arrive early to allow time to clear security and sign-in. Each meeting is expected to begin promptly as scheduled. Meetings may end earlier than the stated ending time.

#### A. Oral Presentation Procedures

All primary speakers must register as provided under the section titled "Meeting Registration." All materials that will be used in support of an oral presentation must be submitted to the HCPCS Public Meeting Coordinator, Judi Wallace.

The materials may be emailed or delivered by regular mail to the HCPCS Public Meeting Coordinator as specified in the **ADDRESSES** section of this notice. The materials must be emailed or postmarked no later than the deadline specified in the **DATES** section of this notice. Individuals will need to include 35 copies if materials are delivered by mail.

#### B. Primary Speaker Presentations

The individual or entity requesting revisions to the HCPCS coding system for a particular agenda item may designate one "primary speaker" to make a presentation for a maximum of 15 minutes. Fifteen minutes is the total time interval for the presentation, and the presentation must incorporate any demonstration, set-up, and distribution of material. In establishing the public meeting agenda, we may group multiple, related requests under the same agenda item. In that case, we will decide whether additional time will be allotted, and may opt to increase the amount of time allotted to the speaker by increments of less than 15 minutes.

Individuals designated to be the primary speaker must register to attend the meeting using the registration procedures described under the "Meeting Registration" section of this notice and contact Judi Wallace, HCPCS Public Meeting Coordinator, as specified in the **ADDRESSES** section. Primary speakers must also separately register as primary speakers as specified in the **DATES** section of this notice.

#### C. "5-Minute" Speaker Presentations

Meeting attendees can sign up at the meeting, on a first-come, first-served basis, to make presentations for up to 5 minutes on individual agenda items. Based on the number of items on the agenda and the progress of the meeting, a determination will be made at the

meeting by the meeting coordinator and the meeting moderator regarding how many "5-minute speakers" can be accommodated and whether the 5-minute time allocation would be reduced, to accommodate the number of speakers.

#### D. Speaker Declaration

On the day of the meeting, before the end of the meeting, all primary speakers and 5-minute speakers must provide a brief written summary of their comments and conclusions to the HCPCS Public Meeting Coordinator.

Every primary speaker and 5-minute speaker must declare at the beginning of their presentation at the meeting, as well as in their written summary, whether they have any financial involvement with the manufacturers or competitors of any items being discussed; this includes any payment, salary, remuneration, or benefit provided to that speaker by the manufacturer or the manufacturer's representatives.

#### E. Written Comments From Meeting Attendees

Written comments will be accepted from the general public and meeting registrants anytime up to the date of the public meeting at which a request is discussed. Comments must be sent to the address listed in the **ADDRESSES** section of this notice.

Meeting attendees may also submit their written comments at the meeting. Due to the close timing of the public meetings, subsequent workgroup reconsiderations, and final decisions, we are able to consider only those comments received in writing by the close of business on the date of the public meeting at which the request is discussed.

### IV. Security, Building, and Parking Guidelines

The meetings are held within the CMS Complex which is not open to the general public. Visitors to the complex are required to show a valid Government issued photo identification preferably a driver's license or passport, at the time of entry. As of October 10, 2015, visitors seeking access to federal agency facilities using their state-issued driver's license or identification cards must present proper identification issued by a state that is compliant with the REAL ID Act of 2005 (Pub. L. 109-13, 119 Statute 302, enacted on May 11, 2005) or a state that has received an extension. What constitutes proper identification and whether a driver's license is acceptable identification for accessing a federal facility may vary,

based on which state issued the driver's license. For detailed information, please refer to the Department of Homeland Security (DHS) website: At <http://www.dhs.gov>. When planning a visit to a federal facility, visitors who have further questions about acceptable forms of identification are encouraged to contact the facility to determine acceptable identification.

Participants will also be subject to a vehicle security inspection before access to the complex is granted. Participants not in possession of a valid identification or who are in possession of prohibited items will be denied access to the complex. Prohibited items on federal property include but are not limited to, alcoholic beverages, illegal narcotics, explosives, firearms or other dangerous weapons (including pocket knives), dogs or other animals except service animals. Once cleared for entry to the complex participants will be directed to visitor parking by a security officer.

To ensure expedited entry into the building it is recommended that participants have their ID and a copy of their written meeting registration confirmation readily available and that they do not bring large/bulky items into the building. Participants are reminded that photography on the CMS complex is prohibited. We have also been declared a tobacco free campus and violators are subject to legal action. In planning arrival time, we recommend allowing additional time to clear security. Individuals who are not registered in advance will not be permitted to enter the building and will be unable to attend the meeting. The invited guests may not enter the building earlier than 45 minutes before the convening of the meeting each day.

Guest access to the complex is limited to the meeting area, the main entrance lobby, and the cafeteria. If a visitor is found outside of those areas without proper escort they may be escorted off of the premises. Also be mindful that there will be an opportunity for everyone to speak and we request that everyone waits for the appropriate time to present their product or opinions. Disruptive behavior will not be tolerated and may result in removal from the meetings and escort from the complex. No visitor is allowed to attach USB cables, thumb drives or any other equipment to any CMS information technology (IT) system or hardware for any purpose at any time. Additionally, our staff is prohibited from taking such actions on behalf of a visitor or utilizing any removable media provided by a visitor.

We cannot assume responsibility for coordinating the receipt, transfer, transport, storage, set-up, safety, or timely arrival of any personal belongings or items used for demonstration or to support a presentation. Special arrangements and approvals are required at least 2 weeks prior to each public meeting to bring pieces of equipment or medical devices. These arrangements need to be made with the public meeting coordinator. It is possible that certain requests made in advance of the public meeting could be denied because of unique safety, security or handling issues related to the equipment. A minimum of 2 weeks is required for approvals and security procedures. Any request not submitted at least 2 weeks in advance of the public meeting will be denied.

Foreign National Visitors are defined as Non-US Citizens, and non-lawful permanent residents, non-resident aliens or non-green-card holders.

Attendees that are foreign nationals must identify themselves as such, and provide the following information for security clearance to the public meeting coordinator by the date specified in the **DATES** section of this notice:

- Building to Visit/Destination.
- Visit start date, start time, end date, end time.
- Visitor full name.
- Gender.
- Visitor Title.
- Visitor Organization/Employer.
- Citizenship.
- Birth Place (City, Country).
- Date of Birth.
- ID Type (Passport or State Department ID).
- Passport issued by Country.
- ID (passport) Number.
- ID (passport) issue date.
- ID (passport) expiration date.
- Visa Type.
- Visa Number.
- Purpose of Visit.

Dated: February 21, 2018.

**Seema Verma,**

*Administrator, Centers for Medicare & Medicaid Services.*

[FR Doc. 2018-04105 Filed 2-27-18; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-R-70, CMS-R-72, CMS-1557, and CMS-10185]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

**DATES:** Comments must be received by April 30, 2018.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to <http://www.regulations.gov>. Follow the instructions for "Comment or Submission" or "More Search Options" to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs Division of Regulations Development, Attention: Document Identifier/OMB Control Number, Room C4-26-05, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at <http://www.cms.hhs.gov/PaperworkReductionActof1995>.
2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to [Paperwork@cms.hhs.gov](mailto:Paperwork@cms.hhs.gov).
3. Call the Reports Clearance Office at (410) 786-1326.

**FOR FURTHER INFORMATION CONTACT:** William Parham at (410) 786-4669.

**SUPPLEMENTARY INFORMATION:**

**Contents**

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS-R-70 Information Collection Requirements in HSQ-110, Acquisition, Protection and Disclosure of Peer review Organization Information and Supporting Regulations

CMS-R-72 Information Collection Requirements in 42 CFR 478.18, 478.34, 478.36, 478.42, QIO Reconsiderations and Appeals

CMS-1557 Survey Report Form for Clinical Laboratory Improvement Amendments (CLIA) and Supporting Regulations

CMS-10185 Medicare Part D Reporting Requirements and Supporting Regulations

Under the PRA (44 U.S.C. 3501-3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

**Information Collection**

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Information Collection Requirements in HSQ-110, Acquisition, Protection and Disclosure of Peer review Organization Information and Supporting Regulations; *Use:* The Peer Review Improvement Act of 1982 authorizes quality improvement organizations (QIOs), formally known as peer review organizations (PROs), to acquire information necessary to fulfill their duties and functions and places limits on disclosure of the information. The QIOs are required to provide notices to the affected parties when disclosing information about them. These requirements serve to protect the rights of the affected parties. The information provided in these notices is used by the patients, practitioners and providers to: Obtain access to the data maintained and collected on them by the QIOs; add additional data or make changes to existing QIO data; and reflect in the QIO's record the reasons for the QIO's disagreeing with an individual's or provider's request for amendment. *Form Number:* CMS-R-70 (OMB control number: 0938-0426); *Frequency:* Reporting—On occasion; *Affected Public:* Business or other for-profits; *Number of Respondents:* 400; *Total Annual Responses:* 21,200; *Total Annual Hours:* 42,400. (For policy questions regarding this collection contact Tennille Coombs at 410-786-3472.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Information Collection Requirements in 42 CFR 478.18, 478.34, 478.36, 478.42, QIO Reconsiderations and Appeals; *Use:* In the event that a beneficiary, provider, physician, or other practitioner does not agree with the initial determination of a Quality Improvement Organization (QIO) or a QIO subcontractor, it is within that party's rights to request reconsideration. The information collection requirements 42 CFR 478.18, 478.34, 478.36, and 478.42, contain procedures for QIOs to use in reconsideration of initial determinations. The information requirements contained in these regulations are on QIOs to provide information to parties requesting the reconsideration. These parties will use the information as guidelines for appeal rights in instances where issues are actively being disputed. *Form Number:* CMS-R-72 (OMB control number: 0938-0443); *Frequency:* Reporting—On

occasion; *Affected Public:* Individuals or Households and Business or other for-profit institutions; *Number of Respondents:* 2,590; *Total Annual Responses:* 5,228; *Total Annual Hours:* 2,822. (For policy questions regarding this collection contact Tennille Coombs at 410-786-3472).

3. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Survey Report Form for Clinical Laboratory Improvement Amendments (CLIA) and Supporting Regulations; *Use:* The form is used to report surveyor findings during a CLIA survey. For each type of survey conducted (*i.e.*, initial certification, recertification, validation, complaint, addition/deletion of specialty/subspecialty, transfusion fatality investigation, or revisit inspections) the Survey Report Form incorporates the requirements specified in the CLIA regulations. *Form Number:* CMS-1557 (OMB control number: 0938-0544); *Frequency:* Biennially; *Affected Public:* Private sector (Business or other for-profit and Not-for-profit institutions, State, Local or Tribal Governments and Federal Government); *Number of Respondents:* 19,183; *Total Annual Responses:* 9,592; *Total Annual Hours:* 4,796. (For policy questions regarding this collection contact Kathleen Todd at 410-786-3385).

4. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Medicare Part D Reporting Requirements and Supporting Regulations; *Use:* Data collected via Medicare Part D Reporting Requirements is an integral resource for oversight, monitoring, compliance and auditing activities necessary to ensure quality provision of the Medicare Prescription Drug Benefit to beneficiaries. Each section is reported at one of the following levels: Contract (data should be entered at the H#, S#, R#, or E# level) or Plan (data should be entered at the Plan Benefit Package (PBP level, *e.g.* Plan 001 for contract H#, R#, S#, or E). Sponsors should retain documentation and data records related to their data submissions. Data will be validated, analyzed, and utilized for trend reporting by the Division of Clinical and Operational Performance (DCOP) within the Medicare Drug Benefit and C & D Data Group. If outliers or other data anomalies are detected, DCOP will work in collaboration with other Divisions within CMS for follow-up and resolution.

For CY2019 Reporting Requirements, the following 6 reporting sections will be reported and collected at the

Contract-level or Plan-level: (1) Enrollment and Disenrollment—to evaluate sponsors’ processing of enrollment, disenrollment, and reinstatement requests in accordance with CMS requirements. (2) Medication Therapy Management (MTM) Programs—to evaluate Part D MTM programs, and sponsors’ adherence to CMS requirements. (3) Grievances—to assess sponsors’ compliance with timely and appropriate resolution of grievances filed by their enrollees. (4) Improving Drug Utilization Review Controls—to determine the impact of formulary-level edits at point of sale in sponsors’ processing of opioid prescriptions. (5) Coverage Determinations and Redeterminations—to assess sponsors’ compliance with appropriate resolution of coverage determinations and redeterminations requested by their enrollees. (6) Employer/Union Sponsored Sponsors—to ensure PDPs and the employer groups that contract with the PDPs properly utilize appropriate waivers and modifications.

*Form Number:* CMS–10185 (OMB control number: 0938–0992); *Frequency:* Annually and semi-annually; *Affected Public:* Private sector (Business or other for-profits); *Number of Respondents:* 627; *Total Annual Responses:* 13,603; *Total Annual Hours:* 14,748. (For policy questions regarding this collection contact Chanelle Jones at 410–786–8008.)

Dated: February 23, 2018.

**William N. Parham, III,**

*Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2018–04061 Filed 2–27–18; 8:45 am]

**BILLING CODE 4120–01–P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Administration for Children and Families**

**Proposed Information Collection Activity; Comment Request**

*Title:* Multi-site Implementation Evaluation of Tribal Home Visiting (MUSE).

*OMB No.:* New Collection.

*Description:* The Administration for Children and Families (ACF) within the U.S. Department of Health and Human Services has launched a national multi-site evaluation of Tribal Maternal, Infant, and Early Childhood Home Visiting (TMIECHV) programs. MUSE is the first multi-site, multi-model study that will systematically explore how home visiting programs are operating across diverse tribal contexts and identify factors that lead to programs’ success. The evaluation will provide information that will help the federal government design and support federal home visiting initiatives in tribal communities and similar populations. Evaluation findings will also assist programs with improving home visiting services for children and families. The aims of MUSE are to (1) identify and describe the primary influences shaping tribal home visiting program planning; (2) identify and describe how home visiting programs are being implemented; and (3) explore supports to home visiting implementation in tribal communities. To address these aims, the evaluation will gather data about participating home visiting programs from program staff and parent program participants and utilize administrative program data.

The current Notice is specific to data collection efforts needed to address the MUSE aims. Quantitative and qualitative data will be collected from program staff and parent program participants at each program site. Program sites will also submit local administrative data to the evaluation team. After obtaining informed consent

from all respondents, data collection will include: (1) A survey of parent program participants at enrollment (baseline), (2) a follow-up survey of parent program participants at 6 and 12 months, (3) the MUSE Family Resources Check-in administered to parent program participants at baseline and 12 months (4) a Rapid Reflect self-completed questionnaire completed by parent program participants after selected home visits; (5) a Rapid Reflect self-completed questionnaire completed by home visitors after selected home visits; (6) a one-time survey of home visitors; (7) a one-time survey of program coordinators/managers; (8) a one-time survey of program directors; (9) a one-time survey of local program evaluators; (10) qualitative interviews of home visitors at each site; (11) qualitative interviews of program coordinators/managers and program directors at each site; (12) qualitative interviews of local program evaluators at each site; (13) qualitative interviews of program participants; (14) a log of implementation activities completed by program coordinators/managers on staffing, training, family group activities, and supervision; and (15) electronic compilation and submission of administrative program data.

All data collection will be used to generate information about how tribal home visiting program services are planned and delivered, and about what individual, organizational, community, and external factors support successful program implementation.

*Respondents:* Parent participants enrolled in TMIECHV programs and TMIECHV program staff (program directors, program coordinators/managers, home visitors, and local program evaluators).

**Annual Burden Estimates**

We will request approval for three years, which will accommodate an approximate two-year data collection period and any potential delays in the data collection timeline.

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Participant Survey—Baseline .....	423	141	1	.25	35
Participant Survey—6 & 12 Month Follow-up .....	312	104	2	.50	104
Family Resources Check-in—Baseline and 12 Month Follow-up .....	354	118	2	.25	59
Rapid Reflect Self-Completed Home Visit Questionnaire for Participants .....	1,394	1,697	12	.08	669
Rapid Reflect Self Completed Home Visit Questionnaire for Home Visitors .....	93	147	180	.2	1,692
Home Visitor Survey .....	81	27	1	1.17	32
Program Coordinator/Manager Survey .....	21	7	1	1	7
Program Director Survey .....	21	7	1	1	7

Instrument	Total number of respondents	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual burden hours
Local Program Evaluator Survey .....	30	10	1	.5	5
Qualitative Interviews of Home Visitors .....	42	14	1	2	28
Qualitative Interviews of Program Coordinators/Managers and Program Directors .....	34	11	1	1.5	17
Qualitative Interviews of Local Program Evaluators .....	30	10	1	1.5	15
Qualitative Interviews of Program Participants .....	51	17	1	1	17
Implementation Logs .....	17	19	24	.67	145
Administrative Program Data .....	17	19	4	45	1,620

<sup>1</sup> The annual number of respondents is annualized over 2 years for instruments that are completed by respondents on an ongoing basis.

#### *Estimated Total Annual Burden Hours: 4,452.*

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research, and Evaluation, 330 C Street SW, Washington, DC 20201, Attn: OPRE Reports Clearance Officer. Email address: [OPREinfocollection@acf.hhs.gov](mailto:OPREinfocollection@acf.hhs.gov). All requests should be identified by the title of the information collection.

The Department specifically requests comments on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Mary Jones,**

*ACF/OPRE Certifying Officer.*

[FR Doc. 2018-04039 Filed 2-27-18; 8:45 am]

**BILLING CODE 4184-74-P**

## **DEPARTMENT OF HEALTH AND HUMAN SERVICES**

### **National Committee on Vital and Health Statistics: Meeting**

Pursuant to the Federal Advisory Committee Act, the Department of

Health and Human Services (HHS) announces the following advisory committee meeting.

*Name:* National Committee on Vital and Health Statistics (NCVHS), Standards Subcommittee Meeting.

*Date and Times:* Monday, March 26, 2018: 9:00 a.m.–3:30 p.m. (EDT).

*Place:* Virtual.

*Status:* Open. There will be an open comment period during the final 15 minutes of the committee meeting.

*Purpose:* Health Insurance Portability and Accountability Act (HIPAA) legislation from 1996, as amended,<sup>1</sup> directed the Secretary of HHS to publish regulations adopting standards, code sets and identifiers to support the exchange of electronic health information between covered entities. The standards are for retail pharmacy and medical transactions. New versions of the adopted standards may be brought forward to NCVHS by the standards development organizations (SDOs) or through the Designated Standards Maintenance Organization (DSMO) after completion of a consensus based review and evaluation process.

On January 9, 2018, the DSMO submitted a letter to NCVHS recommending the adoption of two National Council of Prescription Drug Program (NCPDP) updates to the adopted retail pharmacy standards. These updates include: (1) An update to the retail pharmacy standard, the NCPDP Telecommunication and Batch standard version D.0., which was adopted in 2009. The update would be NCPDP Telecommunication and Batch standard version F2, which would enable eligibility verification, claims, services, information reporting, prior authorization (for pharmacy), and pre-determination of benefits; and (2) an update to the Medicaid subrogation standard, also adopted in 2009, to expand subrogation to all payers, including Medicare Parts C and D. The updated subrogation standard is the Batch Standard version 10, and replaces

<sup>1</sup> along with Section 1104 (c) of the Affordable Care Act.

version 3.0. It will enable all payers to conduct a uniform process to support compliance with requirements for recovery of federal, state and other plan overpayments, mitigating manual processes currently in place.

The purpose of this NCVHS Standards Subcommittee hearing is to obtain input from stakeholders for the costs and benefits of implementing the updated versions of the two pharmacy standards: NCPDP F2 and pharmacy subrogation, and to understand how they would reduce existing barriers to the use of standards, or mitigate burdens.

The times and topics are subject to change. Please refer to the posted agenda for any updates.

*Contact Persons for More Information:* Substantive program information may be obtained from Rebecca Hines, MHS, Executive Secretary, NCVHS, National Center for Health Statistics, Centers for Disease Control and Prevention, 3311 Toledo Road, Hyattsville, Maryland 20782, telephone (301) 458-4715. Information pertaining to meeting content may be obtained from Lorraine Doo, MSW, MPH, or Geanelle G. Herring, MSW, Centers for Medicare & Medicaid Services, Office of Information Technology, Division of National Standards, 7500 Security Boulevard, Baltimore, Maryland, 21244, telephone (410) 786-6597. Summaries of meetings and a roster of Committee members are available on the NCVHS website: <https://www.ncvhs.hhs.gov/>, where further information including an agenda and instructions to access the live audio broadcast of the meetings will also be posted.

Should you require reasonable accommodation, please contact the CDC Office of Equal Employment Opportunity on (770) 488-3210 as soon as possible.

Dated: February 22, 2018.

**Laina Bush,**

*Deputy Assistant Secretary for Planning and Evaluation, Office of the Assistant Secretary for Planning and Evaluation.*

[FR Doc. 2018-04057 Filed 2-27-18; 8:45 am]

**BILLING CODE 4150-05-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Lysosomal Storage Disorders in Brain Development.

*Date:* March 8, 2018.

*Time:* 11:00 a.m. to 12:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Pat Manos, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5200, MSC 7846, Bethesda, MD 20892, 301-408-9866, [manospa@csr.nih.gov](mailto:manospa@csr.nih.gov).

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Genes, Genomes, and Genetics.

*Date:* March 15-16, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Luis Dettin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, Bethesda, MD 20892, 301-451-1327, [dettinle@csr.nih.gov](mailto:dettinle@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA-RM-17-012: Metabolomic Data Analysis and Interpretation Tools (U01).

*Date:* March 23, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

*Contact Person:* Wenchi Liang, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3150, MSC 7770, Bethesda, MD 20892, 301-435-0681, [liangw3@csr.nih.gov](mailto:liangw3@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Topics in Bacterial Pathogenesis.

*Date:* March 23, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Richard G. Kostriken, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3192, MSC 7808, Bethesda, MD 20892, 240-519-7808, [kostrikr@csr.nih.gov](mailto:kostrikr@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Tools for Metabolomic Data Analysis and Interpretation.

*Date:* March 23, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

*Contact Person:* Mark Caprara, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5156, MSC 7844, Bethesda, MD 20892, 301-435-1042, [capraram@mail.nih.gov](mailto:capraram@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR15-053: Cancer Research Workforce Diversity.

*Date:* March 23, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

*Contact Person:* Juraj Bies, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 4158, MSC 7806, Bethesda, MD 20892, 301-435-1256, [biesj@mail.nih.gov](mailto:biesj@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Orthopedic, Skeletal Muscle and Oral Sciences.

*Date:* March 23, 2018.

*Time:* 8:30 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Aftab A. Ansari, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4108, MSC 7814, Bethesda, MD 20892, 301-237-9931, [ansaria@csr.nih.gov](mailto:ansaria@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA: Extracellular Vesicles and Substance Use Disorders.

*Date:* March 23, 2018.

*Time:* 12:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Peter B Guthrie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4142, MSC 7850, Bethesda, MD 20892, (301) 435-1239, [guthriep@csr.nih.gov](mailto:guthriep@csr.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: February 22, 2018.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-04013 Filed 2-27-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, February 14, 2018, 09:00 a.m. to February 14, 2018, 06:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 which was published in the **Federal Register** on December 27, 2017, 82 FR 61309.

This meeting notice is amended to change the meeting date from February 14, 2018 to March 12, 2018. The meeting start time has changed from 9:00 a.m. to 10:00 a.m. The meeting is closed to the public.

Dated: February 22, 2018.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-04016 Filed 2-27-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, March 20, 2018, 12:00 p.m. to March 20, 2018, 04:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 which was

published in the **Federal Register** on February 20, 2018, 83 FR 7201.

This meeting notice is amended to change the meeting name from “Targeted Radiotherapy & Radiation-Induced Toxicity” to “TEP-4: Targeted Radiotherapy & Radiation-Induced Toxicity”. The meeting time has changed from 12:00 p.m. to 4:00 p.m. to 12:30 p.m. to 4:30 p.m. The meeting is closed to the public.

Dated: February 22, 2018.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-04015 Filed 2-27-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, February 22, 2018, 12:00 p.m. to February 22, 2018, 03:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 which was published in the **Federal Register** on January 24, 2018, 83 FR 3351.

This meeting notice is amended to change the meeting date from February 22, 2018 to March 21, 2018. The meeting is closed to the public.

Dated: February 22, 2018.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-04017 Filed 2-27-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, March 09, 2018, 10:00 a.m. to March 09, 2018, 12:00 p.m., National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 which was published in the **Federal Register** on February 20, 2018, 83 FR 7199.

The meeting will be held on March 6, 2018, 10:00 a.m. to 12:30 p.m. The meeting location remains the same. The meeting is closed to the public.

Dated: February 22, 2018.

**Melanie J. Pantoja,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-04014 Filed 2-27-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings. The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Nephrology Clinical Trial Applications.

*Date:* March 19, 2018.

*Time:* 3:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-4721, [ryan.morris@nih.gov](mailto:ryan.morris@nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity Research.

*Date:* March 20, 2018.

*Time:* 1:00 p.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, (301) 594-8898, [barnardm@extra.nidk.nih.gov](mailto:barnardm@extra.nidk.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Planning and Developmental Grants.

*Date:* March 23, 2018.

*Time:* 11:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7353, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, (301) 594-8898, [barnardm@extra.nidk.nih.gov](mailto:barnardm@extra.nidk.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Precision Dietetics to Improve Metabolic Health.

*Date:* March 23, 2018.

*Time:* 2:00 p.m. to 3:15 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7345, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-8895, [rushingp@extra.nidk.nih.gov](mailto:rushingp@extra.nidk.nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Nephrology Clinical Small Business Applications.

*Date:* March 28, 2018.

*Time:* 3:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Ryan G. Morris, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7015, 6707 Democracy Boulevard, Bethesda, MD 20892-2542, 301-594-4721, [ryan.morris@nih.gov](mailto:ryan.morris@nih.gov).

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Dissecting the Pathogenesis and Outcomes of PSC using Multi-omics by Studying the Exposome and Genome.

*Date:* March 29, 2018.

*Time:* 1:00 p.m. to 2:15 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Paul A. Rushing, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 7345, 6707 Democracy Boulevard, Bethesda, MD 20892-5452, (301) 594-8895, [rushingp@extra.nidk.nih.gov](mailto:rushingp@extra.nidk.nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology

and Hematology Research, National Institutes of Health, HHS)

Dated: February 22, 2018.

**David Clary**,  
Program Analyst, Office of Federal Advisory  
Committee Policy.

[FR Doc. 2018-04019 Filed 2-27-18; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Cancer Institute Amended; Notice of Meeting

Notice is hereby given of a change in the meeting of the National Cancer Institute Special Emphasis Panel, February 21, 2018, 10:00 a.m. to February 21, 2018, 05:00 p.m., National Cancer Institute Shady Grove, 9609 Medical Center Drive, Rockville, MD 20850 which was published in the **Federal Register** on January 24, 2018, 83 FR 3351.

This meeting notice is amended to change the meeting date from February 21, 2018 to March 20, 2018. The meeting is closed to the public.

Dated: February 22, 2018.

**Melanie J. Pantoja**,  
Program Analyst, Office of Federal Advisory  
Committee Policy.

[FR Doc. 2018-04018 Filed 2-27-18; 8:45 am]

BILLING CODE 4140-01-P

## DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2017-0075]

#### Privacy Act of 1974; System of Records

**AGENCY:** Privacy Office, Department of  
Homeland Security.

**ACTION:** Notice of new Privacy Act  
system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security (DHS) proposes to establish a new DHS system of records titled, "Department of Homeland Security/ALL-042 Personnel Networking and Collaboration System of Records." This system of records allows DHS to collect and maintain records containing biographic information of employees and contractors of DHS for the purpose of professional networking and employee collaboration. This newly established system will be included in the DHS inventory of record systems.

**DATES:** Submit comments on or before March 30, 2018. This new system will

be effective upon publication. Routine uses will be effective March 30, 2018.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2017-0075 by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202-343-4010.
- *Mail:* Philip S. Kaplan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

**FOR FURTHER INFORMATION CONTACT:** For general and privacy questions, please contact: Philip S. Kaplan, [Sam.Kaplan@hq.dhs.gov](mailto:Sam.Kaplan@hq.dhs.gov), (202) 343-1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

In accordance with the Privacy Act of 1974, 5 U.S.C. 552a, DHS proposes to establish a new DHS system of records, "DHS/ALL-042 Personnel Networking and Collaboration System of Records."

DHS is issuing this system of records notice (SORN) to allow for the collection and sharing of biographical and professional information from Department personnel to facilitate and streamline collaborative work efforts, interactions, communications, and networking among Department employees, contractors, and grantees. Individuals may provide their general background or profile information, professional status and achievements, as well as educational accomplishments, for the purpose of fostering internal employee collaboration and communication across the homeland security enterprise. For instance, individuals may provide this information as part of DHS's use of social networking software-like tools within their closed, secure networks (e.g., blogs, which foster communication about new developments to internal teams and selected external partners within the DHS enterprise; wikis, which effectively aggregate and publish the subject matter expertise of multiple authorized contributors; Facebook-like "walls," which allow ongoing discussions and information-sharing about specific topics; employee directories and organizational charts, which facilitate communication and networking, and social search/tagging, which allows DHS employees and contractors to add keywords, descriptors, and ratings to documents and other content). Individuals covered by this system who provide biographic

information encourage communication and collaboration within the Department.

Consistent with DHS's information sharing mission, information stored in the DHS/ALL-042 Personnel Networking and Collaboration SORN may be shared with other DHS Components that have a need to know the information to carry out their national security, law enforcement, immigration, intelligence, or other homeland security functions. In addition, DHS may share information with appropriate federal, state, local, tribal, territorial, foreign, or international government agencies consistent with the routine uses set forth in this SORN.

This newly established system will be included in DHS's inventory of record systems.

##### II. Privacy Act

The Privacy Act embodies fair information practice principles in a statutory framework governing the means by which Federal Government agencies collect, maintain, use, and disseminate individuals' records. The Privacy Act applies to information that is maintained in a "system of records." A "system of records" is a group of any records under the control of an agency from which information is retrieved by the name of an individual or by some identifying number, symbol, or other identifying particular assigned to the individual. In the Privacy Act, an individual is defined to encompass U.S. citizens and lawful permanent residents. Additionally, and similarly, the Judicial Redress Act (JRA) provides covered persons with a statutory right to make requests for access and amendment to covered records, as defined by the JRA, along with judicial review for denials of such requests. In addition, the JRA prohibits disclosures of covered records, except as otherwise permitted by the Privacy Act.

Below is the description of the DHS/ALL-042 Personnel Networking and Collaboration System of Records. In accordance with 5 U.S.C. 552a(r), DHS has provided a report of this system of records to the Office of Management and Budget and to Congress.

##### SYSTEM NAME AND NUMBER

Department of Homeland Security (DHS)/ALL-042 Personnel Networking and Collaboration System of Records.

##### SECURITY CLASSIFICATION:

Unclassified.



**SYSTEM LOCATION:**

Records are maintained at the DHS Headquarters in Washington, DC, and field offices.

**SYSTEM MANAGER(S):**

For DHS Headquarters, the System Manager is the Deputy Chief Freedom of Information Act (FOIA) Officer, Department of Homeland Security, Washington, DC 20528. For components of DHS, the System Manager can be found at <http://www.dhs.gov/foia> under "Contacts."

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Authority for maintaining this system is in 5 U.S.C. 301, 44 U.S.C. 3101; 44 U.S.C. 3534; Homeland Security Act of 2002, and as amended; Executive Order 13576 (June 13, 2011).

**PURPOSE(S) OF THE SYSTEM:**

The purpose of this system is to permit DHS's collection of biographical and professional information of current DHS employees, contractors, and grantees to facilitate connections and collaboration among individuals supporting the Department's mission; aid in the identification of individuals within an organization; and to ensure efficient collaboration within the Department.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current DHS personnel, including employees, contractors, and grantees working in furtherance of the Department's mission. Former DHS personnel information may be included until the information is disposed of in accordance with National Archives and Records Administration retention schedules. This system covers all individuals who are authorized to access DHS information technology resources, which may include any lawfully designated representative of private enterprises and federal, state, territorial, tribal, local, international, or foreign government agencies or entities, in furtherance of the DHS mission.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Categories of records in this system include:

- Individual's name;
- Individual's photograph;
- Position/Title;
- Organization/Component affiliation;
- Business phone numbers;
- Business email addresses;
- Work/Office addresses;
- Educational background/history and accomplishments;
- Professional background/work history and accomplishments;

- Individual's military experience, if applicable; and
- Other relevant biographical information that the individual may voluntarily provide.

**RECORD SOURCE CATEGORIES:**

Records are voluntarily obtained from the individual employee, contractor, or grantee.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed outside DHS as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

A. To the Department of Justice (DOJ), including the U.S. Attorneys Offices, or other federal agency conducting litigation or proceedings before any court, adjudicative, or administrative body, when it is relevant or necessary to the litigation and one of the following is a party to the litigation or has an interest in such litigation:

1. DHS or any component thereof;
2. Any employee or former employee of DHS in his/her official capacity;
3. Any employee or former employee of DHS in his/her individual capacity, only when DOJ or DHS has agreed to represent the employee; or
4. The United States or any agency thereof.

B. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

C. To the National Archives and Records Administration (NARA) or General Services Administration pursuant to records management inspections being conducted under the authority of 44 U.S.C. 2904 and 2906.

D. To an agency or organization for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

E. To appropriate agencies, entities, and persons when:

1. DHS determines that information from this system of records is reasonably necessary and otherwise compatible with the purpose of collection to assist another federal recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or

entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach; or

2. DHS suspects or has confirmed that there has been a breach of this system of records; and (a) DHS has determined that as a result of the suspected or confirmed breach, there is a risk of harm to individuals, DHS (including its information systems, programs, and operations), the Federal Government, or national security; and (b) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with DHS's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

F. To contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for DHS, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to DHS officers and employees.

G. To an appropriate federal, state, tribal, local, international, or foreign law enforcement agency or other appropriate authority charged with investigating or prosecuting a violation or enforcing or implementing a law, rule, regulation, or order, when a record, either on its face or in conjunction with other information, indicates a violation or potential violation of law, which includes criminal, civil, or regulatory violations and such disclosure is proper and consistent with the official duties of the person making the disclosure.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

DHS stores records in this system electronically or on paper in secure facilities in a locked drawer behind a locked door. The records may be stored on magnetic disc, tape, and digital media.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records may be retrieved by an individual's name, component or affiliation, position or title, email address, or an Electronic Data Interchange Personal Identifier. The Electronic Data Interchange Personal Identifier is a unique number assigned to the Personal Identity Verification (PIV) card that uniquely identifies each user. Records are not retrievable by

message content or information contained therein.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records connected to social media that are not hosted on a DHS server are managed in accordance with General Records of the Department of Homeland Security Records Schedule Number DAA-0563-2013-0003. Information used to establish a profile on non-DHS information sharing and social media websites will be cut off at the end of the calendar year, and destroyed 5 years after the information has been superseded, or is obsolete. All other records covered by this SORN are managed in accordance with General Records Schedule (GRS) 5.1, item 010. Records accumulated by individual offices that relate to routine day-to-day administration and management of the office rather than the mission-specific activities for which the office exists should be destroyed when the business use ceases.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

DHS safeguards records in this system according to applicable rules and policies, including all applicable DHS automated systems security and access policies. DHS has imposed strict controls to minimize the risk of compromising the information that is being stored. Access to the computer system containing the records in this system is limited to those individuals who have a need to know the information for the performance of their official duties and who have appropriate clearances or permissions.

**RECORD ACCESS PROCEDURES:**

When an individual is seeking records about himself or herself from this system of records or any other Departmental system of records, the individual's request must conform with the Privacy Act regulations set forth in 6 CFR part 5. The individual must first verify his/her identity, meaning that the individual must provide his/her full name, current address, and date and place of birth. The individual must sign the request, and the individual's signature must either be notarized or submitted under 28 U.S.C. 1746, a law that permits statements to be made under penalty of perjury as a substitute for notarization. While no specific form is required, an individual may obtain forms for this purpose from the Chief Privacy Officer and Chief Freedom of Information Act Officer, <http://www.dhs.gov/foia> or 1-866-431-0486. In addition, the individual should:

- Explain why he/she believes the Department would have information on him/her;

- Identify which component(s) of the Department the individual believes may have the information about him/her;

- Specify when the individual believes the records would have been created; and

- Provide any other information that will help the FOIA staff determine which DHS component agency may have responsive records;

If an individual's request is seeking records pertaining to another living individual, the first individual must include a statement from the second individual certifying his/her agreement for the first individual to access his/her records.

Without the above information, the component(s) may not be able to conduct an effective search, and the individual's request may be denied due to lack of specificity or lack of compliance with applicable regulations.

**CONTESTING RECORD PROCEDURES:**

For records covered by the Privacy Act, see "Record Access Procedures" above.

**NOTIFICATION PROCEDURES:**

See "Record Access Procedures" above.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

None.

**Philip S. Kaplan,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. 2018-04001 Filed 2-27-18; 8:45 am]

**BILLING CODE 9110-9B-P**

**DEPARTMENT OF HOMELAND SECURITY**

[DHS-2018-0011]

**Agency Information Collection Activities: Homeland Security Acquisition Regulation (HSAR) Regulation on Agency Protests**

**AGENCY:** Office of the Chief Procurement Officer, Department of Homeland Security (DHS).

**ACTION:** 60-Day Notice and request for comments; Extension of a Currently Approved Collection, 1600-0004.

**SUMMARY:** The DHS Office of the Chief Procurement Officer will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for

review and clearance in accordance with the Paperwork Reduction Act of 1995. The information being collected will be obtained from contractors as part of their submissions whenever they file a bid protest with DHS. The information will be used by DHS officials in deciding how the protest should be resolved. Failure to collect this information would result in delayed resolution of protests.

**DATES:** Comments are encouraged and will be accepted until April 30, 2018. This process is conducted in accordance with 5 CFR 1320.1.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2018-0011, at:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Please follow the instructions for submitting comments.

*Instructions:* All submissions received must include the agency name and docket number DHS-2018-0011. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:**

Nancy Harvey, (202) 447-0956, [Nancy.Harvey@hq.dhs.gov](mailto:Nancy.Harvey@hq.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The Federal Acquisition Regulation (FAR) and 48 CFR Chapter 1 provide general procedures on handling protests submitted by contractors to Federal agencies. FAR Part 33.103, Protests to the agency, prescribes policies and procedures for filing protests and for processing contract disputes and appeals. While the FAR prescribes the procedures to be followed for protests to the agency, it allows agencies to determine the method of receipt. DHS will utilize electronic mediums (email or facsimile) for collection of information and will not prescribe a format or require more information than what is already required in the FAR. If DHS determines there is a need to collect additional information outside of what is required in the FAR, DHS will submit a request to OMB for approval.

The information being collected will be obtained from contractors as part of their submissions whenever they file a bid protest with DHS. The information will be used by DHS officials in deciding how the protest should be resolved. Failure to collect this information would result in delayed resolution of protests.

Agency protest information is contained in each individual

solicitation document, and provides the specified contracting officer's name, email, and mailing address that the contractors would use to submit its response. The FAR does not specify the format in which the contractor should submit protest information. However, most contractors use computers to prepare protest materials and submit time sensitive responses electronically (email or facsimile) to the specified Government point of contact. Since the responses must meet specific timeframes, a centralized mailbox or website would not be a practical method of submission. Submission of protest information through contracting officers' email or through facsimile are the best methods to use to document receipt of protest information, and are the methods most commonly used in the Government protest process.

DHS/ALL/PIA-006 General Contact Lists covers the basic contact information that must be collected for DHS to address these protests. The other information collected will typically pertain to the contract itself, and not individuals. However, all information for this information collection is submitted voluntarily. Technically, because this information is not retrieved by personal identifier, no SORN is required. However, DHS/ALL-021 DHS Contractors and Consultants provides coverage for the collection of records on DHS contractors and consultants, to include resume and qualifying employment information. There is no assurance of confidentiality provided to the respondents.

The burden estimates are based upon reports of protest activities submitted to the Government Accountability Office (GAO) or the Court of Federal Claims in Fiscal Year 2016. No program changes occurred, however, the burden was adjusted to reflect an agency adjustment increase of 4 respondents within DHS for Fiscal Year 2016, as well as an increase in the average hourly wage rate.

This is an Extension of a Currently Approved Collection, 1600-0004. OMB is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

#### Analysis

*Agency:* Office of the Chief Procurement Officer, DHS.

*Title:* Agency Information Collection Activities: Homeland Security Acquisition Regulation (HSAR) Regulation on Agency Protests.

*OMB Number:* 1600-0004.

*Frequency:* On Occasion.

*Affected Public:* Individuals or Households.

*Number of Respondents:* 99.

*Estimated Time per Respondent:* 2 hours.

*Total Burden Hours:* 198.

Dated: February 20, 2018.

**Melissa Bruce,**

*Executive Director, Enterprise Business Management Office.*

[FR Doc. 2018-04070 Filed 2-27-18; 8:45 am]

**BILLING CODE 9110-9B-P**

## DEPARTMENT OF HOMELAND SECURITY

### Statewide Communication Interoperability Plan Template and Progress Report

**AGENCY:** National Protection and Programs Directorate (NPPD), Department of Homeland Security (DHS).

**ACTION:** 30-Day notice and request for comments; revised collection, 1670-0017.

**SUMMARY:** The DHS NPPD Office of Cybersecurity and Communications (CS&C), will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. NPPD previously published this ICR in the **Federal Register** on Friday, December 1, 2017 at 82 FR 56985 for a 60-day public comment period. No comments were received by NPPD. The purpose of this notice is to allow an additional 30 days for public comments.

**DATES:** Comments are encouraged and will be accepted until March 30, 2018.

**ADDRESSES:** Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory

Affairs, Office of Management and Budget. Comments should be addressed to OMB Desk Officer, Department of Homeland Security and sent via electronic mail to [dhsdeskofficer@omb.eop.gov](mailto:dhsdeskofficer@omb.eop.gov). All submissions must include the words "Department of Homeland Security" and the OMB Control Number 1670-0017.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Richard Tenney at 703-705-6281 or at [SCIP@hq.dhs.gov](mailto:SCIP@hq.dhs.gov).

**SUPPLEMENTARY INFORMATION:** The DHS NPPD CS&C Office of Emergency Communications (OEC), formed under Title XVIII of the Homeland Security Act of 2002, 6 U.S.C. 571 *et seq.*, is required, pursuant to 6 U.S.C. 572, to develop the National Emergency Communications Plan (NECP), which includes identification of goals, timeframes, and appropriate measures to achieve interoperable communications capabilities. The Statewide Communication Interoperability Plan (SCIP) Template and Annual SCIP Snapshot Report are designed to meet and support these statutory requirements.

OEC will use the information from the SCIP Template and Annual SCIP Snapshot to track the progress States are making in implementing milestones and demonstrating goals of the NECP, as required through the Homeland Security Act of 2002, 6 U.S.C. 572. The SCIP Template and Annual SCIP Snapshot will provide OEC with broader capability data across the lanes of the Interoperability Continuum, which are key indicators of consistent success in response-level communications.

In addition, the SCIP Template and the SCIP Snapshot will assist States in their strategic planning for interoperable and emergency communications while

demonstrating each State's achievements and challenges in accomplishing optimal interoperability for emergency responders. Moreover, certain government grants may require States to update their SCIP Templates and SCIP Snapshot to include broadband efforts in order to receive funding for interoperable and emergency communications.

Statewide Interoperability Coordinators (SWICs) will be responsible for collecting this information from their respective stakeholders and governance bodies, and will complete and submit the SCIP Snapshots directly to OEC through unclassified electronic submission.

The SCIP Template and Annual SCIP Snapshot may be submitted through unclassified electronic submission to OEC by each State's SWIC in addition to being able to submit their respective SCIP Template and Annual SCIP Snapshot via email to [SCIP@hq.dhs.gov](mailto:SCIP@hq.dhs.gov).

OEC streamlined its annual SCIP reporting process to obtain standard data to understand progress and challenges in emergency communications planning. OEC replaced the lengthier Annual Progress Report with the SCIP Snapshot as a reporting mechanism for States and territories for submitting SCIP progress, achievements and challenges. The data collected is based on calendar year reporting. The SCIP Snapshot also includes sections for States and territories to report on the status of governance structures, progress towards SCIP goals and initiatives, and overall successes and challenges in advancing interoperable emergency communications.

This is a revised information collection. OMB is particularly interested in comments which:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

*e.g.*, permitting electronic submissions of responses.

*Title of Collection:* Statewide Communication Interoperability Plan (SCIP) Template and Progress Report.

*OMB Control Number:* 1670-0017.

*Frequency:* Annually.

*Affected Public:* Private and Public Sector.

*Number of Respondents:* 56.

*Estimated Time per Respondent:* 6 hours.

*Total Burden Hours:* 336 hours.

**David Epperson,**

*Chief Information Officer.*

[FR Doc. 2018-04000 Filed 2-27-18; 8:45 am]

**BILLING CODE 9110-9P-P**

## DEPARTMENT OF HOMELAND SECURITY

[Docket No. DHS-2017-0070]

### Privacy Act of 1974; System of Records

**AGENCY:** Privacy Office, Department of Homeland Security.

**ACTION:** Rescinding of a System of Records Notice.

**SUMMARY:** In accordance with the Privacy Act of 1974, the Department of Homeland Security is giving notice that it proposes to rescind the following Department Privacy Act systems of records notices: Department of Homeland Security/U.S. Citizenship and Immigration Services-014 Electronic Immigration System-1 Temporary Accounts and Draft Benefit Requests System of Records; Department of Homeland Security/U.S. Citizenship and Immigration Services-015 Electronic Immigration System-2 Account and Case Management System of Records; and Department of Homeland Security/U.S. Citizenship and Immigration Services-016 Electronic Immigration System-3 Automated Background Functions System of Records. The records covered by these systems of records notices will now be covered by existing DHS systems of records notices.

DHS will continue to collect and maintain records regarding individuals who apply for immigration benefits using the online electronic filing system. Rescinding these three DHS systems of records notices mentioned above will have no adverse impacts on individuals, but will promote the overall streamlining and management of Department of Homeland Security Privacy Act record systems.

**DATES:** These changes will take effect upon publication.

**ADDRESSES:** You may submit comments, identified by docket number DHS-2017-0070, by one of the following methods:

- *Federal e-Rulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202-343-4010.

- *Mail:* Philip S. Kaplan, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

*Instructions:* All submissions received must include the agency name and docket number DHS-2017-0070. All comments received will be posted without change to <http://www.regulations.gov>, including any personally identifiable information (PII) provided.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general questions, please contact:

Donald K. Hawkins,  
[Donald.K.Hawkins@uscis.dhs.gov](mailto:Donald.K.Hawkins@uscis.dhs.gov), (202) 272-8030, Privacy Officer, U.S.

Citizenship and Immigration Services, 20 Massachusetts Avenue NW,

Washington, DC 20529. For privacy questions, please contact: Philip S. Kaplan, [Sam.Kaplan@hq.dhs.gov](mailto:Sam.Kaplan@hq.dhs.gov), (202) 343-1717, Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528-0655.

**SUPPLEMENTARY INFORMATION:** Pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a, and as part of its ongoing integration and management efforts, the Department of Homeland Security (DHS) is rescinding the following systems of records notices: DHS/U.S. Citizenship and Immigration Services (USCIS)-014 Electronic Immigration System-1 Temporary Accounts and Draft Benefit Requests System of Records, 78 FR 20680 (April 5, 2013); DHS/USCIS-015 Electronic Immigration System-2 Account and Case Management System of Records, 78 FR 20673 (April 5, 2013), and DHS/USCIS-016 Electronic Immigration System-3 Automated Background Functions System of Records, 76 FR 70735 (November 15, 2011).

USCIS created the online electronic immigration system (USCIS ELIS) to allow individuals submitting U.S. immigration and naturalization requests to create online accounts and submit certain petitions, applications, and requests for processing and adjudication. The collection, use, maintenance, and dissemination of PII was divided into three distinct processes in the online electronic

system: (1) Temporary Account and Draft Benefit Requests; (2) Account and Case Management; and (3) Automated Background Functions. Each process was covered under a separate SORN.

DHS/USCIS-014 covered the collection, use, maintenance, and dissemination of information derived from an individual who created a temporary account so that he or she may submit an application, petition, or request through USCIS ELIS for the first time. Information collected under DHS/USCIS-014 is now covered by Department of Homeland Security/ALL-037 E-Authentication Records System of Records (DHS/ALL-037), 79 FR 46857 (August 11, 2014). DHS/ALL-037 covers the collection of information used to authenticate an individual's identity for the purpose of creating a required system credential to electronically access a DHS program or application.

DHS/USCIS-015 covered the processing and tracking of all actions related to a submitted and pending immigration request, including scheduling of biometrics appointments and interviews, requesting evidence or additional information, and issuing notices, including the final decision, as well as a proof of an approved benefit, if any. The case management, case processing, record receipt and maintenance from DHS/USCIS-015 is now covered by the Department of Homeland Security/U.S. Citizenship and Immigration Services, U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection-001 Alien File, Index, and National File Tracking System of Records (DHS/USCIS/ICE/CBP-001), 82 FR 43556 (September 18, 2017). DHS/USCIS/ICE/CBP-001 covers information relating to the adjudication of benefits, investigation of immigration violations, and enforcement actions in Alien Files (A-Files). DHS creates a file for each individual containing that individual's immigration records. The A-file may be in paper or electronic format, or a combination of both. USCIS ELIS serves as an electronic repository to store and manage electronic records.

The case management functions of DHS/USCIS-015 are also covered by Department of Homeland Security/United States Citizenship and Immigration Services-007 Benefits Information System (USCIS-007), 81 FR 72069 (October 19, 2016), which covers the collection, use, maintenance, dissemination, and storage of immigration request information, including case processing and decisional data not included in the A-File SORN. These records assist in the processing of immigration requests from

the time USCIS collects the information from the requestor until a final decision is recorded in the relevant case management system.

The initial purpose of DHS/USCIS-016 was to assist USCIS personnel in detecting duplicate and related accounts; identifying potential national security concerns, criminality, and fraud; as well as ensuring that serious or complex cases received additional scrutiny. USCIS never collected information that would be covered by DHS/USCIS-016. Instead, all information collected, maintained, used, and disseminated in support of USCIS' efforts to strengthen the integrity of the nation's legal immigration system and to ensure that immigration benefits are not granted to individuals who may pose a threat to national security and/or public safety are covered under the DHS/USCIS-006 Fraud Detection and National Security Records (FDNS), 77 FR 47411, (August 8, 2012).

As such, DHS will continue to collect and maintain records regarding immigration requests, and will rely upon the existing DHS and USCIS systems of records notices for coverage pursuant to the Privacy Act: DHS/ALL-037, 79 FR 46857 (August 11, 2014); DHS/USCIS/ICE/CBP-001, 82 FR 43556 (September 18, 2017), DHS/USCIS-006 FDNS, 77 FR 47411 (August 8, 2012), and DHS/USCIS-007, 81 FR 72069 (October 19, 2016).

Rescinding DHS/USCIS-014, DHS/USCIS-015, and DHS/USCIS-016 will have no adverse impacts on individuals, but will promote the overall streamlining and management of DHS Privacy Act record systems.

#### SYSTEM NAME AND NUMBER

DHS/USCIS-014 Electronic Immigration System-1 Temporary Accounts and Draft Benefit Requests System of Records; DHS/USCIS-015 Electronic Immigration System-2 Account and Case Management System of Records; and DHS/USCIS-016 Electronic Immigration System-3 Automated Background Functions System of Records.

#### HISTORY:

DHS/USCIS-014 Electronic Immigration System-1 Temporary Accounts and Draft Benefit Requests System of Records, 78 FR 20680 (April 5, 2013); DHS/USCIS Electronic-015 Electronic Immigration System-2 Account and Case Management System of Records, 78 FR 20673 (April 5, 2013); and DHS/USCIS-016 Electronic Immigration System-3 Automated Background Functions System of

Records, 76 FR 70735 (November 15, 2011).

**Philip S. Kaplan,**

*Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. 2018-04006 Filed 2-27-18; 8:45 am]

BILLING CODE 9111-97-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7006-N-02]

### 60-Day Notice of Proposed Information Collection: Choice Neighborhoods

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* April 30, 2018.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, (Room 3180), Washington, DC 20410; telephone 202-402-4109 (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is

seeking approval from OMB for the information collection described in Section A.

#### A. Overview of Information Collection

*Title of Information Collection:* Choice Neighborhoods.

*OMB Approval Number:* 2577–0269.

*Type of Request:* Revision of currently approved collection.

*Form Number:* SF–424, SF–LLL, HUD 2880, HUD 53150, HUD 53152, HUD 53232, HUD 53151, HUD 53154, HUD–53233, HUD–53234, HUD–53238, HUD–53231, HUD–53235, HUD–53237, HUD–53236, HUD–53239, HUD–2530, HUD–2991, HUD–2995, HUD–53421, HUD–53230, HUD–52515, HUD–50163.

*Description of the need for the information and proposed use:* The information collection is required to administer the Choice Neighborhoods program, including applying for funds and grantee reporting.

*Respondents (i.e., affected public):* Potential applicants and grantees (which would include local governments, tribal entities, public housing authorities, nonprofits, and for-profit developers that apply jointly with a public entity).

*Estimated Number of Respondents:* 264 annually.

*Estimated Number of Responses:* 440 annually.

*Frequency of Response:* Frequency of response varies depending on what information is being provided (e.g., once per year for applications and four times per year for grantee reporting).

*Burden Hours per Response:* Burden hours per response varies depending on what information is being provided (e.g., Choice Neighborhoods Implementation grant application: 71.09; Choice Neighborhoods Planning grant application: 36.59; Choice Neighborhoods information collections unrelated to the NOFA, including grantee reporting and program management: 14.58).

*Total Estimated Burdens:* Total burden hours is estimated to be 4,562.45. Total burden cost is estimated to be \$192,672.26.

#### B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 1, 2018.

**Merrie Nichols-Dixon,**

*Director, Office of Policy, Programs and Legislative Initiatives.*

[FR Doc. 2018–04045 Filed 2–27–18; 8:45 am]

**BILLING CODE 4210–67–P**

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7007–N–02]

#### 60-Day Notice of Proposed Information Collection: Evaluation of the Supportive Services Demonstration

**AGENCY:** Office of Policy Development and Research, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* April 30, 2018.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Anna P. Guido, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410–5000; telephone 202–402–5534 (this is not a toll-free number) or email at [Anna.P.Guido@hud.gov](mailto:Anna.P.Guido@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

**FOR FURTHER INFORMATION CONTACT:** Anna P. Guido, Reports Management

Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Anna P. Guido at [Anna.P.Guido@hud.gov](mailto:Anna.P.Guido@hud.gov) or telephone 202–402–5535. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Guido.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

#### A. Overview of Information Collection

*Title of Information Collection:* Evaluation of the Supportive Services Demonstration.

*OMB Approval Number:* 2528–Pending.

*Type of Request:* New.

*Form Number:* No agency forms will be used.

*Description of the need for the information and proposed use:* The U.S. Department of Housing and Urban Development (HUD) has contracted with Abt Associates Inc. to conduct and evaluate HUD's Supportive Services Demonstration (SSD), also referred to as Integrated Wellness in Supportive Housing (IWISH). The SSD is a three-year demonstration sponsored by HUD to test the impact of a new model of housing-based supportive services on the healthcare utilization and housing stability of low-income older adults. The goal of the SSD model is to help older adults in HUD-assisted housing to age in place successfully. The SSD model funds a full-time Resident Wellness Director (RWD) and part-time Wellness Nurse (WN) to work in HUD-assisted housing developments that either predominantly or exclusively serve households headed by people aged 62 or over. These services are not typically available in HUD-assisted housing developments for this population and are anticipated to positively impact outcomes.

Eligible HUD-assisted properties applied for the demonstration were randomly assigned to one of three groups: A “treatment group” that received grant funding to hire a RWD and WN and implement the SSD model (40 properties); an “active control” group that did not receive grant funding but received a stipend to participate in the evaluation (37 properties); and a “passive control” group that received neither grant funding nor a stipend (47 properties). The random assignment permits an evaluation that quantifies the

impact of the SSD model by comparing outcomes at the 40 treatment group properties to outcomes at the 84 properties in the active and passive control groups.

Under contract with HUD’s Office of Policy Development and Research, Abt Associates Inc. will conduct a two-part evaluation—a process study to describe the implementation of the demonstration and an impact study to measure the impact of the SSD model on residents’ use of healthcare services and housing stability. The evaluation features analysis of administrative data and the following types of primary data collection: (1) Questionnaires for one to two housing and wellness staff at each of the 40 treatment properties and the 37 active control properties (RWD, service coordinator, and/or property manager); (2) interviews with up to four housing and wellness staff (RWDs, WNs, and property managers) at the 40 treatment sites, with one to two staff (service coordinator and/or property manager) at the 37 active control properties, and with a sample of 10 to 15 owners across the 40 treatment properties; (3) focus groups with residents of 20 of the treatment properties; and, (4) focus groups with community service provider partners at 20 of the treatment properties. The

purpose of these activities is to collect data from multiple perspectives about implementation experience with the demonstration, the strengths and weakness of the model, and how resident wellness activities compare across treatment and control properties. The evaluation will also incorporate data collected by The Lewin Group as part of the implementation of the demonstration. Information on the SSD information collection was published in the **Federal Register** on January 9, 2017 (FR–5915–N–14).

*Respondents (i.e., affected public):* Resident Wellness Directors, Wellness Nurses, Service Coordinators, and housing property staff; property owners; HUD-assisted residents (aged 62 and over); and community health and supportive services staff.

*Total Estimated Burdens:* The estimated average burden for the questionnaires is 1.25 hours per person per questionnaire. The questionnaire will take an average of 45 minutes to complete by telephone or online, with an additional 30 minutes for scheduling and preparation. There will be one to two respondents from each property and two questionnaires over the course of the evaluation. The total estimated number of respondents for the

questionnaires is 117 and the total estimated burden is 292.5 hours.

The estimated average burden for the interviews is 1.5 hours. The interviews will average one hour, with an additional 30 minutes for scheduling and preparation. There will be between one and four interview respondents per property for a total estimated number of respondents of 182 and a total estimated burden of 273 hours.

The estimated average burden for the resident focus group is 1.5 hours. The focus group discussion will average 60 minutes, with an additional 15 minutes at the start for participants to orient themselves to the group and 15 minutes at the end for participants to ask any questions they might have about the study and or how the information will be used. There will be up to 10 participants per resident focus group across 20 properties, for a total of 200 respondents and 300 burden hours.

The estimated average burden for the community partner focus group is 1.75 hours. The focus group discussion will average 75 minutes, with an additional 15 minutes at the start and end for the resident focus group. There will be up to 15 participants per community partner focus group across 20 properties, for a total of 300 respondents and 525 burden hours.

ESTIMATED HOUR AND COST BURDEN OF INFORMATION COLLECTION

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hour	Hourly cost per response	Annual cost
Questionnaires .....	117	2	1	1.25	292.5	\$34.95	\$10,221.63
Interviews .....	182	1	1	1.5	273	36.84	10,056.72
Focus groups—residents .....	200	1	1	1.5	300	7.90	2,369.42
Focus groups—providers .....	300	1	1	1.75	525	40.96	21,503.32
Total .....	799	.....	.....	.....	1,390.5	.....	44,151.09

The total estimated annual cost for this information collection is \$44,151.09. To estimate the cost per hour for each type of respondent, we used the most recent (May 2016) Bureau of Labor Statistics, Occupational Employment Statistics median hourly wage for selected occupations classified by Standard Occupational Classification (SOC) codes and added 31.7 percent to account for benefits costs. (According to the Bureau of Labor Statistics’ Employer Costs for Employee Compensation data from September 2017, benefit costs averaged 31.7 percent of employer costs for employee compensation across all job categories). To estimate hourly wage rates for Resident Wellness Directors

and Service Coordinators, we used the occupation code Healthcare Social Workers (21–1022) with a median hourly wage of \$25.85 and an estimated cost with benefits of \$34.04. For property owners and managers of properties, we used the occupation code Property, Real Estate, and Community Association Managers (11–940) with a median hourly wage of \$27.42 and an estimated cost with benefits of \$36.11. For WNs, we used Registered Nurses (29–1141) with a median hourly wage of \$32.91 and an estimated cost with benefits of \$43.34. We created weighted averages of these rates, depending on the respondent pool, to estimate the costs of the questionnaires and

interviews. For the community partner focus groups, we used Social and Community Service Managers (11–9151) with a median hourly wage of \$31.10 and an estimated cost with benefits of \$40.96.

Most of the properties in the SSD are funded through HUD’s Supportive Housing for the Elderly (Section 202) program. According to HUD’s Picture of Subsidized Households for 2016 (<https://www.huduser.gov/portal/datasets/assthsg.html>), the average household income for Section 202 residents is \$13,311. Some 98 percent of households have something other than wages or welfare benefits as their major source of income, in most cases Social

Security benefits. To estimate the hourly cost for the residents of properties in the SSD, we translated the average monthly Social Security benefit for retired workers, which in 2017 was \$1,369 (<https://www.ssa.gov/news/press/factsheets/basicfact-alt.pdf>), into an hourly rate of \$7.90 (by multiplying by 12 months and dividing by 2,080 hours).

**B. Solicitation of Public Comment**

This notice solicits comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

- (1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- (2) The accuracy of the agency's estimate of the burden of the proposed collection of information;
- (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and
- (4) Ways to minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 7, 2018.

**Todd M. Richardson,**

*Acting General Deputy Assistant, Secretary for Policy Development and Research.*

[FR Doc. 2018-04041 Filed 2-27-18; 8:45 am]

**BILLING CODE 4210-67-P**

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

[Docket No. FR-7002-N-03]

**60-Day Notice of Proposed Information Collection: Protection and Enhancement of Environmental Quality**

**AGENCY:** Office of Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* April 30, 2018.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** Liz Zepeda, Environmental Specialist, Office of Environment and Energy, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email [Liz.Zepeda@hud.gov](mailto:Liz.Zepeda@hud.gov) or telephone 202-402-3988. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Zepeda.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

**A. Overview of Information Collection**

*Title of Information Collection:* 24 CFR Part 50—Protection and Enhancement of Environmental Quality.

*OMB Approval Number:* 2506-0177.

*Type of Request:* Extension of currently approved collection.

*Form Number:* N/A.

*Description of the need for the information and proposed use:* HUD requests its applicants to supply environmental information that is not otherwise available to HUD staff for the environmental review on an applicant's proposal for HUD financial assistance to develop or improve housing or community facilities. HUD itself must perform an environmental review for the purpose of compliance with its environmental regulations found at 24 CFR part 50, Protection and Enhancement of Environmental Quality. Part 50 implements the National Environmental Policy Act and implementing procedures of the Council on Environmental Quality, as well as the related federal environmental laws and executive orders. HUD's agency-wide provisions—24 CFR 50.3(h)(1) and 50.32—regulate how individual HUD program staffs are to utilize such collected data when HUD itself prepares the environmental review and compliance. Separately, individual HUD programs each have their own regulations and guidance implementing environmental and related collection responsibilities. For the next three years, this approved collection will continue unchanged under this OMB control number to assure adequate coverage for all HUD programs subject to part 50.

*Respondents (i.e., affected public):* Businesses, not-for-profit institutions, and local governments receiving HUD funding.

*Estimated Number of Respondents:* 1,800.

*Estimated Number of Responses:* 1,800.

*Frequency of Response:* 1.

*Average Hours per Response:* 3.

*Total Estimated Burdens:* 5,400.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours	Hourly cost per response	Annual cost
Total .....	1,800	1	1,800	3	5,400	\$40.74	\$219,996

Number of responses per annum was based on a combination of data and estimates. Most, but not all, HUD programs complete their part 50

environmental reviews using the HUD Environmental Review Online System (HEROS). There were 1,565 part 50 environmental reviews completed in

HEROS in calendar year 2017. HUD estimates that, with the additional part 50 environmental reviews completed outside of HEROS, roughly 1,800 part 50



environmental reviews were completed overall in 2017.

This information collection may be completed by a number of different types of respondents, but most applicants hire a consultant to assist with this collection. Hourly cost per response based was on hourly mean wage of environmental engineers working in technical consulting services (Bureau of Labor Statistics, <https://www.bls.gov/oes/current/oes172081.htm>).

## B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 15, 2018.

**Lori Michalski,**

*Acting General Deputy Assistant Secretary for Community Planning and Development.*

[FR Doc. 2018-04048 Filed 2-27-18; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7005-N-02]

### 60-Day Notice of Proposed Information Collection: Single Family Mortgage Insurance on Hawaiian Homelands

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the

Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** Comments Due Date: April 30, 2018.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

#### FOR FURTHER INFORMATION CONTACT:

Kevin Stevens, Director, Home Mortgage Insurance Division, HMID, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email [Kevin.L.Stevens@hud.gov](mailto:Kevin.L.Stevens@hud.gov) or telephone (202) 708-2121. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

#### A. Overview of Information Collection

*Title of Information Collection:* Single Family Mortgage Insurance for Hawaiian Homelands.

*OMB Approval Number:* 2502-0358.

*Type of Request:* Extension of currently approved collection.

*Form Number:* None.

*Description of the Need for the Information and Proposed Use:* FHA insures mortgages on single-family dwellings under provisions of the National Housing Act (12 U.S.C. 1709). The Housing and Urban Rural Recovery Act (HURRA), Public Law 98-181, amended the National Housing Act to add Section 247 (12 U.S.C. 1715z-12) to permit FHA to insure mortgages for properties located on Hawaiian Homelands. Under this program, the mortgage must be a native Hawaiian. In

accordance with 24 CFR 203.43i, the collection of information is verification that a loan applicant is a native Hawaiian and that the applicant holds a lease on land in a Hawaiian Homelands area. A borrower must obtain verification of eligibility from DHHL and submit it to the lender. A borrower cannot obtain a loan under these provisions without proof of status as a native Hawaiian. United States citizens living in Hawaii are not eligible for this leasehold program unless they are native Hawaiians. The eligibility document is required to obtain benefits. In accordance with 24 CFR 203.439(c), lenders must report monthly to HUD and the DHHL on delinquent borrowers and provide documentation to HUD to support that the loss mitigation requirements of 24 CFR 203.602 have been met. To assist the DHHL in identifying delinquent loans, lenders report monthly. A delinquent mortgage that is reported timely would allow DHHL to intervene and prevent foreclosure.

*Respondents (i.e. affected public):* Individuals (loan applicants) and Business or other for-profit (lenders).

*Estimated Number of Respondents:* 15,871.

*Estimated Number of Responses:* 446.

*Frequency of Response:* Monthly and on occasion.

*Average Hours per Response:* 5 minutes per response (.08 hours) for review of certification and lease, and 25 minutes (.42 hours) per response for delinquency reporting.

*Total Estimated Burdens:* 51.32.

#### B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information; (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 collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 12, 2018.

**Dana Wade,**

*General Deputy Assistant Secretary for Housing.*

[FR Doc. 2018-04047 Filed 2-27-18; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7002-N-02]

### 60-Day Notice of Proposed Information Collection; Application for Displacement/Relocation/Temporary Relocation Assistance for Persons

**AGENCY:** Office of Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* April 30, 2018.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** Christian Christoffers, Relocation Specialist, Relocation and Real Estate Division, CGHR, Department of Housing and Urban Development, 451 Seventh Street, Southwest, Rm 7168, Washington DC 20410; email [Christian.L.Christoffers@HUD.gov](mailto:Christian.L.Christoffers@HUD.gov), (202) 402-3282. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339. Copies of available documents

submitted to OMB may be obtained from Ms. Christoffers.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

### A. Overview of Information Collection

*Title of Information Collection:* Optional Relocation Payment Claim Forms.

*OMB Approval Number:* 2506-0016.

*Type of Request:* Extension of currently approved collection.

*Form Numbers:* HUD-40030, HUD-40054, HUD-40055, HUD-40056, HUD-40057, HUD-40058, HUD-40061, and HUD-40072.

*Description of the need for the information and proposed use:* Application for displacement/relocation assistance for persons (families, individuals, businesses, nonprofit organizations and farms) displaced by, or temporarily relocated for, certain HUD programs. No changes are being made for Forms HUD-40030, HUD-40054, 40055, HUD-40056, HUD-40057, HUD-40058, HUD-40061, and HUD-40072.

*Respondents:* Individuals, households, businesses, farms, non-profits, state, local and tribal governments.

*Estimated Number of Respondents:* 37,800.

*Estimated Number of Responses:* 61,800.

*Frequency of Response:* 3.

*Average Hours per Response:* 8.

*Total Estimated Burdens:* 56,000 (no change).

### B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 15, 2018.

**Lori Michalski,**

*Acting General Deputy Assistant Secretary for Community Planning and Development.*

[FR Doc. 2018-04053 Filed 2-27-18; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7005-N-03]

### 60-Day Notice of Proposed Information Collection: Capital Needs Assessments-CNA e Tool

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* April 30, 2018.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** Harry Messner, Office of Asset Management and Portfolio Oversight, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email Harry Messner at [harry.messner@hud.gov](mailto:harry.messner@hud.gov) or telephone (202) 402-2626. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-

free Federal Relay Service at (800) 877-8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

#### A. Overview of Information Collection

*Title of Information Collection:* Capital Needs Assessment.

*OMB Approval Number:* 2502-0505.

*Type of Request:* Extension of a currently approved collection.

*Form Number:* None.

*Description of the need for the information and proposed use:* A Capital Needs Assessment is a detailed review of a property's expected capital expenditures over future years. It is needed to appropriately value a property, to determine financial sustainability, and to plan for funding of an escrow account to be used for capital repair and replacement needs during the estimate period. It is used by lenders, and property owners, developers, and HUD for valuation, underwriting, and asset management purposes.

*Respondents (i.e., affected public):* Property owners, buyers, mortgage lenders, assisted housing providers, or those receiving rental assistance.

*Estimated Number of Respondents:* 2,041.

*Estimated Number of Responses:* 2,041.

*Frequency of Response:* Once periodically.

*Average Hours per Response:* 40 hours.

*Total Estimated Burden:* 81,640 hours.

#### B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 14, 2018.

**Dana T. Wade,**

*General Deputy Assistant Secretary for Housing.*

[FR Doc. 2018-04046 Filed 2-27-18; 8:45 am]

**BILLING CODE 4210-67-P**

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7002-N-01]

#### 60-Day Notice of Proposed Information Collection: Self-Help Homeownership Opportunity Program (SHOP)

**AGENCY:** Office of Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** *Comments Due Date:* February 28, 2018.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street SW, Room 4176, Washington, DC 20410-4500; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at 800-877-8339.

**FOR FURTHER INFORMATION CONTACT:** Thann Young, SHOP Program Manager, Office of Rural Housing and Economic Development, U.S. Department of

Housing and Urban Development, 451 Seventh Street SW, Room 7240, Washington, DC 20410-4500; telephone 202-402-4464 (this is not a toll-free number) or by email at [thann.young@hud.gov](mailto:thann.young@hud.gov).

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

#### A. Overview of Information Collection

*Title of Information Collection:* Self-Help Homeownership Opportunity Program (SHOP).

*OMB Approval Number:* 2506-0157.

*Type of Request:* Extension of currently approved collection.

*Form Number:* HUD-424CB, HUD-2880, HUD-2993, HUD-2995, HUD-96011.

*Description of the need for the information and proposed use:* This is a proposed information collection for submission requirements under the SHOP Notice of Funding Availability (NOFA). HUD requires information in order to ensure the eligibility of SHOP applicants and the compliance of SHOP proposals, to rate and rank SHOP applications, and to select applicants for grant awards. Information is collected on an annual basis from each applicant that responds to the SHOP NOFA. The SHOP NOFA requires applicants to submit specific forms and narrative responses.

*Respondents:* National and regional non-profit self-help housing organizations (including consortia) that apply for funds in response to the SHOP NOFA.

*Frequency of Submission:* Annually in response to the issuance of a SHOP NOFA.

*Estimation of the total number of hours needed to prepare the information collection including number of respondents, hours per response, frequency of response, and total hours of response for all respondents.*

The estimates of the average hours needed to prepare the information collection are based on information provided by previous applicants. Actual hours will vary depending on the proposed scope of the applicant's program, the applicant's geographic service area and the number of affiliate organizations. The information burden is generally greater for national organizations with numerous affiliates.

Paperwork Requirement	Number of Respondents	Annual Response	Total Responses	Burden per Response	Total Annual Hours	Hourly Rate	Burden cost per instrument
SF-424	10	1	10	1	10	25.00	250.00
HUD-424CB	10	1	10	10	10	25.00	250.00
HUD-424 CBW	10	1	10	30	300	25.00	7,500.00
SF-LLL	10	1	10	.5	5	25.00	125.00
HUD-2880	10	1	10	.5	5	25.00	125.00
HUD-2993	10	1	10	.5	5	25.00	125.00
HUD-2995	10	1		.5	5	25.00	125.00
HUD-96011	10	1	10	.5	5	25.00	125.00
Applicant Eligibility	10	1	10	10	100	25.00	2,500.00
SHOP Program Design and Scope of Work	10	1	10	30	300	25.00	7,500.00
Rating Factor 1	10	1	10	25	250	25.00	6,250.00
Rating Factor 2	10	1	10	25	250	25.00	6,250.00
Rating Factor 3	10	1	10	55	550	25.00	13,750.00
Rating Factor 4	10	1	10	30	300	25.00	7,500.00
Rating Factor 5	10	1	10	25	250	25.00	6,250.00
<b>Total Annual Hour Burden</b>	<b>140</b>		<b>140</b>		<b>2,345</b>	<b>25.00</b>	<b>58,625.00</b>

## B. Solicitation of Public Comments

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: February 15, 2018.

**Lori Michalski,**

*Acting General Deputy Assistant Secretary for Community Planning and Development.*

[FR Doc. 2018-04049 Filed 2-27-18; 8:45 am]

**BILLING CODE 4210-67-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7006-N-03]

### 60-Day Notice of Proposed Information Collection: Public Housing Agency Executive Compensation Information

**AGENCY:** Office of the Assistant Secretary for Public and Indian Housing, HUD.

**ACTION:** Notice.

**SUMMARY:** HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

**DATES:** Comments Due Date: April 30, 2018.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW, Room 4176, Washington, DC 20410-5000; telephone 202-402-3400 (this is not a toll-free number) or email at [Colette.Pollard@hud.gov](mailto:Colette.Pollard@hud.gov) for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this

number through TTY by calling the toll-free Federal Relay Service at (800) 877-8339.

**FOR FURTHER INFORMATION CONTACT:** Arlette Mussington, Office of Policy, Programs and Legislative Initiatives, PIH, Department of Housing and Urban Development, 451 7th Street SW, (L'Enfant Plaza, Room 2206), Washington, DC 20410; telephone 202-402-4109, (this is not a toll-free number). Persons with hearing or speech impairments may access this number via TTY by calling the Federal Information Relay Service at (800) 877-8339. Copies of available documents submitted to OMB may be obtained from Ms. Mussington.

**SUPPLEMENTARY INFORMATION:** This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

### A. Overview of Information Collection

*Title of Proposal:* Public Housing Agency Executive Compensation Information.

*OMB Approval Number:* 2577-0272.

*Type of Request:* Revision of a currently approved collection.

*Form Number:* Form HUD-52725.

*Description of the need for the information and proposed use:* Pursuant to a notice issued annually (most recently PIH Notice 2017-11), HUD collects information on the compensation provided by public housing agencies (PHAs) to its employees. More specifically, under this collection PHAs are to report the

compensation paid to the top management official, the top financial official, and all employees who are paid an annual salary over the compensation cap imposed by Congress in HUD's annual appropriations (Level IV of the Executive Schedule). This reporting is similar to the information that non-profit organizations receiving federal tax exemptions are required to report to the IRS annually. Because PHAs receive significant direct federal funds HUD has been collecting compensation information to enhance regulatory oversight by HUD, as well as by state and local authorities. HUD provides the information collected to the public. The compensation data collected includes base salary, bonus, and incentive and other compensation, and the extent to which these payments are made with any Section 8 and 9 appropriated funds.

*Respondents:* Public Housing Agencies.

*Estimated Number of Respondents:* Approximately 4,000.

*Estimated Number of Responses:* Approximately 4,000.

*Frequency of Response:* Annual.

*Average Hours per Response:* 30 minutes.

*Total Estimated Burdens:* The total burden hours is estimated to be 2,000 hours annually. The total burden cost is estimated to be \$46,280.

## B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(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 collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

**Authority:** Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: February 13, 2018.

**Merrie Nichols-Dixon,**  
*Director, Office of Policy, Programs and Legislative Initiatives.*

[FR Doc. 2018-04043 Filed 2-27-18; 8:45 am]

**BILLING CODE 4210-67-P**

## INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

### Request for Nominations to the Board of Trustees

**AGENCY:** Institute of American Indian and Alaska Native Culture and Arts Development.

**ACTION:** Notice; request for nominations.

**SUMMARY:** The Board directs the Administration of the Institute of American Indian and Alaska Native Culture and Arts Development, including soliciting, accepting, and disposing of gifts, bequests, and other properties for the benefit of the Institute. The Institute provides scholarly study of and instruction in Indian art and culture, and establishes programs which culminate in the awarding of degrees in the various fields of Indian art and culture.

The Board consists of thirteen members appointed by the President of the United States, by and with the consent of the U.S. Senate, who are American Indians or persons knowledgeable in the field of Indian art and culture. This notice requests nominations to fill four expiring terms on the Board of Trustees.

**ADDRESSES:** Institute of American Indian Arts, 83 Avan Nu Po Road, Santa Fe, New Mexico 87508.

**FOR FURTHER INFORMATION CONTACT:** Lawrence T. Mirabal, Chief Financial Officer, 505-424-2316.

Dated: February 21, 2018.

**Lawrence T. Mirabal,**  
*Chief Financial Officer.*

[FR Doc. 2018-03941 Filed 2-27-18; 8:45 am]

**BILLING CODE 4312-W4-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS-HQ-ES-2018-N020; MO# 300030113; OMB Control Number 1018-0119]**

### Agency Information Collection Activities; Policy for Evaluation of Conservation Efforts When Making Listing Decisions (PECE)

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of Information Collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, we, the U.S. Fish and Wildlife Service (Service) are proposing to revise an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before April 30, 2018.

**ADDRESSES:** Send your comments on the information collection request (ICR) by mail to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike, Falls Church, VA 22041-3803 (mail); or by email to *Info\_Coll@fws.gov*. Please reference OMB Control Number 1018-0119 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Madonna L. Baucum, Service Information Collection Clearance Officer, by email at *Info\_Coll@fws.gov*, or by telephone at (703) 358-2503.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of the Service; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Service enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Service minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your

personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* Section 4 of the Endangered Species Act (ESA) (16 U.S.C. 1531 *et seq.*) outlines the process by which we can list species as a threatened species or an endangered species. When we consider whether or not to list a species, the ESA requires us to take into account the efforts being made by any State or any political subdivision of a State to protect such species. We also take into account the efforts being made by other entities. States or other entities often formalize conservation efforts in conservation agreements, conservation plans, management plans, or similar documents. The conservation efforts recommended or described in such documents could prevent some species from becoming so imperiled that they meet the definition of a threatened species or an endangered species under the ESA.

The Policy for Evaluation of Conservation Efforts When Making Listing Decisions (PECE) (68 FR 15100, March 28, 2003) encourages the development of conservation agreements or plans and provides certainty about the standard that an individual conservation effort must meet in order for us to consider whether it is likely to make a difference in a species' status. PECE applies to "formalized conservation efforts" that have not been implemented or have been implemented but have not yet demonstrated if they are effective at the time of a listing decision.

Under PECE, formalized conservation efforts are defined as conservation efforts (specific actions, activities, or programs designed to eliminate or reduce threats or otherwise improve the status of a species) identified in a conservation agreement, conservation plan, management plan, or similar document. To assist us in evaluating a formalized conservation effort under PECE, we collect information such as conservation plans, monitoring results, and progress reports. The development

of any agreement or plan is voluntary. There is no requirement that the individual conservation efforts included in such documents be designed to meet the standard in PECE. The PECE policy is posted on our Candidate Conservation website at <http://www.fws.gov/endangered/esa-library/pdf/PECE-final.pdf>.

*Title of Collection:* Policy for Evaluation of Conservation Efforts When Making Listing Decisions (PECE).

*OMB Control Number:* 1018–0119.

*Form Number:* None.

*Type of Review:* Revision of a currently approved collection.

*Respondents/Affected Public:* Primarily State, local, or Tribal governments. However, individuals, businesses, and not-for-profit organizations could develop agreements/plans or may agree to implement certain conservation efforts identified in a State agreement or plan.

*Respondent's Obligation:* Required to Obtain or Retain a Benefit.

*Frequency of Collection:* On occasion.

*Total Estimated Annual Nonhour*

*Burden Cost:* None.

Activity	Estimated number of annual respondents	Average number of submissions each	Estimated number of annual responses	Completion time per response (hours)	Estimated annual burden hours
<b>PECE—Reporting</b>					
Individuals .....	1	1	1	120	120
Private Sector .....	1	1	1	120	120
Government .....	7	1	7	120	840
<b>PECE—Monitoring</b>					
Individuals .....	1	1	1	600	600
Private Sector .....	1	1	1	600	600
Government .....	7	1	7	600	4,200
<b>PECE—Development of Conservation Plan/Agreement (One-time Burden)</b>					
Individuals .....	1	1	1	2,000	2,000
Private Sector .....	1	1	1	2,000	2,000
Government .....	1	1	1	2,000	2,000
<i>Totals:</i> .....	21	.....	21	.....	12,480

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: February 23, 2018.

**Madonna L. Baucum,**  
Information Collection Clearance Officer, U.S. Fish and Wildlife Service.

[FR Doc. 2018–04040 Filed 2–27–18; 8:45 am]

**BILLING CODE 4333–15–P**

**DEPARTMENT OF THE INTERIOR****Bureau of Indian Affairs**

[189A2100DD/AAK001030/  
A0A501010.999900 253G; OMB Control  
Number 1076-0135]

**Agency Information Collection  
Activities; Submission to the Office of  
Management and Budget for Review  
and Approval; Reporting Systems for  
Public Law 102-477 Demonstration  
Project**

**AGENCY:** Bureau of Indian Affairs,  
Interior.

**ACTION:** Notice of information collection;  
request for comment.

**SUMMARY:** In accordance with the  
Paperwork Reduction Act of 1995, we,  
the Bureau of Indian Affairs (BIA) are  
proposing to renew an information  
collection with revisions.

**DATES:** Interested persons are invited to  
submit comments on or before March  
30, 2018.

**ADDRESSES:** Send written comments on  
this information collection request (ICR)  
to the Office of Management and  
Budget's Desk Officer for the  
Department of the Interior by email at  
*OIRA\_Submission@omb.eop.gov*; or via  
facsimile to (202) 395-5806. Please  
provide a copy of your comments Mr.  
Terrence Parks, Chief, Division of  
Workforce Development, Bureau of  
Indian Affairs—Indian Services, 1849 C  
S.T. NW, MS-3645-MIB, Washington,  
DC 20240; facsimile: (202) 513-7625;  
email: *Terrence.Parks@bia.gov*. Please  
reference OMB Control Number 1076-  
0135 in the subject line of your  
comments.

**FOR FURTHER INFORMATION CONTACT:** To  
request additional information about  
this ICR, contact Mr. Terrence Parks,  
telephone (202) 513-7625. You may also  
view the ICR at [http://www.reginfo.gov/  
public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain).

**SUPPLEMENTARY INFORMATION:** In  
accordance with the Paperwork  
Reduction Act of 1995, we provide the  
general public and other Federal  
agencies with an opportunity to  
comment on new, proposed, revised,  
and continuing collections of  
information. This helps us assess the  
impact of our information collection  
requirements and minimize the public's  
reporting burden. It also helps the  
public understand our information  
collection requirements and provide the  
requested data in the desired format.

A **Federal Register** notice with a 60-  
day public comment period soliciting  
comments on this collection of  
information was published on October

16, 2017 (82 FR 48111). No comments  
were received.

We are again soliciting comments on  
the proposed ICR that is described  
below. We are especially interested in  
public comment addressing the  
following issues: (1) Is the collection  
necessary to the proper functions of the  
BIA; (2) will this information be  
processed and used in a timely manner;  
(3) is the estimate of burden accurate;  
(4) how might the BIA enhance the  
quality, utility, and clarity of the  
information to be collected; and (5) how  
might the BIA minimize the burden of  
this collection on the respondents,  
including through the use of  
information technology.

Comments that you submit in  
response to this notice are a matter of  
public record. Before including your  
address, phone number, email address,  
or other personal identifying  
information in your comment, you  
should be aware that your entire  
comment—including your personal  
identifying information—may be made  
publicly available at any time. While  
you can ask us in your comment to  
withhold your personal identifying  
information from public review, we  
cannot guarantee that we will be able to  
do so.

**Abstract:** The BIA—Indian Services is  
seeking revisions for the information  
collection Reporting System for Public  
Law 102-477 Demonstration Project.  
This information allows the Division of  
Workforce Development (DWD), which  
reports to the BIA—Indian Services, to  
document satisfactory compliance with  
statutory, regulatory, and other  
requirements of the various integrated  
programs. Public Law 102-477  
authorized tribal governments to  
integrate federally funded employment,  
training, and related services and  
programs into a single, coordinated,  
comprehensive service delivery plan.  
Funding agencies include the  
Department of Labor and the  
Department of Health and Human  
Services. BIA is statutorily required to  
serve as the lead agency and provides a  
single, universal report format for use by  
tribal governments to report on  
integrated activities and expenditures.  
The DWD shares the information  
collected from these reports with the  
Department of Labor and the  
Department of Health and Human  
Services. This renewal will be revised to  
include information collected under 25  
CFR part 26 to administer the job  
placement and training program,  
through Tribes, which provides  
vocational/technical training, related  
counseling, guidance, and job  
placement services, and limited

financial assistance to Indian  
individuals who are not less than 18  
years old and who reside with the  
Department of the Interior (DOI)  
approved service areas. Public Law 102-  
477 allows tribes to consolidate into a  
single plan, single budget and single  
report to one office programs they  
currently have under contract or grant.  
The job placement and training program  
has been included in these 477 plans.  
Since tribes determine which programs  
will be included, the plans vary from  
tribe to tribe. Submission of this  
information allows DOI, through Tribes,  
to administer the job placement and  
training program, which provides  
vocational/technical training, related  
counseling, guidance, job placement  
services, and limited financial  
assistance to Indian individuals who are  
not less than 18 years old and who  
reside within DOI approved service  
areas.

**Title of Collection:** Reporting System  
for Public Law 102-477 Demonstration  
Project.

**OMB Control Number:** 1076-0135.

**Form Number:** BIA-8205.

**Type of Review:** Extension of a  
currently approved collection.

**Respondents/Affected Public:** Indian  
tribes participating in Public Law 102-  
477 and individuals.

**Total Estimated Number of Annual  
Respondents:** 237.

**Total Estimated Number of Annual  
Responses:** 237.

**Estimated Completion Time per  
Response:** Varies from half an hour to  
four hours.

**Total Estimated Number of Annual  
Burden Hours:** 919.

**Respondent's Obligation:** Required to  
Obtain a Benefit.

**Frequency of Collection:** Once  
annually for the reporting, and once  
annually for the job placement and  
training application.

**Total Estimated Annual Nonhour  
Burden Cost:** \$320.

An agency may not conduct or  
sponsor and a person is not required to  
respond to a collection of information  
unless it displays a currently valid OMB  
control number.

The authority for this action is the  
Paperwork Reduction Act of 1995 (44  
U.S.C. 3501 *et seq.*)

**Elizabeth K. Appel,**

*Director, Office of Regulatory Affairs and  
Collaborative Action—Indian Affairs.*

[FR Doc. 2018-04027 Filed 2-27-18; 8:45 am]

**BILLING CODE 4337-15-P**

**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS–WASO–NRNHL–25050;  
PPWOCRADIO, 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 10, 2018, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted by March 15, 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 10, 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****Park County**

South Platte River Bridge, Cty. Rd. 90a over S. Platte R., mi. marker 40, Lake George vicinity, MP100002221

**Weld County**

Artesia Farm, 11820 Cty. Rd. 64½, Greeley vicinity, MP100002223

**MAINE****Cumberland County**

Southgate Farm, 577 U.S. 1, Scarborough, SG100002225

**Franklin County**

Herbert, The, Main St., Kingfield,  
SG100002226  
Rangeley Tavern, 2443 Main St., Rangeley,  
SG100002227

**NEW JERSEY****Passaic County**

Arch Street Bridge over the Passaic River,  
Arch St. over Passaic R., Paterson City,  
SG100002230  
Straight Street Bridge over the Passaic River,  
Straight St. over Passaic R., Paterson City,  
SG100002231

**OHIO****Licking County**

Jersey Independent Order of Odd Fellows  
Hall, 10424 Morse Rd. SW, Jersey,  
SG100002232  
Outville Hay and Grain Company Building,  
6641 Outville Rd. SW, Outville,  
SG100002233

**UTAH****San Juan County**

Coal Bed Village Site, Address Restricted,  
Blanding vicinity, SG100002234

**WISCONSIN****Kenosha County**

Vincent—McCall Company Building, 2122  
56th St., Kenosha, SG100002235

**Milwaukee County**

Grand Avenue Elementary School, 2708 W  
Wisconsin Ave., Milwaukee, SG100002236

Additional documentation has been received for the following resource:

**MISSOURI****Greene County**

Boone, Nathan, House, 1.75 mi. N of Ash  
Grove on Hwy. V, Ash Grove vicinity,  
AD69000103

Nomination 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.

**FLORIDA****Duval County**

St. Johns Light, 500 ft. NE of jct. of Baltimore  
St. & Naval Station St. 7, Jacksonville,  
MP100002224

**Authority:** 60.13 of 36 CFR part 60.

Dated: February 13, 2018.

**Julie H. Ernstein,**

*Acting Chief, National Register of Historic  
Places/National Historic Landmarks Program.*

[FR Doc. 2018–04044 Filed 2–27–18; 8:45 am]

**BILLING CODE 4312–52–P**

**DEPARTMENT OF THE INTERIOR****National Park Service**

[NPS–WASO–CONC–24213; PPWOBSADCO,  
PPMVSCS1Y.Y00000]

**Notice of Extension of Concession  
Contracts and Intent To Award  
Temporary Concession Contracts**

**AGENCY:** National Park Service, Interior.

**ACTION:** Public notice.

**SUMMARY:** The National Park Service hereby gives public notice that it proposes to extend the expiring concession contracts listed in the tables below for the period specified, or until the effective date of a new contract, whichever occurs sooner. The National Park Service hereby gives public notice that it intends to award two temporary concession contracts as described below.

**DATES:** The extension commences on January 1, 2018.

**FOR FURTHER INFORMATION CONTACT:**

Brian Borda, Program Chief,  
Commercial Services Program, National  
Park Service, 1849 C Street NW, Mail  
Stop 2410, Washington, DC 20240,  
Telephone: 202–513–7156.

**SUPPLEMENTARY INFORMATION:** All of the concession contracts listed in the first two tables below will expire by their terms on or before December 31, 2018. The National Park Service has determined the proposed extensions and temporary contracts are necessary to avoid interruption of visitor services and has taken all reasonable and appropriate steps to consider alternatives to avoid such interruption. The publication of this notice merely reflects the intent of the National Park Service and does not bind the National Park Service to extend or award any of the contracts listed below.

The information in the first table shows concession contracts extended until December 31, 2018, or until the effective date of a new concession contract, whichever occurs first. The information in the second table shows concession contracts extended until the specific date shown in that table, or until the effective date of a new concession contract, whichever occurs first. Under the provisions of current concession contracts, the National Park Service authorizes extension of visitor services for the contracts below under the terms and conditions of the current contract (as amended if applicable). The extension of operations does not affect any rights with respect to selection for award of a new concession contract.

The information in the third table shows two concession contracts for



which the National Park Service intends to award temporary concession contracts to qualified persons under the authority of 36 CFR 51.24(a), each such contract not to exceed three years. This notice is not a request for proposals.

TABLE 1—CONCESSION CONTRACTS EXTENDED UNTIL DECEMBER 31, 2018, OR UNTIL THE EFFECTIVE DATE OF A NEW CONTRACT

Park unit	CONCID	Concessioner
Bandelier NM	BAND001-06	Pajarito Plateau Trading Co. LLC.
Buffalo NR	BUFF001-06	Buffalo Point Concession.
Buck Island Reef NM	BUIS006-06	Teroro II, Inc.
Buck Island Reef NM	BUIS008-06	Llewellyn's Charters, Inc.
Buck Island Reef NM	BUIS014-06	Michael Klein.
Buck Island Reef NM	BUIS015-07	Mile Mark, Inc.
Buck Island Reef NM	BUIS019-06	Dragon Fly.
Cabrillo NM	CABR001-06	Cabrillo National Monument Foundation.
Canyonlands NP	CANY031-07	Holiday River Expeditions, Inc.
Canyonlands NP	CANY032-07	Escape Adventures, Inc.
Canyonlands NP	CANY033-07	Mike & Maggie Adventures, LLC.
Canyonlands NP	CANY034-07	Rim Tours, Inc.
Canyonlands NP	CANY035-07	Western Spirit Cycling, Inc.
Carlsbad Caverns NP	CAVE001-08	Carlsbad Caverns Trading, LLC.
Craters of the Moon NM&P	CRMO001-06	Craters of the Moon Natural History Ass'n.
Denali NP&P	DENA013-07	Denali Nat'l Park Wilderness Centers LTD.
Denali NP&P	DENA015-07	Doyon, Limited.
Denali NP&P	DENA016-07	Alaskan Park Properties, Inc.
Denali NP&P	DENA024-07	Sheldon Air Service LLC.
Denali NP&P	DENA025-07	Rust's Air Service, Inc.
Denali NP&P	DENA028-07	Fly Denali, Inc.
Denali NP&P	DENA029-07	Talkeetna Air Taxi, Inc.
Death Valley NP	DEVA004-06	Death Valley Natural History Association.
Eisenhower NHS	EISE001-07	Gettysburg Tours, Inc.
George Washington M Pkwy	GWMP003-13	Belle Haven Marina, Inc.
Glacier NP	GLAC006-07	Glacier Guides, Inc.
Golden Gate NRA	GOGA007-06	Golden Gate National Parks Conservancy.
Golden Gate NRA	GOGA010-98	The Peanut Wagon.
Grand Canyon NP	GRCA002-08	Grand Canyon North Rim, LLC.
Grand Canyon NP	GRCA006-08	AzRA Acquisition, LLC.
Grand Canyon NP	GRCA007-08	Arizona River Runners, Inc.
Grand Canyon NP	GRCA010-08	Canyoneers, Inc.
Grand Canyon NP	GRCA011-08	Colorado River & Trail Expeditions, Inc.
Grand Canyon NP	GRCA015-08	Grand Canyon Expeditions Company, Inc.
Grand Canyon NP	GRCA016-08	Canyon Expeditions, Inc.
Grand Canyon NP	GRCA017-08	Grand Canyon Whitewater, LLC.
Grand Canyon NP	GRCA018-08	Hatch River Expeditions, Inc.
Grand Canyon NP	GRCA020-08	Arizona Raft Adventures, LLC.
Grand Canyon NP	GRCA021-08	O.A.R.S. Grand Canyon, Inc.
Grand Canyon NP	GRCA022-08	Outdoors Unlimited River Trips.
Grand Canyon NP	GRCA024-08	ARAMARK Sports & Entertainment Services, Inc.
Grand Canyon NP	GRCA025-08	Tour West, Inc.
Grand Canyon NP	GRCA026-08	Western River Expeditions, Inc.
Grand Canyon NP	GRCA028-08	Canyon Explorations, Inc.
Grand Canyon NP	GRCA029-08	GCD Acquisition, LLC.
Great Smoky Mountain NP	GRSM006-07	Smoky Mountain Stables, Inc.
Hawai'i Volcanoes NP	HAVO002-06	Hawai'i Pacific Parks Association, Ltd.
Isle Royale NP	ISRO007-08	Grand Portage-Isle Royale Transportation Line, Inc.
Joshua Tree NP	JOTR001-06	Joshua Tree National Park Association.
Lava Beds NM	LABE001-06	Lava Beds Natural History Association.
Little Bighorn Battlefield NM	LIBI003-06	Crow Tribe of Indians.
Oregon Caves NM&P	ORCA002-06	Oregon Caves Natural History Association.
Point Reyes NS	PORE004-06	Point Reyes National Seashore Association.
Pacific West Reg. Office	PWRO001-06	Western National Parks Association.
Rocky Mountain NP	ROMO002-02	Hi Country Stables, Inc.
Sleeping Bear Dunes NL	SLBE005-08	Manitou Island Transit, Inc.
WW II Valor in the Pacific NM	USAR002-06	Arizona Memorial Museum Association.
Yellowstone NP	YELL004-08	Yellowstone Park Service Stations, Inc.

TABLE 2—CONCESSION CONTRACTS EXTENDED AS INDICATED OR UNTIL THE EFFECTIVE DATE OF A NEW CONTRACT

Park unit	CONCID	Concessioner	Extension date
Big Bend NP	BIBE002-08	Big Bend Resorts, Inc	June 30, 2019.
Golden Gate NRA	GOGA001-06	Alcatraz Cruises, LLC	May 8, 2019.
Golden Gate NRA	GOGA004-08	The Siren Corp	February 28, 2019.
Lake Roosevelt NRA	LARO004-07	Lake Roosevelt Vacations, Inc	April 30, 2019.

TABLE 2—CONCESSION CONTRACTS EXTENDED AS INDICATED OR UNTIL THE EFFECTIVE DATE OF A NEW CONTRACT—Continued

Park unit	CONCID	Concessioner	Extension date
Point Reyes NS .....	PORE005-08	Steward Ranch, LLC .....	March 31, 2019.

TABLE 3—TEMPORARY CONCESSION CONTRACTS

Park unit	CONCID	Services	Effective date
Virgin Islands NP .....	VIIS008	Charter Diving, Charter Snorkeling, Charter Sailing.	April 13, 2018.
Yellowstone NP .....	YELL002	Retail, Food and Beverage, Groceries .....	January 1, 2019.

**Teresa Austin,**  
Associate Director, Business Services.

[FR Doc. 2018-04028 Filed 2-27-18; 8:45 am]

BILLING CODE 4312-53-P

**DEPARTMENT OF THE INTERIOR**

**National Park Service**

[NPS-WASO-CONC-24212; PPWOBSADC0, PPMVSCS1Y.Y00000]

**Notice of Continuation of Concession Contracts**

**AGENCY:** National Park Service, Interior.

**ACTION:** Public notice.

**SUMMARY:** Pursuant to the terms of existing concession contracts, public notice is hereby given that the National Park Service has requested a continuation of visitor services for the periods specified below.

**DATES:** The continuation commences on January 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Brian Borda, Chief, Commercial Services Program, National Park Service, 1849 C Street NW, Mail Stop 2225, Washington, DC 20240, Telephone: 202-513-7156.

**SUPPLEMENTARY INFORMATION:** The contracts listed below have been extended to the maximum allowable under 36 CFR 51.23. Under the

provisions of the respective concession contracts and pending the completion of the public solicitation of a prospectus for a new concession contract, the National Park Service authorizes continuation of visitor services for a period not-to-exceed 1 year commencing January 1, 2018, under the terms and conditions of the current contract as amended. The continuation of operations does not affect any rights with respect to selection for award of a new concession contract. The publication of this notice merely reflects the intent of the National Park Service but does not bind the National Park Service to continue any of the contracts listed below.

Park unit	CONCID	Concessioner
National Mall and Memorial Parks .....	NACC003-86	Guest Services, Inc.
Independence National Historical Park .....	INDE001-94	Concepts by Staib, Ltd.
Blue Ridge Parkway .....	BLRI001-83	Southern Highland Handicraft Guild, Inc.
Cape Hatteras National Seashore .....	CAHA001-98	Koru Village Incorporated.
Cape Hatteras National Seashore .....	CAHA004-98	Oregon Inlet Fishing Center, Inc.
Glen Canyon National Recreation Area .....	GLCA002-88	ARAMARK Sports and Entertainment Services, Inc.
Glen Canyon National Recreation Area .....	GLCA003-69	ARAMARK Leisure Services, Inc.
Lake Mead National Recreation Area .....	LAKE001-73	Rex G. Maughan and Ruth G. Maughan.
Lake Mead National Recreation Area .....	LAKE002-82	Lake Mead R.V. Village, LLC.
Lake Mead National Recreation Area .....	LAKE005-97	Rex G. Maughan and Ruth G. Maughan.
Lake Mead National Recreation Area .....	LAKE006-74	Las Vegas Boat Harbor, Inc.
Lake Mead National Recreation Area .....	LAKE007-84	Seven Resorts, Inc.
Lake Mead National Recreation Area .....	LAKE009-88	Temple Bar Marina, LLC.

**Teresa Austin,**  
Associate Director, Business Services.

[FR Doc. 2018-04029 Filed 2-27-18; 8:45 am]

BILLING CODE 4312-53-P

**DEPARTMENT OF THE INTERIOR**

**Bureau of Ocean Energy Management**

[MMAA104000; OMB Control Number 1010-0048; Docket ID: BOEM-2018-0016]

**Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; 30 CFR 551, Geological and Geophysical Explorations of the Outer Continental Shelf**

**AGENCY:** Bureau of Ocean Energy Management, Interior.

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, the Bureau of Ocean Energy Management (BOEM) is proposing to renew an information collection with revisions.

**DATES:** Interested persons are invited to submit comments on or before March 30, 2018.

**ADDRESSES:** Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov); or via facsimile to 202-395-5806. Please provide a copy of your comments to the BOEM Information Collection Clearance

Officer, Anna Atkinson, Bureau of Ocean Energy Management, 45600 Woodland Road, Sterling, Virginia, 20166; or by email to [anna.atkinson@boem.gov](mailto:anna.atkinson@boem.gov). Please reference Office of Management and Budget (OMB) Control Number 1010-0048 in the subject line of your comments.

**FOR FURTHER INFORMATION CONTACT:** To request additional information about this ICR, contact Anna Atkinson by email, or by telephone at 703-787-1025. You may also view the ICR at <http://www.reginfo.gov/public/do/PRAMain>.

**SUPPLEMENTARY INFORMATION:** In accordance with the Paperwork Reduction Act of 1995 (PRA), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

*Comments:* A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on August 31, 2017 (82 FR 41424). BOEM received two comment letters during the 60-day comment period. One comment from a private citizen was not germane to the PRA. The other comments were received from the American Petroleum Institute and the International Association of Geophysical Contractors (IAGC) on October 30, 2017. Their comments include:

*Comment 1:* Rather than identifying the specific vessel, may the applicant provide information on the type of vessel that will be used to conduct the survey? BOEM can then proceed with its review of the application. The vessel name can be provided at a later date, and assuming it has similar specifications, further analysis by BOEM would not be necessary. On occasion application submissions are delayed until the contractor/vessel is known, and at other times companies must request a modification to the permit as contractors/vessels change.

*BOEM Response:* We have added the change to Form BOEM-0327 at A.6 to allow details of the vessel (other than "type") to be provided at a later date. If the vessel information has not been provided when the permit is ready to be issued, BOEM will notify the permittee that the permit is ready and they will have 30 days to provide the vessel information or their permit will be canceled.

*Comment 2:* Similarly, may third party notification letters be submitted at a later stage in the process after the application is submitted? At times the application is held up until these letters are completed and distributed.

*BOEM Response:* Yes, they may be submitted separately from the application, but must be received before the permit will be issued. BOEM is open to discussions with IAGC on this topic.

*Comment 3:* Can BOEM routinely notify all applicants of form updates? Out of date templates have been used in the past, which ultimately causes delay.

*BOEM Response:* Current fillable forms are available on BOEM's website at <https://www.boem.gov/BOEM-OCS-Operation-Forms/> and forms specific to Geological & Geophysical (G&G) exploration and permitting are posted at <https://www.boem.gov/Oil-and-Gas-Energy-Program/Resource-Evaluation/Regulation-of-Pre-lease-Exploration/GG-Permit-Applications.aspx>. All forms, including both the application and permit, are clearly marked with an OMB approval date in the lower left hand corner and state that previous editions are obsolete.

*Comment 4:* BOEM has requested comments on whether the information collected was "processed and used in a timely manner." Currently, industry finds the permitting process to be open-ended and uncertain. The Associations recommend that BOEM establish a timeline for permit review and approval, similar to how drilling permits are approved.

*BOEM Response:* There is no regulatory time frame for processing G&G permits. Internally, for GOM applications BOEM attempts to issue non-airgun high resolution permits, on average, within 40 days and for bottom disturbing and airgun permits, on average, in 70 days. This may vary as a result of work load at the permit processing level and/or at the environmental review level. In addition, the time frames above do not include any additional time required to obtain additional or corrected information from the applicant.

However, for G&G permits in the Atlantic, the applicant must apply and receive an Incidental Harassment Authorization (IHA) from NMFS before the permit will be issued. Because NMFS is an independent agency, with its own regulatory timelines, BOEM has no control over their processes and timelines.

*Comment 5:* BOEM acknowledges that an application process for a single permit in Alaska or the Atlantic takes 1,000 hours to complete, while the same permit application in the Gulf of Mexico

(GoM) may take 300 hours. This is a conservative estimate and the time required may be even greater. BOEM explains that this extraordinary burden is related to NEPA and the associated mitigation requirements. However, such a burden is unjustified, especially considering that surveys are routinely conducted without impact in similar environments worldwide. Rather than simply requesting approval for these unjustified burdens, BOEM should instead assess its permitting process and determine how the burdens will be reduced. Such a reduction would be consistent with the purpose of the PRA. The high permitting costs are entirely inconsistent with the low and effectively managed safety and environmental risks from G&G activities.

*BOEM Response:* BOEM recognizes the commenter's concern regarding the burden hours associated with processing a permit application but the commenters did not provide specific estimates or information to justify modification of the burden hour estimates. BOEM is interested in specific estimates and recommendations to consider modification of the burden hours. Comments can be submitted to OMB within 30 days of the notice's publication.

Additionally, in accordance with the Trump Administration's executive and secretarial orders, most specifically Executive Order 13783 and Secretary's Order 3350, BOEM has been working with National Marine Fisheries Service (NMFS) to streamline processes and improve efficiencies.

*Comment 6:* BOEM also should take steps to reduce the estimated 300-hour burden to apply for G&G permits in the GoM. Thousands of such permits have been issued and the environmental effects have been fully assessed. Mitigating measures have proved effective and should not be changed after a permit is issued. Applying for a GoM permit should be a simple matter of identifying the timing, location, vessel and equipment, and mitigation. Absent special circumstances, the burden could be reduced by 90% without increasing environmental risks.

*BOEM Response:* The burden hours are used by the applicants to provide BOEM with the appropriate documentation to clearly and completely describe their proposed activity. This information is used by BOEM to ensure a proper understanding of the currently proposed activity and the equipment to be used. This ensures that an appropriate site/activity specific environmental analysis is conducted. Without the descriptive information

being provided for each proposed activity (thus the burden hours) BOEM cannot ensure it is fulfilling its statutory obligations under OCSLA and NEPA.

*Comment 7:* We encourage BOEM to explore the creation of an electronic permit application process. Efficiencies for permit processing and man-hours may be realized through electronic permit applications.

*BOEM Response:* A web-based process for the electronic submission/issuance of BOEM G&G permitting is being considered for the future.

*Comment 8:* Finally, while this ICR addresses BOEM G&G permitting activities, it fails to capture the entire burden needed to conduct G&G activities, which in some cases requires (or may require in the future) authorizations from the National Marine Fisheries Service (NMFS) for incidental take pursuant to the Marine Mammal Protection Act (MMPA) and/or the Endangered Species Act (ESA). For example, for G&G permitting in the Atlantic this is a required part of the process, and the associated burdens should be acknowledged in the ICR. Industry's G&G permitting experience in the Atlantic has shown extreme delays on the part of NMFS. Often applicants are told that a BOEM G&G permit is "ready to be issued" (or has been issued) long before the applicant receives MMPA or ESA authorizations from NMFS upon which the G&G permit is contingent.

*BOEM Response:* NMFS, not BOEM, has the authority for incidental take authorizations under the MMPA and ESA. Accordingly, the associated ICR burden hours for these authorizations are under the purview of NMFS. As mentioned earlier, BOEM, NMFS, and other Federal agencies are working together to determine how the permitting process might be expedited and streamlined. However, in the final analysis NMFS is an independent agency with its own regulatory timelines and processes.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of BOEM? (2) will this information be processed and used in a timely manner? (3) is the estimate of burden accurate? (4) how might BOEM enhance the quality, utility, and clarity of the information to be collected? and (5) how might BOEM minimize the burden of this collection on the respondents, including through the use of information technology?

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

*Abstract:* The Outer Continental Shelf (OCS) Lands Act, as amended (43 U.S.C. 1331 *et seq.* and 43 U.S.C. 1801 *et seq.*), authorizes the Secretary of the Interior to prescribe rules and regulations to administer leasing of mineral resources on the OCS. The OCS Lands Act at 43 U.S.C. 1340 states that "any person authorized by the Secretary may conduct geological and geophysical explorations in the OCS, which do not interfere with or endanger actual operations under any lease maintained or granted pursuant to this subchapter, and which are not unduly harmful to aquatic life in such area." The section further provides that permits to conduct such activities may only be issued if it is determined that the applicant is qualified; the activities will not interfere with or endanger operations under any lease issued or maintained pursuant to OCSLA; and the activities will not be unduly harmful to aquatic life, result in pollution, create hazardous or unsafe conditions, unreasonably interfere with other uses of the area, or disturb any site, structure, or object of historical or archaeological significance.

Applicants for permits are required to submit Form BOEM-0327 to provide the information necessary to evaluate their qualifications, and upon approval, respondents are issued a permit.

The Independent Offices Appropriations Act (31 U.S.C. 9701), the Omnibus Appropriations Bill (Pub. L. 104-133, 110 Stat. 1321, April 26, 1996), and OMB Circular A-25 authorize Federal agencies to recover the full cost of services that confer special benefits. All G&G permits are subject to cost recovery, and BOEM regulations specify service fees for these requests.

Regulations to carry out these responsibilities are contained in 30 CFR part 551 and are the subject of this information collection renewal. BOEM uses the information to:

- Identify oil, gas, sulfur, and mineral resources in the OCS;
- Ensure the receipt of fair value for mineral resources;

- Ensure that the exploration activities do not cause harm to the environment or persons, or create unsafe operations and conditions, damage historical or archaeological sites, or interfere with other uses;

- Analyze and evaluate preliminary or planned drilling activities;

- Monitor progress and activities in the OCS;

- Acquire G&G data and information collected under a Federal permit offshore; and

- Determine eligibility for reimbursement from the government for certain costs.

In this renewal, BOEM is renewing Form BOEM-0327—Requirements for Geological or Geophysical Explorations or Scientific Research on the Outer Continental Shelf. This form consists of the requirements for G&G activities requiring Permits and Notices, along with the application that the respondent submits to BOEM for approval, as well as a nonexclusive use agreement for scientific research, if applicable. The requirements portion of the form lets the respondents know the authority and requirements, along with other relevant information for the permit. BOEM is making modifications to this form by adding OCS boundary/3-mile limit to plat information requirements.

To Attachment 1, Section A, BOEM modified item 6 to allow for the identification of vessel type in the event that the vessel name is unknown. To Attachment 1, Section C, item 2, BOEM added "e. Submit relevant shapefiles needed to recreate the map as part of the required digital copy." On page 11, Section D, Proprietary Information Attachment Required for an Application for Geophysical Permit, item 3, BOEM added "ping duration/cycle" and "ping rate" to the table and narrative.

Upon BOEM approval of the application, respondents are issued a permit using Form BOEM-0328, Permit to Conduct Geophysical Exploration for Mineral Resources or Scientific Research on the Outer Continental Shelf, for conducting geophysical exploration for mineral resources or scientific research, or Form BOEM-0329, Permit to Conduct Geological Exploration for Mineral Resources or Scientific Research on the Outer Continental Shelf, for conducting geological exploration for mineral resources or scientific research. These permits are filled in by BOEM and do not incur a respondent hour burden.

The currently approved OMB paperwork burden is 40,954 annual burden hours. Due to a reduction of G&G permit applications annually in the Gulf of Mexico, BOEM is decreasing the

number of responses to 688 responses and annual burden hours to 35,254 burden hours.

We protect proprietary information in accordance with the Freedom of Information Act (5 U.S.C. 522) and the Department of the Interior's implementing regulations (43 CFR part 2), and under regulation at 30 CFR part 551.

*Title of Collection:* 30 CFR 551, Geological and Geophysical

Explorations of the Outer Continental Shelf.

*OMB Control Number:* 1010-0048.

*Form Number:* BOEM-0327, Requirements for Geological or Geophysical Explorations or Scientific Research on the Outer Continental Shelf.

*Type of Review:* Revision of a currently approved collection.

*Respondents/Affected Public:* Potential respondents comprise Federal

OCS oil, gas, and sulphur permittees or notice filers.

*Total Estimated Number of Annual Responses:* 688 responses.

*Total Estimated Number of Annual Burden Hours:* 35,254 hours.

*Respondent's Obligation:* Mandatory.

*Frequency of Collection:* On occasion, annual, or as specified in permits.

*Total Estimated Annual Nonhour Burden Cost:* \$136,816.

Citation 30 CFR 551	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
Non-hour cost burden *				
<b>30 CFR 551.1 Through 551.6</b>				
551.4(a), (b); 551.5(a), (b), (d); 551.6; 551.7.	Apply for permits (Form BOEM-0327) to conduct G&G exploration, including deep stratigraphic tests/revisions when necessary. Submit required information in manner specified.	1,000 AK** .....	4 Applications .....	4,000
		1,000 ATL & Pacific** ...	9 Applications .....	9,000
		300 GOM .....	55 Applications .....	16,500
68 applications × \$2,012 = \$136,816				
551.4(b); 551.5(c), (d); 551.6.	File notices to conduct scientific research activities, including notice to BOEM prior to beginning and after concluding activities.	1 .....	1 Notice .....	1
551.6(b) 551.7(b)(5) .....	Notify BOEM if specific actions occur; report archaeological resources (no instances reported since 1982). Consult with other users.	1 .....	1 Notice .....	1
Subtotal .....			70 responses .....	29,502
\$136,816 non-hour cost burden				
<b>30 CFR 551.7 Through 551.9</b>				
551.7; 551.8 .....	Submit APD and Supplemental APD to BSEE.	Burden included under BSEE regulations at 30 CFR 250, Subpart D (1014-0018).		0
551.7; 551.8(b) .....	Submit information on test drilling activities under a permit, including required information and plan revisions (e.g., drilling plan and environmental report).	1 .....	1 Submission .....	1
551.7(c) .....	Enter into agreement for group participation in test drilling, including publishing summary statement; provide BOEM copy of notice/list of participants (no agreements submitted since 1989).	1 .....	1 Agreement .....	1
551.7(d) .....	Submit bond(s) on deep stratigraphic test .... and required securities .....	Burden included under 30 CFR Part 556 (1010-0006).		0
551.8(a) .....	Request reimbursement for certain costs associated with BOEM inspections (no requests in many years).	1 .....	1 Request .....	1
551.8(b), (c) .....	Submit modifications to permits, and status/final reports on, activities conducted under a permit.	38 AK** .....	4 Respondents × 10 Reports = 40.	1,520
		38 ATL** .....	9 Respondents × 10 Reports = 90.	3,420
		2 GOM .....	55 Respondents × 3 Reports = 165.	330
551.9(c) .....	Notify BOEM to relinquish a permit .....	1/2 .....	2 Notices .....	1
Subtotal .....			300 responses .....	5,274

Citation 30 CFR 551	Reporting and recordkeeping requirement	Hour burden	Average number of annual responses	Annual burden hours
		Non-hour cost burden *		
<b>30 CFR 551.10 Through 551.13</b>				
551.10(c) .....	File appeals .....	Exempt under 5 CFR 1320.4(a)(2), (c).		0
551.11; 551.12 .....	Notify BOEM and submit G&G data and/or information collected and/or processed by permittees, bidders, or 3rd parties, etc., including reports, logs or charts, results, analyses, descriptions, information as required, and agreements, in manner specified.	4 .....	40 Submissions .....	160
551.13 .....	Request reimbursement for certain costs associated with reproducing data/information.	2 .....	40 Submissions .....	80
Subtotal .....			80 responses .....	240
<b>30 CFR 551.14</b>				
551.14(a), (b) .....	Submit comments on BOEM intent to disclose data and/or information to the public.	1 .....	2 Comments .....	2
551.14(c)(2) .....	Submit comments on BOEM intent to disclose data and/or information to an independent contractor/agent.	1 .....	2 Comments .....	2
551.14(c)(4) .....	Contractor/agent submits written commitment not to sell, trade, license, or disclose data and/or information without BOEM consent.	1 .....	2 Commitments .....	2
551.1–551.14 .....	General departure and alternative compliance requests not specifically covered elsewhere in part 551 regulations.	1 .....	2 Requests .....	2
Subtotal .....			8 responses .....	8
<b>Extension for Permit Form &amp; Recordkeeping</b>				
551.14(b) (BOEM–0327)	Request extension of permit time period; enter agreements.	1 .....	100 Extensions .....	100
	Retain G&G data/information for 10 years and make available to BOEM upon request.	1 .....	130 Recordkeepers .....	130
Subtotal .....			230 responses .....	230
Total Burden .....			688 Responses .....	35,254
			\$136,816 Non-Hour Cost Burden	

\* Fees are subject to modification per inflation annually.

\*\* Burden hours for the frontier areas of the Alaska Region and Atlantic OCS are significantly higher because of NEPA and mitigation requirements. BOEM is accounting for the total time to compile/submit the necessary information to obtain the required authorizations to acquire a BOEM permit.

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Dated: February 26, 2018.

**Deanna Meyer-Pietruszka,**  
Chief, Office of Policy, Regulation and Analysis.

[FR Doc. 2018–04170 Filed 2–27–18; 8:45 am]

**BILLING CODE 4310–MR–P**

**DEPARTMENT OF THE INTERIOR****Office of Surface Mining Reclamation and Enforcement**

[S1D1S SS08011000 SX064A000  
189S180110; S2D2S SS08011000 SX064A00  
18XS501520]

**Notice To Reopen the Public Comment Period on the Western Energy Company's Rosebud Mine Area F Draft Environmental Impact Statement**

**AGENCY:** Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

**ACTION:** Reopening and extension of the public comment period.

**SUMMARY:** OSMRE and the co-lead agency on the Environmental Impact Statement (EIS), Montana Department of Environmental Quality (DEQ), are allowing additional time for the public to submit comments on the Draft Environmental Impact Statement (Draft EIS) for the Western Energy Company's Rosebud Mine Area F (Project). We are reopening the comment period and will accept comments received from February 20, 2018 to March 5, 2018.

**DATES:** To ensure consideration in developing the EIS, we must receive your electronic or written comments on or before March 5, 2018.

**ADDRESSES:** The Draft EIS is available for review at: <https://www.wrcc.osmre.gov/initiatives/westernEnergy/documentLibrary.shtm>. Paper and computer compact disk (CD) copies of the Draft EIS are available for review at the OSMRE Western Region Office, 1999 Broadway Street, Suite 3320, Denver, Colorado 80202. In addition, a paper and CD copy of the Draft EIS is available for review at each of the following locations:

Rosebud County Library, 201 North 9th Avenue, Forsyth, MT 59327. Between the hours of 11:00 a.m. and 7:00 p.m. Monday through Thursday; 11:00 a.m. to 5:00 p.m. Friday; 10:00 a.m. to 1:00 p.m. Saturday (Closed Sunday).

Montana DEQ Headquarters (Lee Metcalf Building), 1520 East 6th Avenue, Helena, MT 59620, Between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday (Closed Saturday and Sunday).

BLM Miles City Field Office, 111 Garryowen Road, Miles City, MT 59301, Between the hours of 7:45 a.m. and 4:30 p.m. Monday through Friday (Closed Saturday and Sunday).

BLM State Office, Billings, MT, 5001 Southgate Drive, Billings, MT 59101, Between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday (Closed Saturday and Sunday).

**FOR FURTHER INFORMATION CONTACT:** Logan Sholar, OSMRE Project

Coordinator; Telephone: 303-293-5036; Address: 1999 Broadway Street, Suite 3320, Denver, Colorado 80202-3050; email: [Isholar@osmre.gov](mailto:Isholar@osmre.gov).

**SUPPLEMENTARY INFORMATION:** On January 3, 2018 (83 FR 393), we published a notice of availability (NOA) for the Draft EIS for the Western Energy Company's Rosebud Mine Area F (Project), and on January 5, 2018, the U.S. Environmental Protection Agency (EPA) published its NOA (83 FR 678). The NOA requested public comments on the content of the Draft EIS. In OSMRE's NOA, we established that the comment period would close 45 days after the date of publication of the EPA's NOA. The closing date of the public comment period for the NOA, which was published on January 5, 2018, was February 20, 2018. In response to requests for an extension of the comment period, we are reopening the comment period until March 5, 2018. Comments received between February 20, 2018, and March 5, 2018, will be accepted and reviewed.

The January 3, 2018, NOA identified the locations of repositories where the Draft EIS could be reviewed and provided instructions for submitting comments. To summarize, the Draft EIS analyzed the impacts of continued operations at the Rosebud Mine from permitting and developing a new surface mine permit area, known as permit Area F. Western Energy submitted a permit application to DEQ for the proposed 6,746-acre permit Area F (also referred to as the project area) at the Rosebud Mine, which is an existing 25,455-acre surface coal mine annually producing 8.0 to 10.25 million tons of low-sulfur subbituminous coal. If DEQ approves the permit and a Federal mining plan for the Project is approved as proposed, at the current rate of production, the operational life of the Rosebud Mine would be extended by 8 years. Mining operations in the project area, which would commence after all permits and approvals have been secured and a reclamation and performance bond has been posted, would last 19 years. Western Energy estimates that 70.8 million tons of recoverable coal reserves exist in the project area and would be removed during the 19-year operations period. As with other permit areas of the Rosebud Mine, all coal would be combusted locally at the Colstrip and Rosebud Power Plants.

*Public Comment Procedures:* In accordance with the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and

Interior's NEPA regulations, OSMRE solicits public comments on the Draft EIS. Comments on the Draft EIS may be submitted in writing or by email. At the top of your letter or in the subject line of your message indicate that the comments are "Western Energy Area F Draft EIS Comments."

You are invited to mail your comments on the Draft EIS to: ATTN: Western Energy Area F EIS C/O: Nicole Bauman, ERO Resources Corporation, 1842 Clarkson Street, Denver, CO 80218. You may also submit your comments electronically to <http://svc.mt.gov/deq/publiccomment> or by email to the following email address: [western-energy-area-f-eis@eroresources.com](mailto:western-energy-area-f-eis@eroresources.com). Be specific in your comments and indicate the chapter, page, paragraph, and sentence that your comment applies to.

All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be available for public review to the extent consistent with applicable law.

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 publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. Comments submitted anonymously will be accepted and considered; however, those who submit anonymous comments may not have standing to appeal the subsequent decision.

If you would like to be placed on the mailing list to receive future information, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**Authority:** 40 CFR 1506.6, 40 CFR 1506.1.

Dated: February 22, 2018.

**Glenda H. Owens,**  
Deputy Director.

[FR Doc. 2018-04068 Filed 2-27-18; 8:45 am]

**BILLING CODE 4310-05-P**

**INTERNATIONAL TRADE  
COMMISSION**

[Investigation No. 337-TA-1028]

**Certain Mobile Device Holders and  
Components Thereof; Commission's  
Determination To Affirm a Domestic  
Industry Finding Under Modified  
Reasoning; Issuance of a General  
Exclusion Order; Issuance of Sixteen  
Cease and Desist Orders; Termination  
of the Investigation****AGENCY:** U.S. International Trade  
Commission.**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to affirm under modified reasoning the ALJ's finding on the economic prong of the domestic industry. The Commission has also determined to issue a general exclusion order directed against infringing mobile device holders and components thereof, and has issued sixteen cease and desist orders against various defaulting respondents. The investigation is hereby terminated.

**FOR FURTHER INFORMATION CONTACT:** Amanda Pitcher Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this investigation on November 14, 2016, based on a complaint and supplements, filed on behalf of Nite Ize, Inc. of Boulder, Colorado ("Nite Ize"). 81 FR 79519-20 (Nov. 14, 2016). The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile device holders and

components thereof by reason of infringement of certain claims of U.S. Patent No. 8,602,376 ("the '376 patent"), U.S. Patent No. 8,870,146 ("the '146 patent"), U.S. Patent No. D734,746 ("the '746 patent"), and U.S. Patent No. D719,959 ("the '959 patent"). The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337. The Commission's notice of investigation named the following respondents: REXS, LLC ("REXS LLC") of Lewes, Delaware; Spinido, Inc. of Brighton, Colorado; Guangzhou Kuaguoyi E-commerce Co., Ltd. d/b/a Kagu Culture ("Kagu Culture") of Baiyum, China; Sunpauto Co., Ltd. ("Sunpauto") of Kowloon, Hong Kong; Shenzhen Topworld Technology Co. d/b/a IdeaPro ("IdeaPro") of Hong Kong, Hong Kong; Ninghuaxian Wangfulong Chaojishichang Youxian Gongs, Ltd., d/b/a EasybuyUS of Shanghai, China; Chang Lee d/b/a Frentaly of Duluth, Georgia; Trendbox USA LLC d/b/a Trendbox ("Trendbox") of Scottsdale, Arizona; Tenswall d/b/a Shenzhen Tenswall International Trading Co. ("Tenswall") of La Puente, California; Luo Jieqiong d/b/a Wekin ("Wekin") of Chang Sha, China; Pecham d/b/a Baichen Technology Ltd. ("Pecham") of Wan Chai, Hong Kong; Cyrift d/b/a Guangzhou Sunway E-Commerce LLC of Guangzhou, China; Rymemo d/b/a Global Box, LLC of Dunbar, Pennsylvania; Yuan I d/b/a Bestrix of Hubei, China; Zhongshan Feiyu Hardware Technology Co., Ltd d/b/a YouFo ("YouFo") of Zhongshan City, China; and Shenzhen Youtai Trade Company Limited, d/b/a NoChoice; Luo, Qiben, d/b/a Lita International Shop of Nanshan; Shenzhen New Dream Technology Co., Ltd., d/b/a Newdreams ("Newdreams"); Shenzhen Gold South Technology Co., Ltd. d/b/a Baidatong; Wang Zhi Gang d/b/a IceFox ("Icefox"); Dang Yuya d/b/a Sminiker; Lin Zhen Mei d/b/a Anson ("Anson"); Wu Xuying d/b/a Novoland ("Novoland"); Shenzhen New Dream Sailing Electronic Technology Co., Ltd. d/b/a MegaDream; Tontek d/b/a Shenzhen Hetongtai Electronics Co., Ltd. ("Tontek"); Scotabc d/b/a ShenChuang Optoelectronics Technology Co., Ltd. ("Scotabc"); Zhiping Zhou d/b/a Runshion ("Runshion"); Huijukon d/b/a Shenzhen Hui Ju Kang Technology Co. Ltd.; Barsone d/b/a Shenzhen Senweite Electronic Commerce Ltd.; Oumeiou d/b/a Shenzhen Oumeiou Technology Co., Ltd. ("Oumeiou"); Grando d/b/a Shenzhen Dashentai Network Technology Co., Ltd.; Shenzhen Yingxue Technology Co., Ltd.

("Shenzhen Yingxue"); Shenzhen Longwang Technology Co., Ltd., d/b/a LWANG ("LWANG"); Hu Peng d/b/a AtomBud; and Wang Guoxiang d/b/a Minse ("Minse") all of Shenzhen, China. The Office of Unfair Import Investigations ("OUII") was named as a party to the investigation.

Rymemo d/b/a Global Box, LLC and Chang Lee d/b/a Frentaly were terminated on the basis of a consent order. Commission Notice (March 21, 2017); Commission Notice (May 15, 2017). Barsone d/b/a Shenzhen Senweite Electronic Commerce Ltd., Shenzhen Youtai Trade Company Limited, d/b/a NoChoice, Ninghuaxian Wangfulong Chaojishichang Youxian Gongs, Ltd., d/b/a EasybuyUS, Shenzhen Gold South Technology Co., Ltd. d/b/a Baidatong, Cyrift d/b/a Guangzhou Sunway E-Commerce LLC, Hu Peng d/b/a AtomBud, Grando d/b/a Shenzhen Dashentai Network Technology Co., Ltd., Huijukon d/b/a Shenzhen Hui Ju Kang Technology Co. Ltd., Luo, Qiben, d/b/a Lita International Shop, Shenzhen New Dream Sailing Electronic Technology Co., Ltd. d/b/a MegaDream, Spinido Inc., Dang Yuya d/b/a Sminiker, and Yuan I d/b/a Bestrix were terminated because service could not be effected. Commission Notice (June 13, 2017). The remaining respondents were previously found in default (collectively, "the Defaulting Respondents"). Commission Notice (May 26, 2017). In addition, the '746 and '959 patents were previously terminated from the investigation. Commission Notice (July 28, 2017).

On May 18, 2017, Nite Ize filed a Motion for Summary Determination of Violation by the Defaulting Respondents and for a Recommended Determination on Remedy and Bonding, Including Issuance of a General Exclusion Order, Limited Exclusion Orders (in the alternative), and Cease and Desist Orders. On June 16, 2017, the ALJ issued an initial determination ("ID") (Order No. 14) granting in-part Nite Ize's motion for summary determination. The Commission determined not to review that ID. Commission Notice (July 14, 2017).

On September 12, 2017, the ALJ issued his final initial determination ("FID") finding a violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337. On the same day, the ALJ issued his Recommended Determination on Remedy and Bonding. No petitions for review of the FID were filed.

On November 13, 2017, the Commission determined to review the FID's findings on the economic prong of domestic industry and requested briefing on remedy, bonding, and the



public interest. 82 FR 54413–14 (Nov. 17, 2017). On November 30, 2017, Nite Ize and OUII filed their responses to the Commission's notice and on December 7, 2017, OUII filed a reply to Nite Ize's response.

Having examined the record of this investigation, the Commission has determined to affirm, under modified reasoning, the ALJ's finding with respect to the economic prong of the domestic industry.

The Commission has determined that the appropriate form of relief in this investigation is (a) a general exclusion order directed against products that infringe one or more of claims 1, 11, and 12 of the '376 patent and claims 1, 11, and 12 of the '146 patent; and (b) cease and desist orders prohibiting Trendbox, Tenswall, REXS LLC, Minse, IdeaPro, LWANG, Novolad, Oumeiou, Pecham, Runshion, Scotabc, Tontek, Wekin, Anson, Newdreams, and IceFox from importing, selling, offering for sale, marketing, advertising, distributing, offering for sale, transferring (except for exportation), or soliciting U.S. agents or distributors of imported mobile device holders that infringe one or more of claims 1, 11, and 12 of the '376 patent and claims 1, 11, and 12 of the '146 patent. The Commission has further determined that the public interest factors enumerated in section 337(d)(1) (19 U.S.C. 1337(d)(1)) and in section 337(g)(1) (19 U.S.C. 1337(g)(1)) do not preclude the issuance of the general exclusion order and cease and desist orders, respectively. Finally, the Commission has determined that the bond for importation during the period of Presidential review shall be in the amount of 100 percent of the entered value of the imported subject articles of the respondents. The investigation is terminated.

The Commission's orders and opinion were delivered to the President and the United States Trade Representative on the day of their issuance.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: February 22, 2018.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2018-04026 Filed 2-27-18; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed Consent Decree Under the Clean Water Act

On February 15, 2018, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Northern District of Illinois in the lawsuit entitled *United States v. Buckeye Pipe Line Company, L.P., et al.*, Civil Action No. 18-cv-1194.

The United States filed a Complaint for civil penalties and injunctive relief alleging violations of Sections 301 and 311(b) of the Clean Water Act (CWA) arising out of the discharge of approximately 705 barrels of jet fuel from a pipeline near Palos Park, Cook County, Illinois. The United States' Complaint names as defendants Buckeye Pipe Line Company, L.C., the operator of the pipeline, and West Shore Pipe Line Company, the owner of the pipeline. Both defendants signed the proposed Consent Decree to resolve these claims, agreeing to pay a total of \$400,000 in civil penalties and to maintain improvements made to prevent future discharges. Specifically, defendants have improved Control Center diagrams and operating procedures and have agreed to train all relevant personnel on these improvements. Defendants have also agreed to annually report on further improvements, corrective actions taken on the relevant pipeline, individuals trained and all releases reported to the National Response Center.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Buckeye Pipe Line Co. L.P., et al.*, D.J. Ref. No. 90-5-1-1-11370/2. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the proposed Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>.

We will provide a paper copy of the proposed Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for \$4.50 (25 cents per page reproduction cost) payable to the United States Treasury.

**Randall M. Stone,**

*Acting Assistant Section Chief,  
Environmental Enforcement Section,  
Environment and Natural Resources Division.*

[FR Doc. 2018-04083 Filed 2-27-18; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF LABOR

### Employee Benefits Security Administration

#### 190th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in Section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 190th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on March 27, 2018.

The meeting will take place in C5515 Rm. 2, U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210 from 9:00 a.m. to approximately 3:00 p.m. The purpose of the open meeting is to set and discuss the topics to be addressed by the Council in 2018.

Organizations or members of the public wishing to submit a written statement may do so by submitting 30 copies on or before March 20, 2018 to Larry Good, Executive Secretary, ERISA Advisory Council, U.S. Department of Labor, Suite N-5623, 200 Constitution Avenue NW, Washington, DC 20210. Statements also may be submitted as email attachments in text or pdf format transmitted to [good.larry@dol.gov](mailto:good.larry@dol.gov). It is requested that statements not be included in the body of the email. Relevant statements received on or before March 20, 2018 will be included in the record of the meeting. No deletions, modifications, or redactions will be made to the statements received, as they are public records.

Individuals or representatives of organizations wishing to address the Advisory Council should forward their requests to the Executive Secretary or telephone (202) 693-8668. Oral presentations will be limited to ten

minutes, time permitting, but an extended statement may be submitted for the record. Individuals with disabilities who need special accommodations, or others who need special accommodations, should contact the Executive Secretary by March 20.

Signed at Washington, DC, on February 22, 2018.

**Preston Rutledge,**

*Assistant Secretary, Employee Benefits Security Administration.*

[FR Doc. 2018-04072 Filed 2-27-18; 8:45 am]

**BILLING CODE 4510-29-P**

## THE NATIONAL FOUNDATION FOR THE ARTS AND THE HUMANITIES

### Institute of Museum and Library Services

#### Notice of Proposed Information Collection Requests: 2019–2021 IMLS Grants to States Program “State Program Reporting System”

**AGENCY:** Institute of Museum and Library Services, National Foundation for the Arts and the Humanities.

**ACTION:** Notice, request for comments on this collection of information.

**SUMMARY:** The Institute of Museum and Library Services (IMLS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act. This pre-clearance consultation program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. By this notice, IMLS is soliciting comments concerning a plan to continue the IMLS Grants to States Program “State Program Reporting System (SPR)” electronic data collection which supports both the financial and performance reporting for all grantees.

A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee section below on or before April 27, 2018.

IMLS is particularly interested in comments that help the agency to:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques, or other forms of information technology, *e.g.*, permitting electronic submissions of responses.

**ADDRESSES:** Send comments to: Dr. Sandra Webb, Director, Office of Grant Policy and Management, Institute of Museum and Library Services, 955 L’Enfant Plaza North, SW, Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718 Fax: 202–653–4608, or by email at [swebb@imls.gov](mailto:swebb@imls.gov), or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Institute of Museum and Library Services is the primary source of federal support for the nation’s approximately 120,000 libraries and 35,000 museums and related organizations. Our mission is to inspire libraries and museums to advance innovation, lifelong learning, and cultural and civic engagement. Our grant making, policy development, and research help libraries and museums deliver valuable services that make it possible for communities and individuals to thrive. To learn more, visit [www.imls.gov](http://www.imls.gov).

##### II. Current Actions

This action is to renew the forms and instructions for the IMLS Grants to States Program “State Program Reporting System” for the next three years. These forms include:

- SPR Reporting System User Documentation
- Grants to States Program Report
- Financial Status Report
- SPR Phase 3 Reporting
- State Legal Officer’s Certification of the Authorized Certifying Official
- Internet Safety Certification for Applicant Public Libraries, Public Elementary and Secondary School Libraries, and Consortia with Public and/or Public School Libraries

The Grants to States program is the largest source of Federal funding support for library services in the U.S. Using a population based formula, more than \$150 million is distributed among the State Library Administrative Agencies (SLAAs) every year. SLAAs are official agencies charged by law with the extension and development of library services, and they are located in:

- Each of the 50 States of the United States, and the District of Columbia;
- The Territories (the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and
- The Freely Associated States (the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau).

Each year, over 1,500 Grants to States projects support the purposes and priorities outlined in the Library Services and Technology Act (LSTA). (See 20 U.S.C. 9121 *et seq.*) SLAAs may use the funds to support statewide initiatives and services, and they may also distribute the funds through competitive subawards (subgrants or cooperative agreements) to public, academic, research, school, or special libraries or library consortia (for-profit and Federal libraries are not eligible). Each SLAA must submit a plan that details library services goals for a five-year period. (20 U.S.C. 9134). SLAAs must also conduct a five-year evaluation of library services based on that plan. These plans and evaluations are the foundation for improving practice and informing policy. Each SLAA receives IMLS funding to support the five year period through a series of overlapping, two year grant awards.

Each SLAA must file interim and final financial reports, as well as final performance reports for each of these two year grants. Since 2002, the final performance reporting has been accomplished through IMLS’ State Program Reporting (SPR) system. To improve how IMLS measures the impact of the Federal investment in the Grants to States program, IMLS and SLAAs have been partnering on a comprehensive planning and evaluation initiative called “Measuring Success.” This multi-year effort has fundamentally shifted the way in which Grants to States final report information is gathered and shared, and it is improving program accountability, reporting, evaluation, and assessment. The SPR has been developed in phases, in concert with a small group of SLAAs acting as pilots for each phase. Roughly, these phases corresponded to: Framework and question development;

descriptive reporting for the two year award; and finally the incorporation of the performance measurement reporting. Currently, all phases have been rolled out and are reflected in the documentation submitted for the three year approval. The Measuring Success initiative has driven the development of the data reporting and analysis system (database) that replaces the older narrative State Program Report system.

The SPR development was guided by a data reporting and collection framework that balances the need for descriptive information to monitor compliance with award conditions with the need for data on performance measures to assess the impact of the public funds. By gathering project data more consistently, IMLS is better able to compare projects within and across states and demonstrate the impact of public funds on library services. States are also able to share information about their projects both within the library community and with the public at large.

*Agency:* Institute of Museum and Library Services.

*Title:* 2019–2021 IMLS Grants to States Program “State Program Reporting System”.

*OMB Number:* 3137–0071.

*Frequency:* 1 time per year.

*Affected Public:* State Library Administrative Agencies (SLAAs).

*Number of Respondents:* 56.

*Estimated Average Burden per Response:* 47.83 hours.

*Estimated Total Annual Burden:* 2678 hours.

*Total Annualized Capital/Startup Costs:* n/a.

*Total Annual Costs:* \$74,113.50.

*Public Comments Invited:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB’s clearance of this information collection.

**FOR FURTHER INFORMATION CONTACT:** Dr. Sandra Webb, Director, Grant Policy and Management, Institute of Museum and Library Services, 955 L’Enfant Plaza North, SW, Suite 4000, Washington, DC 20024–2135. Dr. Webb can be reached by Telephone: 202–653–4718 Fax: 202–653–4608, or by email at [swebb@imls.gov](mailto:swebb@imls.gov), or by teletype (TTY/TDD) for persons with hearing difficulty at 202–653–4614.

Dated: February 23, 2018.

**Kim Miller,**

*Grants Management Specialist, Office of Grant Policy and Management.*

[FR Doc. 2018–04069 Filed 2–27–18; 8:45 am]

**BILLING CODE 7036–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 33031; File No. 812–14766]

### Bain Capital Specialty Finance, Inc., et al.

February 23, 2018.

**AGENCY:** Securities and Exchange Commission (“Commission”).

**ACTION:** Notice.

Notice of application for an order under sections 17(d) and 57(i) of the Investment Company Act of 1940 (the “Act”) and rule 17d–1 under the Act to permit certain joint transactions otherwise prohibited by sections 17(d) and 57(a)(4) of the Act and rule 17d–1 under the Act.

*Summary of Application:* Applicants request an order to permit business development companies (“BDCs”) to co-invest in portfolio companies with each other and with affiliated investment funds.

*Applicants:* Bain Capital Specialty Finance, Inc. (“BCSF”), Griffin Institutional Access Credit Fund; BCSF Advisors, LP (“BCSFA”), on behalf of itself and its successors; <sup>1</sup> Griffin Capital Credit Advisor, LLC (“GLACF”); Bain Capital Credit, LP (“Bain”), Bain Capital Credit (Australia), Pty. Ltd, Bain Capital Credit (Asia), LLC, Bain Capital Investments (Europe) Ltd, Bain Capital Credit, Ltd., Bain Capital Credit CLO Advisors, LP (together with BCSFA, the “Existing Bain Advisers”), on behalf of themselves and their successors; Avery Point II CLO, Ltd, Avery Point III CLO, Ltd, Avery Point IV CLO, Ltd, Avery Point V CLO, Ltd, Avery Point VI CLO, Ltd, Newhaven II CLO, Designated Activity Co, Race Point IX CLO, Ltd, Race Point X CLO, Ltd, Race Point V CLO, Ltd, Race Point VI CLO, Ltd, Race Point VII CLO, Ltd, Race Point VIII CLO, Ltd, Bain Capital CLO Partners, L.P., Sankaty Credit Opportunities (Offshore Master) IV, LP, Sankaty Credit Opportunities II, LP, Sankaty Credit Opportunities III, LP, Sankaty Credit Opportunities IV, LP, Bain Capital Distressed & Special Situations 2013 (AIV I), L.P., Bain Capital Distressed & Special Situations 2013 (AIV II Master), L.P., Bain Capital Distressed & Special Situations 2013 (A), L.P., Bain Capital Distressed & Special Situations 2013 (A2 Master), L.P., Bain Capital Distressed & Special Situations 2013 (B), L.P., Bain Capital Direct Lending 2015

(L), L.P., SDLF (L–A), LLC, Bain Capital Direct Lending 2015 (U), L.P., Bain Capital Distressed & Special Situations 2013 (D), L.P., Bain Capital High Income Feeder II, L.P., Bain Capital High Income Feeder, Ltd., Bain Capital High Income Partnership, L.P., Bain Capital Credit Managed Account (CalPERS), L.P., Bain Capital Credit Managed Account (E), L.P., Bain Capital Credit Managed Account (Newport Mobile), L.P., Bain Capital Credit Managed Account (NZSF), L.P., Bain Capital Credit Managed Account (PSERS), L.P., Bain Capital Credit Managed Account (TCCC), L.P., Bain Capital Credit Managed Account (UCAL), L.P., Bain Capital Middle Market Credit 2010 (Offshore II Master), L.P., Bain Capital Middle Market Credit 2010 (Offshore Master), L.P., Bain Capital Middle Market Credit 2014, L.P., Bain Capital Middle Market Credit 2014 (A Master), L.P., Bain Capital Middle Market Credit 2014 (F), L.P., Bain Capital Middle Market Credit 2010, L.P., Bain Capital Credit Rio Grande FMC, L.P., Bain Capital Senior Loan Fund (SRI), L.P., Bain Capital Senior Loan Fund Public Ltd Co, Bain Capital Senior Loan Fund, L.P., Warehouse Funding Avery Point VII, LLC, Queenscliff Trust, Bain Capital Credit Managed Account (CLO), L.P., Cape Schanck Direct Lending Trust, Bain Capital Distressed & Special Situations 2016 (A), L.P., Bain Capital Distressed & Special Situations 2016 (B Master), L.P., Bain Capital Distressed & Special Situations 2016 (B), L.P., Bain Capital Distressed & Special Situations 2016 (EU), L.P., Bain Capital Distressed & Special Situations 2016 (EU Master), L.P., Bain Capital Distressed & Special Situations 2016 (F), L.P., Sankaty Credit Opportunities (F) Europe, L.P., Bain Capital Credit Managed Account (Blanco), L.P., Bain Capital Credit Managed Account (FSS), L.P., Bain Capital Structured Credit Fund, L.P., Bain Capital Special Situations Asia, L.P., Sankaty CLO Opportunities Coinvestment Fund, L.P., Bain Capital Distressed & Special Situations 2016 (G), L.P., Bain Capital Credit CLO 2016–2, Ltd, Bain Capital Credit CLO 2017–1, Ltd, Bain Capital Credit CLO 2017–2, Ltd, Newhaven CLO, Designated Activity Co, Rye Harbour CLO, Designated Activity Co, Cavalry CLO IV, Ltd., Cavalry CLO V, LTD., Bain Capital Euro CLO 2017–1, Designated Activity Co, Bain Capital Euro CLO 2017–2, Designated Activity Co (collectively, the “Existing Affiliated Funds”).

*Filing Dates:* The application was filed on April 20, 2017 and amended on October 4, 2017 and February 20, 2018.

*Hearing or Notification of Hearing:* An order granting the requested relief will

<sup>1</sup> The term “successor,” as applied to each Adviser (defined below), means an entity that results from a reorganization into another jurisdiction or change in the type of business organization.

be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on March 20, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** Secretary, U.S. Securities and Exchange Commission, 100 F St. NE, Washington, DC 20549-1090. Applicants: Mr. Ranesh Ramanathan, Esq., General Counsel, Bain Capital Credit, LP, 200 Clarendon Street, 37th Floor, Boston, MA, 02116; Mr. Howard S. Hirsch, Esq., Vice President and Secretary, Griffin Capital Credit Advisor, LLC, Griffin Capital Plaza, 1520 E. Grand Avenue, El Segundo, CA 90245.

**FOR FURTHER INFORMATION CONTACT:** Elizabeth G. Miller, Senior Counsel, at (202) 551-8707 or Holly Hunter-Ceci, Assistant Chief Counsel, at (202) 551-6825 (Chief Counsel's Office, Division of Investment Management).

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090.

*Applicants' Representations:*

1. BCSF is a Delaware corporation organized as a closed-end management investment company that has elected to be regulated as a BDC under Section 54(a) of the Act.<sup>2</sup> BCSF's Objectives and Strategies<sup>3</sup> are to provide risk-adjusted returns and current income to investors. BCSF invests primarily in middle-market companies with between \$10

<sup>2</sup> Section 2(a)(48) defines a BDC to be any closed-end investment company that operates for the purpose of making investments in securities described in sections 55(a)(1) through 55(a)(3) of the Act and makes available significant managerial assistance with respect to the issuers of such securities.

<sup>3</sup> "Objectives and Strategies" means a Regulated Fund's investment objectives and strategies, as described in the Regulated Fund's registration statement on Form 10, other filings the Regulated Fund has made with the Commission under the Securities Act of 1933 (the "Securities Act"), or under the Securities Exchange Act of 1934 and the Regulated Fund's reports to shareholders.

million and \$150 million in annual earnings before interest, taxes, depreciation and amortization. BCSF intends to focus on senior investments with a first or second lien on collateral and strong structures and documentation intended to protect the lender.

2. GIACF is a Delaware statutory trust organized as a closed-end investment management company that has elected to operate as an interval fund pursuant to Rule 23c-3 under the Act. GIACF's Objectives and Strategies are to generate a return comprised of both current income and capital appreciation with an emphasis on current income with low volatility and low correlation to the broader markets. GIACF pursues its investment objective by investing primarily in secured debt (including senior secured, unitranche and second lien debt) and unsecured debt (including senior unsecured and subordinated debt) issued by private or public U.S. companies. GIACF's portfolio will consist of a core of syndicated high yield bonds and bank loans.

3. The board of directors of each of BCSF and GIACF (the "Board")<sup>4</sup> is comprised of five directors, three of whom are not "interested persons," within the meaning of Section 2(a)(19) of the Act (the "Non-Interested Directors").

4. BCSFA is registered as an investment adviser under the Investment Advisers Act of 1940 (the "Advisers Act"). BCSFA serves as investment adviser to BCSF and sub-adviser to GIACF. It is a wholly-owned subsidiary of Bain.

5. Griffin is registered an investment adviser under the Advisers Act. Griffin serves as investment adviser to GIACF. Griffin is an indirect majority-owned subsidiary of Griffin Capital Company, LLC.

6. Bain is registered as an investment adviser under the Advisers Act. Bain serves as investment adviser to certain Existing Affiliated Funds and either it or another Bain Adviser will serve as the investment adviser to any Future Affiliated Funds (defined below).

7. Bain Capital Credit (Australia), Pty. Ltd., an Australian proprietary company formed in 2012, is authorized and regulated by the Australian Securities and Investments Commission. It is a wholly-owned subsidiary of Bain.

8. Bain Capital Investments (Europe), Limited, a United Kingdom private limited company formed in 2014, and Bain Capital Credit, Ltd., a United

<sup>4</sup> The term "Board" refers to the board of directors or trustees of any Regulated Fund.

Kingdom private limited company formed in 2005, are authorized and regulated by the U.K. Financial Conduct Authority. Bain Capital Investments (Europe) Limited is a subsidiary of Bain Capital, LP. Bain Capital Credit, Ltd. is a wholly-owned subsidiary of Bain.

9. Bain Capital Credit Asia, LLC is a limited liability company organized in the State of Delaware in 2014 that has been registered in Hong Kong under the Hong Kong Companies Ordinance. It is a wholly-owned subsidiary of Bain.

10. Bain Capital Credit CLO Advisors, LP is a limited partnership organized in the State of Delaware and is registered with the Commission under the Advisers Act. It is a wholly-owned subsidiary of Bain.

11. Applicants state that the Bain Advisers and the Griffin Advisers are not affiliated persons, or affiliated persons of affiliated persons (as defined in the Act), except for the affiliation that arises as a result of serving as the advisers of any Regulated Fund that is advised by a Griffin Adviser and sub-advised by a Bain Adviser.

12. As Bain Capital, LP controls Bain, and will control any other Bain Adviser, it may be deemed to control the Regulated Funds and the Affiliated Funds. Applicants state that Bain Capital, LP is a holding company and does not currently offer investment advisory services to any person and is not expected to do so in the future. Applicants state that as a result, Bain Capital, LP has not been included as an Applicant.

13. Applicants seek an order ("Order") to permit a Regulated Fund<sup>5</sup> and one or more Regulated Funds and/or one or more Affiliated Funds<sup>6</sup> to participate in the same investment opportunities through a proposed co-investment program (the "Co-

<sup>5</sup> "Regulated Fund" means Existing Regulated Funds and any Future Regulated Fund. "Future Regulated Fund" means any closed-end management investment company (a) that is registered under the Act or has elected to be regulated as a BDC, (b)(i) whose investment adviser is a Bain Adviser or (ii) whose investment adviser is a Griffin Adviser and whose sub-adviser is a Bain Adviser, and (c) that intends to participate in the Co-Investment Program.

The term "Adviser" means any Bain Adviser or Griffin Adviser. The term "Bain Adviser" means any Existing Bain Adviser and any future investment adviser that (i) controls, is controlled by or is under common control with Bain Capital, LP, and (ii) is registered as an investment adviser under the Advisers Act and (iii) is not a Regulated Fund or a subsidiary of a Regulated Fund.

<sup>6</sup> "Affiliated Fund" means the Existing Affiliated Funds and any Future Affiliated Fund. "Future Affiliated Fund" means any entity (a) whose investment adviser is a Bain Adviser, (b) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act, and (c) that intends to participate in the Co-Investment Program.

Investment Program”) where such participation would otherwise be prohibited under section 57(a)(4) and rule 17d-1 by (a) co-investing with each other in securities issued by issuers in private placement transactions in which an Adviser<sup>7</sup> negotiates terms in addition to price;<sup>8</sup> and (b) making additional investments in securities of such issuers, including through the exercise of warrants, conversion privileges, and other rights to purchase securities of the issuers (“Follow-On Investments”). “Co-Investment Transaction” means any transaction in which a Regulated Fund (or its Wholly-Owned Investment Sub, as defined below) participated together with one or more other Regulated Funds and/or one or more other Affiliated Funds in reliance on the requested Order. “Potential Co-Investment Transaction” means any investment opportunity in which a Regulated Fund (or its Wholly-Owned Investment Sub, as defined below) could not participate together with one or more other Regulated Funds and/or one or more other Regulated Funds without obtaining and relying on the Order.<sup>9</sup>

14. Applicants state that a Regulated Fund may, from time to time, form one or more Wholly-Owned Investment Subs.<sup>10</sup> Such a subsidiary would be prohibited from investing in a Co-Investment Transaction with any Affiliated Fund or Regulated Fund because it would be a company controlled by its parent Regulated Fund for purposes of section 57(a)(4) and rule 17d-1. Applicants request that each Wholly-Owned Investment Sub be permitted to participate in Co-Investment Transactions in lieu of its parent Regulated Fund and that the Wholly-Owned Investment Sub’s participation in any such transaction be treated, for purposes of the requested Order, as though the parent Regulated

Fund were participating directly. Applicants represent that this treatment is justified because a Wholly-Owned Investment Sub would have no purpose other than serving as a holding vehicle for the Regulated Fund’s investments and, therefore, no conflicts of interest could arise between the Regulated Fund and the Wholly-Owned Investment Sub. The Regulated Fund’s Board would make all relevant determinations under the conditions with regard to a Wholly-Owned Investment Sub’s participation in a Co-Investment Transaction, and the Regulated Fund’s Board would be informed of, and take into consideration, any proposed use of a Wholly-Owned Investment Sub in the Regulated Fund’s place. If the Regulated Fund proposes to participate in the same Co-Investment Transaction with any of its Wholly-Owned Investment Subs, the Board will also be informed of, and take into consideration, the relative participation of the Regulated Fund and the Wholly-Owned Investment Sub.

15. Applicants note that Griffin is responsible for the overall management of GIACF’s activities, and BCSFA is responsible for the day-to-day management of GIACF’s investment portfolio, in each case consistent with their fiduciary duties. A Griffin Adviser will serve as the investment adviser to any Regulated Fund with a Bain Adviser as its sub-adviser. In the case of a Regulated Fund with a Bain Adviser as sub-adviser, the Bain Adviser will identify and recommend the Potential Co-Investment Transactions for the Regulated Fund, and the applicable sub-advisory agreement will require the Bain Adviser to present such Potential Co-Investment Transaction to the applicable Griffin Adviser, which will have the authority to approve or reject it for the Regulated Fund.

16. When considering Potential Co-Investment Transactions for any Regulated Fund, the applicable Adviser will consider only the Objectives and Strategies, investment policies, investment positions, capital available for investment, and other pertinent factors applicable to that Regulated Fund. The Regulated Fund Advisers expect that any portfolio company that is an appropriate investment for a Regulated Fund should also be an appropriate investment for one or more other Regulated Funds and/or one or more other Affiliated Funds, with certain exceptions based on available capital or diversification.<sup>11</sup>

17. Other than pro rata dispositions and Follow-On Investments as provided in conditions 7 and 8, and after making the determinations required in conditions 1 and 2(a), the Advisers will present each Potential Co-Investment Transaction and the proposed allocation to the directors of the Board eligible to vote under section 57(o) of the Act (“Eligible Directors”), and the “required majority,” as defined in section 57(o) of the Act (“Required Majority”)<sup>12</sup> will approve each Co-Investment Transaction prior to any investment by the participating Regulated Fund.

18. Applicants state that a Bain Adviser has an investment committee through which it will carry out its obligation under condition 1 to make a determination as to the appropriateness of the Potential Co-Investment Transaction for any Regulated Fund. Applicants represent that in the case of a Potential Co-Investment Transaction, the Bain Adviser would apply its allocation policies and procedures in determining the proposed allocation for the Regulated Fund consistent with the requirements of condition 2(a). Applicants further note that each Griffin Adviser and Bain Adviser has adopted its own allocation policies and procedures that take into account the allocation policies and procedures for the Regulated Funds. Applicants believe that while each Bain Adviser client may not participate in each investment opportunity, over time each Bain Adviser client would participate in investment opportunities fairly and equitably.

19. With respect to the pro rata dispositions and Follow-On Investments provided in conditions 7 and 8, a Regulated Fund may participate in a pro rata disposition or Follow-On Investment without obtaining prior approval of the Required Majority if, among other things: (i) The proposed participation of each Regulated Fund and Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition or Follow-On Investment, as the case may be; and (ii) the Board of the Regulated Fund has approved that Regulated Fund’s participation in pro rata dispositions and Follow-On Investments as being in the best interests of the Regulated Fund. If the Board does not so approve, any such disposition or Follow-On Investment will be submitted to the Regulated Fund’s Eligible Directors. The

<sup>7</sup> The term “Adviser” means any Bain Adviser or Griffin Adviser.

<sup>8</sup> The term “private placement transactions” means transactions in which the offer and sale of securities by the issuer are exempt from registration under the Securities Act.

<sup>9</sup> All existing entities that currently intend to rely upon the requested Order have been named as applicants. Any other existing or future entity that subsequently relies on the Order will comply with the terms and conditions of the application.

<sup>10</sup> The term “Wholly-Owned Investment Sub” means an entity (i) that is wholly-owned by a Regulated Fund (with the Regulated Fund at all times holding, beneficially and of record, 100% of the voting and economic interests); (ii) whose sole business purpose is to hold one or more investments on behalf of the Regulated Fund; (iii) with respect to which the Regulated Fund’s Board has the sole authority to make all determinations with respect to the entity’s participation under the conditions of the Application; and (iv) that would be an investment company but for section 3(c)(1) or 3(c)(7) of the Act.

<sup>11</sup> The Regulated Funds, however, will not be obligated to invest, or co-invest, when investment opportunities are referred to them.

<sup>12</sup> In the case of a Regulated Fund that is a registered closed-end fund, the Board members that make up the Required Majority will be determined as if the Regulated Fund were a BDC subject to Section 57(o).

Board of any Regulated Fund may at any time rescind, suspend or qualify its approval of pro rata dispositions and Follow-On Investments with the result that all dispositions and/or Follow-On Investments must be submitted to the Eligible Directors.

20. No Non-Interested Director of a Regulated Fund will have a financial interest in any Co-Investment Transaction, other than through share ownership in one of the Regulated Funds.

#### *Applicants' Legal Analysis*

1. Section 57(a)(4) of the Act prohibits certain affiliated persons of a BDC from participating in joint transactions with the BDC or a company controlled by a BDC in contravention of rules as prescribed by the Commission. Under section 57(b)(2) of the Act, any person who is directly or indirectly controlling, controlled by, or under common control with a BDC is subject to section 57(a)(4). Applicants submit that each of the Regulated Funds and Affiliated Funds be deemed to be a person related to each Regulated Fund in a manner described by section 57(b) by virtue of being under common control. In addition, section 57(b) applies to any investment adviser to a Regulated Fund that is a BDC and to any section 2(a)(3)(C) affiliates of the investment adviser, including GIACF and the Affiliated Funds. Section 57(i) of the Act provides that, until the Commission prescribes rules under section 57(a)(4), the Commission's rules under section 17(d) of the Act applicable to registered closed-end investment companies will be deemed to apply to transactions subject to section 57(a)(4). Because the Commission has not adopted any rules under section 57(a)(4), rule 17d-1 also applies to joint transactions with Regulated Funds that are BDCs. Section 17(d) of the Act and rule 17d-1 under the Act are applicable to Regulated Funds that are registered closed-end investment companies.

2. Section 17(d) of the Act and rule 17d-1 under the Act prohibit affiliated persons of a registered investment company from participating in joint transactions with the company unless the Commission has granted an order permitting such transactions. In passing upon applications under rule 17d-1, the Commission considers whether the company's participation in the joint transaction is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

3. Applicants state that in the absence of the requested relief, the Regulated Funds would be, in some circumstances, limited in their ability to participate in attractive and appropriate investment opportunities. Applicants believe that the proposed terms and conditions will ensure that the Co-Investment Transactions are consistent with the protection of each Regulated Fund's shareholders and with the purposes intended by the policies and provisions of the Act. Applicants state that the Regulated Funds' participation in the Co-Investment Transactions will be consistent with the provisions, policies, and purposes of the Act and on a basis that is not different from or less advantageous than that of other participants.

4. Applicants also represent that if the Advisers, certain employees and principals of Bain and its affiliated advisers (collectively, the "Principals"), any person controlling, controlled by, or under common control with the Advisers or the Principals, and the Affiliated Funds (collectively, the "Holders") own in the aggregate more than 25 percent of the outstanding voting securities of a Regulated Fund ("Shares"), then the Holders will vote such Shares as required under Condition 14. Applicants believe that this condition will ensure that the Non-Interested Directors will act independently in evaluating the Co-Investment Program, because the ability of the Advisers or the Principals to influence the Non-Interested Directors by a suggestion, explicit or implied, that the Non-Interested Directors can be removed will be limited significantly. Applicants represent that the Non-Interested Directors will evaluate and approve any such independent party, taking into account its qualifications, reputation for independence, cost to the shareholders, and other factors that they deem relevant.

#### *Applicants' Conditions*

Applicants agree that the Order will be subject to the following conditions:

1. Each time a Bain Adviser considers a Potential Co-Investment Transaction for an Affiliated Fund or another Regulated Fund that falls within a Regulated Fund's then-current Objectives and Strategies, each Adviser to a Regulated Fund will make an independent determination of the appropriateness of the investment for such Regulated Fund in light of the Regulated Fund's then-current circumstances.

2. (a) If each Adviser to a Regulated Fund deems the Regulated Fund's participation in any Potential Co-

Investment Transaction to be appropriate for the Regulated Fund, the Adviser (or Advisers if there are more than one) will then determine an appropriate level of investment for the Regulated Fund.

(b) If the aggregate amount recommended by the Adviser (or Advisers if there are more than one) to a Regulated Fund to be invested by the Regulated Fund in the Potential Co-Investment Transaction, together with the amount proposed to be invested by the other participating Regulated Funds and Affiliated Funds, collectively, in the same transaction, exceeds the amount of the investment opportunity, the amount of the investment opportunity will be allocated among the Regulated Funds and Affiliated Funds pro rata based on each participant's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each. The Adviser (or Advisers if there are more than one) to a Regulated Fund will provide the Eligible Directors of each participating Regulated Fund with information concerning each participating party's available capital to assist the Eligible Directors with their review of the Regulated Fund's investments for compliance with these allocation procedures.

(c) After making the determinations required in conditions 1 and 2(a) above, the Adviser to the Regulated Fund (or Advisers if there are more than one) will distribute written information concerning the Potential Co-Investment Transaction (including the amount proposed to be invested by each participating Regulated Fund and Affiliated Fund) to the Eligible Directors for their consideration. A Regulated Fund will co-invest with one or more other Regulated Funds and/or one or more Affiliated Funds only if, prior to the Regulated Funds' and Affiliated Funds' participation in the Potential Co-Investment Transaction, a Required Majority concludes that:

(i) The terms of the Potential Co-Investment Transaction, including the consideration to be paid, are reasonable and fair to the Regulated Fund and its shareholders and do not involve overreaching in respect of the Regulated Fund or its shareholders on the part of any person concerned;

(ii) the Potential Co-Investment Transaction is consistent with:

(A) The interests of the Regulated Fund's shareholders; and

(B) the Regulated Fund's then-current Objectives and Strategies;

(iii) the investment by any other Regulated Funds or Affiliated Funds would not disadvantage the Regulated

Fund, and participation by the Regulated Fund would not be on a basis different from or less advantageous than that of any other Regulated Fund or Affiliated Fund; provided that, if any other Regulated Fund or Affiliated Fund, but not the Regulated Fund itself, gains the right to nominate a director for election to a portfolio company's board of directors or the right to have a board observer or any similar right to participate in the governance or management of the portfolio company, such event shall not be interpreted to prohibit the Required Majority from reaching the conclusions required by this condition 2(c)(iii), if:

(A) The Eligible Directors will have the right to ratify the selection of such director or board observer, if any;

(B) the Adviser to the Regulated Fund (or Advisers if there are more than one) agrees to, and does, provide periodic reports to the Regulated Fund's Board with respect to the actions of such director or the information received by such board observer or obtained through the exercise of any similar right to participate in the governance or management of the portfolio company; and

(C) any fees or other compensation that any Affiliated Fund or any Regulated Fund or any affiliated person of any Affiliated Fund or any Regulated Fund receives in connection with the right of an Affiliated Fund or a Regulated Fund to nominate a director or appoint a board observer or otherwise to participate in the governance or management of the portfolio company will be shared proportionately among the participating Affiliated Funds (who each may, in turn, share its portion with its affiliated persons) and the participating Regulated Funds in accordance with the amount of each party's investment; and

(iv) the proposed investment by the Regulated Fund will not benefit the Adviser to the Regulated Fund (or Advisers if there are more than one), the Affiliated Funds or the other Regulated Funds or any affiliated person of any of them (other than the parties to the Co-Investment Transaction), except (A) to the extent permitted by condition 13, (B) to the extent permitted by sections 17(e) or 57(k) of the Act, as applicable, (C) indirectly, as a result of an interest in the securities issued by one of the parties to the Co-Investment Transaction, or (D) in the case of fees or other compensation described in condition 2(c)(iii)(C).

3. Each Regulated Fund has the right to decline to participate in any Potential Co-Investment Transaction or to invest less than the amount proposed.

4. The Adviser to the Regulated Fund (or Advisers if there are more than one) will present to the Board of each Regulated Fund, on a quarterly basis, a record of all investments in Potential Co-Investment Transactions made by any of the other Regulated Funds or Affiliated Funds during the preceding quarter that fell within the Regulated Fund's then-current Objectives and Strategies that were not made available to the Regulated Fund, and an explanation of why the investment opportunities were not offered to the Regulated Fund. All information presented to the Board pursuant to this condition will be kept for the life of the Regulated Fund and at least two years thereafter, and will be subject to examination by the Commission and its staff.

5. Except for Follow-On Investments made in accordance with condition 8,<sup>13</sup> a Regulated Fund will not invest in reliance on the Order in any issuer in which another Regulated Fund, Affiliated Fund, or any affiliated person of another Regulated Fund or an Affiliated Fund is an existing investor.

6. A Regulated Fund will not participate in any Potential Co-Investment Transaction unless the terms, conditions, price, class of securities to be purchased, settlement date, and registration rights will be the same for each participating Regulated Fund and Affiliated Fund. The grant to an Affiliated Fund or another Regulated Fund, but not the Regulated Fund, of the right to nominate a director for election to a portfolio company's board of directors, the right to have an observer on the board of directors or similar rights to participate in the governance or management of the portfolio company will not be interpreted so as to violate this condition 6, if conditions 2(c)(iii)(A), (B) and (C) are met.

7. (a) If any Affiliated Fund or any Regulated Fund elects to sell, exchange or otherwise dispose of an interest in a security that was acquired by one or more Regulated Funds and/or Affiliated Funds in a Co-Investment Transaction, the applicable Adviser(s) will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed disposition at the earliest practical time; and

(ii) formulate a recommendation as to participation by the Regulated Fund in the disposition.

(b) Each Regulated Fund will have the right to participate in such disposition

<sup>13</sup> This exception applies only to Follow-On Investments by a Regulated Fund in issuers in which that Regulated Fund already holds investments.

on a proportionate basis, at the same price and on the same terms and conditions as those applicable to the participating Affiliated Funds and any other Regulated Fund.

(c) A Regulated Fund may participate in such disposition without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Fund in such disposition is proportionate to its outstanding investments in the issuer immediately preceding the disposition; (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in such dispositions on a pro rata basis (as described in greater detail in the application); and (iii) the Board of the Regulated Fund is provided on a quarterly basis with a list of all dispositions made in accordance with this condition. In all other cases, the Adviser to the Regulated Fund (or Advisers if there are more than one) will provide their written recommendation as to the Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such disposition solely to the extent that a Required Majority determines that it is in the Regulated Fund's best interests.

(d) Each Affiliated Fund and each Regulated Fund will bear its own expenses in connection with any such disposition.

8. (a) If any Affiliated Fund or any Regulated Fund desires to make a Follow-On Investment in a portfolio company whose securities were acquired by the Regulated Fund and the Affiliated Fund in a Co-Investment Transaction, the applicable Adviser(s) will:

(i) Notify each Regulated Fund that participated in the Co-Investment Transaction of the proposed transaction at the earliest practical time; and

(ii) formulate a recommendation as to the proposed participation, including the amount of the proposed Follow-On Investment, by each Regulated Fund.

(b) A Regulated Fund may participate in such Follow-On Investment without obtaining prior approval of the Required Majority if: (i) The proposed participation of each Regulated Fund and each Affiliated Fund in such investment is proportionate to its outstanding investments in the issuer immediately preceding the Follow-On Investment; and (ii) the Board of the Regulated Fund has approved as being in the best interests of the Regulated Fund the ability to participate in Follow-On Investments on a pro rata basis (as described in greater detail in the application). In all other cases, the

Adviser to the Regulated Fund (or Advisers if there are more than one) will provide their written recommendation as to such Regulated Fund's participation to the Eligible Directors, and the Regulated Fund will participate in such Follow-On Investment solely to the extent that the Required Majority determines that it is in such Regulated Fund's best interests.

(c) If, with respect to any Follow-On Investment:

(i) The amount of the opportunity is not based on the Regulated Funds' and the Affiliated Funds' outstanding investments immediately preceding the Follow-On Investment; and

(ii) the aggregate amount recommended by the Adviser (or Advisers if there are more than one) to a Regulated Fund to be invested by the Regulated Fund in the Follow-On Investment, together with the amount proposed to be invested by the other participating Regulated Funds and the Affiliated Funds in the same transaction, exceeds the amount of the opportunity; then the amount invested by each such party will be allocated among them pro rata based on each participant's capital available for investment in the asset class being allocated, up to the amount proposed to be invested by each.

(d) The acquisition of Follow-On Investments as permitted by this condition will be considered a Co-Investment Transaction for all purposes and subject to the other conditions set forth in the application.

9. The Non-Interested Directors of each Regulated Fund will be provided quarterly for review all information concerning Potential Co-Investment Transactions and Co-Investment Transactions, including investments made by other Regulated Funds or Affiliated Funds that a Regulated Fund considered but declined to participate in, so that the Non-Interested Directors may determine whether all investments made during the preceding quarter, including those investments that the Regulated Fund considered but declined to participate in, comply with the conditions of the Order. In addition, the Non-Interested Directors will consider at least annually the continued appropriateness for such Regulated Fund of participating in new and existing Co-Investment Transactions.

10. Each Regulated Fund will maintain the records required by section 57(f)(3) of the Act as if each of the Regulated Funds were a BDC and each of the investments permitted under these conditions were approved by the Required Majority under section 57(f) of the Act.

11. No Non-Interested Director of a Regulated Fund will also be a director, general partner, managing member or principal, or otherwise an "affiliated person" (as defined in the Act), of any Affiliated Fund.

12. The expenses, if any, associated with acquiring, holding or disposing of any securities acquired in a Co-Investment Transaction (including, without limitation, the expenses of the distribution of any such securities registered for sale under the Securities Act) will, to the extent not payable by the applicable Adviser(s) under their respective investment advisory agreements with the Affiliated Funds and the Regulated Funds, be shared by the Regulated Funds and the Affiliated Funds in proportion to the relative amounts of the securities held or to be acquired or disposed of, as the case may be.

13. Any transaction fee<sup>14</sup> (including break-up or commitment fees but excluding broker's fees contemplated by section 17(e) or 57(k) of the Act, as applicable) received in connection with a Co-Investment Transaction will be distributed to the participating Regulated Funds and Affiliated Funds on a pro rata basis based on the amounts they invested or committed, as the case may be, in such Co-Investment Transaction. If any transaction fee is to be held by an Adviser pending consummation of the transaction, the fee will be deposited into an account maintained by the Adviser at a bank or banks having the qualifications prescribed in section 26(a)(1) of the Act, and the account will earn a competitive rate of interest that will also be divided pro rata among the participating Regulated Funds and Affiliated Funds based on the amounts they invest in such Co-Investment Transaction. None of the Affiliated Funds, the applicable Adviser(s), the other Regulated Funds or any affiliated person of the Regulated Funds or Affiliated Funds will receive additional compensation or remuneration of any kind as a result of or in connection with a Co-Investment Transaction (other than (a) in the case of the Regulated Funds and the Affiliated Funds, the pro rata transaction fees described above and fees or other compensation described in condition 2(c)(iii)(C); and (b) in the case of the Advisers, investment advisory fees paid in accordance with the Regulated Funds' and the Affiliated

Funds' investment advisory agreements).

14. If the Holders own in the aggregate more than 25 percent of the Shares of a Regulated Fund, then the Holders will vote such Shares as directed by an independent third party when voting on (1) the election of directors; (2) the removal of one or more directors; or (3) any other matter under either the Act or applicable State law affecting the Board's composition, size or manner of election.

15. Each Regulated Fund's chief compliance officer, as defined in rule 38a-1(a)(4), will prepare an annual report for its Board each year that evaluates (and documents the basis of that evaluation) the Regulated Fund's compliance with the terms and conditions of the application and the procedures established to achieve such compliance.

For the Commission, by the Division of Investment Management, under delegated authority.

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2018-04086 Filed 2-27-18; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82758; File No. SR-CboeBZX-2017-023]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on Proposed Rule Change To List and Trade Shares of the iShares Gold Exposure ETF, a Series of the iShares U.S. ETF Trust, Under Exchange Rule 14.11(i), Managed Fund Shares

February 22, 2018.

On December 21, 2017, Cboe BZX Exchange, Inc. filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to list and trade shares of the iShares Gold Exposure ETF, a series of the iShares U.S. ETF Trust, under Exchange Rule 14.11(i) which governs the listing and trading of Managed Fund Shares. The proposed rule change was published for comment in the **Federal Register** on January 11, 2018.<sup>3</sup> The Commission has

<sup>14</sup> Applicants are not requesting and the staff is not providing any relief for transaction fees received in connection with any Co-Investment Transaction.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 82444 (January 5, 2018), 83 FR 1438.



received no comment letters on the proposed rule change.

Section 19(b)(2) of the Act<sup>4</sup> provides that, within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is February 25, 2018. The Commission is extending this 45-day time period.

The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> designates April 11, 2018 as the date by which the Commission shall either approve or disapprove or institute proceedings to determine whether to disapprove the proposed rule change (File Number SR-CboeBZX-2017-023).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Eduardo A. Aleman,**  
Assistant Secretary.

[FR Doc. 2018-04033 Filed 2-27-18; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 33032]

### Notice of Applications for Deregistration Under Section 8(f) of the Investment Company Act of 1940

February 23, 2018.

The following is a notice of applications for deregistration under section 8(f) of the Investment Company Act of 1940 for the month of February 2018. A copy of each application may be obtained via the Commission's website by searching for the file number, or for an applicant using the Company name box, at <http://www.sec.gov/search/search.htm> or by calling (202) 551-8090. An order granting each application will be issued unless the

SEC orders a hearing. Interested persons may request a hearing on any application by writing to the SEC's Secretary at the address below and serving the relevant applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 20, 2018, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Pursuant to Rule 0-5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

**ADDRESSES:** The Commission: Secretary, U.S. Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

**FOR FURTHER INFORMATION CONTACT:** Bradley Gude, Senior Counsel, at (202) 551-5590 or Chief Counsel's Office at (202) 551-6821; SEC, Division of Investment Management, Chief Counsel's Office, 100 F Street NE, Washington, DC 20549-8010.

#### Midwest Investors Program [File No. 811-01066]

*Summary:* Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On June 1, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$400 incurred in connection with the liquidation were paid by Crossmark Global Investments, Inc.

*Filing Dates:* The application was filed on November 7, 2017, and amended on February 2, 2018.

*Applicant's Address:* 3700 West Sam Houston Parkway South, Suite 250, Houston, Texas 77042.

#### Scout Funds [File No. 811-09813]

*Summary:* Applicant, an open-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Carillon Series Trust, and, on November 17, 2017, made a final distribution to its shareholders based on net asset value. Expenses of \$1,949,125 incurred in connection with the reorganization were split between UMB Financial Corporation and Carillon Tower Advisors, Inc. (or their affiliates), with certain expenses being borne solely by UMB Financial Corporation.

*Filing Dates:* The application was filed on February 6, 2018.

*Applicant's Address:* 928 Grand Boulevard, Kansas City, Missouri 64106.

#### Morgan Stanley Liquid Asset Fund Inc. [File No. 811-02575]

*Summary:* Applicant, an open-end investment company, seeks an order declaring that it has ceased to be an investment company. On May 23, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$25,407 incurred in connection with the liquidation were paid by the applicant.

*Filing Dates:* The application was filed on February 9, 2018.

*Applicant's Address:* c/o Morgan Stanley Investment Management Inc., 522 Fifth Avenue, New York, New York 10036.

#### Rainier Investment Management Mutual Funds [File No. 811-08270]

*Summary:* Applicant, an open-end investment company, seeks an order declaring that it has ceased to be an investment company. The applicant has transferred its assets to Hennessy Funds Trust, and, on December 4, 2017 and January 16, 2018, made final distributions to its shareholders based on net asset value. Expenses of \$470,000 incurred in connection with the reorganization were split between Rainier Investment Management, LLC and Hennessy Advisors, Inc.

*Filing Dates:* The application was filed on February 13, 2018.

*Applicant's Address:* 601 Union Street, Suite 3525, Seattle, Washington 98101.

#### PLIFunds Investment Plans [File No. 811-00769]

*Summary:* Applicant, a unit investment trust, seeks an order declaring that it has ceased to be an investment company. On June 1, 2017, applicant made a liquidating distribution to its shareholders, based on net asset value. Expenses of \$500 incurred in connection with the liquidation were paid by Crossmark Global Investments, Inc.

*Filing Dates:* The application was filed on November 7, 2017, and amended on February 2, 2018 and February 22, 2018.

*Applicant's Address:* 3700 West Sam Houston Parkway South, Suite 250, Houston, Texas 77042.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> *Id.*

<sup>6</sup> 17 CFR 200.30-3(a)(31).

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2018-04087 Filed 2-27-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82759; File No. SR-CboeBZX-2018-001]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To List and Trade the Shares of the GraniteShares Bitcoin ETF and the GraniteShares Short Bitcoin ETF, a Series of the GraniteShares ETP Trust, Under Rule 14.11(f)(4), Trust Issued Receipts

February 22, 2018.

On January 5, 2018, Cboe BZX Exchange, Inc. (“BZX”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”) <sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to list and trade the shares of the GraniteShares Bitcoin ETF and the GraniteShares Short Bitcoin ETF under BZX Rule 14.11(f)(4). The proposed rule change was published for comment in the **Federal Register** on January 18, 2018.<sup>3</sup> The Commission has received no comments on the proposed rule change.

Section 19(b)(2) of the Act<sup>4</sup> provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The Commission is extending this 45-day time period. The Commission finds that it is appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change.

Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> designates April 18, 2018, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-CboeBZX-2018-001).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>6</sup>

**Eduardo A. Aleman,**  
*Assistant Secretary.*

[FR Doc. 2018-04034 Filed 2-27-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82761; File No. SR-NASDAQ-2018-012]

### Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To List and Trade, Under Nasdaq Rule 5705, the Shares of the Horizons Russell 2000 Covered Call ETF

February 22, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 9, 2018, The Nasdaq Stock Market LLC (“Nasdaq” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade, under Nasdaq Rule 5705, the shares (“Index Fund Shares” or “Shares”) of the Horizons Russell 2000 Covered Call ETF (the “Fund”), a series of the Horizons ETF Trust I (the “Trust”).

#### 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.

#### A. Self-Regulatory Organization’s Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to list and trade the Shares of the Fund under Rule 5705, which rule governs the listing and trading of Index Fund Shares<sup>3</sup> on the Exchange.<sup>4</sup> The Shares will be offered by the Fund, which will be a passively managed exchange-traded fund (“ETF”) that seeks to track the performance of the CBOE Russell 2000 30-Delta BuyWrite V2 Index (the “Benchmark Index”).<sup>5</sup> The Fund is a series of the Trust. The Trust was established as a Delaware statutory trust on May 17,

<sup>3</sup> Rule 5705(b)(1)(A) provides that an “Index Fund Share” is a security (i) that is issued by an open-end management investment company based on a portfolio of stocks or fixed income securities or a combination thereof, that seeks to provide investment results that correspond generally to the price and yield performance or total return performance of a specified foreign or domestic stock index, fixed income securities index or combination thereof; (ii) that is issued by such an open-end management investment company in a specified aggregate minimum number in return for a deposit of specified numbers of shares of stock and/or a cash amount, a specified portfolio of fixed income securities and/or a cash amount and/or a combination of the above, with a value equal to the next determined net asset value; and (iii) that, when aggregated in the same specified minimum number, may be redeemed at a holder’s request by such open-end investment company which will pay to the redeeming holder the stock and/or cash, fixed income securities and/or cash and/or a combination thereof, with a value equal to the next determined net asset value. In contrast, an open-end investment company that issues Managed Fund Shares, listed and traded on the Exchange under Nasdaq Rule 5735, seeks to provide investment results from a portfolio of securities selected by its investment adviser consistent with its investment objective and policies.

<sup>4</sup> The Commission approved Nasdaq Rule 5705 in Securities Exchange Act Release No. 57962 (June 13, 2008), 73 FR 35175 (June 20, 2008) (SR-NASDAQ-2008-039).

<sup>5</sup> The Exchange notes that its proposal to list shares of the Fund which tracks the performance of an index of U.S. exchange-listed options is similar to the proposal and resultant order issued to the NYSE ARCA to list and trade under NYSE Arca Equities Rule 5.2(j)(3) (which is similar to Nasdaq Rule 5705(b)). See Securities Exchange Act Release No. 68708 (January 23, 2013) (SR-NYSEArca-2012-131) (order approving listing and trading of shares of the Horizons S&P 500 Covered Call ETF, Horizons S&P Financial Select Sector Covered Call ETF and Horizons S&P Energy Select Sector Covered Call ETF). The Exchange believes the proposed rule change does not raise any significant issues not previously addressed in this or prior Commission orders.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 82484 (Jan. 11, 2018), 83 FR 2704.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> *Id.*

<sup>6</sup> 17 CFR 200.30-3(a)(31).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

2012. The Trust is registered with the Commission as an open-end management investment company and has filed a post-effective amendment to its registration statement on Form N-1A (the "Registration Statement") with the Commission to register the Fund and its Shares under the 1940 Act and the Securities Act of 1933.<sup>6</sup>

Horizons ETF Management (US), LLC will serve as the investment adviser (the "Adviser") to the Fund. Foreside Fund Services, LLC will serve as the principal underwriter and distributor of the Fund's Shares (the "Distributor"). U.S. Bank National Association will act as the custodian for the Fund (the "Custodian"). U.S. Bancorp Fund Services, LLC will serve as the administrator, transfer agent and fund accounting agent for the Fund (the "Administrator").

The Benchmark Index was developed by and is maintained by FTSE International Limited and Frank Russell Company (the "Index Provider").<sup>7</sup> The Index Provider is a global provider of index and data services.

Nasdaq Rule 5705(b)(5)(A)(i) provides that, if an index is maintained by a broker-dealer or fund adviser, the broker-dealer or fund adviser shall erect a "fire wall" around the personnel who have to access to information concerning changes and adjustments to the index. In addition, Nasdaq Rule 5705(b)(5)(A)(iii) further requires that any advisory committee, supervisory board, or similar entity that advises a Reporting Authority or that makes decisions on index composition, methodology and related matters, must implement and maintain, or be subject to, procedures designed to prevent the use and dissemination of material non-public information regarding the applicable index.

The Adviser is not a broker-dealer; however, it is affiliated with two broker-dealers. The Adviser represents that a fire wall exists around the respective personnel at the Adviser and affiliated broker-dealers who have access to information concerning changes and adjustments to the composition and/or changes to the Fund's portfolio. In

addition, and in accordance with Nasdaq Rule 5705(b)(5)(a)(iii), such personnel will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio.

The Index Provider is not a broker-dealer and it is not affiliated with a broker-dealer. The Index Provider has represented that a fire wall exists around its personnel who have access to information concerning changes and adjustments to the Benchmark Index. In addition, and in accordance with Nasdaq Rule 5705(b)(5)(A)(iii), such personnel will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Benchmark Index. The Chicago Board Options Exchange, Incorporated ("CBOE") is the index calculation agent for the Benchmark Index. CBOE has represented that a fire wall exists around its personnel who have access to information concerning changes and adjustments to the Benchmark Index. In addition, such personnel will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Benchmark Index.

The Exchange represents that in the event (a) the Adviser, any sub-adviser, or the Index Provider becomes registered as a broker-dealer or is newly affiliated with a broker dealer, or (b) any new adviser, sub-adviser, or Index Provider is a registered broker-dealer or becomes affiliated with a broker dealer, then the Adviser, sub-adviser or Index Provider will implement a fire wall with respect to its relevant personnel or such broker dealer affiliate, as applicable, regarding access to information concerning the composition or changes to the portfolio or concerning changes and adjustments to the Benchmark Index and will be subject to procedures designed to prevent the use and dissemination of material, nonpublic information regarding the Fund's portfolio. The Fund does not currently intend to use a sub-adviser.<sup>8</sup>

<sup>8</sup> An investment adviser to an open-end fund is required to be registered under the Investment Advisers Act of 1940 (the "Advisers Act"). As a result, the Adviser and its related personnel are subject to the provisions of Rule 204A-1 under the Advisers Act relating to codes of ethics. This Rule requires investment advisers to adopt a code of ethics that reflects the fiduciary nature of the relationship to clients as well as compliance with other applicable securities laws. Accordingly, procedures designed to prevent the communication and misuse of non-public information by an investment adviser must be consistent with the Advisers Act and Rule 204A-1 thereunder. In addition, Rule 206(4)-7 under the Advisers Act makes it unlawful for an investment adviser to

Horizons Russell 2000 Covered Call ETF Principal Investments

The Fund's investment objective is to seek to track the investment results that correspond (before fees and expenses) generally to the performance of the Benchmark Index provided by the Index Provider. The Fund will pursue its objective by investing at least 80% of its total assets in all of the equity securities in the Russell 2000 Index and a single written one-month out-of-the-money covered call option on the Russell 2000 Index. The market value of the option strategy may be up to 20% of the Fund's overall net asset value. The market value of the call options included in the Benchmark Index will not represent more than 10% of the total weight of the Benchmark Index. The component securities of the Benchmark Index meet all requirements of Nasdaq Rule 5705(b)(3)(A)(i) except that the Benchmark Index includes call options, which are not NMS Stocks as defined in Rule 600 of Regulation NMS. In pursuing its investment objective, under normal market conditions,<sup>9</sup> the Fund will seek investment results that, before fees and expenses, generally correspond to the performance of the Benchmark Index. The Fund seeks correlation of 0.90 or better between its performance and the performance of the Benchmark Index. A figure of 1.00 would represent perfect correlation. The call option written is at the strike nearest to the 30 Delta between 10:30 a.m. and 11:00 a.m. CT on the roll date (the third Friday of every month).

The Benchmark Index is a benchmark index that measures the performance of

provide investment advice to clients unless such investment adviser has (i) adopted and implemented written policies and procedures reasonably designed to prevent violation, by the investment adviser and its supervised persons, of the Advisers Act and the Commission rules adopted thereunder; (ii) implemented, at a minimum, an annual review regarding the adequacy of the policies and procedures established pursuant to subparagraph (i) above and the effectiveness of their implementation; and (iii) designated an individual (who is a supervised person) responsible for administering the policies and procedures adopted under subparagraph (i) above.

<sup>9</sup> The term "under normal market conditions" as used herein includes, but is not limited to, the absence of adverse market, economic, political or other conditions, including extreme volatility or trading halts in the securities markets or the financial markets generally; operational issues causing dissemination of inaccurate market information; or force majeure type events such as systems failure, natural or man-made disaster, act of God, armed conflict, act of terrorism, riot or labor disruption or any similar intervening circumstance. In periods of extreme market disturbance, the Fund may take temporary defensive positions, by overweighting its portfolio in cash/cash-like instruments; however, to the extent possible, the Adviser would continue to seek to achieve the Fund's investment objective.

<sup>6</sup> See Registration Statement for the Trust, filed on June 22, 2017 (File No. 333-183155). The descriptions of the Fund and the Shares contained herein are based, in part, on information in the Registration Statement. In addition, the Commission has issued an order granting certain exemptive relief to the Trust under the 1940 Act. See Investment Company Act Release No. 31961 (Jan. 19, 2016) (File No. 812-14461) ("Exemptive Order").

<sup>7</sup> The Benchmark Index methodology is available at <https://www.cboe.com/products/strategy-benchmark-indexes/buywrite-indexes/cboe-russell-2000-30-delta-buywrite-index-bxrd>.

a theoretical portfolio that holds the stocks included in the Russell 2000 Index and “writes” (or sells) a single one-month out-of-the-money Russell 2000 Index covered call option. The call option written for the Benchmark Index is at the strike nearest to the 30 Delta between 10:30 a.m. and 11:00 a.m. CT on the roll date (the third Friday of every month). The Russell 2000 Index measures the performance of the small capitalization sector of the U.S. equity market, as defined by the Index Provider. The Russell 2000 Index is a subset of the Russell 3000 Index, which measures the performance of the broad U.S. equity market, as determined by the Index Provider. The Russell 2000 Index is a float-adjusted capitalization-weighted index of equity securities issued by the approximately 2000 smallest issuers in the Russell 3000 Index. Preferred and convertible preferred stock, redeemable shares, participating preferred stock, warrants, rights, installment receipts and trust receipts are not included in the Russell 2000 Index.

Because a covered call strategy generates income in the form of premiums on the written call options, the Benchmark Index is generally expected to provide higher total returns with lower volatility than the Russell 2000 Index in most market environments, with the exception of when the equity market is rallying rapidly. Each single call option in the Benchmark Index will be traded on national securities exchanges, such as the CBOE. As of October 31, 2017, the Russell 2000 Index included common stocks of 1984 companies, with an average market capitalization of approximately \$2.3 billion.

The Fund will generally use a replication methodology, meaning it will invest in all of the securities and the call option comprising the Benchmark Index in proportion to the weightings in Benchmark Index. However, the Fund may, from time-to-time, utilize a sampling methodology under various circumstances where it may not be possible or practicable to purchase all of the equity securities comprising the Benchmark Index.

The equity securities in which the Fund will invest and the option that the Fund will write will be limited to U.S. exchange-traded securities and call options, respectively. They will trade in markets that are members of the Intermarket Surveillance Group (“ISG”), which includes all U.S. national securities exchanges and certain foreign exchanges, or they will be parties to a comprehensive surveillance sharing agreement with the Exchange. A list of

ISG members is available at [www.isgportal.org](http://www.isgportal.org).

The equity securities held by the Fund will be rebalanced quarterly. The call option portion of the portfolio will consist of a single U.S. exchange-traded one-month covered call on the Russell 2000 Index that is written by the Fund slightly out-of-the-money. A call option will give the holder the right to buy the securities underlying the call options written at a predetermined strike price from the Fund. The notional value of the covered call options written (including financial instruments described in Other Investments below) will be generally be 100% of the overall Fund.

The Fund will utilize options in accordance with Rule 4.5 of the Commodity Exchange Act (“CEA”). The Trust, on behalf of the Fund, has filed a notice of eligibility for exclusion from the definition of the term “commodity pool operator” in accordance with Rule 4.5 so that the Fund is not subject to registration or regulation as a commodity pool operator under the CEA.

#### Other Investments

The Fund may invest no more than 20% of its net assets in the instruments described below.

The Fund may invest in ETFs, which shall be registered as investment companies under the 1940 Act and trade on a U.S. national securities exchange. The Fund may also buy and sell individual large capitalization equity securities that do not comprise the Russell 2000 Index and are traded on a U.S. national securities exchange.

The Fund may invest in U.S. exchange-listed futures contracts based on (1) the Benchmark Index or Russell 2000 Index and (2) ETFs designed to track the Benchmark Index or Russell 2000 Index. In addition, the Fund may invest in forward contracts based on (1) the Benchmark Index or Russell 2000 Index and (2) ETFs designed to track the Benchmark Index or Russell 2000 Index. The Fund may also buy and sell OTC options on (1) the Benchmark Index or Russell 2000 Index and (2) ETFs designed to track the Benchmark Index or Russell 2000 Index. Moreover, the Fund may enter into dividend and total return swap transactions (including equity swap transactions) based on (1) the Benchmark Index or Russell 2000 Index and (2) ETFs designed to track the Benchmark Index or Russell 2000 Index.<sup>10</sup> In a typical swap transaction,

<sup>10</sup>The Fund will transact only with swap dealers that have in place an ISDA agreement with the Fund.

one party agrees to make periodic payments to another party (“counterparty”) in an amount that equals the change in market value or level of a specified rate, index, or asset. In return, the counterparty agrees to make periodic payments to the first party in an amount that equals the change in market value or level of a specified rate, index, or asset.<sup>11</sup> For example, the Fund enters into a two-year equity swap with a counterparty in which the Fund will receive the rate of return on the Russell 2000 Index and agree to pay the counterparty a certain fixed dollar amount during the two-year period. Swap transactions are usually done on a net basis, whereby the Fund would receive or pay only the net amount of the two payments. In a typical dividend swap transaction, the Fund would pay the swap counterparty a premium and would be entitled to receive the value of the actual dividends paid on the subject index during the term of the swap contract. In a typical total return swap, the Fund might exchange long or short exposures to the return of the underlying securities or index to isolate the value of the dividends paid on the underlying securities or index constituents. The Fund also may engage in interest rate swap transactions. In a typical interest rate swap transaction one stream of future interest payments is exchanged for another. Such transactions often take the form of an exchange of a fixed payment for a variable payment based on a future interest rate. The Fund would use interest rate swap transactions to manage or hedge exposure to interest rate fluctuations.

The Fund’s short positions and its investments in swaps, futures contracts, forward contracts and options based on the Benchmark Index and Russell 2000 Index and ETFs designed to track the Benchmark Index or Russell 2000 Index will be backed by investments in cash, high-quality short-term debt securities and money-market instruments in an amount equal to the Fund’s maximum liability under the applicable position or contract, or will otherwise be offset in accordance with Section 18 of the 1940 Act.<sup>12</sup>

<sup>11</sup> Where practicable, the Fund intends to invest in swaps cleared through a central clearing house (“Cleared Swaps”). Currently, only certain of the interest rate swaps in which the Fund intends to invest are Cleared Swaps, while the dividend and total return swaps (including equity swaps) in which the Fund may invest are currently not Cleared Swaps.

<sup>12</sup> The Fund will seek, where possible, to use counterparties, as applicable, whose financial status is such that the risk of default is reduced; however, the risk of losses resulting from default is still

The Fund will attempt to limit counterparty risk in non-cleared swaps, forwards, and OTC option contracts by entering into such contracts only with counterparties the Adviser believes are creditworthy and by limiting the Fund's exposure to each counterparty. The Adviser will monitor the creditworthiness of each counterparty and the Fund's exposure to each counterparty on an ongoing basis.

The Fund may invest in short-term debt securities, money market instruments and shares of money market funds to the extent permitted under the 1940 Act. Short-term debt securities and money market instruments include shares of fixed income or money market mutual funds, commercial paper, certificates of deposit, bankers' acceptances, U.S. government securities (including securities issued or guaranteed by the U.S. government or its authorities, agencies, or instrumentalities) and, repurchase agreements.<sup>13</sup> Short-term debt securities include bonds that are rated BBB or higher.

The Fund's investments that it describes above in this section will be consistent with the Fund's investment objective and with the requirements of the 1940 Act.<sup>14</sup>

possible. The Adviser will evaluate the creditworthiness of counterparties on an ongoing basis. In addition to information provided by credit agencies, the Adviser will evaluate each approved counterparty using various methods of analysis, such as, for example, the counterparty's liquidity in the event of default, the counterparty's reputation, the Adviser's past experience with the counterparty, and the counterparty's share of market participation.

<sup>13</sup> The Fund may enter into repurchase agreements with banks and broker-dealers. A repurchase agreement is an agreement under which securities are acquired by a fund from a securities dealer or bank subject to resale at an agreed upon price on a later date. The acquiring fund bears a risk of loss in the event that the other party to a repurchase agreement defaults on its obligations and the fund is delayed or prevented from exercising its rights to dispose of the collateral securities.

<sup>14</sup> To limit the potential risk associated with such transactions, the Fund will segregate or " earmark " assets determined to be liquid by the Adviser in accordance with procedures established by the Trust's Board of Trustees and in accordance with the 1940 Act (or, as permitted by applicable regulation, enter into certain offsetting positions) to cover its obligations arising from such transactions. These procedures have been adopted consistent with Section 18 of the 1940 Act and related Commission guidance. In addition, the Fund will include appropriate risk disclosure in its offering documents, including leveraging risk. Leveraging risk is the risk that certain transactions of the Fund may give rise to leverage, causing the Fund to be more volatile than if it had not been leveraged. To mitigate leveraging risk, the Adviser will segregate or " earmark " liquid assets or otherwise cover the transactions that may give rise to such risk the 1940 Act. The Fund will not make investments in securities to seek to achieve a multiple or inverse multiple of an index and they will not be used to enhance leverage.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment). The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities. Illiquid securities include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets, as determined in accordance with Commission staff guidance.

The Fund will not invest in assets that are not described in this proposed rule change.

The Fund seeks to track the Benchmark Index, which itself may have concentration in certain regions, economies, markets, industries or sectors. The Fund may concentrate its investments in a particular industry or group of industries to the extent that the Russell 2000 Index concentrates in an industry or group of industries.<sup>15</sup> By concentrating its investments in an industry or sector, the Fund faces more risks than if it were diversified broadly over numerous industries or sectors.

#### The Shares

The Fund will issue and redeem Shares only in Creation Units at the net asset value ("NAV")<sup>16</sup> next determined after receipt of an order on a continuous basis every day except weekends and specified holidays. The NAV of the Fund will be determined once each business day, normally as of the close of trading of the NYSE, which is, generally, 4:00 p.m. Eastern Time. Creation Unit sizes will be 50,000 Shares per Creation Unit. The Trust will issue and sell Shares of the Fund only in Creation Units on a continuous basis through the Distributor, without a sales load (but subject to transaction fees), at their NAV per Share next determined

<sup>15</sup> See Form N-1A, Item 9. The Commission has taken the position that a fund is concentrated if it invests more than 25% of the value of its total assets in any one industry. See, e.g., Investment Company Act Release No. 9011 (October 30, 1975), 40 FR 54241 (November 21, 1975).

<sup>16</sup> The NAV of the Fund's Shares generally will be calculated once daily Monday through Friday as of the close of regular trading on the Nasdaq Stock Exchange, generally 4:00 p.m. Eastern time (the "NAV Calculation Time"). NAV per Share will be calculated by dividing the Fund's net assets by the number of Fund Shares outstanding. For more information regarding the valuation of Fund investments in calculating the Fund's NAV, see Registration Statement.

after receipt of an order, on any business day, in proper form pursuant to the terms of the applicable agreement with an Authorized Participant (as discussed below).

The consideration for purchase of a Creation Unit generally will consist of either (i) the in-kind deposit of a designated portfolio of securities (the "Deposit Securities") per each Creation Unit and the Cash Component (defined below), computed as described below or (ii) the cash value of all or a portion of the Deposit Securities ("Deposit Cash") and the "Cash Component," computed as described below. The Fund may, under certain circumstances, effect a portion of creations and redemptions for cash, rather than in-kind securities, particularly for the put and call options in which the Fund invests.

When accepting purchases of Creation Units for cash, the Fund may incur additional costs associated with the acquisition of Deposit Securities that would otherwise be provided by an in-kind purchaser. Together, the Deposit Securities or Deposit Cash, as applicable, and the Cash Component will constitute the "Fund Deposit," which represents the minimum initial and subsequent investment amount for a Creation Unit of the Fund. The "Cash Component" will be an amount equal to the difference between the NAV of the Shares (per Creation Unit) and the market value of the Deposit Securities or Deposit Cash, as applicable. If the Cash Component is a positive number (*i.e.*, the NAV per Creation Unit exceeds the market value of the Deposit Securities or Deposit Cash, as applicable), the Cash Component will be such positive amount. If the Cash Component is a negative number (*i.e.*, the NAV per Creation Unit is less than the market value of the Deposit Securities or Deposit Cash, as applicable), the Cash Component will be such negative amount and the creator will be entitled to receive cash in an amount equal to the Cash Component. The Cash Component will serve the function of compensating for any difference between the NAV per Creation Unit and the market value of the Deposit Securities or Deposit Cash, as applicable.

To be eligible to place orders with respect to creations and redemptions of Creation Units, an entity must be (i) a "Participating Party," *i.e.*, a broker-dealer or other participant in the clearing process through the Continuous Net Settlement System of the National Securities Clearing Corporation ("NSCC") or (ii) a Depository Trust Company ("DTC") Participant (a "DTC Participant"). In addition, each

Participating Party or DTC Participant (each, an “Authorized Participant”) must execute an agreement that has been agreed to by the Distributor and the Administrator with respect to purchases and redemptions of Creation Units.

The Administrator, through the NSCC, will make available on each business day, immediately prior to the opening of business on the Exchange’s Regular Market Session (currently 9:30 a.m. Eastern time), the list of the names and the required number of shares of each Deposit Security and/or the required amount of Deposit Cash, as applicable, to be included in the current Fund Deposit (based on information at the end of the previous business day). Such Fund Deposit, subject to any relevant adjustments, will be available in order to effect purchases of Creation Units of the Fund until such time as the next announced composition of the Deposit Securities and/or the required amount of Deposit Cash, as applicable, is made available.

Shares may be redeemed only in Creation Units at their NAV next determined after receipt of a redemption request in proper form by the Fund through the Administrator and only on a business day.

With respect to the Fund, the Administrator, through the NSCC, will make available immediately prior to the opening of business on the Exchange (9:30 a.m. Eastern time) on each business day, the list of the names and share quantities of the Fund’s portfolio securities (“Fund Securities”) and/or, if relevant, the required cash value thereof that will be applicable (subject to possible amendment or correction) to redemption requests received in proper form on that day. Fund Securities received on redemption may not be identical to Deposit Securities.

Redemption proceeds for a Creation Unit will be paid either in-kind or in cash or a combination thereof, as determined by the Trust. With respect to in-kind redemptions of the Fund, redemption proceeds for a Creation Unit will consist of Fund Securities as announced by the Administrator on the business day of the request for redemption received in proper form plus cash in an amount equal to the difference between the NAV of the Shares being redeemed, as next determined after a receipt of a request in proper form, and the value of the Fund Securities (the “Cash Redemption Amount”), less a fixed redemption transaction fee and any applicable additional variable charge as set forth in the Registration Statement. In the event that the Fund Securities have a value

greater than the NAV of the Shares, a compensating cash payment equal to the differential will be required to be made by or through an Authorized Participant by the redeeming shareholder. Notwithstanding the foregoing, at the Trust’s discretion, an Authorized Participant may receive the corresponding cash value of the securities in lieu of one or more Fund Securities.

The creation/redemption order cut off time for the Fund is expected to be 4:00 p.m. Eastern time for purchases of Shares. On days when the Exchange closes earlier than normal and in the case of custom orders, the Fund may require orders for Creation Units to be placed earlier in the day.

#### Availability of Information

The Fund’s website ([www.us.horizonsetfs.com](http://www.us.horizonsetfs.com)), which will be publicly available prior to the public offering of Shares, will include a form of the prospectus for the Fund that may be downloaded. The website will include the Shares’ ticker, CUSIP and exchange information along with additional quantitative information updated on a daily basis, including, for the Fund: (1) Daily trading volume, the prior business day’s reported NAV and closing price, mid-point of the bid/ask spread at the time of calculation of such NAV (the “Bid/Ask Price”),<sup>17</sup> and a calculation of the premium and discount of the Bid/Ask Price against the NAV; and (2) data in chart format displaying the frequency distribution of discounts and premiums of the daily Bid/Ask Price against the NAV, within appropriate ranges, for each of the four previous calendar quarters.

On each business day, before commencement of trading in Shares in the Regular Market Session<sup>18</sup> on the Exchange, the Fund will disclose on its website the identities and quantities of the portfolio of securities and other assets (the “Disclosed Portfolio”) held by the Fund that will form the basis for the Fund’s calculation of NAV at the end of the business day.<sup>19</sup>

<sup>17</sup> The Bid/Ask Price of the Fund will be determined using the midpoint of the highest bid and the lowest offer on the Exchange as of the time of calculation of the Fund’s NAV. The records relating to Bid/Ask Prices will be retained by the Fund and its service providers.

<sup>18</sup> See Nasdaq Rule 4120(b)(4) (describing the three trading sessions on the Exchange: (1) Pre-Market Session from 4 a.m. to 9:30 a.m. Eastern time; (2) Regular Market Session from 9:30 a.m. to 4 p.m. or 4:15 p.m. Eastern time; and (3) Post-Market Session from 4 p.m. or 4:15 p.m. to 8 p.m. Eastern time).

<sup>19</sup> Under accounting procedures to be followed by the Fund, trades made on the prior business day (“T”) will be booked and reflected in NAV on the current business day (“T+1”). Notwithstanding the

On a daily basis, the Fund will disclose on the Fund’s website the following information regarding each portfolio holding, as applicable to the type of holding: Ticker symbol; CUSIP number or other identifier, if any; a description of the holding (including the type of holding); with respect to holdings in derivatives, the identity of the security, index, or other asset upon which the derivative is based; for options, the option strike price, quantity held (as measured by, for example, par value, notional value or number of shares, contracts or units), and expiration of call option; maturity date, if any; coupon rate; if any; effective date, if any; market value of the holding; percentage weighting of the holding in the Fund’s portfolio; and cash equivalents and the amount of cash held. The website information will be publicly available at no charge. In addition, the Disclosed Portfolio will be publicly disseminated daily prior to the opening of Nasdaq, via NSCC. The basket will represent one Creation Unit of the Fund.

The quotation and last-sale information for the Shares will be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares held by the Fund that will form the basis for the Fund’s calculation of NAV at the end of the business day. The value of the Benchmark Index will be published by one or more major market data vendors every 15 seconds during the Regular Market Session. Information about the Benchmark Index constituents, the weighting of the constituents, the Benchmark Index’s methodology, and the Benchmark Index’s rules will be available at no charge on the Index Provider’s website at [www.ftse.com](http://www.ftse.com).

In addition, for the Fund, an estimated value, defined in Rule 5705(b)(3)(C) as the “Intraday Indicative Value,” that reflects an estimated intraday value of the Fund’s portfolio, will be disseminated. Moreover, the Intraday Indicative Value, available on the NASDAQ Information LLC proprietary index data service,<sup>20</sup> will be

foregoing, portfolio trades that are executed prior to the opening of the Exchange on any business day may be booked and reflected in NAV on such business day. Accordingly, the Fund will be able to disclose at the beginning of the business day the portfolio that will form the basis for the NAV calculation at the end of the business day.

<sup>20</sup> Currently, the NASDAQ Global Index Data Service (“GIDS”) is the NASDAQ global index data feed service, offering real-time updates, daily summary messages, and access to widely followed indexes and Intraday Indicative Values for ETFs.

based upon the current value for the components of the Disclosed Portfolio and will be updated and widely disseminated and broadly displayed at least every 15 seconds during the Regular Market Session. The Intraday Indicative Value will be based on quotes and closing prices from the assets' local market and may not reflect events that occur subsequent to the local market's close. Premiums and discounts between the Intraday Indicative Value and the market price may occur. This should not be viewed as a "real time" update of the NAV per Share of the Fund, which is calculated only once a day.

The dissemination of the Intraday Indicative Value, together with the Disclosed Portfolio, will allow investors to determine the value of the underlying portfolio of the Fund on a daily basis and will provide a close estimate of that value throughout the trading day.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's closing price and trading volume information for the Shares will be published daily in the financial section of newspapers. The Fund's website will include a form of the prospectus for the Fund that may be downloaded and additional data relating to NAV and other applicable quantitative information.

Investors will also be able to obtain the Fund's Statement of Additional Information ("SAI"), the Fund's annual and semi-annual reports (together, "Shareholder Reports"), and its Form N-CSR and Form N-SAR, filed twice a year. The Fund's SAI and Shareholder Reports will be available free upon request from the Fund, and those documents and the Form N-CSR and Form N-SAR may be viewed on-screen or downloaded from the Commission's website at [www.sec.gov](http://www.sec.gov).

With respect to the securities and other assets held by the Fund, the Intraday, executable price quotations on such securities will be available from major broker-dealer firms or on the exchange on which they are traded, as applicable. Intra-day price information will also be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by Authorized Participants and other investors. Specifically, the intra-day,

closing and settlement prices of the portfolio securities and other Fund investments, including exchange-listed equity securities (which include common stocks and ETFs), exchange-listed futures, and exchange-listed options, will be readily available from the national securities exchanges trading such securities, automated quotation systems, published or other public sources, and, with respect to OTC options, swaps, and forwards, from third party pricing sources, or on-line information services such as Bloomberg or Reuters. Price information regarding ETFs will be available from on-line information services and from the website for the applicable investment company security. The intra-day, closing and settlement prices of short-term debt securities and money market instruments will be readily available from published and other public sources or on-line information services.

Money market funds are typically priced once each business day and their prices will be available through the applicable fund's website or from major market data vendors.

In addition, a basket composition file, which includes the asset names, amounts and share quantities, as applicable, required to be delivered in exchange for the Fund's Shares, together with estimates and actual cash components, will be publicly disseminated daily prior to the opening of Nasdaq, via NSCC. The basket will represent one Creation Unit of the Fund.

Additional information regarding the Fund and the Shares, including investment strategies, risks, creation and redemption procedures, fees, Fund holdings disclosure policies, distributions and taxes is included in the Registration Statement. All terms relating to the Fund that are referred to, but not defined in, this proposed rule change are defined in the Registration Statement.

#### Initial and Continued Listing

The Shares will be subject to Rule 5705, which sets forth the initial and continued listing criteria applicable to Index Fund Shares. The Exchange represents that, for initial and/or continued listing, the Fund must be in compliance with Rule 10A-3<sup>21</sup> under the Act. A minimum of 100,000 Shares will be outstanding at the commencement of trading on the Exchange. The Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made

available to all market participants at the same time.

#### Trading Halts and Trading Pauses

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares of the Fund. Nasdaq will halt or pause trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) The extent to which trading is not occurring in the securities and/or the financial instruments constituting the Disclosed Portfolio of the Fund; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present. Trading in the Shares also will be subject to Nasdaq Rules 5705(b)(1)(B)(iv), which set forth circumstances under which Shares of the Fund may be halted.

If the Intraday Indicative Value, the Benchmark Index value or the value of the Disclosed Portfolio is not being disseminated as required, the Exchange may halt trading during the day in which the disruption occurs; if the interruption persists past the day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption. The Exchange will obtain a representation from the Fund that the NAV for the Fund will be calculated daily and will be made available to all market participants at the same time.

#### Trading Rules

Nasdaq deems the Shares to be equity securities, thus rendering trading in the Shares subject to Nasdaq's existing rules governing the trading of equity securities. Nasdaq will allow trading in the Shares from 4:00 a.m. until 8:00 p.m. Eastern time. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. As provided in Nasdaq Rule 4613(a)(2)(ii), the minimum price variation for quoting and entry of orders in Index Fund Shares traded on the Exchange is \$0.01.

#### Surveillance

The Exchange represents that trading in the Shares will be subject to the existing trading surveillances, administered by both Nasdaq and also the Financial Industry Regulatory Authority ("FINRA") on behalf of the Exchange, which are designed to detect

GIDS provides investment professionals with the daily information needed to track or trade NASDAQ indexes, listed ETFs, or third-party partner indexes and ETFs.

<sup>21</sup> See 17 CFR 240.10A-3.

violations of Exchange rules and applicable federal securities laws.<sup>22</sup> The Exchange represents that these procedures are adequate to properly monitor Exchange trading of the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws.

The surveillances referred to above generally focus on detecting securities trading outside their normal patterns, which could be indicative of manipulative or other violative activity. When such situations are detected, surveillance analysis follows and investigations are opened, where appropriate, to review the behavior of all relevant parties for all relevant trading violations.

FINRA, on behalf of the Exchange, will communicate as needed regarding trading in the Shares, in the equity securities in which the Fund will invest, and in the U.S. exchange-traded options and futures which the Fund will buy and write with other markets and other entities that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement.<sup>23</sup> FINRA may obtain trading information regarding trading in the Shares and in such equity securities and U.S. exchange-traded options and futures from such markets and other entities. In addition, the Exchange may obtain information regarding trading in the Shares and in such equity securities and U.S. exchange-traded options and futures from markets and other entities that are members of the ISG or with which the Exchange has in place a comprehensive surveillance sharing agreement. The Exchange may also obtain information from the Trade Reporting and Compliance Engine ("TRACE"), which is the FINRA developed vehicle that facilitates mandatory reporting of OTC secondary market transactions in eligible fixed income securities.

In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

#### Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an Information Circular of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) The

procedures for purchases and redemptions of Shares in Creation Units (and that Shares are not individually redeemable); (2) Nasdaq Rule 2111A, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the Benchmark Index value and Intraday Indicative Value is disseminated; (4) the risks involved in trading the Shares during the Pre-Market and Post-Market Sessions when an updated Benchmark Index value and Intraday Indicative Value will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

In addition, the Information Circular will advise members, prior to the commencement of trading, of the prospectus delivery requirements applicable to the Fund. Members purchasing Shares from the Fund for resale to investors will deliver a prospectus to such investors. The Information Circular will also discuss any exemptive, no-action and interpretive relief granted by the Commission from any rules under the Act.

Additionally, the Information Circular will reference that the Fund is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares of the Fund and the applicable NAV Calculation Time for the Shares. The Information Circular will disclose that information about the Shares of the Fund will be publicly available on the Distributor's website.

#### Continued Listing Representations

All statements and representations made in this filing regarding (a) the description of the portfolio, (b) limitations on portfolio holdings or reference assets, (c) dissemination and availability of the reference asset or intraday indicative values, or (d) the applicability of Exchange listing rules shall constitute continued listing requirements for listing the Shares on the Exchange. In addition, the issuer has represented to the Exchange that it will advise the Exchange of any failure by the Fund to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of

the Act, the Exchange will monitor for compliance with the continued listing requirements. If the Fund is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>24</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>25</sup> in particular, in that it is designed to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and, in general to protect investors and the public interest.

The Exchange believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria in Nasdaq Rule 5705. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on Nasdaq during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws.

The Adviser maintains a fire wall around the respective personnel at the Adviser and affiliated broker-dealers who have access to information concerning changes and adjustments to the composition and/or changes to the Fund's portfolio. In addition, and in accordance with Nasdaq Rule 5705(b)(5)(A)(iii), such personnel will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Fund's portfolio.

The Index Provider maintains a fire wall around its personnel who have access to information concerning changes and adjustments to the Benchmark Index. In addition, and in accordance with Nasdaq Rule 5705(b)(5)(A)(ii), such personnel will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Benchmark Index.

The CBOE is the index calculation agent for the Benchmark Index. CBOE has represented that a fire wall exists around its personnel who have access to information concerning changes and adjustments to the Benchmark Index. In

<sup>22</sup> FINRA surveils trading on the Exchange pursuant to a regulatory services agreement. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

<sup>23</sup> For a list of the current members of ISG, see [www.isgportal.org](http://www.isgportal.org).

<sup>24</sup> 15 U.S.C. 78f(b).

<sup>25</sup> 15 U.S.C. 78f(b)(5).



addition, such personnel will be subject to procedures designed to prevent the use and dissemination of material non-public information regarding the Benchmark Index.

The equity securities in which the Fund may invest and the options which the Fund may write will be limited to U.S. exchange-traded securities and options, respectively, that trade in markets that are members of the ISG, which includes all U.S. national securities exchanges and certain foreign exchanges, or are parties to a comprehensive surveillance sharing agreement with the Exchange. The Exchange may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. The market value of the call options included in the Benchmark Index will not represent more than 10% of the total weight of the Benchmark Index. Each call option included in the Benchmark Index must meet the criteria of the Benchmark Index methodology, which methodology is publicly available. The Fund seeks a correlation over time of 0.90 or better between the Fund's performance and the performance of its Benchmark Index. A figure of 1.00 would represent perfect correlation.

The Fund will pursue its objective by investing in all the equity securities in the Russell 2000 Index and each month writing a single one-month out-of-the-money covered call option on the Russell 2000 Index. Under normal circumstances, the Fund will invest primarily in U.S. exchange-traded equity securities. The Fund will also utilize an option strategy consisting of writing a single U.S. exchange-traded covered call option on the Russell 2000 Index. The market value of the option strategy may be up to 20% of the Fund's overall net asset value. In addition to such option strategy, the Fund may invest no more than 20% of the market value of its net assets in, as described above, futures contracts, options, interest rate swaps, equity swaps, total return swaps, dividend swaps, forward contracts, ETFs, individual large capitalization equity securities that do not comprise the Russell 2000 Index, short-term debt securities, money market fund shares, money market instruments and repurchase agreements.

The Fund may hold up to an aggregate amount of 15% of its net assets in illiquid securities (calculated at the time of investment). The Fund will monitor its portfolio liquidity on an ongoing basis to determine whether, in light of current circumstances, an adequate

level of liquidity is being maintained, and will consider taking appropriate steps in order to maintain adequate liquidity if, through a change in values, net assets, or other circumstances, more than 15% of the Fund's net assets are held in illiquid securities. Illiquid securities include securities subject to contractual or other restrictions on resale and other instruments that lack readily available markets as determined in accordance with Commission staff guidance.

The Fund's investments will be consistent with the Fund's investment objective and will not be used to enhance leverage.

The proposed rule change is designed to promote just and equitable principles of trade and to protect investors and the public interest in that the Exchange will obtain a representation from the issuer of the Shares that the NAV per Share will be calculated daily and that the NAV and the Disclosed Portfolio will be made available to all market participants at the same time. In addition, a large amount of information will be publicly available regarding the Fund and the Shares, thereby promoting market transparency. The Intraday Indicative Value, available on the NASDAQ Information LLC proprietary index data service, will be widely disseminated by one or more major market data vendors and broadly displayed at least every 15 seconds during the Regular Market Session. On each business day, before commencement of trading in Shares in the Regular Market Session on the Exchange, the Fund will disclose on its website the Disclosed Portfolio that will form the basis for the Fund's calculation of NAV at the end of the business day. Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services, and quotation and last sale information for the Shares will also be available via Nasdaq proprietary quote and trade services, as well as in accordance with the Unlisted Trading Privileges and the Consolidated Tape Association plans for the Shares and any underlying exchange-traded products. Intra-day, executable price quotations of the securities and other assets held by the Fund will be available from major broker-dealer firms or on the exchange on which they are traded, if applicable. Intra-day price information will also be available through subscription services, such as Bloomberg, Markit and Thomson Reuters, which can be accessed by

Authorized Participants and other investors.

The Fund's website will include a form of the prospectus for the Fund and additional data relating to NAV and other applicable quantitative information. Trading in Shares of the Fund will be halted or paused under the conditions specified in Nasdaq Rules 4120 and 4121, including the trading pauses under Nasdaq Rules 4120(a)(11) and (12). Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable, and trading in the Shares will be subject to Nasdaq Rule 5705(b)(1)(B)(iv), which sets forth circumstances under which Shares of the Fund may be halted. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of an additional type of passively-managed exchange-traded product that will enhance competition among market participants, to the benefit of investors and the marketplace. As noted above, the Exchange has in place surveillance procedures relating to trading in the Shares and may obtain information via ISG from other exchanges that are members of ISG or with which the Exchange has entered into a comprehensive surveillance sharing agreement. In addition, as noted above, investors will have ready access to information regarding the Fund's holdings, the Intraday Indicative Value, the Disclosed Portfolio, and quotation and last sale information for the Shares.

For the above reasons, Nasdaq believes the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

#### *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 will facilitate the listing and trading of an additional type of passively-managed ETF that will enhance competition among market participants, to the benefit of investors and the marketplace.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will: (a) By order approve or disapprove such proposed rule change; or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-NASDAQ-2018-012 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-NASDAQ-2018-012. 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-NASDAQ-2018-012 and should be submitted on or before March 21, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>26</sup>

**Eduardo A. Aleman,**

*Assistant Secretary.*

[FR Doc. 2018-04035 Filed 2-27-18; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release Nos. 33-10456A; 34-82656A; File No. 265-28]

**Investor Advisory Committee Meeting**

**AGENCY:** Securities and Exchange Commission.

**ACTION:** Notice of Meeting of Securities and Exchange Commission Dodd-Frank Investor Advisory Committee; correction.

**SUMMARY:** The Securities and Exchange Commission published a document in the **Federal Register** on February 13, 2018, providing notice that the Securities and Exchange Commission Investor Advisory Committee would hold a public meeting on Thursday, March 8, 2018. The document contained an incorrect description of the agenda for the meeting.

**FOR FURTHER INFORMATION CONTACT:** Marc Oorloff Sharma, Chief Counsel, Office of the Investor Advocate, at (202) 551-3302, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549.

**Correction**

In the **Federal Register** of February 13, 2018, in FR Doc. 2018-02850, on page 6280, in the first column, correct the description of the meeting agenda to read:

<sup>26</sup> 17 CFR 200.30-3(a)(12).

*The agenda for the meeting includes:* Remarks from Commissioners; a discussion of regulatory approaches to combat retail investor fraud; a discussion regarding financial support for law school clinics that support investors (which may include a recommendation of the Committee as a whole); a discussion regarding dual-class share structures (which may include a recommendation of the Investor as Owner Subcommittee); a discussion regarding efforts to combat the financial exploitation of vulnerable adults; subcommittee reports; and a nonpublic administrative work session during lunch.

Dated: February 22, 2018.

**Brent J. Fields,**

*Secretary.*

[FR Doc. 2018-04031 Filed 2-27-18; 8:45 am]

**BILLING CODE 8011-01-P**

**DEPARTMENT OF STATE**

[Public Notice: 10334]

**E.O. 13224 Designation of ISIS-Egypt, aka Islamic State in Egypt, aka Islamic State Egypt, 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 ISIS-Egypt, also known as Islamic State in Egypt, also known as Islamic State Egypt, also known as IS Egypt, also known as IS-Egypt, 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: October 31, 2017.

**Rex W. Tillerson,**

*Secretary of State.*

[FR Doc. 2018-03998 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

**DEPARTMENT OF STATE**

[Public Notice: 10330]

**E.O. 13224 Designation of the Maute Group, aka IS-Ranao, aka Islamic State of Lanao, 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 the Maute Group, also known as IS-Ranao, also known as Islamic State of Lanao, 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 27, 2017.

**John J. Sullivan,**

*Deputy Secretary of State.*

[FR Doc. 2018-04021 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

**DEPARTMENT OF STATE**

[Public Notice: 10332]

**E.O. 13224 Designation of ISIS-Philippines, aka ISIS in the Philippines, aka ISIL Philippines, aka ISIL in the Philippines, aka IS Philippines, aka ISP, aka Islamic State in the Philippines, aka Islamic State in Iraq and Syria in South-East Asia, aka Dawlatul Islamiyah Waliyatul Masrik, DIWM, aka Dawlatul Islamiyyah Waliyatul Mashriq, aka IS East Asia Division, aka ISIS Branch in the Philippines, aka ISIS' "Philippines Province" 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 ISIS-Philippines, also known as ISIS in the Philippines, also known as ISIL Philippines, also known as ISIL in the Philippines, also known as IS Philippines, also known as ISP, also known as Islamic State in the Philippines, also known as Islamic State in Iraq and Syria in South-east Asia, also known as Dawlatul Islamiyah Waliyatul Masrik, DIWM, also known as Dawlatul Islamiyyah Waliyatul Mashriq, also known as IS East Asia Division, also known as ISIS branch in the Philippines, also known as ISIS' "Philippines province" 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 27, 2017.

**John J. Sullivan,**

*Deputy Secretary of State.*

[FR Doc. 2018-04005 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

**DEPARTMENT OF STATE**

[Public Notice 10336]

**Advisory Committee on International Economic Policy; Notice of Open Meeting**

The Advisory Committee on International Economic Policy (ACIEP) will meet from 2:00 until 5:00 p.m., on Wednesday, March 28 in Washington DC at the State Department, 320 21st St NW. The meeting will be hosted by the Assistant Secretary of State for Economic and Business Affairs, Manisha Singh, and Committee Chair Paul R. Charron. The ACIEP serves the U.S. government in a solely advisory capacity, and provides advice

concerning topics in international economic policy. It is expected that during this meeting the Stakeholder Advisory Board subcommittee will provide updates on its recent work.

This meeting is open to the public, though seating is limited. Entry to the building is controlled. To obtain pre-clearance for entry, members of the public planning to attend must, *no later than Wednesday, March 14*, provide their full name and professional affiliation (if any) to Alan Krill by email: [Krilla@state.gov](mailto:Krilla@state.gov). Requests for reasonable accommodation should also be made to Alan Krill before Wednesday, March 14. Requests made after that date will be considered, but might not be possible to fulfill.

This information is being collected pursuant to 22 U.S.C. 2651a and 22 U.S.C. 4802 for the purpose of screening and pre-clearing participants to enter the host venue at the U.S. Department of State, in line with standard security procedures for events of this size. The Department of State will use this information consistent with the routine uses set forth in the System of Records Notices for Protocol Records (STATE-33) and Security Records (State-36). Provision of this information is voluntary, but failure to provide accurate information may impede your ability to register for the event.

For additional information, contact Alan Krill, Bureau of Economic and Business Affairs, at (202) 647-2231, or [Krilla@state.gov](mailto:Krilla@state.gov).

**Alan Krill,**

*Designated Federal Officer, U.S. Department of State.*

[FR Doc. 2018-04075 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-07-P**

**DEPARTMENT OF STATE**

[Public Notice: 10325]

**E.O. 13224 Designation of Abu Musab al-Barnawi aka Habib Yusuf 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 Abu Musab al-Barnawi aka Habib Yusuf 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: September 13, 2017.

**Rex W. Tillerson,**  
*Secretary of State.*

**Editorial note:** This document was received for publication by the Office of the Federal Register on February 22, 2018.

[FR Doc. 2018-04007 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

## DEPARTMENT OF STATE

[Public Notice: 10335]

### **E.O. 13224 Designation of Mahad Moalim 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 Mahad Moalim 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: October 31, 2017.

**Rex W. Tillerson,**  
*Secretary of State.*

**Editorial Note:** This document was received by the Office of the Federal Register on February 22, 2018.

[FR Doc. 2018-04020 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

## DEPARTMENT OF STATE

[Public Notice: 10331]

### **E.O. 13224 Designation of ISIS-West Africa (ISIS-WA), aka ISIS West Africa, aka ISIS West Africa Province, aka Islamic State of Iraq and Syria West Africa Province, aka Islamic State of Iraq and the Levant-West Africa (ISIL-WA), aka Islamic State West Africa Province (ISWAP) 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 ISIS-West Africa (ISIS-WA), also known as ISIS West Africa, also known as ISIS West Africa Province, also known as Islamic State of Iraq and Syria West Africa Province, also known as Islamic State of Iraq and the Levant-West Africa (ISIL-WA), also known as Islamic State West Africa Province (ISWAP) 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: September 13, 2017.

**Rex Tillerson,**  
*Secretary of State.*

**Editorial Note:** This document was received by the Office of the Federal Register on February 22, 2018.

[FR Doc. 2018-04023 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

## DEPARTMENT OF STATE

[Public Notice: 10329]

### **In the Matter of the Designation of ISIS-Bangladesh (and Other Aliases) as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act, as Amended**

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter "INA") (8 U.S.C. 1189), exist with respect to ISIS-Bangladesh, also known as Caliphate in Bangladesh, also known as Caliphate's Soldiers in Bangladesh, also known as Soldiers of the Caliphate in Bangladesh, also known as Khalifah's Soldiers in Bengal, also known as Islamic State Bangladesh, also known as Islamic State in Bangladesh, also known as ISB, also known as ISISB, also known as Abu Jandal al-Bangali, also known as Neo-JMB, also known as Neo-Jamaat-ul Mujahideen Bangladesh, also known as New-JMB.

Therefore, I hereby designate the aforementioned organization and its aliases as a foreign terrorist organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**.

Dated: December 11, 2017.

**Rex W. Tillerson,**  
*Secretary of State.*

[FR Doc. 2018-03999 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

## DEPARTMENT OF STATE

[Public Notice: 10333]

### **E.O. 13224 Designation of ISIS-Somalia, aka Islamic State in Somalia, aka ISS, aka ISIS in East Africa, aka Abnaa ul-Calipha 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 ISIS-Somalia, also known as Islamic State in Somalia, also known as ISS, also known as ISIS in East Africa, also known as Abnaa ul-Calipha, 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: October 31, 2017.

**Rex W. Tillerson,**  
*Secretary of State.*

**Editorial note:** This document was received for publication by the Office of the Federal Register on February 22, 2018.

[FR Doc. 2018-03996 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

## DEPARTMENT OF STATE

[Public Notice: 10327]

**E.O. 13224 Designation of ISIS-Bangladesh, aka Caliphate in Bangladesh, aka Caliphate's Soldiers in Bangladesh, aka Soldiers of the Caliphate in Bangladesh, aka Khalifah's Soldiers in Bengal, aka Islamic State Bangladesh, aka Islamic State in Bangladesh, aka ISB, aka ISISB, aka Abu Jandal al-Bangali, aka Neo-JMB, aka Neo-Jamaat-ul Mujahideen Bangladesh, aka New-JMB 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 ISIS-Bangladesh, also known as Caliphate in Bangladesh, also known as Caliphate's Soldiers in Bangladesh, also

known as Soldiers of the Caliphate in Bangladesh, also known as Khalifah's Soldiers in Bengal, also known as Islamic State Bangladesh, also known as Islamic State in Bangladesh, also known as ISB, also known as ISISB, also known as Abu Jandal al-Bangali, also known as Neo-JMB, also known as Neo-Jamaat-ul Mujahideen Bangladesh, also known as New-JMB, 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 11, 2017.

**Rex W. Tillerson,**  
*Secretary of State.*

[FR Doc. 2018-04024 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

## DEPARTMENT OF STATE

[Public Notice: 10328]

**In the Matter of the Designation of ISIS-West Africa (ISIS-WA) Also Known as ISIS West Africa Also Known as ISIS West Africa Province Also Known as Islamic State of Iraq and Syria West Africa Province Also Known as Islamic State of Iraq and the Levant-West Africa (ISIL-WA) Also Known as Islamic State West Africa Province (ISWAP) as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act, as Amended**

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter "INA") (8 U.S.C. 1189), exist with respect to ISIS-West Africa (ISIS-WA),

also known as ISIS West Africa, also known as ISIS West Africa Province, also known as Islamic State of Iraq and Syria West Africa Province, also known as Islamic State of Iraq and the Levant-West Africa (ISIL-WA), also known as Islamic State West Africa Province (ISWAP).

Therefore, I hereby designate the aforementioned organization and its aliases as a foreign terrorist organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**.

Dated: September 13, 2017.

**Rex W. Tillerson,**  
*Secretary of State.*

**Editorial Note:** This document was received by the Office of the Federal Register on February 22, 2018.

[FR Doc. 2018-03995 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

## DEPARTMENT OF STATE

[Public Notice: 10326]

**In the Matter of the Designation of ISIS-Philippines (and Other Aliases) as a Foreign Terrorist Organization Pursuant to Section 219 of the Immigration and Nationality Act, as Amended**

Based upon a review of the Administrative Record assembled in this matter, and in consultation with the Attorney General and the Secretary of the Treasury, I conclude that there is a sufficient factual basis to find that the relevant circumstances described in section 219 of the Immigration and Nationality Act, as amended (hereinafter "INA") (8 U.S.C. 1189), exist with respect to ISIS-Philippines, also known as ISIS in the Philippines, also known as ISIL Philippines, also known as ISIL in the Philippines, also known as IS Philippines, also known as ISP, also known as Islamic State in the Philippines, also known as Islamic State in Iraq and Syria in South-east Asia, also known as Dawlatul Islamiyah Waliyatul Masrik, DIWM, also known as Dawlatul Islamiyyah Waliyatul Mashriq, also known as IS East Asia Division, also known as ISIS branch in the Philippines, also known as ISIS' "Philippine province."

Therefore, I hereby designate the aforementioned organization and its aliases as a foreign terrorist organization pursuant to section 219 of the INA.

This determination shall be published in the **Federal Register**.

Dated: December 27, 2017.

**John J. Sullivan,**

*Deputy Secretary of State.*

[FR Doc. 2018-03997 Filed 2-27-18; 8:45 am]

**BILLING CODE 4710-AD-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2018-0116]

RIN 2120-AA64

#### Notice of Relocation; Change of Physical Address for the Federal Aviation Administration Northwest Mountain Regional Office

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** The FAA announces the relocation of the FAA Northwest Mountain Regional Office, which issues airworthiness directives (ADs) for transport category airplanes.

**DATES:** This address change takes effect February 28, 2018.

**FOR FURTHER INFORMATION CONTACT:** David A. Lee, Program Manager, Airworthiness & Technical Communications Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206-231-3197; email [David.A.Lee@faa.gov](mailto:David.A.Lee@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

The FAA Northwest Mountain Regional Office is relocating from 1601 Lind Ave. SW, Renton, WA 98057, to 2200 South 216th St., Des Moines, WA 98198. Service information related to ADs that cannot be placed in the docket is available for review in the office of the Transport Standards Branch, which is relocating with the Northwest Mountain Regional Office effective March 12, 2018.

##### Conclusion

Effective March 12, 2018, the address for mailing correspondence or reviewing service information related to ADs issued on transport category airplanes is FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA 98198. For information on the availability of this material at the FAA, call 206-231-3195.

Issued in Renton, Washington, on February 20, 2018.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2018-04022 Filed 2-27-18; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Summary Notice No. 2018-14]

#### Petition for Exemption; Summary of Petition Received; British Embassy Defense Staff

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice.

**SUMMARY:** This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

**DATES:** Comments on this petition must identify the petition docket number and must be received on or before March 12, 2018.

**ADDRESSES:** Send comments identified by docket number {FAA-2018-0151} using any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for sending your comments electronically.

- *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

- *Fax:* Fax comments to Docket Operations at 202-493-2251.

*Privacy:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to <http://www.regulations.gov>, as described in the system of records

notice (DOT/ALL-14 FDMS), which can be reviewed at <http://www.dot.gov/privacy>.

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

**FOR FURTHER INFORMATION CONTACT:** {Alphonso Pendergrass} (202) 267-4713, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591.

This notice is published pursuant to 14 CFR 11.85.

Issued in Washington, DC, on February 23, 2018.

**Dale Bouffiu,**

*Deputy Executive Director, Office of Rulemaking.*

#### Petition for Exemption

*Docket No.:* FAA-2018-0151.

*Petitioner:* British Embassy Defense Staff.

*Section(s) of 14 CFR Affected:* 91.9 (a), 91.319(c).

*Description of Relief Sought:* The Petitioner requests an exemption to fly a mixed formation of 13 aircraft on a predetermined route along the Potomac River and over the Air Force Memorial to commence the celebrations of the British Royal Air Force's 100th anniversary. Seven of the thirteen aircraft in the formation are in the experimental aircraft category.

[FR Doc. 2018-04054 Filed 2-27-18; 8:45 am]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[Docket No. FHWA-2018-0013]

#### Agency Information Collection Activities: Request for Comments for a New Information Collection

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the

**Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by April 30, 2018.

**ADDRESSES:** You may submit comments identified by DOT Docket ID Number FHWA 2018–0013, by any of the following methods:

*Website:* For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to <http://www.regulations.gov>.

Follow the online instructions for submitting comments.

*Fax:* 1–202–493–2251.

*Mail:* Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

*Hand Delivery or Courier:* U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Julie Johnston, Office of Program Administration, 202–591–5858, [Julie.johnston@dot.gov](mailto:Julie.johnston@dot.gov), Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* Value Engineering Call for Data.

*Background:* Value Engineering (VE) is defined as a systematic process of review and analysis of a project, during the concept and design phases, by a multidiscipline team of persons not involved in the project, that is conducted to provide recommendations for providing the needed functions safely, reliably, efficiently, and at the lowest overall cost; improving the value and quality of the project; and reducing the time to complete the project.

Applicable projects requiring a VE analysis include Projects on the National Highway System (NHS) receiving Federal assistance with an estimated total cost of \$50,000,000 or more; Bridge projects on the NHS receiving Federal assistance with an estimated total cost of \$40,000,000 or more; any major project, as defined in 23 U.S.C. 106(h), located on or off the NHS, that utilizes Federal-aid highway funding in any contract or phase; and other projects as defined in 23 CFR 627.5. 23 U.S.C. 106(e)(4)(iv) and 23 CFR 627.7(3) require States to monitor, evaluate and annually submit a report

that describes the results of the value analyses that are conducted and the recommendations implemented on applicable projects. The FHWA will submit a National Call for VE Data in order to monitor and assess the VE Program and meet the requirements of 23 U.S.C. 106(h).

*Respondents:* 52.

*Frequency:* Once per year.

*Estimated Average Burden per*

*Response:* Approximately 2 hours per participant over a year.

*Estimated Total Annual Burden*

*Hours:* Approximately 104 hours per year.

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: February 23, 2018.

**Michael Howell,**

*Information Collection Officer.*

[FR Doc. 2018–04064 Filed 2–27–18; 8:45 am]

**BILLING CODE 4910–22–P**

**DEPARTMENT OF TRANSPORTATION**

**National Highway Traffic Safety Administration**

[Docket Number NHTSA–2018–0019]

**Reports, Forms, and Record Keeping Requirements**

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and

reinstatement of previously approved collections.

This document describes one collection of information for which NHTSA intends to seek OMB approval.

**DATES:** Send comments on or before April 30, 2018.

**ADDRESSES:** You may send comments, identified by [Docket No. NHTSA–2018–0019] by any of the following methods:

• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the online instructions for submitting comments.

• *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

• *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. Telephone: 1–800–647–5527.

• *Fax:* 202–493–2251.

*Instructions:* All submissions must include the agency name and docket number for this proposed collection of information. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Privacy Act:* Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit <http://DocketInfo.dot.gov>.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> and follow the online instructions for accessing the dockets. Alternately, you may visit in person the Docket Management Facility at the street address listed above.

**FOR FURTHER INFORMATION CONTACT:** Coleman Sachs, Office of Vehicle Safety Compliance (NEF–230), National Highway Traffic Safety Administration, West Building—4th Floor—Room W45–205, 1200 New Jersey Avenue SE, Washington, DC 20590. Mr. Sachs' telephone number is (202) 366–3151. Please identify the relevant collection of information by referring to its OMB Control Number.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. The OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) 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) 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) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.* permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information:

*Title:* Consolidated Labeling Requirements for 49 CFR parts 565 Vehicle Identification Number (VIN) Requirements, and 567 Certification.

*Type of Request:* Extension of a currently approved collection.

*OMB Control Number:* 2127-0510.

*Affected Public:* Motor vehicle manufacturers.

*Form Number:* None.

*Abstract:*

#### Part 565

The regulations in part 565 specify the format, contents, and physical requirements for a vehicle identification number (VIN) system and its installation to simplify vehicle identification information retrieval and to increase the accuracy and efficiency of vehicle recall campaigns. The regulations require each vehicle manufactured in one stage to have a VIN that is assigned by the vehicle's manufacturer. Each vehicle manufactured in more than one stage is to have a VIN assigned by the incomplete vehicle manufacturer. Each VIN must consist of 17 characters,

including a check digit, in the ninth position, whose purpose is to verify the accuracy of any VIN transcription. The VIN must also incorporate the world manufacturer identifier or WMI assigned to the manufacturer by the competent authority in the country where the manufacturer is located. The WMI occupies the first three characters of the VIN for manufacturers that produce 1,000 or more vehicles of a specified type within a model year, and positions 1, 2, 3, 12, 13, and 14 of VINs assigned by manufacturers that produce less than 1,000 vehicles of a specified type per model year. The remaining characters of the VIN describe various vehicle attributes, such as make, model, and type, which vary depending on the vehicle's type classification (*i.e.* passenger car, multipurpose passenger vehicle, truck, bus, trailer, motorcycle, low-speed vehicle), and identify the vehicle's model year, plant code, and sequential production number. NHTSA has contracted with SAE International of Warrendale, Pennsylvania, to coordinate the assignment of WMIs to manufacturers in the United States. Each manufacturer of vehicles subject to the requirements of part 565 must submit, either directly or through an agent, the unique identifier for each make and type of vehicle it manufactures at least 60 days before affixing the first VIN using the identifier. Manufacturers are also required to submit to NHTSA information necessary to decipher the characters contained in their VINs, including amendments to that information, at least 60 days prior to offering for sale the first vehicle identified by a VIN containing that information or if information concerning vehicle characteristics sufficient to specify the VIN code is unavailable to the manufacturer by that date, then within one week after that information first becomes available. With changes implemented in 2015, manufacturers have been able to make these submissions using an online portal on the agency's website at <https://vpic.nhtsa.dot.gov/>. In 2014, NHTSA received VIN-deciphering information under part 565 from approximately 650 manufacturers. In 2015, NHTSA received this information from approximately 770 manufacturers. In 2016, NHTSA received this information from approximately 780 manufacturers. Based on these figures, the agency would expect to receive approximately 733 part 565 submissions from manufacturers in each of the next three years ( $650 + 770 + 780 = 2200$ ;  $2200 \div 3 = 733$ ). Assuming that it would take

one hour to produce a VIN deciphering submission, at an average cost of \$30.00 per hour for the administrative and professional staff preparing and reviewing the submission, NHTSA estimates that it will cost vehicle manufacturers \$21,990 to comply with the part 565 requirements ( $733 \text{ submissions} \times \$30 = \$21,990$ ).

#### Part 567

The regulations in part 567 specify the content and location of, and other requirements for, the certification label to be affixed to a motor vehicle, as required by the National Traffic and Motor Vehicle Safety Act, as amended (the Vehicle Safety Act)(49 U.S.C. 30115) and the Motor Vehicle Information and Cost Savings Act, as amended (the Cost Savings Act)(49 U.S.C. 30254 and 33109), to address certification-related duties and liabilities, and to provide the consumer with information to assist him or her in determining which of the Federal motor vehicle safety standards (as found in 49 CFR part 571), bumper standards (as found in 49 CFR part 581, and Federal theft prevention standards (as found in 49 CFR part 541) are applicable to the vehicle. The regulations pertain to manufacturers of motor vehicles to which one or more standards are applicable, including persons who alter such vehicles prior to their first retail sale, and to Registered Importers of vehicles not originally manufactured to comply with all applicable Federal motor vehicle safety standards that are determined eligible for importation by NHTSA, based on the vehicles' capability of being modified to conform to those standards. The regulations require each manufacturer to affix to each vehicle, in a prescribed location, a label that, among other things, identifies the vehicle's manufacturer (defined as the person who actually assembles the vehicle), the vehicle's date of manufacture, and the statement that the vehicle complies with all applicable Federal motor vehicle safety standards and, where applicable, bumper and theft prevention standards in effect on the date of manufacture. The label must also include the vehicle's gross vehicle and gross axle weight ratings (GVWR and GAWRs), vehicle identification number, and vehicle type classification (*i.e.*, passenger car, multipurpose passenger vehicle, truck, bus, trailer, motorcycle, low-speed vehicle). The regulations specify other labelling requirements for incomplete vehicle, intermediate, and final-stage manufacturers of vehicles built in two or more stages, such as commercial trucks that are built by adding work performing components,



such as a cargo box or cement mixer, to a previously manufactured chassis or chassis-cab, and to persons who alter previously certified vehicles, other than by the addition, substitution, or removal of readily attachable components such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, before the first purchase of the vehicle for purposes other than resale.

Description of the Likely Respondents (Including Estimated Number and Proposed Frequency of Responses to the Collection of Information): The agency estimates that it will receive new submissions of VIN-deciphering information under part 565 from approximately 733 manufacturers of motor vehicles per year. The manufacturers need only submit the required information on a one-time basis, with the proviso that they notify the agency of any changes in the information on file within 30 days from the date that any change in that information occurs. In addition, the agency estimates that approximately 7,600 manufacturers of motor vehicles of all types, including manufacturers of passenger cars, multipurpose passenger vehicles, trucks, buses, trailers, motorcycles and low-speed vehicles, as well as incomplete vehicle manufacturers, intermediate and final-stage manufacturers of vehicles built in two or more stages, and vehicle alterers, will need to comply with the certification labeling requirements of part 567.

*Estimate of the Total Annual Reporting and Recordkeeping Burden of the Collection of Information:* 733 hours for supplying required VIN-deciphering information to NHTSA under part 565; 88,000 hours for meeting the labeling requirements of part 567.

*Estimate of the Total Annual Costs of the Collection of Information:* Assuming that the part 565 information is submitted to the agency's website by company officers or employees compensated at an average rate of \$30.00 per hour, the agency estimates that \$21,990 will be expended on an annual basis by all manufacturers required to submit that information (733 hours × \$30.00 = \$21,990). Additionally, assuming that it will take an average of .005 hours to affix a certification label to each of the approximately 17,600,000 vehicles produced each year for sale in the United States, at an average cost of \$20.00 per hour, the agency estimates that roughly \$1,760,000 will be expended by all manufacturers to comply with the labeling requirements of part 567 (17,600,000 vehicles × .005 hours = 88,000 hours; 88,000 hours × \$20.00 = \$1,760,000).

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

**Jeffrey M. Giuseppe,**

*Associate Administrator for Enforcement.*

[FR Doc. 2018-03987 Filed 2-27-18; 8:45 am]

**BILLING CODE 4910-59-P**

---

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### **Proposed Collection; Comment Request on Information Collection Tools Relating to the Offshore Voluntary Disclosure Program (OVDP)**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning the Offshore Voluntary Disclosure Program (OVDP).

**DATES:** Written comments should be received on or before April 30, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224. Please send separate comments for each specific information collection listed below. You must reference the information collection's title, form number, reporting or record-keeping requirement number, and OMB number (if any) in your comment.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the collection tools should be directed to Martha R. Brinson, at (202) 317-5753 or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or

through the internet at [Martha.R.Brinson@irs.gov](mailto:Martha.R.Brinson@irs.gov).

#### **SUPPLEMENTARY INFORMATION:**

Currently, the IRS is seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

*Title:* Offshore Voluntary Disclosure Program (OVDP).

*OMB Number:* 1545-2241. Form Number(s): 14452, 14453, 14454, 14457, 14467, 14653, 14654, 14708, 15023.

*Abstract:* The IRS is offering people with undisclosed income from offshore accounts an opportunity to get current with their tax returns. Taxpayers with undisclosed foreign accounts or entities should make a voluntary disclosure because it enables them to become compliant, avoid substantial civil penalties and generally eliminate the risk of criminal prosecution. The objective is to bring taxpayers that have used undisclosed foreign accounts and undisclosed foreign entities to avoid or evade tax into compliance with United States tax laws. Form 15023 is part of the Decline and Withdrawal Campaign, related to Offshore Voluntary Disclosure Program (OVDP) taxpayers.

*Current Actions:* There is no change in the paperwork burden previously approved by OMB.

*Type of Review:* Extension of currently approved collection.

*Affected Public:* Individuals or households.

*Estimated Number of Responses:* 474,569.

*Estimated Time per Respondent:* 1 hour 35 mins.

*Estimated Total Annual Burden Hours:* 758,138.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including

whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 23, 2018.

**L. Brimmer,**

*Senior Tax Analyst.*

[FR Doc. 2018-04095 Filed 2-27-18; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 8904

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Credit for Oil and Gas Production From Marginal Wells.

**DATES:** Written comments should be received on or before April 30, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments to L. Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form should be directed to Martha R. Brinson, at (202) 317-5753 or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at [Martha.R.Brinson@irs.gov](mailto:Martha.R.Brinson@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Credit for Oil and Gas Production From Marginal Wells.

*OMB Number:* 1545-2278.

*Form Number:* 8904.

*Abstract:* Public Law 108-357, Title III, Subtitle C, section 341(a) has caused us to develop a credit for oil and gas

production from marginal wells, which is reflected on Form 8904 and its instructions. Tax year 2017 will be the first year Form 8904 and its instructions will be released.

*Current Actions:* There are no changes being made to Form 8904 at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, Individuals or households, not-for-profit institutions, farms, and state, local or tribal governments.

*Estimated Number of Responses:* 20,000.

*Estimated Time per Respondent:* 2 hrs., 58 mins.

*Estimated Total Annual Burden Hours:* 59,200.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: February 23, 2018.

**L. Brimmer,**

*Senior Tax Analyst.*

[FR Doc. 2018-04099 Filed 2-27-18; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### United States Mint

#### Renewal of Currently Approved Information Collection: Comment Request for Application for Intellectual Property Use Forms

**AGENCY:** United States Mint.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury invites the general public and other Federal agencies to take this opportunity to comment on currently approved information collection 1525-0013, as required by the Paperwork Reduction Act of 1995, Public Law 104-13. The United States Mint, a bureau of the Department of the Treasury, is soliciting comments on the United States Mint Application for Intellectual Property Use form.

**DATES:** Written comments should be received on or before April 30, 2018 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Mary Ann Scharbrough, Office of the Director, Executive Secretariat, United States Mint; 801 9th Street NW, Washington, DC 20220; (202) 384-5805 (this is not a toll-free number); [mary.scharbrough@usmint.treas.gov](mailto:mary.scharbrough@usmint.treas.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection package should be directed to Mary Ann Scharbrough, Office of the Director, Executive Secretariat, United States Mint; 801 9th Street NW, Washington, DC 20220; (202) 384-5805 (this is not a toll-free number); [mary.scharbrough@usmint.treas.gov](mailto:mary.scharbrough@usmint.treas.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Application for Intellectual Property Use.

*OMB Number:* 1525-0013.

*Abstract:* The application form allows individuals and entities to apply for permissions and licenses to use United States Mint owned or controlled intellectual property.

*Current Actions:* The United States Mint reviews and assesses permission requests and applications for United States Mint intellectual property licenses.

*Type of Review:* Renewal of a currently approved information collection.

*Affected Public:* Businesses or other for-profit; not-for-profit institutions; State, Local, or Tribal Government; and individuals or households.

*Estimated Number of Respondents:* The estimated number of annual respondents is 113.

*Estimated Total Annual Burden Hours:* The estimated number of annual burden hours is 84.

*Requests for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record.

*Comments are invited on:* (a) Whether the collection of information is necessary for the proper performance of

the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or

other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: February 23, 2018.

**Jon J. Cameron,**

*Acting Chief Administrative Officer, United States Mint.*

[FR Doc. 2018-04078 Filed 2-27-18; 8:45 am]

**BILLING CODE 4810-37-P**



# FEDERAL REGISTER

---

Vol. 83

Wednesday,

No. 40

February 28, 2018

---

## Part II

### The President

---

Memorandum of February 8, 2018—Delegation of Certain Functions and Authorities Under Section 1252 of the National Defense Authorization Act for Fiscal Year 2017

Memorandum of February 9, 2018—Delegation of Certain Functions and Authorities Under Section 1235 of the National Defense Authorization Act for Fiscal Year 2018



Title 3—

Memorandum of February 8, 2018

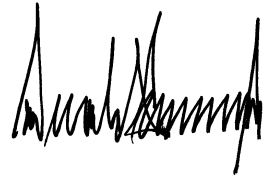
The President

**Delegation of Certain Functions and Authorities Under Section 1252 of the National Defense Authorization Act for Fiscal Year 2017****Memorandum for the Secretary of State [and] the Secretary of Defense**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to the Secretary of State, in coordination with the Secretary of Defense, the functions and authorities vested in the President by section 1252 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114–328).

The delegation in this memorandum shall apply to any provisions of any future public law that are the same or substantially the same as the provision referenced in this memorandum.

The Secretary of State is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,  
Washington, February 8, 2018

## Presidential Documents

Memorandum of February 9, 2018

### Delegation of Certain Functions and Authorities Under Section 1235 of the National Defense Authorization Act for Fiscal Year 2018

#### Memorandum for the Secretary of State [and] the Secretary of Defense

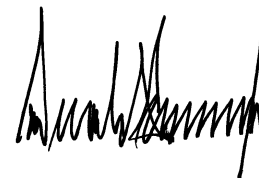
By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby order as follows:

**Section 1.** I hereby delegate to the Secretary of Defense the functions and authorities vested in the President by section 1235(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91) (the “Act”).

**Sec. 2.** I hereby delegate to the Secretary of State the functions and authorities vested in the President by Section 1235(b) of the Act.

**Sec. 3.** The delegations in this memorandum shall apply to any provisions of any future public law that are the same or substantially the same as those provisions referenced in this memorandum.

**Sec. 4.** The Secretary of State is authorized and directed to publish this Memorandum in the *Federal Register*.



THE WHITE HOUSE,  
Washington, February 9, 2018

# Reader Aids

Federal Register

Vol. 83, No. 40

Wednesday, February 28, 2018

## CUSTOMER SERVICE AND INFORMATION

### Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids **202-741-6000**

**Laws** **741-6000**

### Presidential Documents

Executive orders and proclamations **741-6000**

**The United States Government Manual** **741-6000**

### Other Services

Electronic and on-line services (voice) **741-6020**

Privacy Act Compilation **741-6050**

Public Laws Update Service (numbers, dates, etc.) **741-6043**

## ELECTRONIC RESEARCH

### World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: [www.fdsys.gov](http://www.fdsys.gov).

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: [www.ofr.gov](http://www.ofr.gov).

### E-mail

**FEDREGTOC** (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to <https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new>, enter your email address, then follow the instructions to join, leave, or manage your subscription.

**PENS** (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html> and select *Join or leave the list (or change settings)*; then follow the instructions.

**FEDREGTOC** and **PENS** are mailing lists only. We cannot respond to specific inquiries.

**Reference questions.** Send questions and comments about the Federal Register system to: [fedreg.info@nara.gov](mailto:fedreg.info@nara.gov)

The Federal Register staff cannot interpret specific documents or regulations.

**CFR Checklist.** Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at <http://bookstore.gpo.gov/>.

## FEDERAL REGISTER PAGES AND DATE, FEBRUARY

4575-4830.....	1	7107-7356.....	20
4831-5028.....	2	7357-7592.....	21
5029-5174.....	5	7593-7948.....	22
5175-5296.....	6	7949-8164.....	23
5297-5520.....	7	8165-8320.....	26
5521-5680.....	8	8321-8604.....	27
5861-5870.....	9	8605-8742.....	28
5871-6106.....	12		
6107-6450.....	13		
6451-6788.....	14		
6789-6948.....	15		
6949-7106.....	16		

## CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

<b>3 CFR</b>	26.....	5373
<b>Proclamations:</b>	50.....	5373
9695.....	51.....	5373
9696.....	52.....	5373
9697.....	61.....	6475
9698.....	72.....	5373
9699.....	73.....	5373
<b>Executive Orders:</b>	140.....	5373
13492 (Revoked by	430.....	5374, 8016
EO 13823).....		
13823.....		
<b>Administrative Orders:</b>		
<b>Memorandums:</b>	46.....	7951
Memorandum of	741.....	7954
February 5, 2018.....	1005.....	6364
Memorandum of	1026.....	6364
February 20, 2018.....	1202.....	5681
Memorandum of	1282.....	5878
February 8, 2018.....	<b>Proposed Rules:</b>	
Memorandum of	Ch. II.....	8391
February 9, 2018.....	45.....	7413
Notices:	237.....	7413
Notice of February 9,	349.....	7413
2018.....	624.....	7413
Orders:	1081.....	5055
Order of February 12,	1221.....	7413
2018.....		
<b>5 CFR</b>	<b>12 CFR</b>	
<b>Proposed Rules:</b>	46.....	7951
890.....	741.....	7954
	1005.....	6364
	1026.....	6364
	1202.....	5681
	1282.....	5878
	<b>Proposed Rules:</b>	
	Ch. II.....	8391
	45.....	7413
	237.....	7413
	349.....	7413
	624.....	7413
	1081.....	5055
	1221.....	7413
	<b>13 CFR</b>	
	107.....	7361
	120.....	7361
	142.....	7361
	146.....	7361
<b>7 CFR</b>	<b>14 CFR</b>	
46.....	25.....	4575
305.....	39.....	5182, 5297, 5299, 5301,
319.....		5304, 5521, 5685, 5689,
800.....		5700, 5899, 5902, 5904,
985.....		5906, 5212, 6107, 6110,
986.....		6112, 6114, 6118, 6120,
<b>Proposed Rules:</b>		6123, 6125, 6455, 6791,
273.....		7107, 7964, 7968, 7972,
400.....		7975, 8323, 8325, 8328,
929.....		8605
1051.....		71.....
1217.....		4577, 4833, 5523, 5524,
		5705, 5706, 5707, 5710,
<b>8 CFR</b>		6127, 7363, 7365, 8165
1003.....		95.....
		8606
		97.....
		6130, 6132, 8331, 8334
<b>9 CFR</b>	<b>Proposed Rules:</b>	
<b>Proposed Rules:</b>	25.....	7638
301.....	39.....	4605, 4609, 5576, 5579,
309.....		5584, 5587, 5738, 5741,
310.....		5743, 5746, 5956, 5958,
416.....		5960, 5963, 6136, 6477,
417.....		6984, 7117, 7423, 7425,
500.....		8017, 8199, 8201
590.....		71.....
591.....		4611, 4613, 4863, 4865,
		4866, 5748, 5750, 5965,
<b>10 CFR</b>		5966, 7428, 7430, 7432,
<b>Proposed Rules:</b>		7433, 7435, 8207, 8208,
20.....		8210, 8638



<b>15 CFR</b>	<b>25 CFR</b>	<b>36 CFR</b>	<b>45 CFR</b>
Ch. I.....5525	140.....5192	<b>Proposed Rules:</b>	<b>Proposed Rules:</b>
744.....6949	141.....5192	7.....8640	144.....7437
801.....4834	170.....8609		146.....7437
<b>Proposed Rules:</b>	211.....5192	<b>37 CFR</b>	148.....7437
4.....5215	213.....5192	<b>Proposed Rules:</b>	1304.....6503, 6506
774.....5968	225.....5192	201.....4884, 5227	1603.....4826, 4827
	226.....5192	202.....5227	2551.....6740
<b>16 CFR</b>	227.....5192	211.....5227	2552.....6740
0.....7109	243.....5192	212.....5227	2553.....6740
305.....7593	249.....5192		
1420.....8336		<b>39 CFR</b>	<b>46 CFR</b>
1500.....8340	<b>26 CFR</b>	3010.....4585	136.....8175
<b>Proposed Rules:</b>	57.....8173	<b>Proposed Rules:</b>	142.....8175
Ch. I.....7120	<b>Proposed Rules:</b>	111.....8399	
18.....7643	1.....4868, 6806	3001.....7338	<b>47 CFR</b>
1112.....4578	5.....6806	3004.....7338	1.....4600, 7395, 7852, 8181
1500.....5056	5c.....6806	3007.....7338	4.....7395
1507.....5056	5f.....6806	3015.....6758	8.....7852
	7.....6806		9.....7395
<b>17 CFR</b>	11.....6806	<b>40 CFR</b>	10.....8619
1.....7979	13.....6806	52.....4591, 4595, 4597, 4847,	15.....4998
3.....7979	16.....6806	5537, 5540, 5915, 5921,	20.....7395, 7852, 8624
4.....7979	19.....6806	5923, 5927, 5940, 6470,	27.....5543
5.....7979	20.....6806	6968, 6970, 6972, 7610,	54.....5543, 6796
15.....7979	25.....6806	7614, 8359, 8610, 8612	68.....8624
18.....7979	31.....6806	63.....5543	73.....4998, 5543, 8181
19.....7979	48.....6806	110.....5200	74.....4998, 5543
23.....7979	49.....6806	112.....5200	76.....4998, 5543, 7619
30.....7979	54.....6806, 7437	116.....5200	<b>Proposed Rules:</b>
38.....7979	55.....6806	117.....5200	1.....6141
39.....7979	148.....6806	122.....5200	2.....5057
41.....7979	301.....4868, 6806	124.....4598	25.....5057
50.....7979	404.....6806	180.....5307, 5312, 5711, 5717,	73.....6141, 6832
150.....7979	601.....6806	5942, 6975, 7111, 7616,	
151.....7979	602.....6806	7998, 8003, 8006, 8616	<b>48 CFR</b>
155.....7979		230.....5200	502.....7631
166.....7979	<b>29 CFR</b>	232.....5200	512.....7631
229.....8166	4022.....6956	241.....5317	513.....7631
249.....8166	<b>Proposed Rules:</b>	261.....5340	532.....7631
270.....8342	2590.....7437	271.....5948	552.....7631
274.....8342		300.....5200, 5209, 5210, 6981	816.....7401
	<b>31 CFR</b>	302.....5200	828.....7401
<b>18 CFR</b>	<b>Proposed Rules:</b>	320.....7556	852.....7401
11.....5306	1010.....6986	401.....5200	9903.....8634
<b>Proposed Rules:</b>		770.....5340	
358.....7122	<b>32 CFR</b>	<b>Proposed Rules:</b>	<b>49 CFR</b>
385.....8019	286.....5196	50.....6490	171.....5037
	706.....5536, 6458	51.....6490	571.....8182
<b>19 CFR</b>		52.....4614, 4617, 4886, 5375,	<b>Proposed Rules:</b>
12.....8354	<b>33 CFR</b>	5593, 5594, 6491, 6493,	571.....6148, 8647
122.....7608	100.....4838, 4840, 4843, 5035,	6496, 6503, 6822, 6996,	
	5306, 6957, 6959	7002, 7124, 8021, 8403,	<b>50 CFR</b>
<b>20 CFR</b>	117.....4585, 4838, 4840, 4843,	8408	11.....5950
802.....8172	4845, 6795, 6796, 6959,	8408	17.....5720, 8576
	7110, 7395	55.....5971, 6136	20.....5037
<b>21 CFR</b>	147.....4838, 4840, 4843, 6959	60.....4620	218.....5545
807.....7366	165.....4838, 4840, 4843, 5197,	62.....4621, 5231	229.....5349
812.....7366	6959, 6961, 6964, 6966,	122.....7126	622.....5210, 5571, 7636
814.....7366	8357	180.....8408	648.....4601, 4849, 5212, 5735,
864.....8355	328.....5200	257.....7129	6133, 6797, 8362, 8635
878.....6793	<b>Proposed Rules:</b>	700.....8212	660.....4850, 5952, 6472
882.....5033	110.....4882	720.....8212	665.....5051
1308.....4580, 5188	117.....6821	721.....5598, 8212	679.....5052, 5053, 5214, 5720,
<b>Proposed Rules:</b>	165.....5225, 5592, 5751, 6994,	723.....8212	6473, 6982, 7115, 8365,
Ch. I.....7123	7644, 7647	725.....8212	8636
514.....6480		790.....8212	
	<b>34 CFR</b>	791.....8212	<b>Proposed Rules:</b>
<b>22 CFR</b>	668.....6458	<b>43 CFR</b>	20.....4964
126.....6457	674.....6458	<b>Proposed Rules:</b>	92.....4623
<b>Proposed Rules:</b>	682.....6458	3160.....7924	223.....8410
121.....5970	685.....6458	3170.....7924	224.....8410
	<b>Proposed Rules:</b>	<b>44 CFR</b>	300.....8028, 8414
<b>24 CFR</b>	300.....8396	64.....8011	600.....4890, 8416
2002.....7388			

---

622 .....	4890, 6830, 7447	648 .....	6152, 7129, 8235	679.....	8028
635.....	8037	660.....	7650		

---

**LIST OF PUBLIC LAWS**

---

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at <http://www.archives.gov/federal-register/laws>.

The text of laws is not published in the **Federal**

**Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at <http://www.gpo.gov/fdsys>. Some laws may not yet be available.

**S. 96/P.L. 115-129**  
Improving Rural Call Quality and Reliability Act of 2017  
(Feb. 26, 2018; 132 Stat. 329)  
**Last List February 27, 2018**

---

**Public Laws Electronic Notification Service (PENS)**

---

**PENS** is a free electronic mail notification service of newly

enacted public laws. To subscribe, go to <http://listserv.gsa.gov/archives/publaws-l.html>

**Note:** This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.