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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2016-5019; Product Identifier 2015-SW-079-AD; Amendment 39-19210; AD 2018-05-01]

RIN 2120-AA64

#### Airworthiness Directives; Airbus Helicopters

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

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, AS332L2, and EC225LP helicopters. This AD requires inspecting the sliding cabin plug door (sliding door). This AD was prompted by the failure of the sliding door's jettison mechanism due to corrosion. The actions of this AD are intended to address an unsafe condition in these products.

**DATES:** This AD is effective April 5, 2018.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of April 5, 2018.

**ADDRESSES:** For service information identified in this final rule, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at [http://www.helicopters.airbus.com/website/en/ref/Technical-Support\\_73.html](http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html). 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. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-5019.

#### Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2016-5019; 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:

David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5116; email [david.hatfield@faa.gov](mailto:david.hatfield@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

On March 3, 2017, at 82 FR 12424, 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 Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, and AS332L2 helicopters with a date of manufacture on or before July 14, 2014, and with a sliding door with Airbus Helicopters modification AL25612 or 0725870 installed; and Model EC225LP helicopters with a date of manufacture on or before July 14, 2014.

The NPRM proposed to require visually inspecting for and removing any sealing compound from the sliding doors and any corrosion from all visible bracket surfaces, measuring corrosion depth and performing a jettisoning test if there is corrosion, and measuring the clearance between the bracket and stainless steel pipe to ensure a minimum clearance. For Model EC225LP helicopters and Model AS332-series helicopters with modification AL25612, the NPRM also proposed inspecting for drain obstruction. The proposed requirements were intended to prevent corrosion damage, which can hinder jettisoning the door during an

emergency, jeopardizing the safe evacuation of occupants.

The NPRM was prompted by AD No. 2015-0156, dated July 29, 2015, and corrected July 30, 2015, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for the Airbus Helicopters Model AS332C, AS332C1, AS332L, AS332L1, and AS332L2 helicopters manufactured before July 14, 2014, and equipped with sliding doors modified in accordance with Airbus Helicopters modification (MOD) AL25612 or 0725870. EASA AD No. 2015-0156 also applies to Airbus Helicopters Model EC225LP helicopters manufactured before July 14, 2014, and equipped with sliding doors.

EASA advises that the sliding door's emergency jettisoning mechanism failed during a scheduled inspection because of significant corrosion damage caused by water accumulation from a plastic-rubber compound that obstructed the water drain of the jettison mechanism system. According to EASA, this condition, if not detected and corrected, could lead to jamming of the jettisoning mechanism, possibly preventing the jettisoning of the door during an emergency and jeopardizing the safe evacuation of occupants. To address this unsafe condition, EASA AD No. 2015-0156 requires a one-time inspection of the left hand and right hand sliding doors for corrosion.

Since the NPRM was issued, the FAA's Aircraft Certification Service has changed its organization structure. The new structure replaces product directorates with functional divisions. We have revised some of the office titles and nomenclature throughout this Final rule to reflect the new organizational changes. Additional information about the new structure can be found in the Notice published on July 25, 2017 (82 FR 34564).

#### Comments

After our NPRM was published, we received comments from two commenters.

#### Request

Both commenters requested that we require replacement of the entire door jettisoning system. In support of this request, the commenters stated that only replacing corroded parts and not the entire system does not eliminate the danger of the parts corroding again.

We disagree. The AD does not only require the replacement of corroded parts. It also requires removing any sealing compound, measuring any corrosion and testing the door jettisoning mechanism, ensuring the clearance between the bracket and stainless steel pipe, and ensuring there is no obstruction of the drain on the roller well bracket. We determined that the combination of these actions reduces the risk of the corrosion recurring to an acceptable level and is therefore sufficient to correct the unsafe condition.

#### FAA's Determination

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, 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, reviewed the relevant information, considered the comments received, 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.

#### Differences Between This AD and the EASA AD

The EASA AD requires compliance within various times, depending on the helicopter model and modifications. This AD requires compliance within 30 days.

#### Related Service Information Under 1 CFR Part 51

We reviewed Airbus Helicopters Alert Service Bulletin No. AS332–53.01.86, Revision 1, dated June 29, 2015 (ASB AS332–53.01.86), for Model AS332C, AS332C1, AS332L, AS332L1, and AS332L2 helicopters and military model AS332B, B1, F1, M, and M1 helicopters; and Alert Service Bulletin No. EC225–53A048, Revision 0, dated August 18, 2014 (ASB EC225–53A048), for Model EC225LP helicopters. ASB AS332–53.01.86 and ASB EC225–53A048 specify checking areas of the emergency jettisoning system of the sliding doors for the absence of sealing compound, for corrosion on the visible surfaces of the bracket, for the absence of interference between the stainless steel pipe and the aluminum bracket, and for non-obstruction of the drain.

This service information is reasonably available because the interested parties have access to it through their normal

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

#### Costs of Compliance

We estimate that this AD affects 24 helicopters of U.S. Registry and that labor costs average \$85 per work-hour. Based on these estimates, we expect that visually inspecting for corrosion requires 1 work-hour and no parts for a total cost of \$85 per helicopter, and \$2,040 for the U.S. fleet. Replacing corroded parts requires 8 work-hours and parts cost \$500 for a total cost of \$1,180 per helicopter. Replacing the door jettisoning system requires 16 work-hours and parts cost \$4,500 for a total cost of \$5,860 per helicopter.

#### 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):

#### 2018–05–01 Airbus Helicopters:

Amendment 39–19210; Docket No. FAA–2016–5019; Product Identifier 2015–SW–079–AD.

#### (a) Applicability

This AD applies to the following Airbus Helicopters, certificated in any category:

- (1) Model AS332C, AS332C1, AS332L, AS332L1, and AS332L2 helicopters with a date of manufacture on or before July 14, 2014, and with a sliding cabin plug door (sliding door) with Airbus Helicopters modification AL25612 or 0725870 installed; and
- (2) Model EC225LP helicopters with a date of manufacture on or before July 14, 2014.

#### (b) Unsafe Condition

This AD defines the unsafe condition as corrosion of a jettisoning mechanism which, if not detected and corrected, could result in failure of a sliding door to jettison, preventing occupants from exiting the helicopter during an emergency.

#### (c) Effective Date

This AD becomes effective April 5, 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 30 days:

- (1) Visually inspect the left-hand and right-hand sliding doors for sealing compound as shown in Figure 1 of Airbus Helicopters Alert Service Bulletin No. AS332–53.01.86, Revision 1, dated June 29, 2015 (ASB AS332–53.01.86), or Airbus Helicopters Alert Service Bulletin No. EC225–53A048, Revision 0, dated August 18, 2014 (ASB EC225–53A048), as applicable for your model helicopter. Remove any sealing compound.



(2) Inspect all visible bracket surfaces for corrosion. If there is any corrosion, remove the corrosion and measure the corrosion depth.

(i) If the measured corrosion depth is less than 0.5 mm, perform a jettisoning test. If the door passes the test, apply corrosion protectant. If the door does not pass the test, replace the jettisoning system before further flight.

(ii) If the measured corrosion depth is 0.5 mm or more, perform a jettisoning test. If the door passes the test, apply corrosion protectant, perform a jettisoning test at intervals not to exceed two months for not more than six months, and replace the jettisoning system within six months. If the door does not pass the test, replace the jettisoning system before further flight.

(3) Measure the clearance between the bracket and stainless steel pipe. If the clearance is less than 3 mm, remove the lockwire from the union and loosen the unions of the air vent pipe. Position the support and the air vent pipe to ensure a minimum clearance of 3 mm. Tighten the support and unions of the pipe and safety the union using lockwire.

(4) For Model EC225LP helicopters and Model AS332-series helicopters with modification AL25612, inspect for drain obstruction by compressing the middle rail roller well piston and injecting distilled water through the roller well to determine if the water drains. If the drain is obstructed, remove the sealing compound and adhesive from the gutter in the bracket area. Remove the drain from the gutter and unclog the drain and gutter using a spatula or brush. Clean the gutter on the bracket side and the drain. Apply adhesive to the gutter and then slide in the drain. Allow the adhesive to dry, and then apply sealing compound.

#### (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: David Hatfield, Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5116; email 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

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2015-0156, dated July 29, 2015, and corrected July 30, 2015. You may view the EASA AD on the internet at <http://www.regulations.gov> in Docket No. FAA-2016-5019.

#### (h) Subject

Joint Aircraft Service Component (JASC) Code: 5220, Emergency Exits.

#### (i) Material Incorporated by Reference

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

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

(i) Airbus Helicopters Alert Service Bulletin No. AS332-53.01.86, Revision 1, dated June 29, 2015.

(ii) Airbus Helicopters Alert Service Bulletin No. EC225-53A048, Revision 0, dated August 18, 2014.

(3) For Airbus Helicopters service information identified in this AD, contact Airbus Helicopters, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641-0000 or (800) 232-0323; fax (972) 641-3775; or at [http://www.helicopters.airbus.com/website/en/ref/Technical-Support\\_73.html](http://www.helicopters.airbus.com/website/en/ref/Technical-Support_73.html).

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N-321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222-5110.

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

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

Scott A. Horn,

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

[FR Doc. 2018-03928 Filed 2-28-18; 8:45 am]

BILLING CODE 4910-13-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2017-0103; Product Identifier 2016-SW-086-AD; Amendment 39-19207; AD 2018-04-11]

RIN 2120-AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Agusta S.p.A. Model AB139 and Model AW139 helicopters. This AD requires inspecting the thickness of the tail gearbox (TGB) central housing (housing). This AD was prompted by reports that the housing thickness does not conform to its type

design. The actions of this AD are intended to detect and correct an unsafe condition on these products.

**DATES:** This AD is effective April 5, 2018.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of April 5, 2018.

**ADDRESSES:** For service information identified in this final rule, contact Leonardo S.p.A., 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. It is also available on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2017-0103.

#### 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-2017-0103; 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 Office, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222-5110; email [matthew.fuller@faa.gov](mailto:matthew.fuller@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Discussion

On September 22, 2017, at 82 FR 44363, 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 Agusta S.p.A. Model AB139 and Model AW139 helicopters. The NPRM proposed to require inspecting the thickness of the TGB housing and replacing the TGB before

further flight if the thickness is less than 2.65 mm (0.104 inch). The proposed requirements were intended to prevent a crack in the TGB central housing, which could result in the failure of the tail gear rotor transmission and loss of helicopter control.

The NPRM was prompted by AD No. 2016-0246, dated December 13, 2016, issued by EASA, which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Leonardo S.p.A. (formerly Finmeccanica S.p.A. and Agusta S.p.A.) Model AB139 and Model AW139 helicopters.

EASA advises that the thickness of some sections of the housing do not conform to the type design and could lead to premature cracks in the housing, resulting in failure of the tail gear rotor transmission and reduced control of the helicopter. The EASA AD consequently requires a one-time inspection to determine the thickness of the housing wall, and depending on the findings, replacing the housing or TGB assembly with an airworthy part.

The FAA is in the process of updating Agusta S.p.A.'s name change to Leonardo S.p.A. on its FAA type certificate. Because this name change is not yet effective, this AD specifies Agusta S.p.A. as the type certificate holder.

#### 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.

#### Differences Between This AD and the EASA AD

If a housing has fewer than 7,500 hours TIS, the EASA AD requires a dimensional inspection of the housing wall at a helicopter's first return to a shop or service station for a TGB overhaul or repair after the EASA AD's effective date but no later than 7,500 hours TIS. This AD requires such an

inspection only before reaching 7,500 hours TIS.

#### Related Service Information Under 1 CFR Part 51

We reviewed Leonardo Helicopters Bollettino Tecnico No. 139-274, dated September 14, 2016 (BT 139-274), which specifies procedures for a dimensional check of the housing or TGB to determine the thickness of the housing wall. For housings with fewer than 7,500 flight hours, BT 139-274 specifies compliance with the dimensional check by measurement during the next repair or overhaul, and replacing the housing if it does not meet its thickness requirement. For housings with 7,500 or more flight hours, BT 139-274 specifies compliance with the dimensional check by ultrasonic inspection within 300 flight hours, and replacing the TGB if it does not meet its thickness requirement. BT 139-274 excludes certain serial-numbered housings from the applicability because they were inspected before delivery to customers.

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

#### Costs of Compliance

We estimate that this AD affects 103 helicopters of U.S. Registry and that labor costs average \$85 per work-hour. Based on these estimates, we expect the following costs:

- Measuring the thickness of the housing requires .5 work-hour, and no parts are needed for a total cost of \$43 per helicopter.
- Ultrasonic inspecting the thickness of the housing requires 2 work-hours, and no parts are needed for a total cost of \$170 per helicopter.
- Replacing the TGB housing requires 5 work-hours, and parts cost \$11,185 for a total cost of \$11,610 per helicopter.

#### 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):

**2018-04-11 Agusta S.p.A.: Amendment 39-19207; Docket No. FAA-2017-0103; Product Identifier 2016-SW-086-AD.**

#### (a) Applicability

This AD applies to Agusta S.p.A. Model AB139 and Model AW139 helicopters, certificated in any category, with a tail gearbox (TGB) assembly part number (P/N) 3T6522A00239, 3T6522A00242, 3T6522A00243, or 3T6522A00246 that has a

central housing P/N 3T6522A05144 or 3T6522A05146, all serial numbers except those listed in Table 1 of Leonardo Helicopters Bollettino Tecnico No. 139–274, dated September 14, 2016.

**(b) Unsafe Condition**

This AD defines the unsafe condition as nonconforming thickness in a section of a TGB central housing, which can lead to a crack in the TGB central housing. This condition could result in the failure of the tail gear rotor transmission and loss of helicopter control.

**(c) Effective Date**

This AD becomes effective April 5, 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**

(1) For helicopters with a TGB central housing with less than 7,500 hours time-in-service (TIS), before accumulating 7,500 hours TIS, measure the thickness of the central housing in accordance with the Compliance Instructions, Part I paragraphs 1. and 2., of Leonardo Helicopters Bollettino Tecnico No. 139–274, dated September 14, 2016 (BT 139–274). If the thickness is less than 2.65 mm (0.104 inch), replace the TGB central housing before further flight.

(2) For helicopters with a TGB central housing with 7,500 or more hours TIS, within 300 hours TIS, ultrasonic inspect the TGB in accordance with the Compliance Instructions, Part II paragraphs 4. through 4.5 of BT 139–274. If the thickness is less than 2.65 mm (0.104 inch), replace the TGB before further flight.

(3) After the effective date of this AD, do not install a central housing P/N 3T6522A05144 or 3T6522A05146, all serial numbers except those listed in Table 1 of BT 139–274, on any helicopter unless it has passed inspection in accordance with paragraph (e)(1) of this AD.

**(f) Special Flight Permits**

Special flight permits are prohibited.

**(g) 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: Matt Fuller, Senior Aviation Safety Engineer, Safety Management Section, Rotorcraft Standards Branch, FAA, 10101 Hillwood Pkwy, Fort Worth, TX 76177; telephone (817) 222–5110; email 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.

**(h) Additional Information**

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016–0246, dated December 13, 2016. You may view the EASA AD on the internet at <http://www.regulations.gov> in Docket No. FAA–2017–0103.

**(i) Subject**

Joint Aircraft Service Component (JASC) Code: 6720, Tail Rotor Control System.

**(j) Material Incorporated by Reference**

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

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

(i) Leonardo Helicopters Bollettino Tecnico No. 139–274, dated September 14, 2016.

(ii) Reserved.

(3) For Leonardo Helicopters service information identified in this AD, contact Leonardo S.p.A., 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>.

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued in Fort Worth, Texas, on February 16, 2018.

**Lance T. Gant,**

*Director, Compliance & Airworthiness Division, Aircraft Certification Service.*

[FR Doc. 2018–03929 Filed 2–28–18; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF HOMELAND SECURITY**

**Coast Guard**

**33 CFR Part 117**

**[Docket No. USCG–2018–0071]**

**Drawbridge Operation Regulation; Sacramento River, Sacramento, CA**

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Tower

Drawbridge across the Sacramento River, mile 59.0 at Sacramento, CA. The deviation is necessary to allow the local community to participate in footrace events. This deviation allows the bridge to remain in the closed-to-navigation position during the deviation period.

**DATES:** This deviation is effective from 8 a.m. on March 10, 2018 to 1 p.m. on March 11, 2018.

**ADDRESSES:** The docket for this deviation, USCG–2018–0071, is available at <http://www.regulations.gov>. Type the docket number in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Carl T. Hausner, Chief, Bridge Section, Eleventh Coast Guard District; telephone 510–437–3516, email [Carl.T.Hausner@uscg.mil](mailto:Carl.T.Hausner@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The California Department of Transportation has requested a temporary change to the operation of the Tower Drawbridge, mile 59.0, over Sacramento River, at Sacramento, CA. The drawbridge navigation span provides a vertical clearance of 30 feet above Mean High Water in the closed-to-navigation position. The draw operates as required by 33 CFR 117.189(a). Navigation on the waterway is commercial and recreational.

The drawspan will be secured in the closed-to-navigation position from 8 a.m. to 10:30 a.m. on March 10, 2018, and from 7:30 a.m. to 1 p.m. on March 11, 2018, to allow the community to participate in the Shamrock 5K footrace and the Shamrock Half Marathon, respectively. This temporary deviation has been coordinated with the waterway users. No objections to the proposed temporary deviation were raised.

Vessels able to pass through the bridge in the closed position may do so at any time. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: February 26, 2018.

**Carl T. Hausner,**

*District Bridge Chief, Eleventh Coast Guard District.*

[FR Doc. 2018-04174 Filed 2-28-18; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 117

[Docket No. USCG-2018-0150]

#### Drawbridge Operation Regulation; Point Pleasant Canal, Point Pleasant, NJ

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Bridge Avenue Bridge (Route 13) across Point Pleasant Canal, mile 3.9, Point Pleasant, NJ. The temporary deviation is necessary to facilitate electrical transformer, and back-up diesel motor repairs. This deviation allows the bridge to remain in the closed-to-navigation position.

**DATES:** This deviation is effective from March 1, 2018 through 3:30 p.m. on March 2, 2018. For purposes of enforcement, actual notice will be used from 7 a.m. on February 26, 2018, until March 1, 2018.

**ADDRESSES:** The docket for this deviation, [USCG-2018-0150] is available at <http://www.regulations.gov>. Type the docket number in the "SEARCH" box and click "SEARCH". Click on Open Docket Folder on the line associated with this deviation.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Mr. Martin Bridges, Bridge Administration Branch Fifth District, Coast Guard, telephone 757-398-6422, email [Martin.A.Bridges@uscg.mil](mailto:Martin.A.Bridges@uscg.mil).

**SUPPLEMENTARY INFORMATION:** The New Jersey Department of Transportation, who owns and operates the Bridge Avenue Bridge (Route 13) across the Point Pleasant Canal, mile 3.9, Point Pleasant, NJ, has requested a temporary deviation from the current operating regulation. This temporary deviation is necessary to facilitate electrical transformer, and back-up diesel motor repairs. The bridge is a lift bridge, and has a vertical clearance in the closed-to-

navigation position of 30 feet above mean high water.

The current operating schedule is set out in 33 CFR 117.5. Under this temporary deviation, the bridge will remain in the closed-to-navigation position from 7 a.m. on February 26, 2018, to 3:30 p.m. on March 2, 2018. Point Pleasant Canal is used by a variety of vessels including recreational vessels, and small commercial vessels. The Coast Guard has carefully considered the nature and volume of vessel traffic on the waterway in publishing this temporary deviation.

The bridge will not be able to open during the maintenance period. The bridge will be able to open for emergencies and there is no immediate alternate route for vessels to pass. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessel operators can arrange their transits to minimize any impact caused by the temporary deviation.

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

Dated: February 23, 2018.

**Hal R. Pitts,**

*Bridge Program Manager, Fifth Coast Guard District.*

[FR Doc. 2018-04165 Filed 2-28-18; 8:45 am]

**BILLING CODE 9110-04-P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

#### 33 CFR Part 165

[Docket Number USCG-2015-1113]

**RIN 1625-AA00**

#### Safety Zone; Tennessee River, Miles 446.0 to 454.5

**AGENCY:** Coast Guard, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Coast Guard is establishing a safety zone for all navigable waters of the Tennessee River, beginning at mile marker 446.0 and ending at mile marker 454.5 during periods of high water flow. This safety zone is necessary to provide safety for mariners transiting on the Tennessee River during periods of high water flow. Entry into this area will be prohibited

unless specifically authorized by the Captain of the Port Ohio Valley or designated representative.

**DATES:** This rule is effective on March 5, 2018.

**ADDRESSES:** To view documents mentioned in this preamble as being available in the docket, go to <http://www.regulations.gov>, type USCG-2015-1113 in the "SEARCH" box and click "SEARCH." Click on Open Docket Folder on the line associated with this rule.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this rule, call or email Petty Officer Vera Max, MSD Nashville, Nashville, TN, at 615-736-5421 or at [Vera.M.Max@uscg.mil](mailto:Vera.M.Max@uscg.mil).

#### SUPPLEMENTARY INFORMATION:

##### I. Table of Abbreviations

CFR Code of Federal Regulations  
COTP Captain of the Port Sector Ohio Valley  
DHS Department of Homeland Security  
FR Federal Register  
NPRM Notice of proposed rulemaking  
§ Section  
U.S.C. United States Code

##### II. Background Information and Regulatory History

The Captain of the Port Ohio Valley is establishing a safety zone for all navigable waters of the Tennessee River, from mile 446.0 to 454.5 during periods of high water flow. This safety zone is necessary to provide safety for mariners transiting on the Tennessee River during periods of high water flow. There have been temporary final rules issued in the past establishing a safety zone on the Tennessee River beginning at mile marker 446.0 and ending at mile marker 454.5 when flow rates reached or exceeded 100,000 cubic feet per second at Chickamauga lock and dam. Examples of these previous temporary final rules were published under docket numbers USCG-2013-0025 and USCG-2011-1148. This rulemaking is also necessary to more efficiently effect necessary safety measures during emergent high water events in the future by reducing administrative burden and the amount of paperwork required for multiple individual rulemakings. The Tennessee River beginning at mile marker 446.0 and ending at 454.5 poses a navigational hazard during periods of high water flow. A high water flow determination for this area is established when flow rates reach or exceed 100,000 cubic feet per second at Chickamauga lock and dam on the Tennessee River at mile marker 471.0. The Captain of the Port Sector Ohio Valley (COTP) has determined that additional safety measures are necessary

to protect all mariners during periods of high water flow. On January 13, 2017, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety zone; Tennessee River, Mile 446.0 to 454.5 (82 FR 4229). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related high water flow. During the comment period that ended January 30, 2017, we received no comments.

### III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP has determined that potential hazards are associated with the Tennessee River beginning at mile marker 446.0 and ending at 454.5 posing a navigational hazard during periods of high water flow.

### IV. Discussion of Comments, Changes, and the Rule

As noted above, we received no comments on our NPRM published January 13, 2017. The regulatory text of this rule was changed from the proposed rule in the NPRM to provide a certain effective date.

The COTP is establishing a safety zone for all navigable waters of the Tennessee River beginning at mile marker 446.0 and ending at mile marker 454.5. Vessels or persons will not be able to enter into, depart from, or move within this area without permission from the COTP or designated representative. Persons or vessels requiring entry into or passage through the safety zone will be required to request permission from the COTP, or designated representative. They can be contacted on VHF–FM Channel 13, 16, or through Coast Guard Sector Ohio Valley at 1–800–253–7465. This rule is effective during periods of high water flow when flow rates reach or exceed 100,000 cubic feet per second at Chickamauga lock and dam. The COTP will inform the public through broadcast notices to mariners during periods of high water flow when the safety zone is established as well as when flow rates fall below 100,000 cubic feet per second and the safety zone is no longer in effect.

### V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and Executive orders, and we discuss First Amendment rights of protestors.

#### A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This rule has not been designated a “significant regulatory action,” under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance it is exempt from the requirements of Executive Order 13771.

This regulatory action determination is based on the size, location, duration, and time-of-day of the safety zone. Vessel traffic will only be impacted during times of high water which pose dangerous navigational hazards when flow rates exceed 100,000 cubic feet per second at Chickamauga lock and dam. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule would allow vessels to seek permission to enter the zone.

#### B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term “small entities” comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the safety zone may be small entities, for the reasons stated in section IV.A above this rule would not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person

listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency’s responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

#### C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

#### D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

#### E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of \$100,000,000 (adjusted for inflation) or more in any one year. Though this rule

will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

#### F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023-01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone that will prohibit entry within the regulated area. It is categorically excluded from further review under paragraph 34(h) of Figure 2-1 of the Commandant Instruction. An environmental analysis checklist supporting this determination and a Categorical Exclusion Determination are available in the docket where indicated under **ADDRESSES**.

#### G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

#### List of Subjects in 33 CFR Part 165

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

### PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

**Authority:** 33 U.S.C. 1231; 50 U.S.C. 191; 33 CFR 1.05-1, 6.04-1, 6.04-6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.844 to read as follows:

#### § 165.844 Safety Zone; Tennessee River, Miles 446.0 to 454.5, Chattanooga, TN.

(a) *Location.* All navigable waters of the Tennessee River beginning at mile marker 446.0 and ending at mile marker 454.5 at Chattanooga, TN.

(b) *Effective date.* This section is effective on March 5, 2018.

(c) *Periods of enforcement.* This section will be enforced whenever flow

rates reach or exceed 100,000 cubic feet per second at Chickamauga lock and dam on the Tennessee River at mile marker 471.0. The Captain of the Port Sector Ohio Valley (COTP) or a designated representative will inform the public through broadcast notice to mariners of the enforcement period for the safety zone.

(d) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into this zone is prohibited unless authorized by the COTP or a designated representative.

(2) Persons or vessels desiring entry into or passage through the zone must request permission from the COTP or a designated representative. U.S. Coast Guard Sector Ohio Valley may be contacted on VHF Channel 13 or 16, or at 1-800-253-7465.

(3) All persons and vessels shall comply with the instructions of the COTP and designated U.S. Coast Guard patrol personnel. On-scene U.S. Coast Guard patrol personnel include commissioned, warrant, and petty officers of the U.S. Coast Guard.

Dated: February 21, 2018.

**M.B. Zamperini,**

*Captain, U.S. Coast Guard, Captain of the Port Sector Ohio Valley.*

[FR Doc. 2018-04051 Filed 2-28-18; 8:45 am]

**BILLING CODE 9110-04-P**

### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 52

[EPA-R09-OAR-2018-0080; FRL-9974-97—Region 9]

#### Determination To Defer Sanctions; Bay Area Air Quality Management District

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

**ACTION:** Interim final determination.

**SUMMARY:** The EPA is making an interim final determination to defer imposition of sanctions based on a proposed determination, published elsewhere in this **Federal Register**, that the California Air Resources Board (CARB) has submitted rules on behalf of the Bay Area Air Quality Management District (BAAQMD or District) that satisfy the requirements of part D of the Clean Air Act (CAA or Act) permitting program for areas under the jurisdiction of the BAAQMD.

**DATES:** This interim final determination is effective on March 1, 2018. However, comments will be accepted until April 2, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-OAR-2018-0080 at <http://www.regulations.gov>, or via email to [R9AirPermits@epa.gov](mailto:R9AirPermits@epa.gov). For comments submitted at [Regulations.gov](http://www.Regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from [Regulations.gov](http://www.Regulations.gov). For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Laura Yannayon, EPA Region 9, (415) 972-3534, [yannayon.laura@epa.gov](mailto:yannayon.laura@epa.gov).

#### SUPPLEMENTARY INFORMATION:

Throughout this document, the terms “we,” “us,” and “our” refer to the EPA.

#### Table of Contents

- I. Background
- II. EPA Action
- III. Statutory and Executive Order Reviews

#### I. Background

On August 1, 2016 (81 FR 50339), the EPA issued a final limited approval and limited disapproval for revisions to the BAAQMD portion of the California State Implementation Plan (SIP) that had been submitted by CARB to the EPA for approval (the 2016 NSR action). The 2016 NSR action addressed the BAAQMD's permitting program for the issuance of New Source Review (NSR) permits for stationary sources, including review and permitting of major and minor sources under the Act. In our 2016 NSR action, we determined that while BAAQMD's SIP revision submittal strengthened the SIP, the submittal did not fully meet the requirements for NSR permitting programs under the CAA. Our 2016 NSR action included a final limited

disapproval action under title I, part D of the Act, relating to requirements for nonattainment areas. Pursuant to section 179 of the CAA and our regulations at 40 CFR 52.31, this limited disapproval action under title I, part D started a sanctions clock for imposition of offset sanctions 18 months after the action's effective date of August 31, 2016, and highway sanctions 6 months later.

On December 6, 2017, BAAQMD revised its NSR permit program rules and on December 14, 2017, CARB submitted the revised NSR permit program rules to the EPA for approval into the California SIP (December 2017 NSR submittal). These revised rules are intended to address the limited disapproval issues under title I, part D that we identified in our 2016 NSR action. In the Proposed Rules section of this **Federal Register**, we have proposed approval of BAAQMD's December 2017 NSR submittal. Based on this proposed approval action, we are also taking this interim final determination, effective on publication, to defer imposition of the offset sanctions and highway sanctions that were triggered by our 2016 NSR action's limited disapproval of BAAQMD's NSR permitting program, because we believe that the December 2017 NSR submittal corrects the deficiencies that triggered such sanctions.

The EPA is providing the public with an opportunity to comment on this deferral of sanctions. If comments are submitted that change our assessment described in this interim final determination and the proposed full approval of BAAQMD's December 2017 NSR submittal with respect to the title I, part D deficiencies identified in our 2016 NSR action, we would take final action to lift this deferral of sanctions under 40 CFR 52.31. If no comments are submitted that change our assessment, then all sanctions and any sanction clocks triggered by our 2016 NSR action would be permanently terminated on the effective date of our final approval of BAAQMD's December 2017 NSR submittal.

## II. EPA Action

We are making an interim final determination to defer CAA section 179 sanctions associated with our limited disapproval action on August 1, 2016 of BAAQMD's NSR permitting program with respect to the requirements of part D of title I of the CAA. This determination is based on our concurrent proposal to fully approve BAAQMD's December 2017 NSR submittal, which resolves the

deficiencies that triggered sanctions under section 179 of the CAA.

Because the EPA has preliminarily determined that BAAQMD's December 2017 NSR submittal addresses the deficiencies under part D of title I of the CAA identified in our 2016 NSR action and is fully approvable, relief from sanctions should be provided as quickly as possible. Therefore, the EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect (5 U.S.C. 553(b)(3)). However, by this action, the EPA is providing the public with a chance to comment on the EPA's determination after the effective date, and the EPA will consider any comments received in determining whether to reverse such action.

The EPA believes that notice-and-comment rulemaking before the effective date of this action is impracticable and contrary to the public interest. The EPA has reviewed the State's submittal and, through its proposed action, is indicating that it is more likely than not that the State has submitted a revision to the SIP that corrects deficiencies under part D of the Act that were the basis for the action that started the sanctions clocks. Therefore, it is not in the public interest to impose sanctions. The EPA believes that it is necessary to use the interim final rulemaking process to defer sanctions while the EPA completes its rulemaking process on the approvability of the State's submittal. Moreover, with respect to the effective date of this action, the EPA is invoking the good cause exception to the 30-day notice requirement of the APA because the purpose of this notice is to relieve a restriction (5 U.S.C. 553(d)(1)).

## III. Statutory and Executive Order Reviews

This action defers sanctions and imposes no additional requirements.

### A. Executive Order 12866: Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review

This action is not a significant regulatory action and was therefore not submitted to the Office of Management and Budget (OMB) for review.

### B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This action defers sanctions and imposes no new requirements.

### C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities. This action defers sanctions and imposes no new requirements.

### D. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or tribal governments or the private sector.

### E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

### F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This action defers sanctions and imposes no new requirements. In addition, this action does not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. Thus, Executive Order 13175 does not apply to this action.

### G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. This rule is not subject to Executive Order 13045 because it does not concern an environmental health risk or safety risk.

### H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

This rule is not subject to Executive Order 13211, because it is not a significant regulatory action under Executive Order 12866.



### *I. National Technology Transfer and Advancement Act*

This rulemaking does not involve technical standards.

### *J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. This action defers sanctions in accordance with CAA regulatory provisions and imposes no additional requirements.

### *K. Congressional Review Act (CRA)*

This action is subject to the CRA, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA 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 comment rulemaking procedures are impracticable, unnecessary or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this rule as discussed in section II of this preamble, including the basis for that finding.

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 EPA Administrator of this final rule does not affect the finality of this rule for the purpose of judicial review nor does it extend the time within which petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see CAA section 307(b)(2)).

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

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

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

Dated: February 20, 2018.

**Alexis Strauss,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 2018-04111 Filed 2-28-18; 8:45 am]

**BILLING CODE 6560-50-P**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

[EPA-R03-OAR-2017-0149; FRL-9974-98—Region 3]

### **Approval and Promulgation of Air Quality Implementation Plans; Maryland; 2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Maryland Portion of the Philadelphia-Wilmington-Atlantic City Nonattainment Area**

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City marginal nonattainment area for the 2008 8-hour ozone national ambient air quality standard (NAAQS). The State of Maryland submitted the emission inventory, which included the ozone precursors, nitrogen oxides (NO<sub>x</sub>) and volatile organic compounds (VOC), as well as several other pollutants, through the Maryland Department of the Environment (MDE) to meet the nonattainment requirements for marginal ozone nonattainment areas for the 2008 8-hour ozone NAAQS. EPA is approving the 2011 base year NO<sub>x</sub> and VOC emissions inventory for the 2008 8-hour ozone NAAQS as a revision to the Maryland State Implementation Plan (SIP) in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This final rule is effective on April 2, 2018.

**ADDRESSES:** EPA has established a docket for this action under Docket ID Number EPA-R03-OAR-2017-0149. All documents in the docket are listed on the <https://www.regulations.gov> website. Although listed in the index, some information is not publicly available, *e.g.*, confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through <https://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Sara Calcinore, (215) 814-2043, or by email at [calcinore.sara@epa.gov](mailto:calcinore.sara@epa.gov).

### **SUPPLEMENTARY INFORMATION:**

#### **I. Background**

Ground level ozone is formed when NO<sub>x</sub> and VOC react in the presence of sunlight. NO<sub>x</sub> and VOC are referred to as ozone precursors and are emitted by many types of pollution sources, including motor vehicles, power plants, industrial facilities, and area wide sources, such as consumer products and lawn and garden equipment. Scientific evidence indicates that adverse public health effects occur following exposure to ozone. These effects are more pronounced in children and adults with lung disease. Breathing air containing ozone can reduce lung function and inflame airways, which can increase respiratory symptoms and aggravate asthma or other lung diseases. In response to this scientific evidence, EPA promulgated the first ozone NAAQS in 1979, the 0.12 part per million (ppm) 1-hour ozone NAAQS. See 44 FR 8202 (February 8, 1979). EPA had previously promulgated a NAAQS for total photochemical oxidants.

On July 18, 1997, EPA promulgated a revised ozone NAAQS of 0.08 ppm, averaged over eight hours. 62 FR 38855. This 8-hour ozone NAAQS was determined to be more protective of public health than the previous 1979 1-hour ozone NAAQS. In 2008, EPA revised the 8-hour ozone NAAQS from 0.08 to 0.075 ppm. See 73 FR 16436 (March 27, 2008).

On May 21, 2012, the Philadelphia-Wilmington-Atlantic City area was designated as marginal nonattainment for the 2008 8-hour ozone NAAQS. 77 FR 30088. The designation of the Philadelphia-Wilmington-Atlantic City area as marginal nonattainment was effective July 20, 2012. The Philadelphia-Wilmington-Atlantic City nonattainment area is comprised of Cecil County in Maryland, as well as counties in Delaware, New Jersey, and Pennsylvania.

Under sections 172(c)(3) and 182(a)(1) of the CAA, Maryland is required to submit a comprehensive, accurate, and current inventory of actual emissions from all sources of the relevant pollutants, *i.e.* the ozone precursors NO<sub>x</sub> and VOC, for the marginal nonattainment area, *i.e.*, the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area. In order to satisfy the requirements of CAA sections 172(c)(3) and 182(a)(1), on January 19, 2017, Maryland formally submitted the 2011 base year inventory for the Maryland portion of the



Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS as a SIP revision (SIP # 16–15).

On September 25, 2017, EPA simultaneously published a notice of proposed rulemaking (NPR) (82 FR 44544) and a direct final rule (DFR) (82 FR 44522) approving Maryland's 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS as a SIP revision. The DFR included an amendment to 40 CFR 52.1070 (identification of Maryland's SIP) and an amendment to 40 CFR 52.1075 (explanation of Maryland's base year emissions inventories). EPA received an adverse comment on the rulemaking and withdrew the DFR prior to the effective date of November 24, 2017. *See* 82 FR 54298 (November 17, 2017). However, in the withdrawal, EPA only withdrew the amendment to 40 CFR 52.1070, which would have added an entry for the "2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard" to the table under 40 CFR 52.1075(e) (EPA-approved nonregulatory and quasi-regulatory material). EPA inadvertently did not withdraw the amendment to 40 CFR 52.1075, which became effective on November 24, 2017. This provision revised Maryland's SIP to include paragraph (q) under 40 CFR 52.1075, which described EPA's "approval" of Maryland's 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS. Because the addition of 40 CFR 52.1075(q) did not contain an effective date and this final action approving Maryland's 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-

hour ozone NAAQS will correctly add 40 CFR 52.1075(q), the earlier effective date which added 40 CFR 52.1075(q) is harmless. Therefore, no correction is needed for this harmless early addition. In the NPR, EPA had proposed to approve the SIP revision, which included Maryland's 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS. In this final rulemaking, EPA is responding to the comments submitted on the proposed revision to the Maryland SIP and is approving Maryland's 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS as a SIP revision. Because 40 CFR 52.1075(q) was prematurely added by EPA's inadvertent failure to withdraw the amendment to 40 CFR 52.1075 when we withdrew the DFR in the November 17, 2017 withdrawal **Federal Register** notice, no further amendment to 40 CFR 52.1075 is necessary.

## II. Summary of SIP Revision and EPA Analysis

Under CAA section 172(c)(3), states are required to submit a comprehensive, accurate, and current inventory of actual emissions from all sources (point, nonpoint, nonroad, and onroad) of the relevant pollutant or pollutants in the nonattainment area. CAA section 182(a)(1) requires that areas designated as nonattainment and classified as marginal submit an inventory of all sources of ozone precursors no later than 2 years after the effective date of designation. EPA's guidance for emissions inventory development calls for actual emissions to be used in the base year inventory. The state must report annual emissions as well as "summer day emissions." As defined in

40 CFR 51.900(v), "summer day emissions" means, "an average day's emissions for a typical summer work weekday. The state will select the particular month(s) in summer and the day(s) in the work week to be represented."

On January 19, 2017, MDE submitted a formal revision (SIP #16–15) to its SIP. The SIP revision consists of the 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS. MDE selected 2011 as its base year for SIP planning purposes, as recommended in EPA's final rule, "Implementation of the 2008 National Ambient Air Quality Standards for Ozone: State Implementation Plan Requirements." *See* 80 FR 12263 (March 6, 2015). MDE's 2011 base year inventory includes emissions estimates covering the general source categories of stationary point, area (nonpoint), nonroad mobile, onroad mobile, and Marine-Air-Rail (M–A–R). In its 2011 base year inventory, MDE reported actual annual emissions and typical summer day emissions for the months of May through September for NO<sub>x</sub>, VOC, and carbon monoxide. MDE also reported annual emissions for fine particulate matter (PM<sub>2.5</sub>), sulfur dioxide (SO<sub>2</sub>), and ammonia (NH<sub>3</sub>). In this approval of the 2011 base year emissions inventory for the 2008 ozone NAAQS, EPA is approving only the portions of the inventory that relate to the relevant ozone precursors, which are VOC and NO<sub>x</sub>.<sup>1</sup>

Table 1 summarizes the 2011 VOC and NO<sub>x</sub> emission inventory by source sector for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area. Annual emissions are given in tons per year (tpy) and summer weekday emissions are given by tons per day (tpd).

TABLE 1—SUMMARY OF 2011 EMISSIONS OF OZONE PRECURSORS FOR THE PHILADELPHIA-WILMINGTON-ATLANTIC CITY NONATTAINMENT AREA

Source sector	Summer weekday (tpd)		Annual (tpy)	
	VOC	NO <sub>x</sub>	VOC	NO <sub>x</sub>
Point .....	0.301	2.63	64.91	76.19

<sup>1</sup> The actual annual emissions and typical summer day emissions were summarized by MDE in Table 1–1: 2011 Base Year SIP Emission Inventory Summary. A discrepancy was found between the area annual emissions reported for PM<sub>2.5</sub> and NH<sub>3</sub> in Table 1–1 and the area annual emissions reported for PM<sub>2.5</sub> and NH<sub>3</sub> in Table 4–1: 2011 Base Year SIP Area Source Emission Inventories and the Nonpoint Annual data table under Appendix C Area/Nonpoint Sources. Since the anthropogenic totals in Table 1–1 correspond to the annual emissions values, the anthropogenic

totals for PM<sub>2.5</sub> and NH<sub>3</sub> in Table 1–1 were also affected by the discrepancy. In a correction letter, MDE confirmed that the area annual emissions for PM<sub>2.5</sub> and NH<sub>3</sub> in Table 1–1 are 456.50 tpy for PM<sub>2.5</sub> and 477.15 tpy for NH<sub>3</sub>. MDE also confirmed that the corresponding anthropogenic totals for PM<sub>2.5</sub> and NH<sub>3</sub> are 625.04 tpy and 530.10 tpy. MDE has submitted a corrected version of page 3 of the 2011 base year inventory to reflect the necessary corrections to Table 1–1. The corrected version as well as the correction letter are included in the docket for this rulemaking even though the CAA at

sections 172 and 182 only require an inventory of ozone precursors. *See* July 20, 2017 letter from Brian Hug, Program Manager, Maryland Department of the Environment to Cecil Rodrigues, Acting Regional Administrator, EPA Region III, Subject: SIP #16–15 "2011 Base Year Emissions Inventory for the Maryland Portion of the Philadelphia-Atlantic City, PA-NJ-DE-MD 2008 Ozone NAAQS Nonattainment Area (Cecil County, MD) Minor Corrections."

TABLE 1—SUMMARY OF 2011 EMISSIONS OF OZONE PRECURSORS FOR THE PHILADELPHIA-WILMINGTON-ATLANTIC CITY NONATTAINMENT AREA—Continued

Source sector	Summer weekday (tpd)		Annual (tpy)	
	VOC	NO <sub>x</sub>	VOC	NO <sub>x</sub>
Area .....	2.863	0.31	937.78	242.02
Nonroad .....	5.127	2.01	1,054.93	529.02
Onroad .....	2.29	7.50	791.98	2,730.44
M–A–R .....	0.030	0.46	11.03	167.97
Anthropogenic Subtotal .....	10.61	12.90	2,860.63	3,745.63

Point sources are large, stationary, and identifiable sources of emissions that release pollutants into the atmosphere. Maryland obtained its point source data from the MDE Air and Radiation Management Administration (ARMA) point source emissions inventory. ARMA identifies and inventories stationary sources for the point source emissions inventory through inspections, investigations, permitting, and equipment registrations.

Area sources, also known as nonpoint sources, are sources of pollution that are small and numerous and have not been inventoried as specific point or mobile sources. To inventory these sources, they are grouped so that emissions can be estimated collectively using one methodology. Examples of nonpoint sources include residential heating emissions and emissions from consumer solvents. MDE calculated nonpoint emissions for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area by multiplying emissions factors specific for each source category with some known indicator of collective activity for each source category, such as population or employment data.

Nonroad sources are mobile sources other than onroad vehicles. In its 2011 base year inventory, MDE separated nonroad sources into two categories: “Nonroad Model NMIM” and M–A–R. Nonroad Model NMIM sources include lawn and garden equipment, airport service equipment, recreational land vehicles or equipment, recreational marine equipment, light commercial equipment, industrial equipment, construction equipment, agricultural or farm equipment, and logging equipment. MDE relied on EPA’s nonroad emissions calculations from the National Mobile Inventory Model (NMIM- April 5, 2009) to calculate emissions from sources in the “Nonroad Model NMIM” category. M–A–R sources include railroads, commercial aviation, air taxis, general aviation, military aviation, and commercial marine

vessels. MDE estimated M–A–R emissions using data from surveyed sources or state and federal reporting agencies. Onroad or highway sources are vehicles, such as cars, trucks, and buses, which are operated on public roadways. MDE estimated onroad emissions for these sources using EPA’s Motor Vehicle Emission Simulator (MOVES) model, version 2010a, and appropriate activity levels, such as vehicle miles traveled (VMT) estimates developed from vehicle count data maintained by the State Highway Administration (SHA) of the Maryland Department of Transportation (MDOT).

EPA reviewed Maryland’s 2011 base year emission inventory’s results, procedures, and methodologies for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area and found them to be acceptable and approvable under CAA sections 110, 172(c)(3) and 182(a)(1) of the CAA. EPA’s review and analysis is detailed in a Technical Support Document (TSD) prepared for this rulemaking. The TSD is available online at <http://www.regulations.gov>, Docket ID No. EPA–R03–OAR–2017–0149. The public comments received on the NPR are discussed in Section III of this rulemaking action.

### III. Public Comments and EPA’s Response

EPA received two public comments on our September 25, 2017 proposal to approve Maryland’s 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS. The comment submitted on October 25, 2017, was not related to this action and will not be addressed here.

*Comment:* The commenter stated that for a multistate nonattainment area, EPA cannot approve a single state’s emission inventory. Rather, the commenter believes that EPA must approve a single emission inventory for the entire nonattainment area instead of taking a piecemeal approach to act on each

individual emissions inventory submitted by each state for that state’s portion of the nonattainment area. The commenter expressed concern that by approving separate emission inventories for each state, EPA will not know if all of the other states are “within the right limits.”

*Response:* For ozone nonattainment areas, CAA section 182(a) specifically provides that “Each State in which all or part of a Marginal Area is located shall, with respect to the Marginal Area (or portion thereof . . .), submit to the Administrator the State implementation plan revisions . . . described under this subsection.” CAA section 182(a)(1) requires that “the State shall submit a comprehensive, accurate, current inventory of actual emissions from all sources.” EPA notes that this requirement to submit a SIP revision providing for a comprehensive inventory applies to each individual state, including a state in which only part of a nonattainment area is located. Each other state that is part of the nonattainment area would also bear the same requirement and, therefore, the CAA provides for a comprehensive emission inventory for the entire nonattainment area.

CAA section 110(k) requires the EPA to act on a SIP revision within a set amount of time of when that SIP revision is submitted. The requirement is to act on each individual SIP submission. Nothing in the CAA requires EPA to act on groups of submittals, and likewise, there is no CAA requirement to act in a single action for SIPs submitted across an entire nonattainment area. Thus, EPA is appropriately acting to approve only Maryland’s inventory submission for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS.

### IV. Final Action

EPA is approving the Maryland SIP revision submitted on January 19, 2017, which is Maryland’s 2011 base year

inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS, as a revision to the Maryland SIP. This rule, which responds to the adverse comment received, finalizes our proposed approval of Maryland's 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS.

## V. Statutory and Executive Order Reviews

### A. General Requirements

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

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);
- does not have federalism implications as specified in Executive

Order 13132 (64 FR 43255, August 10, 1999);

- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### B. Submission to Congress and the Comptroller General

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

### C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by 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 approving Maryland's 2011 base year inventory for the Maryland portion of the Philadelphia-Wilmington-Atlantic City nonattainment area for the 2008 8-hour ozone NAAQS may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

### List of Subjects in 40 CFR Part 52

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

Dated: February 15, 2018.

**Cosmo Servidio,**

*Regional Administrator, Region III.*

40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

### Subpart V—Maryland

- 2. In § 52.1070, the table in paragraph (e) is amended by adding the entry "2011 Base Year Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard" at the end of the table to read as follows:

#### § 52.1070 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

Name of non-regulatory SIP revision	Applicable geographic area	State submittal date	EPA approval date	Additional explanation
* * *	* * *	* * *	* * *	* * *
2011 Base Year Emissions Inventory for the 2008 8-Hour Ozone National Ambient Air Quality Standard.	Maryland portion of the Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD 2008 ozone nonattainment area.	01/19/2017	03/01/2018, [Insert <b>Federal Register</b> citation].	§ 52.1075(q).

[FR Doc. 2018-04184 Filed 2-28-18; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[EPA-R05-OAR-2017-0277; FRL-9974-86—Region 5]

#### Air Plan Approval; Illinois; Redesignation of the Illinois Portion of the St. Louis-St. Charles-Farmington, Missouri-Illinois Area to Attainment of the 2008 Ozone Standard

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

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is taking final action to find that the St. Louis-St. Charles-Farmington, Missouri-Illinois (MO-IL) area, “the St. Louis area,” is attaining the 2008 ozone National Ambient Air Quality Standard (NAAQS or standard) and is redesignating the Illinois portion of the St. Louis area, “the Metro-East area,” to attainment for the 2008 ozone NAAQS because the Metro-East area meets the statutory requirements for redesignation under the Clean Air Act (CAA). The St. Louis area includes Madison, Monroe and St. Clair Counties in Illinois (the Metro-East area), and Franklin, Jefferson, St. Charles, and St. Louis Counties and the City of St. Louis in Missouri. (EPA will address the Missouri portion of the St. Louis area in a separate rulemaking action.) EPA is also approving, as a revision to the Illinois State Implementation Plan (SIP), the State’s plan for maintaining the 2008 ozone standard through 2030 in the St. Louis area. Finally, EPA finds adequate and is approving, as a SIP revision, the State’s 2030 volatile organic compound (VOC) and oxides of nitrogen (NO<sub>x</sub>) Motor Vehicle Emission Budgets (MVEBs) for the Metro-East area. The Illinois Environmental Protection Agency (IEPA) submitted the SIP revision and request to redesignate the Metro-East area on May 8, 2017. EPA proposed this action on December 8, 2017 and received two public comments in response that are not relevant to this action.

**DATES:** This final rule is effective March 1, 2018.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA-R05-OAR-2017-0277. All documents in the docket are listed in the <http://www.regulations.gov> website. Although listed in the index, some information is not publicly available,

e.g., Confidential Business Information 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 <http://www.regulations.gov>, or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

**FOR FURTHER INFORMATION CONTACT:** Kathleen D’Agostino, Environmental Scientist, Attainment Planning and Maintenance Section, Air Programs Branch (AR-18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-1767, [dagostino.kathleen@epa.gov](mailto:dagostino.kathleen@epa.gov).

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

#### I. What is being addressed in this document?

This rule takes action on the submission from IEPA, dated May 8, 2017, requesting redesignation of the Metro-East area to attainment for the 2008 ozone standard. The background for this action is discussed in detail in EPA’s proposal, dated December 8, 2017 (82 FR 57892). In that rulemaking, we noted that, under EPA regulations at 40 CFR part 50, the 2008 ozone NAAQS is attained in an area when the 3-year average of the annual fourth highest daily maximum 8-hour average concentration is equal to or less than 0.075 parts per million, when truncated after the thousandth decimal place, at all of the ozone monitoring sites in the area. (See 40 CFR 50.15 and appendix P to 40 CFR part 50.) Under the CAA, EPA may redesignate nonattainment areas to attainment if sufficient complete, quality-assured data are available to determine that the area has attained the standard and if it meets the other CAA redesignation requirements in section 107(d)(3)(E). The proposed rule provides a detailed discussion of how Illinois has met these CAA requirements.

As discussed in the December 8, 2017, proposal, quality-assured and certified monitoring data for 2014–2016 and preliminary data for 2017 show that the St. Louis area has attained and continues to attain the 2008 ozone standard. In the maintenance plan submitted for the area, Illinois has demonstrated that the ozone standard will be maintained in the area through 2030. Finally, Illinois adopted 2030

VOC and NO<sub>x</sub> MVEBs for the Metro East portion of the St. Louis area that are adequate and supported by IEPA’s maintenance demonstration.

#### II. What comments did we receive on the proposed rule?

EPA provided a 30-day review and comment period for the December 8, 2017, proposed rule. The comment period ended on January 8, 2018. We received two comments, which were related to general concerns about wildfires and the EPA Administrator. These comments are not specific to this action and thus are not addressed here.

#### III. What action is EPA taking?

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, EPA is determining that the St. Louis nonattainment area is attaining the 2008 ozone standard, based on quality-assured and certified monitoring data for 2014–2016, and that the Metro-East portion of this area has met the requirements for redesignation under section 107(d)(3)(E) of the CAA. EPA is thus approving IEPA’s request to change the legal designation of the Metro-East portion of the St. Louis area from nonattainment to attainment for the 2008 ozone standard. EPA is also approving, as a revision to the Illinois SIP, the state’s maintenance plan for the area. The maintenance plan is designed to keep the St. Louis area in attainment of the 2008 ozone NAAQS through 2030. Finally, EPA finds adequate and is approving, as a SIP revision, the newly-established 2030 MVEBs for the Metro-East area.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule “grants or recognizes an exemption or relieves a restriction,” and section 553(d)(3), which allows an effective date less than 30 days after publication “as otherwise provided by the agency for good cause found and published with the rule.” The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule,

however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, this rule relieves the state of planning requirements for this ozone nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(1) and (3) for these actions to become effective on the date of publication of these actions.

#### IV. Statutory and Executive Order Reviews

Under the CAA, redesignation of an area to attainment and the accompanying approval of a maintenance plan under section 107(d)(3)(E) are actions that affect the status of a geographical area and do not impose any additional regulatory requirements on sources beyond those imposed by state law. A redesignation to attainment does not in and of itself create any new requirements, but rather results in the applicability of requirements contained in the CAA for areas that have been redesignated to attainment. Moreover, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely

affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because redesignation is an action that affects the status of a geographical area and does not impose any new regulatory requirements on tribes, impact any existing sources of air pollution on tribal lands, nor impair the maintenance of ozone national ambient air quality standards in tribal lands.

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

##### 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Volatile organic compounds.

##### 40 CFR Part 81

Environmental protection, Administrative practice and procedure, Air pollution control, Designations and classifications, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: February 14, 2018.

**Cathy Stepp,**

*Regional Administrator, Region 5.*

40 CFR parts 52 and 81 are 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 (e) is amended by adding the entry “Ozone (8-hour, 2008) redesignation and maintenance plan” following the entry for “Ozone (8-hour, 2008) Determination of Attainment” to read as follows:

##### § 52.720 Identification of plan.

\* \* \* \* \*

(e) \* \* \*

## EPA-APPROVED ILLINOIS NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
<b>Attainment and Maintenance Plans</b>				
Ozone (8-hour, 2008) redesignation and maintenance plan.	St. Louis area .....	5/8/2017	3/1/2018 [insert <b>Federal Register</b> citation].	

**PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES**

■ 3. The authority citation for part 81 continues to read as follows:

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

■ 4. Section 81.314 is amended by revising the entry “St. Louis-St. Charles-Farmington, MO-IL:” in the table entitled “Illinois—2008 8-Hour Ozone

NAAQS (Primary and secondary)” to read as follows:

**§ 81.314 Illinois.**

\* \* \* \* \*

**ILLINOIS—2008 8-HOUR OZONE NAAQS**  
[Primary and secondary]

Designated area	Designation		Classification	
	Date <sup>1</sup>	Type	Date <sup>1</sup>	Type
St. Louis-St. Charles-Farmington, MO-IL: <sup>2</sup> Madison County, Monroe County, St. Clair County	3/1/2018	Attainment.		

<sup>1</sup> This date is July 20, 2012, unless otherwise noted.

<sup>2</sup> Excludes Indian country located in each area, unless otherwise noted.

\* \* \* \* \*  
[FR Doc. 2018-04094 Filed 2-28-18; 8:45 am]  
**BILLING CODE 6560-50-P**

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

[EPA-HQ-OPP-2017-0447; FRL-9971-19]

**Methyl Bromide; Pesticide Tolerances for Emergency Exemptions**

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

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes time-limited tolerances for residues of the fumigant methyl bromide, including its metabolites and degradates in or on post-harvest imported/domestic agricultural commodities. This action is in response to EPA's granting quarantine exemptions under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) authorizing use of the pesticide on specified agricultural commodities. This

regulation establishes a maximum permissible level for residues of methyl bromide in or on these commodities. The time-limited tolerances expire on December 31, 2020.

**DATES:** This regulation is effective March 1, 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-2017-0447, 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, Director, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (703) 305-7090; email address: [RDfrNotices@epa.gov](mailto:RDfrNotices@epa.gov).

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

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

- Crop production (NAICS code 111).

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

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

You may access a frequently updated electronic version of 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 section 408(g) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 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-2017-0447 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-2017-0447, 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. Background and Statutory Findings

EPA, on its own initiative, in accordance with FFDCA sections 408(e) and 408(l)(6) of, 21 U.S.C. 346a(e) and 346a(1)(6), is establishing time-limited tolerances for residues of methyl bromide, in or on the following agricultural commodities: Avocado at 5.0 parts per million (ppm); Banana at 5.0 ppm; Cactus at 3.0 ppm; Coconut, copra at 8.0 ppm; Coffee, green bean at 150 ppm; Cola at 150 ppm; Cucurbit, seed at 150 ppm; Fig at 10 ppm; Fruit, berry and small fruit, group 13-07 at 5.0 ppm; Fruit, stone, group 12-12 at 5.0 ppm; Herbs and spices, group 19 at 35 ppm; Hibiscus, seed at 150 ppm; Ivy gourd at 5.0 ppm; Kaffir lime, leaves at 0.50 ppm; Kenaf, seed at 150 ppm; Longan at 5.0 ppm; Lychee at 5.0 ppm; Oilseed group 20 at 150 ppm; Peppermint, tops at 35 ppm; Pointed gourd at 5.0 ppm; Pomegranate at 5.0 ppm; Rambutan at 5.0 ppm; Spanish Lime 5.0 ppm; Spearmint, tops at 35 ppm; Stalk, stem and leaf petiole vegetable group 22 at 0.50 ppm; Tropical and subtropical fruits, edible peel, group 23 at 10.0 ppm; Tropical and subtropical fruits, inedible peel, group 24 at 5.0 ppm; Vegetable, Head and Stem *Brassica*, group 5-16 at 1.0 ppm; Vegetable, bulb, group 3-07 at 2.0 ppm; Vegetable, cucurbit, group 9 at 5.0 ppm; Vegetable, foliage of legume, group 7 at 0.50 ppm; Vegetable fruiting, group 8-10 at 7.0 ppm; Vegetable, leafy, group 4-16 at 0.50 ppm; Vegetable leaves of root and tuber, group 2 at 0.50 ppm; Vegetable, legume, group 6 at 3.0 ppm; Vegetable, root and tuber, group 1 at 3.0 ppm. These time-limited tolerances expire on December 31, 2020.

Section 408(l)(6) of FFDCA requires EPA to establish a time-limited tolerance or exemption from the requirement for a tolerance for pesticide chemical residues in food that will result from the use of a pesticide under an emergency exemption granted by EPA under FIFRA section 18. Such tolerances can be established without providing notice or period for public comment. EPA does not intend for its actions on FIFRA section 18 related time-limited tolerances to set binding precedents for the application of FFDCA section 408 and the safety standard to other tolerances and exemptions.

Section 408(e) of FFDCA allows EPA to establish a tolerance or an exemption from the requirement of a tolerance on its own initiative, *i.e.*, without having

received any petition from an outside party.

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

Section 18 of FIFRA authorizes EPA to exempt any Federal or State agency from any provision of FIFRA, if EPA determines that "emergency conditions exist which require such exemption." EPA has established regulations governing such emergency exemptions in 40 CFR part 166.

## III. Emergency Exemptions for Methyl Bromide on Various Commodities and FFDCA Tolerances

Quarantine exemptions were issued to the Plant Protection and Quarantine (PPQ) division of the United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS), for the post-harvest use of the fumigant methyl bromide on imported and domestic commodities to target invasive, non-indigenous quarantine plant pests and to prevent the introduction and/or spread of any new or recently introduced foreign pest(s) to any U.S. geographical location.

After having reviewed the submissions, EPA determined that emergency conditions existed for the PPQ division of the USDA/APHIS, and that the criteria for approval of these quarantine exemptions were met. EPA authorized quarantine exemptions under FIFRA section 18 for the post-harvest use of methyl bromide in or on specified imported and domestic agricultural commodities to eliminate the threat of invasive plant pests.

As part of its evaluation of the proposed quarantine emergency uses, EPA assessed the potential risks presented by residues of methyl bromide in or on specified imported and

domestic agricultural commodities. In doing so, EPA considered the safety standard in FFDCA section 408(b)(2), and EPA decided that the necessary time-limited tolerances under FFDCA section 408(l)(6) would be consistent with the safety standard and with FIFRA section 18. Consistent with the need to move quickly on the quarantine exemption actions in order to address urgent non-routine situations and to ensure that the resulting food is safe and lawful, EPA issued these time-limited tolerances without notice and opportunity for public comment as provided in FFDCA section 408(l)(6). Although these time-limited tolerances expire on December 31, 2020, under FFDCA section 408(l)(5), residues of the pesticide not in excess of the amounts specified in the tolerances remaining in or on the specified agricultural commodities after that date will not be unlawful, provided the pesticide was applied in a manner that was lawful under FIFRA, and the residues do not exceed levels that were authorized by these time-limited tolerances at the time of the applications. EPA will take action to revoke these time-limited tolerances earlier if any experience with, scientific data on, or other relevant information on this pesticide indicate that the residues are not safe.

Because these time-limited tolerances are being approved under emergency conditions, EPA has not made any decisions about whether methyl bromide meets FIFRA's registration requirements for use on the specified agricultural commodities or whether permanent tolerances for these uses would be appropriate. Under these circumstances, EPA does not believe that these time-limited tolerance decisions serve as a basis for registration of methyl bromide by a State for special local needs under FIFRA section 24(c). Nor do these tolerances by themselves serve as the authority for persons other than certified fumigators to use this pesticide on the applicable crops under FIFRA section 18 absent the authorization of the quarantine exemption issued to the Plant Protection and Quarantine division of the United

States Department of Agriculture, Animal and Plant Health Inspection Service. For additional information regarding the quarantine exemptions for methyl bromide, contact the Agency's Registration Division at the address provided under **FOR FURTHER INFORMATION CONTACT**.

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

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

Consistent with the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure expected as a result of these quarantine exemption requests and the time-limited tolerances for residues of methyl bromide on the specified agricultural commodities. EPA's assessment of exposures and risks associated with establishing these time-limited tolerances follows.

##### A. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD)

and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which no adverse effects are observed (the NOAEL) and the lowest dose at which adverse effects of concern are identified (the LOAEL). Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see <https://www.epa.gov/pesticide-science-and-assessing-pesticide-risks/assessing-human-health-risk-pesticides>. Further, the Agency's exposure and risk assessment for the emergency use of methyl bromide on various agricultural commodities is discussed in greater detail in the following documents: *Methyl Bromide. Section 18 Emergency Quarantine Exemption Use on commodities Requested by the U.S. Department of Agriculture/Animal and Plant Health Inspection Service/Plant Protection and Quarantine (USDA/APHIS/PPQ) Division, May 02, 2017 and Methyl Bromide: Human Health Risk Assessment for the Section 18 Emergency Exemption Use on USDA APHIS PPQ Commodities, September 13, 2013* are available in the docket at the address provided under **ADDRESSES**. A summary of the toxicological endpoints for methyl bromide used for human risk assessment is shown below in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR METHYL BROMIDE FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (Females 13–50 years of age).	Dev. NOAEL = 14 mg/kg/day. UF = 100x FQPA SF = 1x	Acute RfD = 0.14 mg/kg/day. aPAD = 0.14 mg/kg/day	Developmental Toxicity—Rabbit (Inhalation). LOAEL = 28 mg/kg/day based on agenesis of the gall bladder and increased incidence of fused sternbrae.



TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR METHYL BROMIDE FOR USE IN HUMAN HEALTH RISK ASSESSMENT—Continued

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children).	NOAEL = 90 mg/kg/day. UF = 100x FQPA SF = 1x	Acute RfD = 0.9 mg/kg/day. aPAD = 0.9 mg/kg/day	Acute neurotoxicity study—rat (Inhalation). LOAEL = 314 mg/kg/day based on decreased activity, increase in number of animals with drooping/half-closed eyelids and alertness as measured in the Functional Observational Battery (FOB), decreased rears, decreased motor activity, increased piloerection and decreased body temperature.
Chronic dietary (All populations)	NOAEL = 2.2 mg/kg/day. UF = 100x FQPA SF = 1x	Chronic RfD = 0.022 mg/kg/day. cPAD = 0.022 mg/kg/day	Chronic/carcinogenicity study—rats. LOAEL = 11.1 mg/kg/day based on decreased body weight, body weight gain and food consumption.
Cancer (Oral, dermal, inhalation).	Classification: Not likely to be carcinogenic to humans.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor.

### B. Exposure Assessment

#### 1. Dietary exposure from food and feed uses.

In evaluating dietary exposure to methyl bromide, EPA considered exposure under the time-limited tolerances established by this action as well as all existing methyl bromide tolerances in 40 CFR 180.124.

EPA assessed dietary exposures from methyl bromide in food as follows:

i. *Acute exposure.* Acute effects were identified for methyl bromide. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America (NHANES/WWEIA). For purposes of this acute exposure assessment, EPA calculated residue levels based on dissipation and time-to-market data, assumed 100 percent crop treated (PCT) and assumed that no residues were present in any processed commodity where heating was involved.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used the food consumption data from the USDA 2003–2008 NHANES/WWEIA. To estimate chronic exposure from residues in food, EPA calculated residue levels based on dissipation and time-to-market data, assumed 100% crop treated, and assumed that no residues were present in any processed commodity where heating was involved. For the chronic exposure assessment, consumption data were averaged for the entire U.S. population and within population subgroups.

iii. *Cancer.* Based on the data summarized in Unit IV.A., Table 1, EPA has concluded that methyl bromide does not pose a cancer risk to humans.

Therefore, a dietary exposure assessment for the purpose of assessing cancer risk in unnecessary.

EPA reviewed numerous residue trials submitted by industry (controlled fumigation trials) in support of the reregistration of methyl bromide. Residue levels were calculated using residue decline curves for each commodity assuming first order kinetics and taking into account minimum predicted time intervals between fumigation and market availability. USDA APHIS requested uses on additional crops, providing detailed use pattern data. For these crops, residue levels were translated from similar commodities having residue trial data, considering use patterns and taking into account time intervals between fumigation and market availability.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for methyl bromide in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of methyl bromide. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at <http://www.epa.gov/oppefed1/models/water/index.htm>.

The methyl bromide Estimated Drinking Water Concentration was derived from groundwater estimates. Based on data from the database of pesticides in groundwater (U.S. EPA, 1992), two wells in California (out of 20,429 wells monitored in Florida, California, and Hawaii) had methyl bromide levels of 2.5 and 6.4 microgram/Liter (µg/L). The highest groundwater monitoring value of 6.4

parts per billion (ppb) was used for both the acute and chronic (non-cancer) assessments. Concentrations of methyl bromide in surface water are considered negligible due to the rapid dissipation of methyl bromide from water to the air (half-life of 73 minutes).

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model.

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

Methyl bromide is a restricted use pesticide and is not registered for any specific residential use patterns; however, there is potential for residential bystander inhalation exposure in and around port areas where post-harvest commodity fumigation treatments takes place. Buffers have been implemented on all methyl bromide labels, which reduce bystander exposures to levels that do not exceed the Agency’s level of concern.

Further information regarding EPA standard assumptions and generic inputs for residential exposures may be found at: <http://www.epa.gov/pesticides/trac/science/trac6a05.pdf>.

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

substances that have a common mechanism of toxicity.”

EPA has not found methyl bromide to share a common mechanism of toxicity with any other substances, and methyl bromide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that methyl bromide does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's website at <http://www.epa.gov/pesticides/cumulative>.

### C. Safety Factor for Infants and Children

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

2. *Prenatal and postnatal sensitivity.* No evidence of increased quantitative or qualitative susceptibility was observed in developmental toxicity studies in rats or rabbits. The rabbit inhalation developmental study also did not indicate susceptibility to the young as the dams and the offspring had identical NOAEL and LOAEL values.

Therefore, toxicity studies on adults will not underestimate the risks methyl bromide poses to children.

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

- i. The toxicity database for methyl bromide is complete.
- ii. There is no indication that methyl bromide is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.
- iii. There is no evidence that methyl bromide results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies. In the rat developmental inhalation study there was no indication of

susceptibility to the young, at doses up to 70 ppm. The rabbit inhalation developmental study also did not indicate susceptibility to the young, as the dams and the offspring had identical NOAEL and LOAEL values.

iv. There are no residual uncertainties identified in the exposure databases. The use of inhalation studies to assess dietary risks is a conservative (protective) approach since inhalation exposure is expected to lead to a higher internal dose than dietary exposure since chemicals will enter the circulatory system before many of the detoxification processes associated with oral exposure (e.g. first pass effect) occur. Therefore, these assessments will not underestimate the exposure and risks posed by methyl bromide.

### D. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD) presented in Unit IV.A. Table 1. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs in Table 1 to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in Unit IV.B. for acute exposure, the acute dietary exposure from food and water to methyl bromide will occupy 3.5% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure. The Agency has determined that dietary risk estimates for aggregate acute exposure through food and water to methyl bromide are below the Agency's level of concern for the U.S. population and all population subgroups. There is also potential for inhalation exposure to residential bystanders. However, since the dietary contribution to acute aggregate risk is negligible, EPA has determined that the mitigation measures EPA required in the 2006 Tolerance Reassessment and Risk Management Decision (TRED) for Methyl Bromide, and Reregistration Eligibility Decision (RED) for Methyl Bromide's Commodity Uses to protect residential bystanders will ensure that acute aggregate risks do not exceed EPA's level of concern.

2. *Chronic risk.* Using the exposure assumptions described in Unit IV.B. for chronic exposure, EPA has concluded that chronic exposure to methyl bromide from food and water will utilize 43% of the cPAD for (children 1–2 years old) the population group receiving the greatest exposure. Based

on the explanation in the unit regarding residential use patterns, chronic residential exposure to residues of methyl bromide is not expected. Although there is potential for inhalation exposure to residential bystanders, EPA did not aggregate short-, intermediate-term, or chronic dietary and inhalation exposures to methyl bromide because endpoints for dietary and inhalation exposures for these durations are not based on common toxicological effects. Methyl bromide is not registered for use in residential settings; therefore, residential exposures from the direct use of methyl bromide in residential areas is not expected.

3. *Short-term risk.* Short-term risk is assessed based on short-term residential exposure plus chronic dietary exposure. Methyl bromide is not registered for use in residential settings; therefore, residential handler exposures from the direct use of methyl bromide in residential areas is not expected. EPA did not aggregate short-, intermediate-term, or chronic dietary and inhalation exposures to methyl bromide because endpoints for dietary and inhalation exposures for these durations are not based on common toxicological effects.

4. *Intermediate-term risk.* Intermediate-term risk is assessed based on intermediate-term residential exposure plus chronic dietary exposure. Methyl bromide is not registered for use in residential settings; therefore, residential handler exposures from the direct use of methyl bromide in residential areas is not expected. EPA did not aggregate short-, intermediate-term, or chronic dietary and inhalation exposures to methyl bromide because endpoints for dietary and inhalation exposures for these durations are not based on common toxicological effects.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, methyl bromide is not expected to pose a cancer risk to humans.

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

## V. Other Considerations

### A. Analytical Enforcement Methodology

An adequate enforcement methodology (King headspace method, J. Agricultural Food Chemistry, Vol 29, No. 5, pp 1003–1005) is available to enforce the tolerance expression. This

method is a gas chromatography/electron capture (GC/EC) method that was validated in 1987 in the EPA Environmental Chemistry Laboratory (D168869, L. Cheng, 27-OCT-1992). The headspace procedure for determining methyl bromide has been forwarded to FDA for inclusion in PAM Vol. II. This method is adequate for data collection and for tolerance enforcement on plant and processed food commodities.

#### B. International Residue Limits

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

Methyl bromide Codex MRLs have been established for several commodities; however, there are no Codex MRLs for any of the commodities that are the subject of this quarantine action. Therefore, at this time, there are no harmonization issues.

#### VI. Conclusion

Therefore, time-limited tolerances are established for residues of the fumigant methyl bromide, including its metabolites and degradates, in or on specified agricultural imported/domestic commodities. These tolerances expire on December 31, 2020.

#### VII. Statutory and Executive Order Reviews

This action establishes tolerances under FFDCA sections 408(e) and 408(l)(6). 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 in accordance with FFDCA sections 408(e) and 408(l)(6), such as the tolerances 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 13, 2018.

**Donna S. Davis,**

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

Therefore, 40 CFR chapter I is amended as follows:

#### PART 180—[AMENDED]

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

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

■ 2. In § 180.124, revise paragraph (b) to read as follows:

#### § 180.124 Methyl bromide; tolerances for residues.

\* \* \* \* \*

(b) *Section 18 emergency exemptions.* Time-limited tolerances as listed in the following table are established for residues of the fumigant methyl bromide, including its metabolites and degradates, in or on the specified agricultural commodities, resulting from use of the pesticide pursuant to FIFRA section 18 emergency exemptions. Compliance with the tolerance levels specified below is to be determined by measuring only methyl bromide. These tolerances expire and are revoked on the date indicated in the table.

Commodity	Parts per million	Expiration date
Avocado .....	5.0	December 31, 2020.
Banana .....	5.0	December 31, 2020.
Cactus .....	3.0	December 31, 2020.
Coconut, copra .....	8.0	December 31, 2020.

Commodity	Parts per million	Expiration date
Coffee, green bean .....	150	December 31, 2020.
Cola .....	150	December 31, 2020.
Cucurbit, seed .....	150	December 31, 2020.
Fig .....	10	December 31, 2020.
Fruit, berry and small fruit, group 13–07 .....	5.0	December 31, 2020.
Fruit, stone, group 12–12 .....	5.0	December 31, 2020.
Herb and spice, group 19 .....	35	December 31, 2020.
Hibiscus, seed .....	150	December 31, 2020.
Ivy gourd .....	5.0	December 31, 2020.
Kaffir lime, leaves .....	0.50	December 31, 2020.
Kenaf, seed .....	150	December 31, 2020.
Longan .....	5.0	December 31, 2020.
Lychee .....	5.0	December 31, 2020.
Oilseed group 20 .....	150	December 31, 2020.
Peppermint, tops .....	35	December 31, 2020.
Pointed gourd .....	5.0	December 31, 2020.
Pomegranate .....	5.0	December 31, 2020.
Rambutan .....	5.0	December 31, 2020.
Spanish lime .....	5.0	December 31, 2020.
Spearmint, tops .....	35	December 31, 2020.
Stalk, stem and leaf petiole vegetable group 22 .....	0.50	December 31, 2020.
Tropical and subtropical fruits, edible peel, group 23 .....	10	December 31, 2020.
Tropical and subtropical fruits, inedible peel, group 24 .....	5.0	December 31, 2020.
Vegetable, bulb, group 3–07 .....	2.0	December 31, 2020.
Vegetable, cucurbit, group 9 .....	5.0	December 31, 2020.
Vegetable, foliage of legume, group 7 .....	0.50	December 31, 2020.
Vegetable, fruiting, group 8–10 .....	7.0	December 31, 2020.
Vegetable, Head and Stem <i>Brassica</i> , group 5–16 .....	1.0	December 31, 2020.
Vegetable, leafy, group 4–16 .....	0.50	December 31, 2020.
Vegetable, leaves of root and tuber, group 2 .....	0.50	December 31, 2020.
Vegetable, legume, group 6 .....	3.0	December 31, 2020.
Vegetable, root and tuber, group 1 .....	3.0	December 31, 2020.

\* \* \* \* \*

[FR Doc. 2018–04193 Filed 2–28–18; 8:45 am]

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****50 CFR Part 648****[Docket No. 170713663–8176–02]****RIN 0648–BH04****Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications**

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

**ACTION:** Final rule.

**SUMMARY:** NMFS implements longfin squid, *Illex* squid, and butterfish specifications for the 2018 fishing year and projected specifications for fishing years 2019 and 2020. This action is necessary to specify catch levels for the squid and butterfish fisheries based upon updated information on stock status. These specifications are intended to promote the sustainable utilization

and conservation of the squid and butterfish resources.

**DATES:** Effective April 2, 2018.

**ADDRESSES:** Copies of supporting documents used by the Mid-Atlantic Fishery Management Council, including the Environmental Assessment (EA), the Regulatory Impact Review (RIR), and the Regulatory Flexibility Act (RFA) analysis are available from: Dr. Christopher M. Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901, telephone (302) 674–2331. The EA/RIR/RFA analysis is also accessible via the internet at [www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0089](http://www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2017-0089). Stock assessment reports and assessment update reports for all species are available online at: [www.nefsc.noaa.gov/saw/reviews\\_report\\_options.php](http://www.nefsc.noaa.gov/saw/reviews_report_options.php). Performance reports for the Atlantic mackerel, squid, and butterfish fisheries are available online at: <http://www.mafmc.org/msb>.

**FOR FURTHER INFORMATION CONTACT:**

Douglas Christel, Fishery Policy Analyst, (978) 281–9141.

**SUPPLEMENTARY INFORMATION:****Background**

The regulations implementing the Atlantic Mackerel, Squid, and Butterfish

Fishery Management Plan (FMP) require the Mid-Atlantic Council's Atlantic Mackerel, Squid, and Butterfish Monitoring Committee to develop specification recommendations for each species based upon the ABC advice of the Council's SSC. The FMP regulations also require the specification of annual catch limits (ACLs) and accountability measure (AM) provisions for butterfish. Both squid species are exempt from the ACL/AM requirements because they have a life cycle of less than one year. In addition, the regulations require the specification of domestic annual harvest (DAH), domestic annual processing (DAP), total allowable level of foreign fishing (TALFF), joint venture processing (JVP), commercial and recreational annual catch targets (ACT), the butterfish mortality cap in the longfin squid fishery, and initial optimum yield (IOY) for both squid species.

On December 13, 2017, NMFS published a proposed rule (82 FR 58583) for the 2018–2020 squid and butterfish specifications recommended by the Council. The proposed rule for this action included additional background on specifications and the details of how the Council derived its recommended specifications for longfin and *Illex* squid and butterfish. Those

details are not repeated here. For additional information, please refer to the proposed rule for this action. Because we implemented Atlantic mackerel specifications for fishing years 2016–2018 on April 26, 2016 (81 FR 24504), this action does not consider revisions to existing Atlantic mackerel specifications.

*Final 2018 and Projected 2019–2020 Illex Squid Specifications*

**TABLE 1—FINAL 2018 AND PROJECTED 2019 AND 2020 *Illex* SQUID SPECIFICATIONS IN METRIC TONS (MT)**

OFL .....	Unknown
ABC .....	24,000
IOY .....	22,915
DAH/DAP .....	22,915

This action maintains the existing *Illex* squid ABC of 24,000 mt for 2018 and projects continuing that ABC for 2019 and 2020. The IOY, DAH, and DAP are calculated by deducting an estimated discard rate (4.52 percent) from the ABC. This results in a IOY,

DAH, and DAP of 22,915 mt for 2018 that would be maintained for the 2019 and 2020 fishing years. These are the same specifications for the *Illex* squid fishery since 2012. The Council will review these specifications during its annual specifications process following annual data updates each spring, and may change its recommendations for 2019 or 2020 if new information is available.

*Final 2018 and Projected 2019–2020 Longfin Squid Specifications*

**TABLE 2—FINAL 2018 AND PROJECTED 2019 AND 2020 LONGFIN SQUID SPECIFICATIONS IN METRIC TONS (MT)**

OFL .....	Unknown
ABC .....	23,400
IOY .....	22,932
DAH/DAP .....	22,932

This action maintains the existing longfin squid ABC of 23,400 mt for 2018 and projects continuing that ABC for 2019 and 2020. The IOY, DAH, and DAP are calculated by deducting an

estimated discard rate (updated from 4.08 to 2.0 percent) from the ABC. This results in a IOY, DAH, and DAP of 22,932 mt for 2018 that would be maintained for the 2019 and 2020 fishing years. This action also maintains the existing allocation of longfin squid DAH among trimesters according to percentages specified in the FMP (see Table 3). The Council will review these specifications during its annual specifications process following annual data updates each spring, and may change its recommendations for 2019 or 2020 if new information is available.

**TABLE 3—FINAL 2018 AND PROJECTED 2019–2020 LONGFIN QUOTA TRIMESTER ALLOCATIONS**

Trimester	Percent	Metric tons
I (Jan–Apr) .....	43	9,861
II (May–Aug) .....	17	3,898
III (Sep–Dec) .....	40	9,173

*Final 2018 and Projected 2019–2020 Butterfish Specifications*

**TABLE 4—FINAL 2018 AND PROJECTED 2019–2020 BUTTERFISH SPECIFICATIONS IN METRIC TONS (MT)**

	2018	2019	2020
OFL .....	28,628	37,637	39,592
ABC = ACL .....	17,801	27,108	32,063
Commercial ACT (ABC minus management uncertainty buffers for each year) .....	16,911	25,075	28,857
DAH (ACT minus butterfish cap and discards) .....	12,093	20,061	23,752
Directed Fishery closure limit (DAH minus 1,000 mt incidental landings buffer) .....	11,093	19,061	22,752
Butterfish Mortality Cap (in the longfin squid fishery) .....	3,884	3,884	3,884

This action implements a butterfish ABC of 17,801 mt in 2018, and projected ABCs of 27,108 mt in 2019, and 32,063 mt in 2020. For butterfish, the ACL is set equal to the ABC. Deducting an estimate of management uncertainty from each year's ABC/ACL (5 percent in 2018, 7.5 percent in 2019, and 10 percent in 2020) results in commercial ACTs of 16,911 mt in 2018, and projected ACTs of 25,075 mt in 2019, and 28,857 mt in 2020. This action maintains the butterfish cap for the longfin squid fishery at the 2014 level of 3,884 mt for 2018 and projects maintaining that level for 2019 and 2020. Subtracting the existing butterfish mortality cap in the longfin squid fishery (3,884 mt), catch in other fisheries (637 mt), and an estimate of discards in the directed butterfish fishery (2.4 percent) results in a DAH of 12,093 mt in 2018, and projected DAHs of 20,061 mt in 2019 and 23,752 mt in 2020. This action also maintains the existing allocation of the butterfish mortality cap among longfin squid

trimesters according to percentages specified in the FMP (see Table 5). Finally, this action maintains the existing 1,000-mt set aside in each year to account for incidental landings of butterfish after a closure of the directed fishery. We will close the directed butterfish fishery once 11,093 mt is caught in 2018. The Council will review these specifications during its annual specifications process following annual data updates each spring, and may change its recommendations for 2019 or 2020 if new information is available.

**TABLE 5—FINAL TRIMESTER ALLOCATION OF BUTTERFISH MORTALITY CAP ON THE LONGFIN SQUID FISHERY FOR 2018 AND PROJECTED ALLOCATIONS FOR 2019 AND 2020**

Trimester	Percent	Metric tons
I (Jan–Apr) ....	43	1,670
II (May–Aug) .....	17	660
III (Sep–Dec) .....	40	1,554

**TABLE 5—FINAL TRIMESTER ALLOCATION OF BUTTERFISH MORTALITY CAP ON THE LONGFIN SQUID FISHERY FOR 2018 AND PROJECTED ALLOCATIONS FOR 2019 AND 2020—Continued**

Trimester	Percent	Metric tons
Total .....	100	3,844

**Comments and Responses**

NMFS received 10 comments in response to the proposed rule for this action. Two comments were from industry groups, the Garden State Seafood Association (GSSA) and Seafreeze, Ltd., Eight comments were from individuals. Five comments received were not relevant to the proposed action and are not included in this final rule.

*Comment 1:* One individual requested that NMFS post weekly butterfish

landings, including butterflyfish landings against the butterflyfish mortality cap in the longfin squid fishery, on the Greater Atlantic Regional Fisheries Office (GARFO) quota monitoring website so that the fishing industry has a better understanding of fishery operations during the year.

*Response:* We post weekly landings of all species on the GARFO quota monitoring website unless doing so violates Magnuson-Stevens Act requirements to protect the confidentiality of submitted data. We currently post butterflyfish landings against the mortality cap in the longfin squid fishery on the GARFO website. While we had previously posted landings from the directed butterflyfish fishery, a recent review of landings data indicated that doing so is no longer consistent with the Magnuson-Stevens Act confidentiality requirements, as posting landings may inadvertently reveal landings or dealer purchases by an individual entity. Current regulations require us to reduce butterflyfish possession limits when landings reach the butterflyfish closure threshold and the DAH. Moving forward, we will post butterflyfish landings once catch has reached 75 percent of the closure threshold. This will inform the public of cumulative butterflyfish landings and allow fishery participants to plan operations sufficiently in advance of any required adjustments to possession limits without compromising efforts to protect the confidentiality of any entity's butterflyfish landings or purchases.

*Comment 2:* One individual stated generally that too many fish are being caught, resulting in overfishing and the possibility of resource decline into extinction and negative impacts to predators, recommending that quotas for all species should be reduced by 50 percent.

*Response:* Longfin squid is not overfished and is considered to be lightly exploited. *Illex* squid abundance in 2016 was near the long-term median, with the SSC suggesting that annual landings of up to 26,000 mt do not appear to have harmed the stock. Therefore, there is no scientific evidence to suggest that either of these species are subject to overfishing or that quota reductions for these species are warranted at this time. For butterflyfish, the latest stock assessment update indicated that the fishing mortality rate is well below the overfishing limit and that biomass is well above the target level in 2016. The SSC recommended, and this final rule implements, a 42-percent reduction in the 2018 butterflyfish ABC based on concerns regarding

declining trends in both biomass and recruitment in recent years. The 2018–2020 specifications for these species should ensure sufficient forage for predators. Extinction is not a concern with these species.

*Comment 3:* One individual expressed concern with the substantial increase in butterflyfish ABCs in 2019 and 2020, stating that these increases are based on an expectation that a higher historic recruitment rate will return in those years despite reductions in observed recruitment in recent years. The individual suggested that there is no scientific evidence that historic recruitment will occur in 2019 or 2020 based on the declining trend in recruitment in recent years.

*Response:* We disagree. We recognize the recent declining trend in butterflyfish recruitment and its effects on spawning stock biomass and projected ABCs. We support the use of the low 2016 recruitment estimate to inform SSC recommendations for the 2018 butterflyfish ABC as it represents the best scientific information available. As documented in the 2017 butterflyfish assessment update, we know that terminal year recruitment estimates are highly uncertain. In 2014, the 58th Stock Assessment Workshop (SAW 58) (see **ADDRESSES**) concluded that the 2012 recruitment estimate (terminal year for that assessment update) was the lowest in the time series. Updated data have substantially raised the 2012 recruitment estimate, and 2013–2015 recruitment was estimated to be much higher than the 2012 estimate. The SSC recognized that predicting future recruitment is very difficult, as the butterflyfish stock has experienced years of low recruitment followed by substantially higher recruitment (see 2017 butterflyfish assessment update). They preferred to use yearly recruitment estimates taken from the entire time series (1989–2016) to project 2019 and 2020 butterflyfish ABCs because the entire time series includes recruitment estimates from both high and low years. This is a practice used in other stock assessments, and was reviewed as part of the 2017 butterflyfish assessment update and SSC deliberations. Therefore, the use of time series recruitment to project 2018 and 2019 butterflyfish ABCs is consistent with the best scientific information available. Further, the Council expects to review future butterflyfish ABCs as additional information on butterflyfish recruitment becomes available. The Council could adjust 2019 and 2020 projected specifications if new information indicated recruitment conclusions for this action need to be updated.

*Comment 4:* One individual indicated that the butterflyfish ABC reduction is unnecessary due to the short lifespan of the species and recent mechanical problems and inefficiencies with the Northeast Fisheries Science Center's survey vessel. The GSSA and Seafreeze, Ltd., also opposed the proposed butterflyfish specifications. Instead, they supported an alternative that would specify a constant ABC of 24,500 mt for 2018–2020. They highlight that butterflyfish is neither overfished, nor subject to overfishing, and assert that it is unlikely that butterflyfish biomass will be reduced in half because of poor recent recruitment. Similar to other short-lived species, they suggest that butterflyfish may lack a strong stock-recruit relationship, noting that butterflyfish recruitment has been highly variable and unpredictable, with terminal year recruitment estimates previously underestimated. They contend that basing ABC decisions on recruitment alone in this action is not scientifically sound. Further, they state that without the fall 2017 NMFS survey to update recruitment estimates, the Council cannot verify the low 2016 recruitment estimate or adjust the 2019 ABC based on updated data. Similar to past SSC decisions to phase in summer flounder quota reductions, they argue that such an alternative would avoid substantially reducing commercial butterflyfish quotas unnecessarily and provide for a more stable fishery.

*Response:* We agree that butterflyfish is neither overfished, nor subject to overfishing and that recruitment is highly variable. According to SAW 58, because butterflyfish are a short-lived species that are typically dominated by one or two yearclasses of fish, recruitment has a strong influence over biomass. As a result, declining recruitment translates into declining biomass. The most recent stock assessment update showed continuing declines in both recruitment and biomass since the late 1990s. Catches of age zero butterflyfish were nearly absent in the fishery during 2016, have declined in the NMFS surveys since peaking in the mid 1990s, and were the lowest in the fall Northeast Area Monitoring and Assessment Program (NEAMAP) time series in 2016. Although recent NEAMAP survey indices have been more variable than NMFS surveys, a similar downward trend in both the fall NEAMAP and NMFS survey indices for butterflyfish have been observed since 2007 and 1989, respectively. These declining trends in both recruitment and spawning stock biomass, as documented in the best scientific

information available, formed the basis for the SSC's recommended 2018 butterflyfish ABC of 17,801 mt.

As noted above in the response to Comment 3, terminal year recruitment estimates have been previously underestimated and revised upward based on additional data. We will not know whether the 2016 recruitment estimate was similarly underestimated until additional data are available. We agree that mechanical problems with the RSV *Henry B. Bigelow* will prevent us from updating recruitment estimates from the fall NMFS survey and may limit the information available to the Council to adjust the 2019 or 2020 ABCs, as appropriate. However, these problems occurred after the completion of the butterflyfish assessment update and do not affect the 2018–2020 butterflyfish ABCs recommended by the Council. Further, an updated estimate of 2016 recruitment is unlikely to substantially affect the declining trend observed in recent years. The Council can revise future butterflyfish ABCs based on any available information, including NEAMAP data, during the required annual review of these specifications.

The SSC considered the constant ABC alternative advocated by the GSSA and Seafreeze, Ltd., but did not recommend it based on declining trends in biomass and recruitment. The SSC recognized that a stable ABC approach has been used in other fisheries, but noted that there are different needs for different species and that a stable ABC approach was not appropriate for butterflyfish for biological reasons. At the May 2017 meeting, the SSC also admitted that they lacked the social science expertise and Council guidance necessary for evaluating economic tradeoffs between the different alternatives and the associated impacts to fishing communities. The Council considered the SSC's input during their June 2017 meeting, and chose to follow the recommendations of the SSC instead of adopting a different suite of butterflyfish ABCs. We did not receive sufficient information through public comment to challenge recommendations by either the SSC or the Council, and have, therefore, implemented the proposed butterflyfish ABCs through this final rule.

*Comment 5:* The GSSA and Seafreeze, Ltd., highlighted seemingly conflicting estimates of the probability of overfishing butterflyfish between the SSC report, the proposed rule, and supporting materials for the Council's June 2017 meeting. Specifically, they note that the SSC report and the proposed rule state that the probability of overfishing (the  $P^*$  metric) is estimated at 0.08, but the Council

meeting supporting materials indicated  $P^* = 0.34$ . They sought clarification as to the correct probability of overfishing butterflyfish.

*Response:* The correct  $P^*$  value is 0.34. In other words, there is an average 34 percent probability that the proposed butterflyfish ABCs would result in overfishing during 2018–2020 based on the SSC's judgement of true underlying assessment uncertainty. The 0.08 probability of overfishing is the average probability of overfishing that the projection model calculates when the proposed ABCs are entered. The 0.08 probability assumes that the model fully captures all elements of uncertainty. However, the SSC believes there is additional uncertainty that is not fully captured in the model. Therefore, the model is rerun using a 100 percent coefficient of variation (a measure of uncertainty—the higher the number, the higher the uncertainty) to estimate the probability of overfishing. This generated an average  $P^*$  of 0.34 for the proposed 2018–2020 butterflyfish ABCs, which is consistent with the Council's policies for setting ABCs.

*Comment 6:* The GSSA and Seafreeze, Ltd., asked why the proposed butterflyfish ABCs have a  $P^*$  value less than 0.4, when the Council's risk policy indicates that stocks with a typical life history should have a 40-percent chance of overfishing ( $P^* = 0.4$ ) when the stock is above the biomass target. They note that in 2016, butterflyfish was at 141 percent of the target biomass and that the Council should have used a  $P^* = 0.4$  to calculate butterflyfish ABCs.

*Response:* As noted in the response to Comment 4 above, while the 2016 spawning stock biomass estimate was above the target level, the 2017 butterflyfish assessment update projected that butterflyfish spawning stock biomass would decline to below the target level (45,616 mt) until 2020. The  $P^*$  values for 2018 and 2019 ABCs are 0.28 and 0.35, respectively, because the biomass is projected to be less than the biomass target in those years. In 2020,  $P^* = 0.4$  because biomass was estimated to be above target levels. This is consistent with the Council's risk policy. The average of these values is 0.34, below 0.4, due to the lower biomass estimates in 2018 and 2019.

*Comment 7:* Noting that the fall 2017 NMFS survey was not conducted, the GSSA and Seafreeze, Ltd., asked for data from the recruitment indices from fall 2017 NEAMAP. They asked if integrating the NEAMAP and state survey recruitment and biomass indices would change the butterflyfish ABC projections.

*Response:* The fall 2016 NEAMAP indices were included in the 2017 butterflyfish assessment update model runs and presented to the SSC when they considered butterflyfish ABCs proposed in this action. As noted above in the response to Comment 4, the fall 2016 NEAMAP recruitment indices were the lowest in the time series. Fall 2017 NEAMAP indices are not available at this time but will be considered in the next assessment or update. State survey data were previously considered in the last assessment but were not used because they were not representative of the entire stock area. During the June 2017 Council meeting, the Council asked if state survey data could be considered, but they were informed that a benchmark assessment would be needed to reconsider state survey data in a future assessment.

*Comment 8:* The GSSA and Seafreeze, Ltd., objected to the fact that the projections used to calculate butterflyfish ABCs in the 2017 assessment update assumed that the fishery would fully harvest the DAH of 20,652 mt during 2018–2020. They indicated that this assumption is completely erroneous and assumes that the fishing mortality rate would exceed the known rate by several orders of magnitude. They asked about the impact that this assumption has on the outcome of the specifications process.

*Response:* The 2017 fishing year was still ongoing when the SSC and Council recommended butterflyfish ABCs. Projections for 2018–2020 ABCs require some estimate of butterflyfish landings during each year. As a conservative approach, the projections assumed that 2017 landings would be equal to the DAH for 2017—the bridge year between the assessment update and when proposed ABCs would be implemented—and that landings would equal the ABC in 2019 and 2020. These assumptions are consistent with standard practice. We agree that it is unlikely that the fishery would have caught 20,652 mt during 2017. Preliminary estimates indicate that only about 3,700 mt were landed during 2017, although discards are still unknown at this time. However, the projections were also run using several other estimates of butterflyfish landings, including 3,139 mt (the fishery landings when the projections were run), 6,278 mt (double the landings when projections were run), and 9,100 mt (2014 DAH). All of these sensitivity runs resulted in negligible changes on the resulting spawning stock biomass estimates used to calculate ABCs. Therefore, it is unlikely that an updated



catch estimate would have substantially changed the projected butterfish ABCs.

**Comment 9:** One individual indicated that NMFS is not recognizing shifts in economic, governmental, and ecological trends in setting future catch levels. The individual suggested that changes in tax law, economic booms, the impacts of offshore drilling, relative profitability between small and large operations, technological innovation, and demand may all affect future estimates of fish stocks and the appropriate levels of catch in future years.

**Response:** Each year, Council staff develop a fishery information document summarizing trends in fishery landings, revenues, and participation. In addition, the Council's Atlantic Mackerel, Squid, and Butterfish Advisory Panel meets to develop and discuss a fishery performance report. This report describes the factors that influence fishing effort and landings, including markets, environmental/ecological issues (weather, temperature, availability), management measures, or other issues relevant to the fishery's operations (see **ADDRESSES**). This input is used to provide context to fishery operations and help the Council and its SSC understand catch patterns when setting ABCs in each fishery. Therefore, we are considering many of the factors identified by the commenter when setting catch levels. Further, the profitability of affected entities, including both large and small operations, are explicitly considered in the National Environmental Policy Act and associated economic analyses conducted in support of this action and included in the EA prepared by Council staff (see **ADDRESSES**).

#### Classification

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

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

This final rule is not an Executive Order 13771 regulatory action because it is not significant under Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the

proposed rule and is not repeated here. No comments were received regarding this certification and no other information has been obtained that suggests any other conclusion. As a result, a regulatory flexibility analysis was not required and none was prepared.

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

Dated: February 23, 2018.

**Samuel D. Rauch III,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 170816769-8162-02]

RIN 0648-XF633

#### Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Final 2018 and 2019 Harvest Specifications for Groundfish

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

**ACTION:** Final rule; harvest specifications and closures.

**SUMMARY:** NMFS announces final 2018 and 2019 harvest specifications, apportionments, and Pacific halibut prohibited species catch limits for the groundfish fishery of the Gulf of Alaska (GOA). This action is necessary to establish harvest limits for groundfish during the 2018 and 2019 fishing years and to accomplish the goals and objectives of the Fishery Management Plan for Groundfish of the Gulf of Alaska. The intended effect of this action is to conserve and manage the groundfish resources in the GOA in accordance with the Magnuson-Stevens Fishery Conservation and Management Act.

**DATES:** Harvest specifications and closures are effective at 1200 hours, Alaska local time (A.l.t.), March 1, 2018, through 2400 hours, A.l.t., December 31, 2019.

**ADDRESSES:** Electronic copies of the Final Alaska Groundfish Harvest Specifications Environmental Impact Statement (EIS), Record of Decision (ROD), the Supplementary Information Report (SIR) to the EIS, and the Initial

Regulatory Flexibility Analysis (IRFA) prepared for this action are available from <http://alaskafisheries.noaa.gov>. The final 2017 Stock Assessment and Fishery Evaluation (SAFE) report for the groundfish resources of the GOA, dated November 2017, is available from the North Pacific Fishery Management Council (Council) at 605 West 4th Avenue, Suite 306, Anchorage, AK 99510-2252, phone 907-271-2809, or from the Council's website at <http://www.npfmc.org>.

**FOR FURTHER INFORMATION CONTACT:** Obren Davis, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** NMFS manages the GOA groundfish fisheries in the exclusive economic zone of the GOA under the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMP). The Council prepared the FMP under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 *et seq.* Regulations governing U.S. fisheries and implementing the FMP appear at 50 CFR parts 600, 679, and 680.

The FMP and its implementing regulations require NMFS, after consultation with the Council, to specify the total allowable catch (TAC) for each target species, the sum of which must be within the optimum yield (OY) range of 116,000 to 800,000 metric tons (mt) (50 CFR 679.20(a)(1)(i)(B)). Section 679.20(c)(1) further requires NMFS to publish and solicit public comment on proposed annual TACs and apportionments thereof, Pacific halibut prohibited species catch (PSC) limits, and seasonal allowances of pollock and Pacific cod. Upon consideration of public comment received under § 679.20(c)(1), NMFS must publish notice of final harvest specifications for up to two fishing years as annual TACs and apportionments, Pacific halibut PSC limits, and seasonal allowances of pollock and Pacific cod, per § 679.20(c)(3)(ii). The final harvest specifications set forth in Tables 1 through 30 of this rule reflect the outcome of this process, as required at § 679.20(c).

The proposed 2018 and 2019 harvest specifications for groundfish of the GOA and Pacific halibut PSC limits were published in the **Federal Register** on December 8, 2017 (82 FR 57924). Comments were invited and accepted through January 8, 2018. NMFS received two letters of comment on the proposed harvest specifications; the comments are summarized and responded to in the "Response to Comments" section of this rule. In December 2017, NMFS consulted with the Council regarding



the 2018 and 2019 harvest specifications. After considering public testimony, as well as biological and socioeconomic data that were available at the Council's December 2017 meeting, NMFS is implementing the final 2018 and 2019 harvest specifications, as recommended by the Council. For 2018, the sum of the TAC amounts is 427,512 mt. For 2019, the sum of the TAC amounts is 376,417 mt.

#### **Other Actions Potentially Affecting the 2018 and 2019 Harvest Specifications**

##### *Amendment 106: Reclassify Squid as an Ecosystem Species*

In June 2017, the Council recommended for Secretarial review Amendment 106 to the FMP. Amendment 106 would reclassify squid in the FMP as an "Ecosystem Component Species," which is a category of non-target species that are not in need of conservation and management. Currently, NMFS annually sets an Overfishing Level (OFL), Acceptable Biological Catch (ABC), and TAC for squid in the GOA groundfish harvest specifications. Under Amendment 106, OFL, ABC, and TAC specifications would no longer be required. Proposed regulations to implement Amendment 106 would prohibit directed fishing for squid, require recordkeeping and reporting to monitor and report catch of squid species annually, and establish a squid maximum retainable amount when directed fishing for groundfish species at 20 percent to discourage retention, while allowing flexibility to prosecute groundfish fisheries. Further details will be available on publication of the proposed rule for Amendment 106. If Amendment 106 and its implementing regulations are approved by the Secretary of Commerce, Amendment 106 and its implementing regulations are anticipated to be effective by 2019. Until Amendment 106 is effective, NMFS will continue to publish OFLs, ABCs, and TACs for squid in the GOA groundfish harvest specifications.

#### **ABC and TAC Specifications**

In December 2017, the Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed the most recent biological and harvest information about the condition of groundfish stocks in the GOA. This information was compiled by the Council's GOA Groundfish Plan Team and was presented in the draft 2017 SAFE report for the GOA groundfish fisheries, dated November 2017 (see **ADDRESSES**). The SAFE report contains a review of the latest scientific analyses

and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the GOA ecosystem and the economic condition of the groundfish fisheries off Alaska. From these data and analyses, the Plan Team recommends an OFL and ABC for each species or species group. The 2017 SAFE report was made available for public review during the public comment period for the proposed harvest specifications.

In previous years, the greatest changes from the proposed to the final harvest specifications have been based on recent NMFS stock surveys, which provide updated estimates of stock biomass and spatial distribution, and changes to the models used for producing stock assessments. At the November 2017 Plan Team meeting, NMFS scientists presented updated and new survey results, changes to stock assessment models, and accompanying stock assessment estimates for groundfish species and species groups that are included in the final 2017 SAFE report per the stock assessment schedule found in the 2017 SAFE report introduction. The SSC reviewed this information at the December 2017 Council meeting. Changes from the proposed to the final 2018 and 2019 harvest specifications are discussed below.

The final 2018 and 2019 OFLs, ABCs, and TACs are based on the best available biological and socioeconomic information, including projected biomass trends, information on assumed distribution of stock biomass, and revised methods used to calculate stock biomass. The FMP specifies the formulas, or tiers, to be used to compute OFLs and ABCs. The formulas applicable to a particular stock or stock complex are determined by the level of reliable information available to fisheries scientists. This information is categorized into a successive series of six tiers to define OFL and ABC amounts, with Tier 1 representing the highest level of information quality available and Tier 6 representing the lowest level of information quality available. The Plan Team used the FMP tier structure to calculate OFL and ABC amounts for each groundfish species. The SSC adopted the final 2018 and 2019 OFLs and ABCs recommended by the Plan Team for all groundfish species. The Council adopted the SSC's OFL and ABC recommendations and the AP's TAC recommendations, with one exception for the arrowtooth flounder TAC, discussed below. The final TAC recommendations were based on the ABCs as adjusted for other biological and socioeconomic considerations,

including maintaining the sum of all TACs within the required OY range of 116,000 to 800,000 mt.

The Council recommended 2018 and 2019 TACs that are equal to ABCs for pollock in the Southeast Outside (SEO) District, sablefish, shallow-water flatfish in the Central GOA and the West Yakutat and SEO Districts, deep-water flatfish, rex sole, flathead sole in the West Yakutat and SEO Districts, Pacific ocean perch, northern rockfish, shortraker rockfish, dusky rockfish, rougheye and blackspotted rockfish, demersal shelf rockfish, thornyhead rockfish, "other rockfish" in the Western and Central GOA and the West Yakutat District, big skate, longnose skate, other skates, sculpins, sharks, squids, and octopuses in the GOA. The Council recommended TACs for 2018 and 2019 that are less than the ABCs for pollock in the Western and Central GOA and the West Yakutat District, Pacific cod, shallow-water flatfish in the Western GOA, arrowtooth flounder, flathead sole in the Western and Central GOA, "other rockfish" in the SEO District, and Atka mackerel. The combined Western, Central, and West Yakutat pollock TACs and the GOA Pacific cod TACs are set to accommodate the State of Alaska's (State's) guideline harvest levels (GHLs) for Pacific cod so that the ABCs are not exceeded. The shallow-water flatfish, arrowtooth flounder, and flathead sole TACs are set to allow for increased harvest opportunities for these target species while conserving the halibut PSC limit for use in other, more fully utilized fisheries. The "other rockfish" TAC in the SEO District is set to reduce the amount of discards of the species in that complex. The Atka mackerel TAC is set to accommodate incidental catch amounts in other fisheries.

As noted in the proposed 2018 and 2019 harvest specifications for the GOA, the 2018 and 2019 Pacific cod OFL, ABC, and TAC is significantly lower than the 2018 Pacific cod OFL, ABC, and TAC published in the final 2017 and 2018 harvest specifications (82 FR 12032, February 27, 2017). Based on the final 2017 Pacific cod stock assessment, the 2018 and 2019 Pacific cod OFL and ABC is much lower than previously estimated. The final 2018 Pacific cod ABC and TAC is 18,000 mt and 13,096 mt, respectively, and the final 2019 Pacific cod ABC and TAC is 17,000 mt and 12,368 mt, respectively. The TACs are the basis for numerous seasonal and sector apportionments of Pacific cod, and such apportionments are significantly decreased as well. The final seasonal and sector

apportionments of Pacific cod TACs are provided in Tables 5 and 6 in this rule.

The final 2018 and 2019 harvest specifications approved by the Secretary are unchanged from those recommended by the Council and are consistent with the preferred harvest strategy alternative in the EIS (see **ADDRESSES**). NMFS finds that the Council's recommended OFLs, ABCs, and TACs are consistent with the biological condition of the groundfish stocks as described in the final 2017 SAFE report. NMFS also finds that the Council's recommendations for OFLs, ABCs, and TACs are consistent with the biological condition of groundfish stocks as adjusted for other biological and socioeconomic considerations, including maintaining the total TAC within the OY range. NMFS reviewed the Council's recommended TAC specifications and apportionments, and NMFS approves these harvest specifications under 50 CFR 679.20(c)(3)(ii). The apportionment of TAC amounts among gear types and sectors, processing sectors, and seasons is discussed below.

Tables 1 and 2 list the final 2018 and 2019 OFLs, ABCs, TACs, and area apportionments of groundfish in the GOA. The sums of the 2018 and 2019 ABCs are 536,921 mt and 480,187 mt, respectively, which are lower than the 2017 ABC sum of 667,877 mt (82 FR 12032, February 27, 2017). The 2018 harvest specifications set in this final action will supersede the 2018 harvest specifications previously set in the final 2017 and 2018 harvest specifications (82 FR 12032, February 27, 2017). The 2019 harvest specifications will be superseded in early 2019 when the final 2019 and 2020 harvest specifications are published. Pursuant to this final action, the 2018 harvest specifications therefore will apply for the remainder of the current year (2018), while the 2019 harvest specifications are projected only for the following year (2019) and will be superseded in early 2019 by the final 2019 and 2020 harvest specifications. Because this final action (published in early 2018) will be superseded in early 2019 by the publication of the final 2019 and 2020 harvest specifications, it is projected that this final action will implement the harvest specifications for the Gulf of Alaska for approximately one year.

#### *Specification and Apportionment of TAC Amounts*

NMFS' apportionment of groundfish species is based on the distribution of biomass among the regulatory areas over which NMFS manages the species. Additional regulations govern the

apportionment of pollock, Pacific cod, and sablefish. Additional detail on the apportionment of pollock, Pacific cod, and sablefish are described below.

The ABC for the pollock stock in the combined Western, Central, and West Yakutat Regulatory Areas (W/C/WYK) includes the amount for the GHL established by the State for the Prince William Sound (PWS) pollock fishery. The Plan Team, SSC, AP, and Council have recommended that the sum of all State and Federal water pollock removals from the GOA not exceed ABC recommendations. For 2018 and 2019, the SSC recommended and the Council approved the W/C/WYK pollock ABC, including the amount to account for the State's PWS GHL. At the November 2017 Plan Team meeting, State fisheries managers recommended setting the PWS GHL at 2.5 percent of the annual W/C/WYK pollock ABC. For 2018, this yields a PWS pollock GHL of 4,037 mt, a decrease of 1,057 mt from the 2017 PWS GHL of 5,094 mt. For 2019, the PWS pollock GHL is 2,664 mt, a decrease of 2,430 mt from the 2017 PWS pollock GHL of 5,094 mt. After the GHL reductions, the 2018 and 2019 pollock ABC for the combined W/C/WYK areas is then apportioned between four statistical areas (Areas 610, 620, 630, and 640) as both ABCs and TACs, as described below and detailed in Tables 1 and 2. The total ABCs and TACs for the four statistical areas, plus the State GHL, do not exceed the combined W/C/WYK ABC.

Apportionments of pollock to the W/C/WYK management areas are considered to be "apportionments of annual catch limits (ACLs)" rather than "ABCs." This more accurately reflects that such apportionments address management, rather than biological or conservation, concerns. In addition, apportionments of the ACL in this manner allow NMFS to balance any transfer of TAC among Areas 610, 620, and 630 pursuant to § 679.20(a)(5)(iv)(B) to ensure that the area-wide ACL and ABC are not exceeded.

NMFS establishes pollock TACs in the Western (Area 610) and Central (Areas 620 and 630) GOA and the West Yakutat (Area 640) and the SEO (Area 650) Districts of the GOA (see Tables 1 and 2). NMFS also establishes seasonal apportionments of the annual pollock TAC in the Western and Central Regulatory Areas of the GOA among Statistical Areas 610, 620, and 630. These apportionments are divided equally among each of the following four seasons: The A season (January 20 through March 10), the B season (March 10 through May 31), the C season (August 25 through October 1), and the

D season (October 1 through November 1) (§§ 679.23(d)(2)(i) through (iv), and 679.20(a)(5)(iv)(A) and (B)). Additional detail is provided in this rule; Tables 3 and 4 list these amounts.

The 2018 and 2019 Pacific cod TACs are set to accommodate the State's GHL for Pacific cod in State waters in the Western and Central Regulatory Areas, as well as in PWS. The Plan Team, SSC, AP, and Council recommended that the sum of all State and Federal water Pacific cod removals from the GOA not exceed ABC recommendations. Accordingly, the Council set the 2018 and 2019 Pacific cod TACs in the Western, Central, and Eastern Regulatory Areas to account for State GHLs. Therefore, the 2018 Pacific cod TACs are less than the ABCs by the following amounts: (1) Western GOA, 2,425 mt; (2) Central GOA, 2,030 mt; and (3) Eastern GOA, 450 mt. The 2019 Pacific cod TACs are less than the ABCs by the following amounts: (1) Western GOA, 2,290 mt; (2) Central GOA, 1,917 mt; and (3) Eastern GOA, 425 mt. These amounts reflect the State's 2018 and 2019 GHLs in these areas, which are 30 percent of the Western GOA ABC and 25 percent of the Eastern and Central GOA ABCs.

NMFS establishes seasonal apportionments of the annual Pacific cod TAC in the Western and Central Regulatory Areas. Sixty percent of the annual TAC is apportioned to the A season for hook-and-line, pot, and jig gear from January 1 through June 10, and for trawl gear from January 20 through June 10. Forty percent of the annual TAC is apportioned to the B season for jig gear from June 10 through December 31, for hook-and-line and pot gear from September 1 through December 31, and for trawl gear from September 1 through November 1 (§§ 679.23(d)(3) and 679.20(a)(12)). The Western and Central GOA Pacific cod TACs are allocated among various gear and operational sectors. The Pacific cod sector apportionments are discussed in detail in a subsequent section and in Tables 5 and 6 of this rule.

The Council's recommendation for sablefish area apportionments takes into account the prohibition on the use of trawl gear in the SEO District of the Eastern Regulatory Area (§ 679.7(b)(1)) and makes available five percent of the combined Eastern Regulatory Area TACs to vessels using trawl gear for use as incidental catch in other groundfish fisheries in the WYK District (§ 679.20(a)(4)(i)). Tables 7 and 8 list the final 2018 and 2019 allocations of sablefish TAC to fixed gear and trawl gear in the GOA.

*Changes From the Proposed 2018 and 2019 Harvest Specifications in the GOA*

In October 2017, the Council's recommendations for the proposed 2018 and 2019 harvest specifications (82 FR 57924, December 8, 2017) were based largely on information contained in the final 2016 SAFE report for the GOA groundfish fisheries, dated November 2016. The final 2016 SAFE report for the GOA is available from the Council (see **ADDRESSES**). The Council proposed that the final OFLs, ABCs, and TACs established for the 2018 groundfish fisheries (82 FR 12032, February 27, 2017) be used for the proposed 2018 and 2019 harvest specifications (82 FR 57924, December 8, 2017), pending completion and review of the final 2017 SAFE report at its December 2017 meeting.

As described previously, the SSC adopted the final 2018 and 2019 OFLs and ABCs recommended by the Plan Team. The Council adopted the SSC's OFL and ABC recommendations and the AP's TAC recommendations for 2018 and 2019, with one exception for the Central GOA arrowtooth flounder TAC. The AP recommended 2018 and 2019 arrowtooth flounder TACs of 73,480 mt and 70,700 mt, respectively. The Council revised this TAC recommendation to 48,000 mt for both 2018 and 2019. The Council's rationale included a concern that a higher arrowtooth flounder TAC would result in bycatch concerns, and that lower arrowtooth flounder TACs than those recommended by the AP are appropriate because catch rarely, if ever, approach the proposed ABCs or TACs. Also, the Council set this TAC to allow for increased harvest opportunities while conserving the halibut PSC limit for use in other, more fully utilized fisheries.

The final 2018 ABCs are higher than the proposed 2018 ABCs published in the proposed 2018 and 2019 harvest specifications (82 FR 57924, December 8, 2017) for pollock, sablefish, shallow-water flatfish, deep-water flatfish, rex sole, Pacific ocean perch, northern rockfish, dusky rockfish, rougheye and blackspotted rockfish, demersal shelf rockfish, thornyhead rockfish, and longnose skate. The final 2018 ABCs are

lower than the proposed 2018 ABCs for Pacific cod, arrowtooth flounder, flathead sole, shortraker rockfish, other rockfish, big skate, other skates, sculpins, squids, and octopuses.

The final 2019 ABCs are higher than the proposed ABCs for sablefish, shallow-water flatfish, deep-water flatfish, rex sole, flathead sole, Pacific ocean perch, rougheye and blackspotted rockfish, demersal shelf rockfish, thornyhead rockfish, and longnose skate. The final 2019 ABCs are lower than the proposed 2019 ABCs for pollock, Pacific cod, arrowtooth flounder, northern rockfish, shortraker rockfish, dusky rockfish, other rockfish, big skates, other skates, sculpins, squids, and octopuses. For the remaining target species (Atka mackerel and sharks), the Council recommended the final 2018 and 2019 ABCs that are the same as the proposed 2018 and 2019 ABCs.

Additional information explaining the changes between the proposed and final ABCs is included in the final 2017 SAFE report, which was not available when the Council made its proposed ABC and TAC recommendations in October 2017. At that time, the most recent stock assessment information was contained in the final 2016 SAFE report. The final 2017 SAFE report contains the best and most recent scientific information on the condition of the groundfish stocks, as previously discussed in this preamble, and is available for review (see **ADDRESSES**). The Council considered the final 2017 SAFE report in December 2017 when it made recommendations for the final 2018 and 2019 harvest specifications. In the GOA, the total final 2018 TAC amount is 427,512 mt, a decrease of 8 percent from the total proposed 2018 TAC amount of 465,832 mt. The total final 2019 TAC amount is 376,417 mt, a decrease of 19 percent from the total proposed 2019 TAC amount of 465,832 mt. Table 1a summarizes the difference between the proposed and final TACs.

Annual stock assessments incorporate a variety of new or revised inputs, such as survey data or catch information, as well as changes to the statistical models used to estimate a species' biomass and

population trend. The biennial GOA trawl survey was conducted in 2017. Thus, changes to biomass and ABC estimates are based on survey biomass information, as well as fishery catch updates to species' assessment models. Some species, such as pollock and sablefish, have additional surveys conducted on an annual basis, which result in additional data being available for the assessments for these stocks.

The changes from the proposed 2018 TACs to the final 2018 TACs are within a range of plus 83 percent or minus 80 percent, and the changes from the proposed 2019 TACs to the final 2019 TACs are within a range of plus 73 percent or minus 80 percent. Based on changes in the estimates of overall biomass made by stock assessment scientists for 2018 and 2019, as compared to the estimates previously made for 2017 and 2018, the species or species group with the greatest TAC percentage increases are sablefish, shallow-water flatfish, rex sole, Pacific ocean perch, rougheye and blackspotted rockfish, demersal shelf rockfish, and longnose skates. Based on changes in the estimates of biomass, the species or species group with the greatest decreases in TACs are Pacific cod, arrowtooth flounder, shortraker rockfish, big skate, other skates, and octopuses. For all other species and species groups, changes from the proposed 2018 TACs to the final 2018 TACs and changes from the proposed 2019 TACs to the final 2019 TACs are less than a 10 percent change (either increase or decrease). These TAC changes correspond to associated changes in the ABCs and TACs, as recommended by the SSC, AP, and Council.

Detailed information providing the basis for the changes described above is contained in the final 2017 SAFE report. The final TACs are based on the best scientific information available. These TACs are specified in compliance with the harvest strategy described in the proposed and final rules for the 2018 and 2019 harvest specifications. The changes in TACs between the proposed rule and this final rule are compared in Table 1a.

TABLE 1A—COMPARISON OF PROPOSED AND FINAL 2018 AND 2019 GOA TOTAL ALLOWABLE CATCH LIMITS

[Values are rounded to the nearest metric ton and percentage]

Species	2018 and 2019 Proposed TAC	2018 Final TAC	2018 Final minus 2018 proposed TAC	Percentage difference	2019 Final TAC	2019 Final minus 2019 proposed TAC	Percentage difference
Pollock .....	163,479	166,228	2,749	2	112,678	− 50,801	− 31
Pacific cod .....	40,069	13,096	− 26,973	− 67	12,368	− 27,701	− 69
Sablefish .....	10,207	11,505	1,298	13	16,194	5,987	59
Shallow-water flatfish ...	36,979	42,732	5,753	16	43,128	6,149	17

TABLE 1A—COMPARISON OF PROPOSED AND FINAL 2018 AND 2019 GOA TOTAL ALLOWABLE CATCH LIMITS—Continued  
[Values are rounded to the nearest metric ton and percentage]

Species	2018 and 2019 Proposed TAC	2018 Final TAC	2018 Final minus 2018 proposed TAC	Percentage difference	2019 Final TAC	2019 Final minus 2019 proposed TAC	Percentage difference
Deep-water flatfish .....	9,382	9,385	3	0	9,499	117	1
Rex sole .....	8,421	15,373	6,952	83	14,529	6,108	73
Arrowtooth flounder .....	103,300	76,300	-27,000	-26	76,300	-27,000	-26
Flathead sole .....	27,920	26,388	-1,532	-5	26,487	-1,433	-5
Pacific ocean perch .....	23,454	29,236	5,782	25	28,605	5,151	22
Northern rockfish .....	3,508	3,681	173	5	3,347	-161	-5
Shortraker rockfish .....	1,286	863	-423	-33	864	-422	-33
Dusky rockfish .....	3,954	3,957	3	0	3,668	-286	-7
Rougheye rockfish .....	1,318	1,444	126	10	1,427	109	8
Demersal shelf rockfish .....	227	250	23	10	250	23	10
Thornyhead rockfish .....	1,961	2,038	77	4	2,038	77	4
Other rockfish .....	2,308	2,305	-3	0	2,305	-3	0
Atka mackerel .....	3,000	3,000	0	0	3,000	0	0
Big skate .....	3,814	2,848	-966	-25	2,848	-966	-25
Longnose skate .....	3,206	3,572	366	11	3,572	366	11
Other skates .....	1,919	1,384	-535	-28	1,384	-535	-28
Sculpins .....	5,591	5,301	-290	-5	5,301	-290	-5
Sharks .....	4,514	4,514	0	0	4,514	0	0
Squids .....	1,137	1,137	0	0	1,137	0	0
Octopuses .....	4,878	975	-3,903	-80	975	-3,903	-80
Total .....	465,832	427,512	-38,320	-8	376,418	-89,414	-19

The final 2018 and 2019 TAC recommendations for the GOA are within the OY range established for the

GOA and do not exceed the ABC for any species or species group. Tables 1 and 2 list the final OFL, ABC, and TAC

amounts for GOA groundfish for 2018 and 2019, respectively.

TABLE 1—FINAL 2018 OFLs, ABCs, AND TACS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
Pollock <sup>2</sup> .....	Shumagin (610) .....	n/a	30,188	30,188
	Chirikof (620) .....	n/a	79,495	79,495
	Kodiak (630) .....	n/a	40,939	40,939
	WYK (640) .....	n/a	6,833	6,833
	W/C/WYK (subtotal) <sup>2</sup> .....	187,059	161,492	157,455
	SEO (650) .....	11,697	8,773	8,773
	Total .....	198,756	170,265	166,228
Pacific cod <sup>3</sup> .....	W .....	n/a	8,082	5,657
	C .....	n/a	8,118	6,089
	E .....	n/a	1,800	1,350
	Total .....	23,565	18,000	13,096
Sablefish <sup>4</sup> .....	W .....	n/a	1,544	1,544
	C .....	n/a	5,158	5,158
	WYK .....	n/a	1,829	1,829
	SEO .....	n/a	2,974	2,974
	E (WYK and SEO) (subtotal) .....	n/a	4,803	4,803
	Total .....	22,703	11,505	11,505
Shallow-water flatfish <sup>5</sup> .....	W .....	n/a	25,206	13,250
	C .....	n/a	25,315	25,315
	WYK .....	n/a	2,242	2,242
	SEO .....	n/a	1,925	1,925
	Total .....	67,240	54,688	42,732
Deep-water flatfish <sup>6</sup> .....	W .....	n/a	413	413
	C .....	n/a	3,400	3,400

TABLE 1—FINAL 2018 OFLS, ABCs, AND TACs OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
	WYK .....	n/a	3,239	3,239
	SEO .....	n/a	2,332	2,332
	Total .....	11,294	9,385	9,385
Rex sole .....	W .....	n/a	3,086	3,086
	C .....	n/a	8,739	8,739
	WYK .....	n/a	1,737	1,737
	SEO .....	n/a	1,811	1,811
	Total .....	18,706	15,373	15,373
Arrowtooth flounder .....	W .....	n/a	37,253	14,500
	C .....	n/a	73,480	48,000
	WYK .....	n/a	16,468	6,900
	SEO .....	.....	23,744	6,900
	Total .....	180,697	150,945	76,300
Flathead sole .....	W .....	n/a	12,690	8,650
	C .....	n/a	20,238	15,400
	WYK .....	n/a	1,932	1,932
	SEO .....	n/a	406	406
	Total .....	43,011	35,266	26,388
Pacific ocean perch <sup>7</sup> .....	W .....	n/a	3,312	3,312
	C .....	n/a	20,112	20,112
	WYK .....	n/a	3,371	3,371
	W/C/WYK subtotal .....	31,860	26,795	26,795
	SEO .....	2,902	2,441	2,441
	Total .....	34,762	29,236	29,236
Northern rockfish <sup>8</sup> .....	W .....	n/a	420	420
	C .....	n/a	3,261	3,261
	E .....	n/a	4	.....
	Total .....	4,380	3,685	3,681
Shortraker rockfish <sup>9</sup> .....	W .....	n/a	44	44
	C .....	n/a	305	305
	E .....	n/a	514	514
	Total .....	1,151	863	863
Dusky rockfish <sup>10</sup> .....	W .....	n/a	146	146
	C .....	n/a	3,502	3,502
	WYK .....	n/a	232	232
	SEO .....	n/a	77	77
	Total .....	4,841	3,957	3,957
Rougheye and Blackspotted rockfish <sup>11</sup> .....	W .....	n/a	176	176
	C .....	n/a	556	556
	E .....	n/a	712	712
	Total .....	1,735	1,444	1,444
Demersal shelf rockfish <sup>12</sup> .....	SEO .....	394	250	250
Thornyhead rockfish .....	W .....	n/a	344	344
	C .....	n/a	921	921
	E .....	n/a	773	773
	Total .....	2,717	2,038	2,038
Other rockfish <sup>13 14</sup> .....	W and C .....	n/a	1,737	1,737
	WYK .....	n/a	368	368
	SEO .....	n/a	3,489	200

TABLE 1—FINAL 2018 OFLS, ABCs, AND TACS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
	Total .....	7,356	5,594	2,305
Atka mackerel .....	GW .....	6,200	4,700	3,000
Big skate <sup>15</sup> .....	W .....	n/a	504	504
	C .....	n/a	1,774	1,774
	E .....	n/a	570	570
	Total .....	3,797	2,848	2,848
Longnose skate <sup>16</sup> .....	W .....	n/a	149	149
	C .....	n/a	2,804	2,804
	E .....	n/a	619	619
	Total .....	4,763	3,572	3,572
Other skates <sup>17</sup> .....	GW .....	1,845	1,384	1,384
Sculpins .....	GW .....	6,958	5,301	5,301
Sharks .....	GW .....	6,020	4,514	4,514
Squids .....	GW .....	1,516	1,137	1,137
Octopus .....	GW .....	1,300	975	975
Total .....		655,707	536,921	427,512

<sup>1</sup> Regulatory areas and districts are defined at § 679.2. (W = Western Gulf of Alaska; C = Central Gulf of Alaska; E = Eastern Gulf of Alaska; WYK = West Yakutat District; SEO = Southeast Outside District; GW = Gulf-wide).

<sup>2</sup> The total for the W/C/WYK Regulatory Areas pollock ABC is 161,492 mt. After deducting 2.5 percent (4,037 mt) of that ABC for the State's pollock GHL fishery, the remaining pollock ABC of 157,455 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (Areas 610, 620, 630, and 640). These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 3 (final 2018 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal allowances). In the West Yakutat (Area 640) and Southeast Outside (Area 650) Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

<sup>3</sup> The annual Pacific cod TAC is apportioned 60 percent to the A season and 40 percent to the B season in the Western and Central Regulatory Areas of the GOA. Pacific cod TAC in the Eastern Regulatory Area is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Table 5 lists the final 2018 Pacific cod seasonal apportionments.

<sup>4</sup> Sablefish is allocated to trawl and fixed gear in 2018. Table 7 lists the final 2018 allocations of sablefish TACs.

<sup>5</sup> "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup> "Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

<sup>7</sup> "Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup> "Northern rockfish" means *Sebastes polyspinis*. For management purposes, the 4 mt apportionment of ABC to the WYK District of the Eastern Gulf of Alaska has been included in the "other rockfish" species group.

<sup>9</sup> "Shortraker rockfish" means *Sebastes borealis*.

<sup>10</sup> "Dusky rockfish" means *Sebastes variabilis*.

<sup>11</sup> "Rougheye rockfish" means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

<sup>12</sup> "Demersal shelf rockfish" means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>13</sup> "Other rockfish" means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, other rockfish also includes northern rockfish, *S. polyspinis*.

<sup>14</sup> "Other rockfish" in the Western and Central Regulatory Areas and in the West Yakutat District means other rockfish and demersal shelf rockfish. The "other rockfish" species group in the SEO District only includes other rockfish.

<sup>15</sup> "Big skate" means *Raja binoculata*.

<sup>16</sup> "Longnose skate" means *Raja rhina*.

<sup>17</sup> "Other skates" means *Bathyraja* and *Raja* spp.

TABLE 2—FINAL 2019 OFLS, ABCs, AND TACS OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
Pollock <sup>2</sup> .....	Shumagin (610) .....	n/a	19,921	19,921
	Chirikof (620) .....	n/a	52,459	52,459
	Kodiak (630) .....	n/a	27,016	27,016
	WYK (640) .....	n/a	4,509	4,509
	W/C/WYK (subtotal) <sup>2</sup> .....	131,170	106,569	103,905
	SEO (650) .....	11,697	8,773	8,773

TABLE 2—FINAL 2019 OFLS, ABCs, AND TACs OF GROUND FISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
	Total .....	142,867	115,341	112,678
Pacific cod <sup>3</sup> .....	W .....	n/a	7,633	5,343
	C .....	n/a	7,667	5,750
	E .....	n/a	1,700	1,275
	Total .....	21,412	17,000	12,368
Sablefish <sup>4</sup> .....	W .....	n/a	2,174	2,174
	C .....	n/a	7,260	7,260
	WYK .....	n/a	2,573	2,573
	SEO .....	n/a	4,187	4,187
	E (WYK and SEO) (subtotal) .....	n/a	6,760	6,760
	Total .....	35,989	16,194	16,194
Shallow-water flatfish <sup>5</sup> .....	W .....	n/a	25,544	13,250
	C .....	n/a	25,655	25,655
	WYK .....	n/a	2,272	2,272
	SEO .....	n/a	1,951	1,951
	Total .....	68,114	55,422	43,128
Deep-water flatfish <sup>6</sup> .....	W .....	n/a	416	416
	C .....	n/a	3,442	3,442
	WYK .....	n/a	3,279	3,279
	SEO .....	n/a	2,361	2,361
	Total .....	11,431	9,499	9,499
Rex sole .....	W .....	n/a	2,909	2,909
	C .....	n/a	8,236	8,236
	WYK .....	n/a	1,657	1,657
	SEO .....	n/a	1,727	1,727
	Total .....	17,692	14,529	14,529
Arrowtooth flounder .....	W .....	n/a	35,844	14,500
	C .....	n/a	70,700	48,000
	WYK .....	n/a	15,845	6,900
	SEO .....	n/a	22,845	6,900
	Total .....	173,872	145,234	76,300
Flathead sole .....	W .....	n/a	13,222	8,650
	C .....	n/a	21,087	15,400
	WYK .....	n/a	2,013	2,013
	SEO .....	n/a	424	424
	Total .....	44,822	36,746	26,487
Pacific ocean perch <sup>7</sup> .....	W .....	n/a	3,240	3,240
	C .....	n/a	19,678	19,678
	WYK .....	n/a	3,298	3,298
	W/C/WYK .....	31,170	26,216	26,216
	SEO .....	2,840	2,389	2,389
	Total .....	34,010	28,605	28,605
Northern rockfish <sup>8</sup> .....	W .....	n/a	382	382
	C .....	n/a	2,965	2,965
	E .....	n/a	3	.....
	Total .....	3,984	3,350	3,347
Shortraker rockfish <sup>9</sup> .....	W .....	n/a	44	44
	C .....	n/a	305	305
	E .....	n/a	514	514

TABLE 2—FINAL 2019 OFLs, ABCs, AND TACs OF GROUNDFISH FOR THE WESTERN/CENTRAL/WEST YAKUTAT, WESTERN, CENTRAL, EASTERN REGULATORY AREAS, AND IN THE WEST YAKUTAT, SOUTHEAST OUTSIDE, AND GULFWIDE DISTRICTS OF THE GULF OF ALASKA—Continued

[Values are rounded to the nearest metric ton]

Species	Area <sup>1</sup>	OFL	ABC	TAC
	Total .....	1,151	863	863
Dusky rockfish <sup>10</sup> .....	W .....	n/a	135	135
	C .....	n/a	3,246	3,246
	WYK .....	n/a	215	215
	SEO .....	n/a	72	72
	Total .....	4,488	3,668	3,668
Rougheye and Blackspotted rockfish <sup>11</sup> .....	W .....	n/a	174	174
	C .....	n/a	550	550
	E .....	n/a	703	703
	Total .....	1,715	1,427	1,427
Demersal shelf rockfish <sup>12</sup> .....	SEO .....	394	250	250
Thornyhead rockfish .....	W .....	n/a	344	344
	C .....	n/a	921	921
	E .....	n/a	773	773
	Total .....	2,717	2,038	2,038
Other rockfish <sup>13 14</sup> .....	W and C .....	n/a	1,737	1,737
	WYK .....	n/a	368	368
	SEO .....	n/a	3,488	200
	Total .....	7,356	5,593	2,305
Atka mackerel .....	GW .....	6,200	4,700	3,000
Big skate <sup>15</sup> .....	W .....	n/a	504	504
	C .....	n/a	1,774	1,774
	E .....	n/a	570	570
	Total .....	3,797	2,848	2,848
Longnose skate <sup>16</sup> .....	W .....	n/a	149	149
	C .....	n/a	2,804	2,804
	E .....	n/a	619	619
	Total .....	4,763	3,572	3,572
Other skates <sup>17</sup> .....	GW .....	1,845	1,384	1,384
Sculpins .....	GW .....	6,958	5,301	5,301
Sharks .....	GW .....	6,020	4,514	4,514
Squids .....	GW .....	1,516	1,137	1,137
Octopus .....	GW .....	1,300	975	975
Total .....	.....	604,413	480,187	376,417

<sup>1</sup> Regulatory areas and districts are defined at § 679.2. (W = Western Gulf of Alaska; C = Central Gulf of Alaska; E = Eastern Gulf of Alaska; WYK = West Yakutat District; SEO = Southeast Outside District; GW = Gulf-wide).

<sup>2</sup> The total for the W/C/WYK Regulatory Areas pollock ABC is 106,569 mt. After deducting 2.5 percent (2,664 mt) of that ABC for the State's pollock GHL fishery, the remaining pollock ABC of 103,905 mt (for the W/C/WYK Regulatory Areas) is apportioned among four statistical areas (Areas 610, 620, 630, and 640). These apportionments are considered subarea ACLs, rather than ABCs, for specification and reapportionment purposes. The ACLs in Areas 610, 620, and 630 are further divided by season, as detailed in Table 4 (final 2019 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal allowances). In the West Yakutat (Area 640) and Southeast Outside (Area 650) Districts of the Eastern Regulatory Area, pollock is not divided into seasonal allowances.

<sup>3</sup> The annual Pacific cod TAC is apportioned 60 percent to the A season and 40 percent to the B season in the Western and Central Regulatory Areas of the GOA. Pacific cod in the Eastern Regulatory Area is allocated 90 percent for processing by the inshore component and 10 percent for processing by the offshore component. Table 6 lists the final 2019 Pacific cod seasonal apportionments.

<sup>4</sup> Sablefish is only allocated to trawl gear for 2019. Table 8 lists the final 2019 allocation of sablefish TACs to trawl gear.

<sup>5</sup> "Shallow-water flatfish" means flatfish not including "deep-water flatfish," flathead sole, rex sole, or arrowtooth flounder.

<sup>6</sup> "Deep-water flatfish" means Dover sole, Greenland turbot, Kamchatka flounder, and deepsea sole.

<sup>7</sup> "Pacific ocean perch" means *Sebastes alutus*.

<sup>8</sup> "Northern rockfish" means *Sebastes polyspinis*. For management purposes the 3 mt apportionment of ABC to the WYK District of the Eastern Gulf of Alaska has been included in the "other rockfish" species group.



<sup>9</sup>“Shortraker rockfish” means *Sebastes borealis*.

<sup>10</sup>“Dusky rockfish” means *Sebastes variabilis*.

<sup>11</sup>“Rougheye rockfish” means *Sebastes aleutianus* (rougheye) and *Sebastes melanostictus* (blackspotted).

<sup>12</sup>“Demersal shelf rockfish” means *Sebastes pinniger* (canary), *S. nebulosus* (china), *S. caurinus* (copper), *S. maliger* (quillback), *S. helvomaculatus* (rosethorn), *S. nigrocinctus* (tiger), and *S. ruberrimus* (yelloweye).

<sup>13</sup>“Other rockfish” means *Sebastes aurora* (aurora), *S. melanostomus* (blackgill), *S. paucispinis* (bocaccio), *S. goodei* (chilipepper), *S. crameri* (darkblotch), *S. elongatus* (greenstriped), *S. variegatus* (harlequin), *S. wilsoni* (pygmy), *S. babcocki* (redbanded), *S. proriger* (redstripe), *S. zacentrus* (sharpchin), *S. jordani* (shortbelly), *S. brevispinis* (silvergrey), *S. diploproa* (splitnose), *S. saxicola* (stripetail), *S. miniatus* (vermillion), *S. reedi* (yellowmouth), *S. entomelas* (widow), and *S. flavidus* (yellowtail). In the Eastern GOA only, other rockfish also includes northern rockfish, *S. polyspinis*.

<sup>14</sup>“Other rockfish” in the Western and Central Regulatory Areas and in the West Yakutat District means other rockfish and demersal shelf rockfish. The “other rockfish” species group in the SEO District only includes other rockfish.

<sup>15</sup>“Big skate” means *Raja binoculata*.

<sup>16</sup>“Longnose skate” means *Raja rhina*.

<sup>17</sup>“Other skates” means *Bathyraja* and *Raja* spp.

### Apportionment of Reserves

Section 679.20(b)(2) requires NMFS to set aside 20 percent of each TAC for pollock, Pacific cod, flatfish, sculpins, sharks, squids, and octopuses in reserve for possible apportionment at a later date during the fishing year. For 2018 and 2019, NMFS proposed reapportionment of all the reserves in the proposed 2018 and 2019 harvest specifications published in the **Federal Register** on December 8, 2017 (82 FR 57924). NMFS did not receive any public comments on the proposed reapportionments. For the final 2018 and 2019 harvest specifications, NMFS reapportioned, as proposed, all the reserves for pollock, Pacific cod, flatfish, sculpins, sharks, squids, and octopuses back into the original TAC limit from which the reserve was derived. This was done because NMFS expects, based on recent harvest patterns, that such reserves are not necessary and the entire TAC for each of these species will be caught. The TACs listed in Tables 1 and 2 reflect reapportionments of reserve amounts to the original TAC limit for these species and species groups; *i.e.*, each proposed TAC for the above mentioned species or species groups contains the full TAC recommended by the Council.

### Apportionments of Pollock TAC Among Seasons and Regulatory Areas, and Allocations for Processing by Inshore and Offshore Components

In the GOA, pollock is apportioned by season and area, and is further allocated for processing by inshore and offshore components. Pursuant to § 679.20(a)(5)(iv)(B), the annual pollock TAC specified for the Western and Central Regulatory Areas of the GOA is apportioned into four equal seasonal allowances of 25 percent. As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively.

Pollock TACs in the Western and Central Regulatory Areas of the GOA are apportioned among Statistical Areas 610, 620, and 630 in proportion to the distribution of the pollock biomass, pursuant to § 679.20(a)(5)(iv)(A). In the A and B seasons, the apportionments previously were in proportion to the distribution of pollock biomass based on the four most recent NMFS winter surveys. In the C and D seasons, the apportionments were in proportion to the distribution of pollock biomass based on the four most recent NMFS summer surveys. For 2018 and 2019, the Council recommended, and NMFS approved, following the apportionment methodology that was used previously for the 2017 and 2018 harvest specifications. This methodology averages the winter and summer distribution of pollock in the Central Regulatory Area for the A season instead of using the distribution based on only the winter surveys. The average is intended to reflect the best available information about migration patterns, distribution of pollock, and the performance of the fishery in the area during the A season for the 2018 and 2019 fishing years. For the A season, the apportionment is based on an adjusted estimate of the relative distribution of pollock biomass of approximately 3 percent, 73 percent, and 24 percent in Statistical Areas 610, 620, and 630, respectively. For the B season, the apportionment is based on the relative distribution of pollock biomass at 4 percent, 85 percent, and 11 percent in Statistical Areas 610, 620, and 630, respectively. For the C and D seasons, the apportionment is based on the relative distribution of pollock biomass at 37 percent, 27 percent, and 37 percent in Statistical Areas 610, 620, and 630, respectively. The pollock chapter of the 2017 SAFE report (see **ADDRESSES**) contains a comprehensive description of the apportionment process and reasons for the minor changes from past apportionments.

Within any fishing year, the amount by which a seasonal allowance is underharvested or overharvested may be

added to, or subtracted from, subsequent seasonal allowances for the Western and Central Regulatory Areas in a manner to be determined by the Regional Administrator (§ 679.20(a)(5)(iv)(B)). The rollover amount is limited to 20 percent of the subsequent seasonal TAC apportionment for the statistical area. Any unharvested pollock above the 20-percent limit could be further distributed to the other statistical areas, in proportion to the estimated biomass in the subsequent season in those statistical areas and in an amount no more than 20 percent of the seasonal TAC apportionment in those statistical areas (§ 679.20(a)(5)(iv)(B)). The pollock TACs in the WYK and the SEO Districts of 6,833 mt and 8,773 mt, respectively, in 2018, and 4,509 mt and 8,773 mt, respectively, in 2019, are not allocated by season.

Section 679.20(a)(6)(i) requires the allocation of 100 percent of the pollock TAC in all GOA regulatory areas and all seasonal allowances to vessels harvesting pollock for processing by the inshore component after subtraction of amounts projected by the Regional Administrator to be caught by, or delivered to, the offshore component incidental to directed fishing for other groundfish species. Thus, the amount of pollock available to vessels harvesting pollock for processing by the offshore component is that amount that will be taken as incidental catch during directed fishing for groundfish species other than pollock, up to the maximum retainable amounts allowed by § 679.20(e) and (f). At this time, these incidental catch amounts of pollock are unknown and will be determined during the fishing year during the course of fishing activities by the offshore component. Therefore, amounts of pollock for processing by the inshore and offshore components are not shown in Tables 3 and 4. Tables 3 and 4 list the final 2018 and 2019 seasonal biomass distribution of pollock in the Western and Central Regulatory Areas, area apportionments, and seasonal allowances.

TABLE 3—FINAL 2018 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GOA; SEASONAL BIOMASS DISTRIBUTION; AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC

[Values are rounded to the nearest metric ton and percentages are rounded to the nearest 0.01]

Season <sup>1</sup>	Shumagin (Area 610)		Chirikof (Area 620)		Kodiak (Area 630)		Total <sup>2</sup>
A (Jan 20–Mar 10) .....	1,317	3.50%	27,314	72.54%	9,025	23.97%	37,656
B (Mar 10–May 31) .....	1,317	4.50%	32,155	85.39%	4,184	11.11%	37,656
C (Aug 25–Oct 1) .....	13,777	36.59%	10,013	26.59%	13,865	36.82%	37,656
D (Oct 1–Nov 1) .....	13,777	36.59%	10,013	26.59%	13,865	36.82%	37,656
Annual Total .....	30,188	.....	79,495	.....	40,939	.....	150,622

<sup>1</sup> As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>2</sup> The WYK District and SEO District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

TABLE 4—FINAL 2019 DISTRIBUTION OF POLLOCK IN THE WESTERN AND CENTRAL REGULATORY AREAS OF THE GOA; SEASONAL BIOMASS DISTRIBUTION; AREA APPORTIONMENTS; AND SEASONAL ALLOWANCES OF ANNUAL TAC

[Values are rounded to the nearest metric ton and percentages are rounded to the nearest 0.01]

Season <sup>1</sup>	Shumagin (Area 610)		Chirikof (Area 620)		Kodiak (Area 630)		Total <sup>2</sup>
A (Jan 20–Mar 10) .....	869	3.50%	18,025	72.54%	5,955	23.97%	24,849
B (Mar 10–May 31) .....	869	4.50%	21,219	85.39%	2,761	11.11%	24,849
C (Aug 25–Oct 1) .....	9,091	36.59%	6,608	26.59%	9,150	36.82%	24,849
D (Oct 1–Nov 1) .....	9,091	36.59%	6,608	26.59%	9,150	36.82%	24,849
Annual Total .....	19,921	.....	52,459	.....	27,016	.....	99,395

<sup>1</sup> As established by § 679.23(d)(2)(i) through (iv), the A, B, C, and D season allowances are available from January 20 to March 10, March 10 to May 31, August 25 to October 1, and October 1 to November 1, respectively. The amounts of pollock for processing by the inshore and offshore components are not shown in this table.

<sup>2</sup> The WYK District and SEO District pollock TACs are not allocated by season and are not included in the total pollock TACs shown in this table.

#### *Annual and Seasonal Apportionments of Pacific Cod TAC*

Pursuant to § 679.20(a)(12)(i), NMFS seasonally allocates the Pacific cod TACs in the Western and Central Regulatory Areas of the GOA among gear and operational sectors. NMFS also allocates the Pacific cod TACs annually between the inshore (90 percent) and offshore (10 percent) components in the Eastern Regulatory Area of the GOA (§ 679.20(a)(6)(ii)). In the Central GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among catcher vessels (CVs) less than 50 feet in length overall using hook-and-line gear, CVs equal to or greater than 50 feet in length overall using hook-and-line gear, catcher/processors (C/Ps) using hook-and-line gear, CVs using trawl gear, C/Ps using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(B)). In the Western GOA, the Pacific cod TAC is apportioned seasonally first to vessels using jig gear, and then among CVs using hook-and-line gear, C/Ps using hook-and-line gear, CVs using trawl gear, C/Ps using trawl gear, and vessels using pot gear (§ 679.20(a)(12)(i)(A)). The overall seasonal apportionments in the Western and Central GOA are 60

percent of the annual TAC to the A season and 40 percent of the annual TAC to the B season.

Under § 679.20(a)(12)(ii), any overage or underage of the Pacific cod harvest by each sector from the A season will be subtracted from, or added to, the subsequent B season allowance. In addition, any portion of the hook-and-line, trawl, pot, or jig sector allocations that NMFS determines is likely to go unharvested by a sector may be reallocated to other sectors for harvest during the remainder of the fishery year.

Pursuant to § 679.20(a)(12)(i)(A) and (B), a portion of the annual Pacific cod TACs in the Western and Central GOA will be allocated to vessels with a Federal Fisheries Permit (FFP) that use jig gear before the remaining Western and Central GOA Pacific cod TACs are apportioned among other non-jig sectors. In accordance with the FMP, the annual jig sector allocations may increase to up to 6 percent of the annual Western and Central GOA Pacific cod TACs, depending on the annual performance of the jig sector (see Table 1 of Amendment 83 to the FMP for a detailed discussion of the jig sector allocation process (76 FR 74670, December 1, 2011)). Jig sector allocation increases are established for a minimum

of two years. NMFS has evaluated the 2017 harvest performance of the jig sector in the Western and Central GOA, and is establishing the 2018 and 2019 Pacific cod apportionments to this sector as follows.

NMFS allocates the jig sector 1.5 percent of the annual Pacific cod TAC in the Western GOA. This is a decrease from the 2017 jig sector allocation of 2.5 percent because in 2016 and 2017 this sector harvested less than 90 percent of its initial annual allocation, thus triggering the deduction of the 1.0 percent performance increase that the Western GOA jig sector received in 2017. The 2018 and 2019 allocations consist of a base allocation of 1.5 percent of the Western GOA Pacific cod TAC, and no additional performance increase in the Western GOA.

NMFS allocates the jig sector 1.0 percent of the annual Pacific cod TAC in the Central GOA. This is the same percent as the 2017 jig sector allocation because in 2017 this sector harvested less than 90 percent of its initial annual allocation. The 2018 and 2019 allocations consist of a base allocation of 1.0 percent of the Central GOA Pacific cod TAC, and no additional performance increase in the Central GOA.

Tables 5 and 6 list the seasonal apportionments and allocations of the 2018 and 2019 Pacific cod TACs.

**TABLE 5—FINAL 2018 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH AMOUNTS IN THE GOA; ALLOCATIONS FOR THE WESTERN GOA AND CENTRAL GOA SECTORS AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS**

[Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount]

Regulatory area and sector	Annual allocation (mt)	A season		B season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
<b>Western GOA:</b>					
Jig (1.5% of TAC) .....	85	N/A	51	N/A	34
Hook-and-line CV .....	78	0.70	39	0.70	39
Hook-and-line C/P .....	1,103	10.90	607	8.90	496
Trawl CV .....	2,140	27.70	1,543	10.70	596
Trawl C/P .....	134	0.90	50	1.50	84
All Pot CV and Pot C/P .....	2,117	19.80	1,103	18.20	1,014
<b>Total</b> .....	<b>5,657</b>	<b>60.00</b>	<b>3,394</b>	<b>40.00</b>	<b>2,263</b>
<b>Central GOA:</b>					
Jig (1.0% of TAC) .....	61	N/A	37	N/A	24
Hook-and-line <50 CV .....	880	9.32	562	5.29	319
Hook-and-line ≥50 CV .....	404	5.61	338	1.10	66
Hook-and-line C/P .....	308	4.11	248	1.00	60
Trawl CV <sup>1</sup> .....	2,507	21.14	1,274	20.45	1,233
Trawl C/P .....	253	2.00	121	2.19	132
All Pot CV and Pot C/P .....	1,676	17.83	1,075	9.97	601
<b>Total</b> .....	<b>6,089</b>	<b>60.00</b>	<b>3,653</b>	<b>40.00</b>	<b>2,436</b>
<b>Eastern GOA:</b>	.....	Inshore (90% of Annual TAC)		Offshore (10% of Annual TAC)	
	1,350	1,215		135	

<sup>1</sup> Trawl vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 232 mt, of the annual Central GOA TAC (see Table 28c to 50 CFR part 679), which is deducted from the Trawl CV B season allowance (see Table 12. Final 2018 Apportionments of Rockfish Secondary Species in the Central GOA and Table 28c to 50 CFR part 679).

**TABLE 6—FINAL 2019 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH AMOUNTS IN THE GOA; ALLOCATIONS FOR THE WESTERN GOA AND CENTRAL GOA SECTORS AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS**

[Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount]

Regulatory area and sector	Annual allocation (mt)	A season		B season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
<b>Western GOA:</b>					
Jig (1.5% of TAC) .....	134	N/A	80	N/A	53
Hook-and-line CV .....	73	0.70	36	0.70	36
Hook-and-line C/P .....	1,031	10.90	568	8.90	464
Trawl CV .....	2,000	27.70	1,443	10.70	557
Trawl C/P .....	125	0.90	47	1.50	78
All Pot CV and Pot C/P .....	1,980	19.80	1,031	18.20	948
<b>Total</b> .....	<b>5,343</b>	<b>60.00</b>	<b>3,206</b>	<b>40.00</b>	<b>2,137</b>
<b>Central GOA:</b>					
Jig (1.0% of TAC) .....	58	N/A	35	N/A	23
Hook-and-line <50 CV .....	831	9.32	530	5.29	301
Hook-and-line ≥50 CV .....	382	5.61	319	1.10	62
Hook-and-line C/P .....	291	4.11	234	1.00	57
Trawl CV <sup>1</sup> .....	2,367	21.14	1,203	20.45	1,164
Trawl C/P .....	239	2.00	114	2.19	125

TABLE 6—FINAL 2019 SEASONAL APPORTIONMENTS AND ALLOCATION OF PACIFIC COD TOTAL ALLOWABLE CATCH AMOUNTS IN THE GOA; ALLOCATIONS FOR THE WESTERN GOA AND CENTRAL GOA SECTORS AND THE EASTERN GOA INSHORE AND OFFSHORE PROCESSING COMPONENTS—Continued

[Values are rounded to the nearest metric ton and percentages to the nearest 0.01. Seasonal allowances may not total precisely to annual allocation amount]

Regulatory area and sector	Annual allocation (mt)	A season		B season	
		Sector percentage of annual non-jig TAC	Seasonal allowances (mt)	Sector percentage of annual non-jig TAC	Seasonal allowances (mt)
All Pot CV and Pot C/P .....	1,583	17.83	1,015	9.97	568
Total .....	5,750	60.00	3,450	40.00	2,300
Eastern GOA:	..... 1,275	Inshore (90% of Annual TAC) 1,148		Offshore (10% of Annual TAC) 128	

<sup>1</sup> Trawl vessels participating in Rockfish Program cooperatives receive 3.81 percent, or 219 mt, of the annual Central GOA TAC (see Table 28c to 50 CFR part 679), which is deducted from the Trawl CV B season allowance (see Table 13. Final 2019 Apportionments of Rockfish Secondary Species in the Central GOA and Table 28c to 50 CFR part 679).

#### *Allocations of the Sablefish TACs Amounts to Vessels Using Fixed and Trawl Gear*

Section 679.20(a)(4)(i) and (ii) require allocations of sablefish TACs for each of the regulatory areas and districts to fixed and trawl gear. In the Western and Central Regulatory Areas, 80 percent of each TAC is allocated to fixed gear, and 20 percent of each TAC is allocated to trawl gear. In the Eastern Regulatory Area, which is comprised of the WYK and SEO Districts, 95 percent of the TAC is allocated to fixed gear, and 5 percent is allocated to trawl gear. The trawl gear allocation in the Eastern Regulatory Area may only be used to support incidental catch of sablefish in directed trawl fisheries for other target species (§ 679.20(a)(4)(i)).

In recognition of the prohibition against trawl gear in the SEO District of the Eastern Regulatory Area, the Council recommended and NMFS approves the allocation of 5 percent of the Eastern Regulatory Area sablefish TAC to trawl gear in the WYK District, making the remainder of the WYK sablefish TAC available to vessels using fixed gear.

NMFS allocates 100 percent of the sablefish TAC in the SEO District to vessels using fixed gear. This action results in a 2018 allocation of 240 mt to trawl gear and 1,589 mt to fixed gear in the WYK District, a 2018 allocation of 2,974 mt to fixed gear in the SEO District, and a 2019 allocation of 338 mt to trawl gear in the WYK District. Table 7 lists the allocations of the 2018 sablefish TACs to fixed and trawl gear. Table 8 lists the allocations of the 2019 sablefish TACs to trawl gear.

The Council recommended that a trawl sablefish TAC be established for two years so that retention of incidental catch of sablefish by trawl gear could commence in January in the second year of the groundfish harvest specifications. Both the 2018 and 2019 trawl allocations are specified in these final harvest specifications, in Tables 7 and 8, respectively.

The Council also recommended that the fixed gear sablefish TAC be established annually to ensure that this IFQ fishery is conducted concurrently with the halibut IFQ fishery and is based on the most recent sablefish survey information. Since there is an

annual assessment for sablefish and since the final harvest specifications are expected to be published before the IFQ season begins on March 24, 2018, the Council recommended that the fixed gear sablefish TAC be set on an annual basis, rather than for two years, so that the best scientific information available could be considered in establishing the sablefish ABCs and TACs. Accordingly, while the 2018 fixed gear allocations are specified in Table 7, the 2019 fixed gear allocations are not specified in Table 8 and will be specified in the 2019 and 2020 harvest specifications.

With the exception of the trawl allocations that were provided to the Central GOA Rockfish Program (Rockfish Program) cooperatives (see Table 28c to 50 CFR part 679), directed fishing for sablefish with trawl gear in the GOA is closed during the fishing year. Also, fishing for groundfish with trawl gear is prohibited prior to January 20 (§ 679.23(c)). Therefore, it is not likely that the sablefish allocation to trawl gear would be reached before the effective date of the final 2018 and 2019 harvest specifications.

TABLE 7—FINAL 2018 SABLEFISH TAC SPECIFICATIONS IN THE GOA AND ALLOCATIONS TO FIXED AND TRAWL GEAR

[Values are rounded to the nearest metric ton]

Area/district	TAC	Fixed gear allocation	Trawl gear allocation
Western .....	1,544	1,235	309
Central .....	5,158	4,126	1,032
West Yakutat <sup>1</sup> .....	1,829	1,589	240
Southeast Outside .....	2,974	2,974	0
Total .....	11,505	9,924	1,581

<sup>1</sup> The trawl allocation is based on allocating 5 percent of the combined Eastern Regulatory Area (West Yakutat and Southeast Outside Districts) sablefish TAC to trawl gear in the West Yakutat District.

TABLE 8—FINAL 2019 SABLEFISH TAC SPECIFICATIONS IN THE GOA AND ALLOCATION TO TRAWL GEAR <sup>1</sup>

[Values are rounded to the nearest metric ton]

Area/district	TAC	Fixed gear allocation	Trawl gear allocation
Western .....	2,174	n/a	435
Central .....	7,260	n/a	1,452
West Yakutat <sup>2</sup> .....	2,573	n/a	338
Southeast Outside .....	4,187	n/a	0
Total .....	16,194	n/a	2,225

<sup>1</sup> The Council recommended that the 2018 (but not the 2019) harvest specifications for the fixed gear sablefish Individual Fishing Quota fisheries be specified in the final 2018 and 2019 harvest specifications.

<sup>2</sup> The trawl allocation is based on allocating 5 percent of the combined Eastern Regulatory Area (West Yakutat and Southeast Outside Districts) sablefish TAC to trawl gear in the West Yakutat District.

#### *Demersal Shelf Rockfish (DSR)*

The recommended 2018 and 2019 DSR TAC is 250 mt, and management of DSR is delegated to the State. The Alaska Board of Fisheries has apportioned the annual SEO District DSR TACs between the commercial fishery (84 percent) and the sport fishery (16 percent) after deductions were made for anticipated subsistence harvests (7 mt). This results in 2018 and 2019 allocations of 204 mt to the commercial fishery and 39 mt to the sport fishery.

The State deducts estimates of incidental catch of DSR in the commercial halibut fishery and pre-season “test fishery” DSR mortality from the DSR commercial fishery allocation. For example, in 2017, this resulted in 27 mt being available for the directed commercial DSR fishery apportioned in one DSR district. The State estimated that there was not sufficient DSR TAC available to have orderly fisheries in the three other DSR districts. DSR harvest in the halibut fishery is linked to the annual halibut catch limits; therefore, the State can only estimate potential DSR incidental catch because halibut catch limits are established by the International Pacific Halibut Commission (IPHC). For 2018 and 2019, the State will determine from the available DSR TAC of 250 mt the allocation available for the directed commercial DSR fishery in the DSR districts.

Federally permitted CVs using hook-and-line or jig gear fishing for groundfish and Pacific halibut in the SEO District of the GOA are required to retain all DSR (§ 679.20(j)).

#### *Apportionments to the Rockfish Program*

These final 2018 and 2019 harvest specifications for the GOA include the fishery cooperative allocations and sideboard limitations established by the Rockfish Program. Program participants are primarily trawl CVs and trawl C/Ps, with limited participation by vessels using longline gear. The Rockfish Program assigns quota share and cooperative quota to participants for primary (Pacific ocean perch, northern rockfish, and dusky rockfish) and secondary species (Pacific cod, rougheye and blackspotted rockfish, sablefish, shortraker rockfish, and thornyhead rockfish); allows a participant holding a license limitation program (LLP) license with rockfish quota share to form a rockfish cooperative with other persons; and allows holders of C/P LLP licenses to opt out of the fishery. The Rockfish Program also has an entry level fishery for rockfish primary species for vessels using longline gear. Longline gear includes hook-and-line, jig, troll, and handline gear.

Under the Rockfish Program, rockfish primary species in the Central GOA are allocated to participants after deducting for incidental catch needs in other directed groundfish fisheries (§ 679.81(a)(2)). Participants in the Rockfish Program also receive a portion of the Central GOA TAC of specific secondary species. In addition to groundfish species, the Rockfish Program allocates a portion of the halibut PSC limit (191 mt) from the third season deep-water species fishery allowance for the GOA trawl fisheries to Rockfish Program participants (§ 679.81(d) and Table 28d to 50 CFR

part 679). Also, the Rockfish Program establishes sideboard limits to restrict the ability of harvesters operating under the Rockfish Program to increase their participation in other, non-Rockfish Program fisheries. These restrictions, as well as halibut PSC limits, are discussed in a subsequent section in this rule titled “Rockfish Program Groundfish Sideboard and Halibut PSC Limitations.”

Section 679.81(a)(2)(ii) and Table 28e to 50 CFR part 679 require allocations of 5 mt of Pacific ocean perch, 5 mt of northern rockfish, and 50 mt of dusky rockfish to the entry level longline fishery in 2018 and 2019. The allocation of each primary species for the entry level longline fishery may increase incrementally each year if the catch exceeds 90 percent of the allocation of that species. The incremental increase in the allocation would continue each year until it reaches the maximum percent of the TAC that may be allocated to the rockfish entry level longline fishery for that species. In 2017, the catch of Pacific ocean perch, northern rockfish, and dusky rockfish did not attain the 90 percent threshold, and those allocations for 2018 do not increase above the 2017 allocations. The remainder of the TACs for the rockfish primary species would be allocated to the CV and C/P cooperatives. Table 9 lists the allocations of the 2018 and 2019 TACs for each rockfish primary species to the entry level longline fishery, the potential incremental increases for future years, and the maximum percent of the TACs assigned to the Rockfish Program that may be allocated to the rockfish entry level longline fishery.

TABLE 9—FINAL 2018 AND INITIAL 2019 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES TO THE ENTRY LEVEL LONGLINE FISHERY IN THE CENTRAL GULF OF ALASKA

Rockfish primary species	2018 and 2019 allocations	Incremental increase in 2019 if >90% of 2018 allocation is harvested	Up to maximum % of TAC
Pacific ocean perch .....	5 metric tons .....	5 metric tons .....	1
Northern rockfish .....	5 metric tons .....	5 metric tons .....	2
Dusky rockfish .....	50 metric tons .....	20 metric tons .....	5

Section 679.81 requires allocations of the rockfish primary species among various sectors of the Rockfish Program. Tables 10 and 11 list the final 2018 and 2019 allocations of rockfish primary species in the Central GOA to the entry level longline fishery, and CV and C/P cooperatives in the Rockfish Program. NMFS also is setting aside incidental catch amounts (ICAs) for other directed fisheries in the Central GOA of 4,000 mt

of Pacific ocean perch, 300 mt of northern rockfish, and 250 mt of dusky rockfish. These amounts are based on recent average incidental catches in the Central GOA by other groundfish fisheries.

Allocations among vessels belonging to CV or C/P cooperatives are not included in these final harvest specifications. Rockfish Program applications for CV cooperatives and

C/P cooperatives are not due to NMFS until March 1 of each calendar year; therefore, NMFS cannot calculate 2018 and 2019 allocations in conjunction with these final harvest specifications. NMFS will post these allocations on the Alaska Region website at <http://alaska.fisheries.noaa.gov/fisheries/central-goa-rockfish-program> when they become available after March 1.

TABLE 10—FINAL 2018 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GULF OF ALASKA TO THE ENTRY LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM

[Values are rounded to the nearest metric ton]

Rockfish primary species	TAC	Incidental catch allowance	TAC minus ICA	Allocation to the entry level longline <sup>1</sup> fishery	Allocation to the Rockfish cooperatives <sup>2</sup>
Pacific ocean perch .....	20,112	4,000	16,112	5	16,107
Northern rockfish .....	3,261	300	2,961	5	2,956
Dusky rockfish .....	3,502	250	3,252	50	3,202
Total .....	26,875	4,050	22,825	60	22,265

<sup>1</sup> Longline gear includes hook-and-line, jig, troll, and handline gear (50 CFR 679.2).

<sup>2</sup> Rockfish cooperatives include vessels in CV and C/P cooperatives (50 CFR 679.81).

TABLE 11—FINAL 2019 ALLOCATIONS OF ROCKFISH PRIMARY SPECIES IN THE CENTRAL GULF OF ALASKA TO THE ENTRY LEVEL LONGLINE FISHERY AND ROCKFISH COOPERATIVES IN THE ROCKFISH PROGRAM

[Values are rounded to the nearest metric ton]

Rockfish primary species	TAC	Incidental catch allowance	TAC minus ICA	Allocation to the entry level longline <sup>1</sup> fishery	Allocation to the Rockfish cooperatives <sup>2</sup>
Pacific ocean perch .....	19,678	4,000	15,678	5	15,673
Northern rockfish .....	2,965	300	2,665	5	2,660
Dusky rockfish .....	3,246	250	2,996	50	2,946
Total .....	25,889	4,050	21,839	60	21,279

<sup>1</sup> Longline gear includes hook-and-line, jig, troll, and handline gear (50 CFR 679.2).

<sup>2</sup> Rockfish cooperatives include vessels in CV and C/P cooperatives (50 CFR 679.81).

Section 679.81(c) and Table 28c to 50 CFR part 679 requires allocations of rockfish secondary species to CV and C/P cooperatives in the Central GOA. CV cooperatives receive allocations of Pacific cod, sablefish from the trawl gear

allocation, and thornyhead rockfish. C/P cooperatives receive allocations of sablefish from the trawl gear allocation, rougheye and blackspotted rockfish, shortraker rockfish, and thornyhead rockfish. Tables 12 and 13 list the

apportionments of the 2018 and 2019 TACs of rockfish secondary species in the Central GOA to CV and C/P cooperatives.

TABLE 12—FINAL 2018 APPORTIONMENTS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CATCHER VESSEL AND CATCHER/PROCESSOR COOPERATIVES

[Values are rounded to the nearest metric ton]

Rockfish secondary species	Annual central GOA TAC	Catcher vessel cooperatives		Catcher/processor cooperatives	
		Percentage of TAC	Apportionment (mt)	Percentage of TAC	Apportionment (mt)
Pacific cod .....	6,089	3.81	232	0.00	0
Sablefish .....	5,158	6.78	350	3.51	181
Shortraker rockfish .....	305	0.00	0	40.00	122
Rougheye rockfish .....	556	0.00	0	58.87	327
Thornyhead rockfish .....	921	7.84	72	26.50	244

TABLE 13—FINAL 2019 APPORTIONMENTS OF ROCKFISH SECONDARY SPECIES IN THE CENTRAL GOA TO CATCHER VESSEL AND CATCHER/PROCESSOR COOPERATIVES

[Values are rounded to the nearest metric ton]

Rockfish secondary species	Annual central GOA TAC	Catcher vessel cooperatives		Catcher/processor cooperatives	
		Percentage of TAC	Apportionment (mt)	Percentage of TAC	Apportionment (mt)
Pacific cod .....	5,750	3.81	219	0.00	0
Sablefish .....	7,260	6.78	492	3.51	255
Shortraker rockfish .....	305	0.00	0	40.00	122
Rougheye rockfish .....	550	0.00	0	58.87	324
Thornyhead rockfish .....	921	7.84	72	26.50	244

### Halibut PSC Limits

Section 679.21(d) establishes the annual halibut PSC limit apportionments for trawl gear and hook-and-line gear, and authorizes the establishment of apportionments for pot gear. In December 2017, the Council recommended halibut PSC limits of 1,706 mt for trawl gear, 257 mt for hook-and-line gear, and 9 mt for the DSR fishery in the SEO District for both 2018 and 2019.

The DSR fishery in the SEO District is defined at § 679.21(d)(2)(ii)(A). This fishery is apportioned 9 mt of the halibut PSC limit in recognition of its small-scale harvests of groundfish (§ 679.21(d)(2)(i)(A)). The separate halibut PSC limit for the DSR fishery is intended to prevent that fishery from being impacted from the halibut PSC incurred by other GOA fisheries. NMFS estimates low halibut bycatch in the DSR fishery because (1) the duration of the DSR fisheries and the gear soak times are short, (2) the DSR fishery occurs in the winter when there is less overlap in the distribution of DSR and halibut, and (3) the directed commercial DSR fishery has a low DSR TAC.

The FMP authorizes the Council to exempt specific gear from the halibut PSC limits. NMFS, after consultation with the Council, exempts pot gear, jig gear, and the sablefish IFQ hook-and-line gear fishery categories from the

non-trawl halibut PSC limit for 2018 and 2019. The Council recommended, and NMFS approves, these exemptions because: (1) The pot gear fisheries have low annual halibut bycatch mortality, (2) IFQ program regulations prohibit discard of halibut if any halibut IFQ permit holder on board a catcher vessel holds unused halibut IFQ for that vessel category and the IFQ regulatory area in which the vessel is operating (§ 679.7(f)(11)), (3) some sablefish IFQ fishermen hold halibut IFQ permits and are therefore required to retain the halibut they catch while fishing sablefish IFQ, and (4) NMFS estimates negligible halibut mortality for the jig gear fisheries. NMFS estimates that halibut mortality is negligible in the jig gear fisheries given the small amount of groundfish harvested by jig gear, the selective nature of jig gear, and the high survival rates of halibut caught and released with jig gear.

The best available information on estimated halibut bycatch consists of data collected by fisheries observers during 2017. The calculated halibut bycatch mortality through December 9, 2017, is 1,214 mt for trawl gear and 169 mt for hook-and-line gear for a total halibut mortality of 1,383 mt. This halibut mortality was calculated using groundfish and halibut catch data from the NMFS Alaska Region's catch accounting system. This accounting system contains historical and recent

catch information compiled from each Alaska groundfish fishery.

Section 679.21(d)(4)(i) and (ii) authorizes NMFS to seasonally apportion the halibut PSC limits after consultation with the Council. The FMP and regulations require the Council and NMFS to consider the following information in seasonally apportioning halibut PSC limits: (1) Seasonal distribution of halibut; (2) seasonal distribution of target groundfish species relative to halibut distribution; (3) expected halibut bycatch needs on a seasonal basis relative to changes in halibut biomass and expected catch of target groundfish species; (4) expected bycatch rates on a seasonal basis; (5) expected changes in directed groundfish fishing seasons; (6) expected actual start of fishing effort; and (7) economic effects of establishing seasonal halibut allocations on segments of the target groundfish industry. The Council considered information from the 2017 SAFE report, NMFS catch data, State of Alaska catch data, IPHC stock assessment and mortality data, and public testimony when apportioning the halibut PSC limits. NMFS concurs with the Council's recommendations listed in Table 14, which show the final 2018 and 2019 Pacific halibut PSC limits, allowances, and apportionments.

Section 679.21(d)(4)(iii) and (iv) specify that any underages or overages of a seasonal apportionment of a halibut

PSC limit will be added to or deducted from the next respective seasonal apportionment within the fishing year.

TABLE 14—FINAL 2018 AND 2019 PACIFIC HALIBUT PSC LIMITS, ALLOWANCES, AND APPORTIONMENTS  
[Values are in metric tons]

Trawl gear			Hook-and-line gear <sup>1</sup>				
Season	Percent	Amount	Other than DSR			DSR	
			Season	Percent	Amount	Season	Amount
January 20–April 1 ...	27.5	469	January 1–June 10 ...	86	221	January 1–December 31.	9
April 1–July 1 .....	20	341	June 10–September 1.	2	5		
July 1–September 1	30	512	September 1–December 31.	12	31		
September 1–October 1.	7.5	128					
October 1–December 31.	15	256					
Total .....	.....	1,706	.....	.....	257	.....	9

<sup>1</sup> The Pacific halibut prohibited species catch (PSC) limit for hook-and-line gear is allocated to the demersal shelf rockfish (DSR) fishery in the SEO District and to the hook-and-line fisheries other than the DSR fishery. The hook-and-line sablefish IFQ fishery is exempt from halibut PSC limits, as are pot and jig gear for all groundfish fisheries.

**Note:** Seasonal or sector apportionments may not total precisely due to rounding.

Section 679.21(d)(3)(ii) authorizes further apportionment of the trawl halibut PSC limit to trawl fishery categories listed in § 679.21(d)(3)(iii). The annual apportionments are based on each category's proportional share of the anticipated halibut bycatch mortality during the fishing year and optimization of the total amount of groundfish harvest under the halibut PSC limit. The fishery categories for the trawl halibut PSC limits are: (1) A deep-water species fishery, composed of sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder; and (2) a shallow-water species fishery, composed of pollock, Pacific cod, shallow-water flatfish, flathead sole, Atka mackerel, and "other species" (sculpins, sharks, squids, and octopuses) (§ 679.21(d)(3)(iii)). Halibut mortality incurred while directed fishing for skates with trawl gear accrues towards the shallow-water fishery halibut PSC limit (69 FR 26320, May 12, 2004).

NMFS will combine available trawl halibut PSC limit apportionments on May 15 during the second season deep-water and shallow-water fisheries for use in either fishery from May 15 through June 30 (§ 679.21(d)(4)(iii)(D)). This is intended to maintain groundfish harvest while minimizing halibut bycatch by these sectors to the extent practicable. This provides the deep-water and shallow-water trawl fisheries additional flexibility and the incentive to participate in fisheries at times of the year that may have lower halibut PSC rates relative to other times of the year.

Table 15 lists the final 2018 and 2019 apportionments of halibut PSC trawl limits between the trawl gear deep-water and shallow-water species fishery categories.

Table 28d to 50 CFR part 679 specifies the amount of the trawl halibut PSC limit that is assigned to the CV and C/P sectors that are participating in the Rockfish Program. This includes 117 mt of halibut PSC limit to the CV sector and

74 mt of halibut PSC limit to the C/P sector. These amounts are allocated from the trawl deep-water species fishery's halibut PSC third seasonal apportionment. After the combined CV and C/P halibut PSC limit allocation of 191 mt to the Rockfish Program, 150 mt remains for the trawl deep-water species fishery's halibut PSC third seasonal apportionment.

Section 679.21(d)(4)(iii)(B) limits the amount of the halibut PSC limit allocated to Rockfish Program participants that could be re-apportioned to the general GOA trawl fisheries during the current fishing year to no more than 55 percent of the unused annual halibut PSC limit apportioned to Rockfish Program participants. The remainder of the unused Rockfish Program halibut PSC limit is unavailable for use by any person for the remainder of the fishing year (§ 679.21(d)(4)(iii)(C)).

TABLE 15—FINAL 2018 AND 2019 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES FISHERY AND THE SHALLOW-WATER SPECIES FISHERY CATEGORIES  
[Values are in metric tons]

Season	Shallow-water	Deep-water <sup>1</sup>	Total
January 20–April 1 .....	384	85	469
April 1–July 1 .....	85	256	341
July 1–September 1 .....	171	341	512
September 1–October 1 .....	128	(*)	128
Subtotal January 20–October 1 .....	768	682	1,450
October 1–December 31 <sup>2</sup> .....	.....	.....	256



TABLE 15—FINAL 2018 AND 2019 APPORTIONMENT OF PACIFIC HALIBUT PSC TRAWL LIMITS BETWEEN THE TRAWL GEAR DEEP-WATER SPECIES FISHERY AND THE SHALLOW-WATER SPECIES FISHERY CATEGORIES—Continued

[Values are in metric tons]

Season	Shallow-water	Deep-water <sup>1</sup>	Total
Total .....	.....	.....	1,706

<sup>1</sup> Vessels participating in cooperatives in the Central GOA Rockfish Program will receive 191 mt of the third season (July 1 through September 1) deep-water species fishery halibut PSC apportionment.

<sup>2</sup> There is no apportionment between trawl shallow-water and deep-water species fishery categories during the fifth season (October 1 through December 31).

\* Any remainder.

Section 679.21(d)(2)(i)(B) requires that the “other hook-and-line fishery” halibut PSC limit apportionment to vessels using hook-and-line gear must be apportioned between CVs and C/Ps in accordance with § 679.21(d)(2)(iii) in conjunction with these harvest specifications. A comprehensive description and example of the calculations necessary to apportion the “other hook-and-line fishery” halibut PSC limit between the hook-and-line CV and C/P sectors were included in the proposed rule to implement Amendment 83 to the FMP (76 FR 44700, July 26, 2011) and are not repeated here.

Pursuant to § 679.21(d)(2)(iii), the hook-and-line halibut PSC limit for the “other hook-and-line fishery” is apportioned between the CV and C/P sectors in proportion to the total Western and Central GOA Pacific cod allocations, which vary annually based on the proportion of the Pacific cod biomass between the Western, Central,

and Eastern GOA. Pacific cod is apportioned among these two management areas based on the percentage of overall biomass per area, as calculated in the 2016 Pacific cod stock assessment. Updated information in the final 2017 SAFE report describes this distributional calculation, which is based on allocating ABC among regulatory areas on the basis of the three most recent stock surveys. For 2018 and 2019, the distribution of the total GOA Pacific cod ABC is 45 percent to the Western GOA, 45 percent to the Central GOA, and 10 percent to the Eastern GOA. Therefore, the calculations made in accordance with § 679.21(d)(2)(iii) incorporate the most recent information on GOA Pacific cod distribution with respect to establishing the annual halibut PSC limits for the CV and C/P hook-and-line sectors. The annual halibut PSC limits for both the CV and C/P sectors of the “other hook-and-line fishery” are divided into three seasonal apportionments, using seasonal

percentages of 86 percent, 2 percent, and 12 percent.

For 2018 and 2019, NMFS apportions halibut PSC limits of 120 mt and 137 mt to the hook-and-line CV and hook-and-line C/P sectors, respectively. Table 16 lists the final 2018 and 2019 apportionments of halibut PSC limits between the hook-and-line CV and the hook-and-line C/P sectors of the “other hook-and-line fishery.”

No later than November 1 of each year, NMFS will calculate the projected unused amount of halibut PSC limit by either of the CV or C/P hook-and-line sectors of the “other hook-and-line fishery” for the remainder of the year. The projected unused amount of halibut PSC limit is made available to the other hook-and-line sector for the remainder of that fishing year (§ 679.21(d)(2)(iii)(C)), if NMFS determines that an additional amount of halibut PSC is necessary for that sector to continue its directed fishing operations.

TABLE 16—FINAL 2018 AND 2019 APPORTIONMENTS OF THE “OTHER HOOK-AND-LINE FISHERY” ANNUAL HALIBUT PSC ALLOWANCE BETWEEN THE HOOK-AND-LINE GEAR CATCHER VESSEL AND CATCHER/PROCESSOR SECTORS

[Values are in metric tons]

“Other than DSR” allowance	Hook-and-line sector	Sector annual amount	Season	Seasonal percentage	Sector seasonal amount
257 .....	Catcher Vessel .....	120 .....	January 1–June 10 .....	86	103
			June 10–September 1 .....	2	2
			September 1–December 31 .....	12	14
	Catcher/Processor .....	137 .....	January 1–June 10 .....	86	118
			June 10–September 1 .....	2	3
			September 1–December 31 .....	12	16

#### Estimates of Halibut Biomass and Stock Condition

The IPHC annually assesses the abundance and potential yield of the Pacific halibut stock using all available data from the commercial and sport fisheries, other removals, and scientific surveys. Additional information on the Pacific halibut stock assessment may be found in the IPHC’s 2017 Pacific halibut stock assessment (December 2017), available on the IPHC website at

[www.iphc.int](http://www.iphc.int). The IPHC considered the 2017 Pacific halibut stock assessment at its January 2018 annual meeting when it set the 2018 commercial halibut fishery catch limits.

#### Halibut Discard Mortality Rates

To monitor halibut bycatch mortality allowances and apportionments, the Regional Administrator uses observed halibut incidental catch rates, halibut discard mortality rates (DMRs), and

estimates of groundfish catch to project when a fishery’s halibut bycatch mortality allowance or seasonal apportionment is reached. Halibut incidental catch rates are based on observers’ estimates of halibut incidental catch in the groundfish fishery. DMRs are estimates of the proportion of incidentally caught halibut that do not survive after being returned to the sea. The cumulative halibut mortality that accrues to a

particular halibut PSC limit is the product of a DMR multiplied by the estimated halibut PSC. DMRs are estimated using the best scientific information available in conjunction with the annual GOA stock assessment process. The DMR methodology and findings are included as an appendix to the annual GOA groundfish SAFE report.

In 2016, the DMR estimation methodology underwent revisions per the Council's directive. An interagency halibut working group (IPHC, Council, and NMFS staff) developed improved estimation methods that have undergone review by the GOA Plan Team, SSC, and the Council. A summary of the revised methodology is contained in the GOA proposed 2017 and 2018 harvest specifications (81 FR

87881, December 6, 2016), and the comprehensive discussion of the working group's statistical methodology is available from the Council (see ADDRESSES). The DMR working group's revised methodology is intended to improve estimation accuracy, as well as transparency and transferability in the methodology used, for calculating DMRs. The working group will continue to consider improvements to the methodology used to calculate halibut mortality, including potential changes to the reference period (the period of data used for calculating the DMRs). Future DMRs, including the 2019 DMRs, may change based on an additional year of observer sampling, which could provide more recent and accurate data and which could improve the accuracy of estimation and progress on

methodology. The new methodology will continue to ensure that NMFS is using DMRs that more accurately reflect halibut mortality, which will inform the different sectors of their estimated halibut mortality and allow specific sectors to respond with methods that could reduce mortality and, eventually, the DMR for that sector.

At the December 2017 meeting, the SSC, AP, and Council concurred with the revised DMR estimation methodology, and NMFS adopted for 2018 and 2019 the DMRs calculated under the revised methodology. The final 2018 and 2019 DMRs in this rule are unchanged from the DMRs in the proposed 2018 and 2019 harvest specifications (82 FR 57924, December 8, 2017). Table 17 lists these final 2018 and 2019 DMRs.

TABLE 17—FINAL 2018 AND 2019 HALIBUT DISCARD MORTALITY RATES FOR VESSELS FISHING IN THE GULF OF ALASKA  
[Values are percent of halibut assumed to be dead]

Gear	Sector	Groundfish fishery	Halibut discard mortality rate (percent)
Pelagic trawl .....	Catcher vessel .....	All .....	100
	Catcher/processor .....	All .....	100
Non-pelagic trawl .....	Catcher vessel .....	Rockfish Program .....	62
	Catcher vessel .....	All others .....	67
	Mothership and catcher/processor .....	All .....	84
Hook-and-line .....	Catcher/processor .....	All .....	10
	Catcher vessel .....	All .....	17
Pot .....	Catcher vessel and catcher/processor .....	All .....	7

#### *Chinook Salmon Prohibited Species Catch Limits*

Amendment 93 to the FMP (77 FR 42629, July 20, 2012) established separate Chinook salmon PSC limits in the Western and Central GOA in the directed pollock trawl fishery. These limits require NMFS to close the pollock directed fishery in the Western and Central Regulatory Areas of the GOA if the applicable Chinook salmon PSC limit in that regulatory area is reached (§ 679.21(h)(8)). The annual Chinook salmon PSC limits in the pollock directed fishery of 6,684 salmon in the Western GOA and 18,316 salmon in the Central GOA are set at § 679.21(h)(2)(i) and (ii).

Amendment 97 to the FMP (79 FR 71350, December 2, 2014) established an initial annual PSC limit of 7,500 Chinook salmon for the trawl non-pollock groundfish fisheries in the Western and Central GOA. This limit is apportioned among three sectors directed fishing for groundfish species other than pollock: 3,600 Chinook salmon to trawl C/Ps; 1,200 Chinook salmon to trawl CVs participating in the Rockfish Program; and 2,700 Chinook

salmon to trawl CVs not participating in the Rockfish Program (§ 679.21(h)(4)). NMFS will monitor the Chinook salmon PSC in the non-pollock GOA groundfish fisheries and close an applicable sector if it reaches its Chinook salmon PSC limit.

The Chinook salmon PSC limit for two sectors, trawl C/Ps and trawl CVs not participating in the Rockfish Program, may be increased in subsequent years based on the performance of these two sectors and their ability to minimize their use of their respective Chinook salmon PSC limits. If either or both of these two sectors limits its use of Chinook salmon PSC to a specified threshold amount in 2017 (3,120 for trawl C/Ps and 2,340 for trawl CVs), that sector will receive an incremental increase to its 2018 Chinook salmon PSC limit (§ 679.21(h)(4)). In 2017, the trawl C/P sector did not exceed 3,120 Chinook salmon PSC; therefore, the 2018 trawl C/P sector Chinook salmon PSC limit will be 4,080 Chinook salmon. In 2017, the Non-Rockfish Program CV sector did not exceed 2,340 Chinook salmon PSC; therefore, the 2018 Non-Rockfish

Program CV sector limit will be 3,060 Chinook salmon.

#### *American Fisheries Act (AFA) Catcher/Processor and Catcher Vessel Groundfish Harvest and PSC Limits*

Section 679.64 establishes groundfish harvesting and processing sideboard limitations on AFA C/Ps and CVs in the GOA. These sideboard limits are necessary to protect the interests of fishermen and processors who do not directly benefit from the AFA from those fishermen and processors who receive exclusive harvesting and processing privileges under the AFA. Section 679.7(k)(1)(ii) prohibits listed AFA C/Ps and C/Ps designated on a listed AFA C/P permit from harvesting any species of groundfish in the GOA. Additionally, § 679.7(k)(1)(iv) prohibits listed AFA C/Ps and C/Ps designated on a listed AFA C/P permit from processing any pollock harvested in a directed pollock fishery in the GOA and any groundfish harvested in Statistical Area 630 of the GOA.

AFA CVs that are less than 125 feet (38.1 meters) length overall, have annual landings of pollock in the Bering

Sea and Aleutian Islands less than 5,100 mt, and have made at least 40 GOA groundfish landings from 1995 through 1997 are exempt from GOA CV groundfish sideboard limits under § 679.64(b)(2)(ii). Sideboard limits for non-exempt AFA CVs in the GOA are based on their traditional harvest levels of TAC in groundfish fisheries covered

by the FMP. Section 679.64(b)(3)(iv) establishes the CV groundfish sideboard limitations in the GOA based on the aggregate retained catch of non-exempt AFA CVs of each sideboard species or species group from 1995 through 1997 divided by the sum of the TACs for that species or species group available to CVs over the same period.

Tables 18 and 19 list the final 2018 and 2019 groundfish sideboard limits for non-exempt AFA CVs. NMFS will deduct all targeted or incidental catch of sideboard species made by non-exempt AFA CVs from the sideboard limits listed in Tables 18 and 19.

TABLE 18—FINAL 2018 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUNDFISH HARVEST SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2018 TACs	Final 2018 non-exempt AFA CV sideboard limit
Pollock .....	A Season—January 20–March 10 .....	Shumagin (610) .....	0.6047	1,317	796
		Chirikof (620) .....	0.1167	27,314	3,188
		Kodiak (630) .....	0.2028	9,025	1,830
	B Season—March 10–May 31 .....	Shumagin (610) .....	0.6047	1,317	796
		Chirikof (620) .....	0.1167	32,155	3,752
		Kodiak (630) .....	0.2028	4,184	848
	C Season—August 25–October 1 .....	Shumagin (610) .....	0.6047	13,777	8,331
		Chirikof (620) .....	0.1167	10,013	1,169
		Kodiak (630) .....	0.2028	13,865	2,812
	D Season—October 1–November 1 .....	Shumagin (610) .....	0.6047	13,777	8,331
		Chirikof (620) .....	0.1167	10,013	1,169
		Kodiak (630) .....	0.2028	13,865	2,812
	Annual .....	WYK (640) .....	0.3495	6,833	2,388
		SEO (650) .....	0.3495	8,773	3,066
Pacific cod .....	A Season <sup>1</sup> —January 1–June 10 .....	W .....	0.1331	3,394	452
		C .....	0.0692	3,653	253
	B Season <sup>2</sup> —September 1–December 31 .....	W .....	0.1331	2,263	301
		C .....	0.0692	2,436	169
	Annual .....	E inshore .....	0.0079	1,215	10
		E offshore .....	0.0078	135	1
Sablefish .....	Annual, trawl gear .....	W .....	0.0000	309	.....
		C .....	0.0642	1,032	66
		E .....	0.0433	240	10
Shallow-water flatfish ..	Annual .....	W .....	0.0156	13,250	207
		C .....	0.0587	25,315	1,486
		E .....	0.0126	4,167	53
Deep-water flatfish .....	Annual .....	W .....	0.0000	413	.....
		C .....	0.0647	3,400	220
		E .....	0.0128	5,571	71
Rex sole .....	Annual .....	W .....	0.0007	3,086	2
		C .....	0.0384	8,739	336
		E .....	0.0029	3,548	10
Arrowtooth flounder .....	Annual .....	W .....	0.0021	14,500	30
		C .....	0.0280	48,000	1,344
		E .....	0.0002	13,800	3
Flathead sole .....	Annual .....	W .....	0.0036	8,650	31
		C .....	0.0213	15,400	328
		E .....	0.0009	2,338	2
Pacific ocean perch .....	Annual .....	W .....	0.0023	3,312	8
		C .....	0.0748	20,112	1,504
		E .....	0.0466	5,812	271
Northern rockfish .....	Annual .....	W .....	0.0003	420	0
		C .....	0.0277	3,261	90
Shortraker rockfish .....	Annual .....	W .....	0.0000	44	.....
		C .....	0.0218	305	7
		E .....	0.0110	515	6
Dusky rockfish .....	Annual .....	W .....	0.0001	146	0
		C .....	0.0000	3,502	.....
		E .....	0.0067	309	2
Rougheye rockfish .....	Annual .....	W .....	0.0000	176	.....
		C .....	0.0237	556	13
		E .....	0.0124	712	9
Demersal shelf rockfish	Annual .....	SEO .....	0.0020	250	1

TABLE 18—FINAL 2018 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST  
SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2018 TACs	Final 2018 non-exempt AFA CV sideboard limit
Thornyhead rockfish ....	Annual .....	W .....	0.0280	344	10
		C .....	0.0280	921	26
		E .....	0.0280	773	22
Other rockfish .....	Annual .....	C .....	0.1699	1,737	295
		E .....	0.0000	568	.....
Atka mackerel .....	Annual .....	Gulfwide .....	0.0309	3,000	93
Big skates .....	Annual .....	W .....	0.0063	504	3
		C .....	0.0063	1,774	11
		E .....	0.0063	570	4
Longnose skates .....	Annual .....	W .....	0.0063	149	1
		C .....	0.0063	2,804	18
		E .....	0.0063	619	4
Other skates .....	Annual .....	Gulfwide .....	0.0063	1,384	9
Sculpins .....	Annual .....	Gulfwide .....	0.0063	5,301	33
Sharks .....	Annual .....	Gulfwide .....	0.0063	4,514	28
Squids .....	Annual .....	Gulfwide .....	0.0063	1,137	7
Octopuses .....	Annual .....	Gulfwide .....	0.0063	975	6

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.TABLE 19—FINAL 2019 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUND FISH HARVEST  
SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/ gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2019 TACs	Final 2019 non-exempt AFA CV sideboard limit
Pollock .....	A Season—January 20– March 10.	Shumagin (610) .....	0.6047	869	525
		Chirikof (620) .....	0.1167	18,025	2,103
		Kodiak (630) .....	0.2028	5,955	1,208
	B Season—March 10–May 31.	Shumagin (610) .....	0.6047	869	525
		Chirikof (620) .....	0.1167	21,219	2,476
		Kodiak (630) .....	0.2028	2,761	560
	C Season—August 25–Octo- ber 1.	Shumagin (610) .....	0.6047	9,091	5,498
		Chirikof (620) .....	0.1167	6,608	771
		Kodiak (630) .....	0.2028	9,150	1,856
	D Season—October 1–No- vember 1.	Shumagin (610) .....	0.6047	9,091	5,498
		Chirikof (620) .....	0.1167	6,608	771
		Kodiak (630) .....	0.2028	9,150	1,856
Pacific cod .....	Annual .....	WYK (640) .....	0.3495	4,509	1,576
		SEO (650) .....	0.3495	8,773	3,066
		W .....	0.1331	3,206	427
	A Season <sup>1</sup> —January 1– June 10.	C .....	0.0692	3,450	239
		W .....	0.1331	2,137	284
		C .....	0.0692	2,300	159
	B Season <sup>2</sup> —September 1– December 31.	E inshore .....	0.0079	1,148	9
		E offshore .....	0.0078	128	1
		W .....	0.0000	435	.....
	Annual, trawl gear .....	C .....	0.0642	1,452	93
		E .....	0.0433	338	15
		W .....	0.0156	13,250	207
Shallow-water flatfish .....	Annual .....	C .....	0.0587	25,655	1,506
		E .....	0.0126	4,223	53
		W .....	0.0000	416	.....
Deep-water flatfish .....	Annual .....	C .....	0.0647	3,442	223
		E .....	0.0128	5,640	72
		W .....	0.0007	2,909	2
Rex sole .....	Annual .....	C .....	0.0384	8,236	316
		E .....	0.0029	3,384	10

TABLE 19—FINAL 2019 GOA NON-EXEMPT AMERICAN FISHERIES ACT CATCHER VESSEL (CV) GROUNDFISH HARVEST  
SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Apportionments by season/ gear	Area/component	Ratio of 1995–1997 non-exempt AFA CV catch to 1995–1997 TAC	Final 2019 TACs	Final 2019 non-exempt AFA CV sideboard limit
Arrowtooth flounder .....	Annual .....	W .....	0.0021	14,500	30
		C .....	0.0280	48,000	1,344
		E .....	0.0002	13,800	3
Flathead sole .....	Annual .....	W .....	0.0036	8,650	31
		C .....	0.0213	15,400	328
		E .....	0.0009	2,437	2
Pacific ocean perch .....	Annual .....	W .....	0.0023	3,240	7
		C .....	0.0748	19,678	1,472
		E .....	0.0466	5,687	265
Northern rockfish .....	Annual .....	W .....	0.0003	382	0
		C .....	0.0277	2,965	82
		W .....	0.0000	44	.....
Shortraker rockfish .....	Annual .....	C .....	0.0218	305	7
		E .....	0.0110	515	6
		W .....	0.0001	135	0
Dusky rockfish .....	Annual .....	C .....	0.0000	3,246	.....
		E .....	0.0067	287	2
		W .....	0.0000	174	.....
Rougheye rockfish .....	Annual .....	C .....	0.0237	550	13
		E .....	0.0124	703	9
		SEO .....	0.0020	250	1
Demersal shelf rockfish .....	Annual .....	W .....	0.0280	344	10
		C .....	0.0280	921	26
		E .....	0.0280	773	22
Thornyhead rockfish .....	Annual .....	W/C .....	0.1699	1,737	295
		E .....	0.0000	568	.....
		Gulfwide .....	0.0309	3,000	93
Atka mackerel .....	Annual .....	W .....	0.0063	504	3
		C .....	0.0063	1,774	11
		E .....	0.0063	570	4
Longnose skates .....	Annual .....	W .....	0.0063	149	1
		C .....	0.0063	2,804	18
		E .....	0.0063	619	4
Other skates .....	Annual .....	Gulfwide .....	0.0063	1,384	9
		Gulfwide .....	0.0063	5,301	33
		Gulfwide .....	0.0063	4,514	28
Squids .....	Annual .....	Gulfwide .....	0.0063	1,137	7
		Gulfwide .....	0.0063	975	6
		Gulfwide .....	0.0063	975	6

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.*Non-Exempt AFA Catcher Vessel  
Halibut PSC Limits*

The halibut PSC sideboard limits for  
non-exempt AFA CVs in the GOA are

based on the aggregate retained  
groundfish catch by non-exempt AFA  
CVs in each PSC target category from  
1995 through 1997 divided by the  
retained catch of all vessels in that

fishery from 1995 through 1997  
(\$ 679.64(b)(4)(ii)). Table 20 lists the  
final 2018 and 2019 non-exempt AFA  
CV halibut PSC limits for vessels using  
trawl gear in the GOA, respectively.

TABLE 20—FINAL 2018 AND 2019 NON-EXEMPT AFA CV HALIBUT PROHIBITED SPECIES CATCH (PSC) LIMITS FOR  
VESSELS USING TRAWL GEAR IN THE GOA

[Values are rounded to nearest metric ton]

Season	Season dates	Target fishery	Ratio of 1995–1997 non-exempt AFA CV retained catch to total retained catch	2018 and 2019 PSC limit	2018 and 2019 non-exempt AFA CV PSC limit
1 .....	January 20–April 1 .....	shallow-water .....	0.340	384	131
		deep-water .....	0.070	85	6

TABLE 20—FINAL 2018 AND 2019 NON-EXEMPT AFA CV HALIBUT PROHIBITED SPECIES CATCH (PSC) LIMITS FOR VESSELS USING TRAWL GEAR IN THE GOA—Continued

[Values are rounded to nearest metric ton]

Season	Season dates	Target fishery	Ratio of 1995–1997 non-exempt AFA CV retained catch to total retained catch	2018 and 2019 PSC limit	2018 and 2019 non-exempt AFA CV PSC limit
2 .....	April 1–July 1 .....	shallow-water .....	0.340	85	29
		deep-water .....	0.070	256	18
3 .....	July 1–September 1 .....	shallow-water .....	0.340	171	58
		deep-water .....	0.070	341	24
4 .....	September 1–October 1 .....	shallow-water .....	0.340	128	44
		deep-water .....	0.070	0	0
5 .....	October 1–December 31 .....	all targets .....	0.205	256	52
Annual:		Total shallow-water .....			262
		Total deep-water .....			48
		Grand Total, all season and categories		1,706	362

#### Non-AFA Crab Vessel Groundfish Harvest Limitations

Section 680.22 establishes groundfish catch limits for vessels with a history of participation in the Bering Sea snow crab fishery to prevent these vessels from using the increased flexibility provided by the Crab Rationalization Program to expand their level of participation in the GOA groundfish fisheries. Sideboard limits restrict these vessels' catch to their collective historical landings in each GOA

groundfish fishery (except the fixed-gear sablefish fishery). Sideboard limits also apply to catch made using an LLP license derived from the history of a restricted vessel, even if that LLP license is used on another vessel.

The basis for these sideboard limits is described in detail in the final rules implementing the major provisions of Amendments 18 and 19 to the Fishery Management Plan for Bering Sea/ Aleutian Islands King and Tanner Crabs (Crab FMP) (70 FR 10174, March 2, 2005), Amendment 34 to the Crab FMP

(76 FR 35772, June 20, 2011), Amendment 83 to the GOA FMP (76 FR 74670, December 1, 2011), and Amendment 45 to the Crab FMP (80 FR 28539, May 19, 2015).

Tables 21 and 22 list the final 2018 and 2019 groundfish sideboard limitations for non-AFA crab vessels. All targeted or incidental catch of sideboard species made by non-AFA crab vessels or associated LLP licenses will be deducted from these sideboard limits.

TABLE 21—FINAL 2018 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2018 TACs	Final 2018 non-AFA crab vessel sideboard limit
Pollock .....	A Season—January 20–March 10 .....	Shumagin (610) .....	0.0098	1,317	13
		Chirikof (620) .....	0.0031	27,314	85
		Kodiak (630) .....	0.0002	9,025	2
	B Season—March 10–May 31 .....	Shumagin (610) .....	0.0098	1,317	13
		Chirikof (620) .....	0.0031	32,155	100
		Kodiak (630) .....	0.0002	4,184	1
	C Season—August 25–October 1 .....	Shumagin (610) .....	0.0098	13,777	135
		Chirikof (620) .....	0.0031	10,013	31
		Kodiak (630) .....	0.0002	13,865	3
	D Season—October 1–November 1 .....	Shumagin (610) .....	0.0098	13,777	135
		Chirikof (620) .....	0.0031	10,013	31
		Kodiak (630) .....	0.0002	13,865	3
	Annual .....	WYK (640) .....	0.0000	6,833	
		SEO (650) .....	0.0000	8,773	
Pacific cod .....	A Season <sup>1</sup> —January 1–June 10 .....	WG Jig .....	0.0000	3,394	
		WG Hook-and-line CV .....	0.0004	3,394	1
		WG Pot CV .....	0.0997	3,394	338
		WG Pot C/P .....	0.0078	3,394	26
		WG Trawl CV .....	0.0007	3,394	2
		CG Jig .....	0.0000	3,653	

TABLE 21—FINAL 2018 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2018 TACs	Final 2018 non-AFA crab vessel sideboard limit
Sablefish	B Season <sup>2</sup> —September 1–December 31	CG Hook-and-line CV	0.0001	3,653	0
		CG Pot CV	0.0474	3,653	173
		CG Pot C/P	0.0136	3,653	50
		CG Trawl CV	0.0012	3,653	4
		WG Jig	0.0000	2,263	
		WG Hook-and-line CV	0.0004	2,263	1
		WG Pot CV	0.0997	2,263	226
		WG Pot C/P	0.0078	2,263	18
		WG Trawl CV	0.0007	2,263	2
		CG Jig	0.0000	2,436	
		CG Hook-and-line CV	0.0001	2,436	0
		CG Pot CV	0.0474	2,436	115
	Annual	CG Pot C/P	0.0136	2,436	33
		CG Trawl CV	0.0012	2,436	3
		EG inshore	0.0110	1,215	13
		EG offshore	0.0000	135	
		W	0.0000	309	
		C	0.0000	1,032	
		E	0.0000	240	
		W	0.0059	13,250	78
		C	0.0001	25,315	3
		E	0.0000	4,167	
		W	0.0035	413	1
		C	0.0000	3,400	
Shallow-water flatfish	Annual	E	0.0000	5,571	
		W	0.0000	3,086	
		C	0.0000	8,739	
		E	0.0000	3,548	
Deep-water flatfish	Annual	W	0.0004	14,500	6
		C	0.0001	48,000	5
		E	0.0000	13,800	
		W	0.0002	8,650	2
Rex sole	Annual	C	0.0004	15,400	6
		E	0.0000	2,338	
		W	0.0000	3,312	
		C	0.0000	20,112	
Arrowtooth flounder	Annual	0.0000	5,812		
		W	0.0005	420	0
		C	0.0000	3,261	
		W	0.0013	44	0
Flathead sole	Annual	C	0.0012	305	0
		E	0.0009	515	0
		W	0.0017	146	0
		C	0.0000	3,502	
Pacific ocean perch	Annual	E	0.0000	309	
		W	0.0067	176	1
		C	0.0047	556	3
		E	0.0008	712	1
Northern rockfish	Annual	SEO	0.0000	250	
		W	0.0047	344	2
		C	0.0066	921	6
		E	0.0045	773	3
Shortraker rockfish	Annual	W/C	0.0033	1,737	6
		E	0.0000	568	
		Gulfwide	0.0000	3,000	
		W	0.0392	504	20
Dusky rockfish	Annual	C	0.0159	1,774	28
		E	0.0000	570	
		W	0.0392	149	6
		C	0.0159	2,804	45
Rougheye rockfish	Annual	E	0.0000	619	
		Gulfwide	0.0176	1,384	24
		Gulfwide	0.0176	5,301	93
		Gulfwide	0.0176	4,514	79
Demersal shelf rockfish	Annual	Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
Thornyhead rockfish	Annual	Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
Other rockfish	Annual	Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
Atka mackerel	Annual	Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
Big skate	Annual	Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
Longnose skate	Annual	Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
Other skates	Annual	Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
Sculpins	Annual	Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
Sharks	Annual	Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
Squids	Annual	Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20
		Gulfwide	0.0176	1,137	20

TABLE 21—FINAL 2018 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2018 TACs	Final 2018 non-AFA crab vessel sideboard limit
Octopuses .....	Annual .....	Gulfwide .....	0.0176	975	17

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.<sup>2</sup> The Pacific cod B season for jig gear opens June 10. The Pacific cod B season for trawl gear closes November 1.

TABLE 22—FINAL 2019 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITS

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2019 TACs	Final 2019 non-AFA crab vessel sideboard limit
Pollock .....	A Season—January 20–March 10.	Shumagin (610) .....	0.0098	869	9
		Chirikof (620) .....	0.0031	18,025	56
		Kodiak (630) .....	0.0002	5,955	1
	B Season—March 10–May 31.	Shumagin (610) .....	0.0098	869	9
		Chirikof (620) .....	0.0031	21,219	66
		Kodiak (630) .....	0.0002	2,761	1
	C Season—August 25–October 1.	Shumagin (610) .....	0.0098	9,091	89
		Chirikof (620) .....	0.0031	6,608	20
		Kodiak (630) .....	0.0002	9,150	2
	D Season—October 1–November 1.	Shumagin (610) .....	0.0098	9,091	89
		Chirikof (620) .....	0.0031	6,608	20
		Kodiak (630) .....	0.0002	9,150	2
	Annual .....	WYK (640) .....	0.0000	4,509	.....
		SEO (650) .....	0.0000	8,773	.....
Pacific cod .....	A Season <sup>1</sup> —January 1–June 10.	WG Jig .....	0.0000	3,206	.....
		WG Hook-and-line CV .....	0.0004	3,206	1
		WG Pot CV .....	0.0997	3,206	320
		WG Pot C/P .....	0.0078	3,206	25
		WG Trawl CV .....	0.0007	3,206	2
		CG Jig .....	0.0000	3,450	.....
		CG Hook-and-line CV .....	0.0001	3,450	0
		CG Pot CV .....	0.0474	3,450	164
		CG Pot C/P .....	0.0136	3,450	47
		CG Trawl CV .....	0.0012	3,450	4
	B Season <sup>2</sup> —September 1–December 31.	WG Jig .....	0.0000	2,137	.....
		WG Hook-and-line CV .....	0.0004	2,137	1
		WG Pot CV .....	0.0997	2,137	213
		WG Pot C/P .....	0.0078	2,137	17
		WG Trawl CV .....	0.0007	2,137	1
		CG Jig .....	0.0000	2,300	.....
		CG Hook-and-line CV .....	0.0001	2,300	0
		CG Pot CV .....	0.0474	2,300	109
		CG Pot C/P .....	0.0136	2,300	31
		CG Trawl CV .....	0.0012	2,300	3
	Annual .....	E inshore .....	0.0110	1,148	13
		E offshore .....	0.0000	128	.....
Sablefish .....	Annual, trawl gear .....	W .....	0.0000	435	.....
		C .....	0.0000	1,452	.....
		E .....	0.0000	338	.....
		W .....	0.0059	13,250	78
Shallow-water flatfish .....	Annual .....	C .....	0.0001	25,655	3
		E .....	0.0000	4,223	.....
		W .....	0.0035	416	1
		C .....	0.0000	3,442	.....
Deep-water flatfish .....	Annual .....	E .....	0.0000	5,640	.....



TABLE 22—FINAL 2019 GOA NON-AMERICAN FISHERIES ACT CRAB VESSEL GROUND FISH HARVEST SIDEBOARD LIMITS—Continued

[Values are rounded to the nearest metric ton]

Species	Season/gear	Area/component/gear	Ratio of 1996–2000 non-AFA crab vessel catch to 1996–2000 total harvest	Final 2019 TACs	Final 2019 non-AFA crab vessel sideboard limit
Rex sole	Annual	W	0.0000	2,909	
		C	0.0000	8,236	
		E	0.0000	3,384	
Arrowtooth flounder	Annual	W	0.0004	14,500	6
		C	0.0001	48,000	5
		E	0.0000	13,800	
Flathead sole	Annual	W	0.0002	8,650	2
		C	0.0004	15,400	6
		E	0.0000	2,437	
Pacific ocean perch	Annual	W	0.0000	3,240	
		C	0.0000	19,678	
		E	0.0000	5,687	
Northern rockfish	Annual	W	0.0005	382	0
		C	0.0000	2,965	
Shortraker rockfish	Annual	W	0.0013	44	0
		C	0.0012	305	0
		E	0.0009	515	0
Dusky rockfish	Annual	W	0.0017	135	0
		C	0.0000	3,246	
		E	0.0000	287	
Rougheye rockfish	Annual	W	0.0067	174	1
		C	0.0047	550	3
		E	0.0008	703	1
Demersal shelf rockfish	Annual	SEO	0.0000	250	
Thornyhead rockfish	Annual	W	0.0047	344	2
		C	0.0066	921	6
		E	0.0045	773	3
Other rockfish	Annual	W/C	0.0033	1,737	6
		E	0.0000	568	
Atka mackerel	Annual	Gulfwide	0.0000	3,000	
Big skate	Annual	W	0.0392	504	20
		C	0.0159	1,774	28
		E	0.0000	570	
Longnose skate	Annual	W	0.0392	149	6
		C	0.0159	2,804	45
		E	0.0000	619	
Other skates	Annual	Gulfwide	0.0176	1,384	24
Sculpins	Annual	Gulfwide	0.0176	5,301	93
Sharks	Annual	Gulfwide	0.0176	4,514	79
Squids	Annual	Gulfwide	0.0176	1,137	20
Octopuses	Annual	Gulfwide	0.0176	975	17

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.<sup>2</sup> The Pacific cod B season for jig gear opens June 10. The Pacific cod B season for trawl gear closes November 1.*Rockfish Program Groundfish Sideboard and Halibut PSC Limitations*

The Rockfish Program establishes three classes of sideboard provisions: CV groundfish sideboard restrictions, C/P rockfish sideboard restrictions, and C/P opt-out vessel sideboard restrictions (§ 679.82(c)(1)). These sideboards are intended to limit the ability of rockfish harvesters to expand into other fisheries.

CVs participating in the Rockfish Program may not participate in directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the West Yakutat District and Western GOA from July 1 through July 31. Also, CVs may

not participate in directed fishing for arrowtooth flounder, deep-water flatfish, and rex sole in the GOA from July 1 through July 31 (§ 679.82(d)(3)–(4)).

C/Ps participating in Rockfish Program cooperatives are restricted by rockfish and halibut PSC sideboard limits. These C/Ps are prohibited from directed fishing for dusky rockfish, Pacific ocean perch, and northern rockfish in the West Yakutat District and Western GOA from July 1 through July 31 (§ 679.82(e)(2)). Holders of C/P-designated LLP licenses that opt out of participating in a Rockfish Program cooperative will be able to access that

portion of each rockfish sideboard limit that is not assigned to rockfish cooperatives (§ 679.82(e)(3) and (e)(7)). The sideboard ratio for each fishery in the West Yakutat District and the Western GOA is set forth in § 679.82(e)(4). Tables 23 and 24 list the final 2018 and 2019 Rockfish Program C/P sideboard limits in the West Yakutat District and the Western GOA. Due to confidentiality requirements associated with fisheries data, the sideboard limits for the West Yakutat District are not displayed.

TABLE 23—FINAL 2018 ROCKFISH PROGRAM SIDEBOARD LIMITS FOR THE WESTERN GOA AND WEST YAKUTAT DISTRICT BY FISHERY FOR THE CATCHER/PROCESSOR SECTOR

[Values are rounded to the nearest metric ton]

Area	Fishery	C/P sector (% of TAC)	Final 2018 TACs	Final 2018 C/P limit
Western GOA .....	Dusky rockfish .....	72.3 .....	146	106.
	Pacific ocean perch .....	50.6 .....	3,312	1,676.
	Northern rockfish .....	74.3 .....	420	312.
West Yakutat District .....	Dusky rockfish .....	Confidential <sup>1</sup> .....	232	Confidential. <sup>1</sup>
	Pacific ocean perch .....	Confidential <sup>1</sup> .....	3,371	Confidential. <sup>1</sup>

<sup>1</sup> Not released due to confidentiality requirements associated with fish ticket data, as established by NMFS and the State of Alaska.

TABLE 24—FINAL 2019 ROCKFISH PROGRAM SIDEBOARD LIMITS FOR THE WESTERN GOA AND WEST YAKUTAT DISTRICT GOA BY FISHERY FOR THE CATCHER/PROCESSOR SECTOR

[Values are rounded to the nearest metric ton]

Area	Fishery	C/P sector (% of TAC)	Final 2019 TACs	Final 2019 C/P limit
Western GOA .....	Dusky rockfish .....	72.3 .....	135	98.
	Pacific ocean perch .....	50.6 .....	3,240	1,639.
	Northern rockfish .....	74.3 .....	382	284.
West Yakutat District .....	Dusky rockfish .....	Confidential <sup>1</sup> .....	215	Confidential. <sup>1</sup>
	Pacific ocean perch .....	Confidential <sup>1</sup> .....	3,298	Confidential. <sup>1</sup>

<sup>1</sup> Not released due to confidentiality requirements associated with fish ticket data, as established by NMFS and the State of Alaska.

Under the Rockfish Program, the C/P sector is subject to halibut PSC sideboard limits for the trawl deep-water and shallow-water species fisheries from July 1 through July 31 (§ 679.82(e)(3) and (e)(5)). Halibut PSC sideboard ratios by fishery are set forth in § 679.82(e)(5). No halibut PSC sideboard limits apply to the CV sector, as vessels participating in cooperatives receive a portion of the annual halibut PSC limit. C/Ps that opt out of the

Rockfish Program are able to access that portion of the deep-water and shallow-water halibut PSC sideboard limit not assigned to C/P rockfish cooperatives. The sideboard provisions for C/Ps that elect to opt out of participating in a rockfish cooperative are described in § 679.82(c), (e), and (f). Sideboard limits are linked to the catch history of specific vessels that may choose to opt out. After March 1, NMFS will determine which C/Ps have opted-out of

the Rockfish Program in 2018, and NMFS will know the ratios and amounts used to calculate opt-out sideboard ratios. NMFS will then calculate any applicable opt-out sideboards and post these limits on the Alaska Region website at <http://alaskafisheries.noaa.gov/sustainablefisheries/rockfish/>. Table 25 lists the final 2018 and 2019 Rockfish Program halibut PSC limits for the C/P sector.

TABLE 25—FINAL 2018 AND 2019 ROCKFISH PROGRAM HALIBUT PSC LIMITS FOR THE CATCHER/PROCESSOR SECTOR

[Values are rounded to the nearest metric ton]

Sector	Shallow-water species fishery halibut PSC sideboard ratio (percent)	Deep-water species fishery halibut PSC sideboard ratio (percent)	2018 and 2019 halibut mortality limit (mt)	Annual shallow-water species fishery halibut PSC sideboard limit (mt)	Annual deep-water species fishery halibut PSC sideboard limit (mt)
Catcher/processor .....	0.10	2.50	1,706	2	43

#### Amendment 80 Program Groundfish and PSC Sideboard Limits

Amendment 80 to the Fishery Management Plan for Groundfish of the Bering Sea and Aleutian Islands Management Area (Amendment 80 Program) established a limited access privilege program for the non-AFA trawl C/P sector. The Amendment 80 Program established groundfish and halibut PSC catch limits for Amendment 80 Program participants to limit the ability of participants eligible for the Amendment

80 Program to expand their harvest efforts in the GOA.

Section 679.92 establishes groundfish harvesting sideboard limits on all Amendment 80 program vessels, other than the F/V *Golden Fleece*, to amounts no greater than the limits listed in Table 37 to 50 CFR part 679. Under § 679.92(d), the F/V *Golden Fleece* is prohibited from directed fishing for pollock, Pacific cod, Pacific ocean perch, dusky rockfish, and northern rockfish in the GOA.

Groundfish sideboard limits for Amendment 80 Program vessels

operating in the GOA are based on their average aggregate harvests from 1998 through 2004 (72 FR 52668, September 14, 2007). Tables 26 and 27 list the final 2018 and 2019 groundfish sideboard limits for Amendment 80 Program vessels. NMFS will deduct all targeted or incidental catch of sideboard species made by Amendment 80 Program vessels from the sideboard limits in Tables 26 and 27.

TABLE 26—FINAL 2018 GOA GROUND FISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS

[Values are rounded to nearest metric ton]

Species	Apportionments and allocations by season	Area	Ratio of Amendment 80 sector vessels 1998–2004 catch to TAC	2018 TAC (mt)	2018 Amendment 80 vessel sideboards (mt)
Pollock .....	A Season—January 20–March 10 .....	Shumagin (610) .....	0.003	1,317	4
		Chirikof (620) .....	0.002	27,314	55
		Kodiak (630) .....	0.002	9,025	18
	B Season—March 10–May 31 .....	Shumagin (610) .....	0.003	1,317	4
		Chirikof (620) .....	0.002	32,155	64
		Kodiak (630) .....	0.002	4,184	8
	C Season—August 25–October 1 .....	Shumagin (610) .....	0.003	13,777	41
		Chirikof (620) .....	0.002	10,013	20
		Kodiak (630) .....	0.002	13,865	28
	D Season—October 1–November 1 .....	Shumagin (610) .....	0.003	13,777	41
		Chirikof (620) .....	0.002	10,013	20
		Kodiak (630) .....	0.002	13,865	28
	Annual .....	WYK (640) .....	0.002	6,833	14
Pacific cod .....	A Season <sup>1</sup> —January 1–June 10 .....	W .....	0.020	3,394	68
		C .....	0.044	3,653	161
	B Season <sup>2</sup> —September 1–December 31	W .....	0.020	2,263	45
		C .....	0.044	2,436	107
Pacific ocean perch .....	Annual .....	WYK .....	0.034	1,350	46
	Annual .....	W .....	0.994	3,312	3,292
		WYK .....	0.961	3,371	3,240
		W .....	1.000	420	420
Northern rockfish .....	Annual .....	W .....	0.764	146	112
		WYK .....	0.896	232	208

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

TABLE 27—FINAL 2019 GOA GROUND FISH SIDEBOARD LIMITS FOR AMENDMENT 80 PROGRAM VESSELS

[Values are rounded to nearest metric ton]

Species	Apportionments and allocations by season	Area	Ratio of Amendment 80 sector vessels 1998–2004 catch to TAC	2019 TAC (mt)	2019 Amendment 80 vessel sideboards (mt)
Pollock .....	A Season—January 20–March 10 .....	Shumagin (610) .....	0.003	869	3
		Chirikof (620) .....	0.002	18,025	36
		Kodiak (630) .....	0.002	5,955	12
	B Season—March 10–May 31 .....	Shumagin (610) .....	0.003	869	3
		Chirikof (620) .....	0.002	21,219	42
		Kodiak (630) .....	0.002	2,761	6
	C Season—August 25–October 1 .....	Shumagin (610) .....	0.003	9,091	27
		Chirikof (620) .....	0.002	6,608	13
		Kodiak (630) .....	0.002	9,150	18
	D Season—October 1–November 1 .....	Shumagin (610) .....	0.003	9,091	27
		Chirikof (620) .....	0.002	6,608	13
		Kodiak (630) .....	0.002	9,150	18
	Annual .....	WYK (640) .....	0.002	4,509	9
Pacific cod .....	A Season <sup>1</sup> —January 1–June 10 .....	W .....	0.020	3,206	64
		C .....	0.044	3,450	152
	B Season <sup>2</sup> —September 1–December 31	W .....	0.020	2,137	43
		C .....	0.044	2,300	101
Pacific ocean perch .....	Annual .....	WYK .....	0.034	1,275	43
	Annual .....	W .....	0.994	3,240	3,221
		WYK .....	0.961	3,298	3,169
		W .....	1.000	382	382
Dusky rockfish .....	Annual .....	W .....	0.764	135	103
		WYK .....	0.896	215	193

<sup>1</sup> The Pacific cod A season for trawl gear does not open until January 20.<sup>2</sup> The Pacific cod B season for trawl gear closes November 1.

The halibut PSC sideboard limits for Amendment 80 Program vessels in the GOA are based on the historic use of halibut PSC by Amendment 80 Program vessels in each PSC target category from 1998 through 2004. These values are slightly lower than the average historic use to accommodate two factors:

Allocation of halibut PSC cooperative quota under the Rockfish Program and the exemption of the F/V *Golden Fleece* from this restriction (§ 679.92(b)(2)). Table 28 lists the final 2018 and 2019 halibut PSC limits for Amendment 80 Program vessels. These tables incorporate the maximum percentages

of the halibut PSC sideboard limits that may be used by Amendment 80 Program vessels as contained in Table 38 to 50 CFR part 679. Any residual amount of a seasonal Amendment 80 sideboard halibut PSC limit may carry forward to the next season limit (§ 679.92(b)(2)).

TABLE 28—FINAL 2018 AND 2019 HALIBUT PSC LIMITS FOR AMENDMENT 80 PROGRAM VESSELS IN THE GOA

[Values are rounded to nearest metric ton]

Season	Season dates	Target fishery	Historic Amendment 80 use of the annual halibut PSC limit catch (ratio)	2018 and 2019 annual PSC limit (mt)	2018 and 2019 Amendment 80 vessel PSC limit
1 .....	January 20–April 1 .....	shallow-water .....	0.0048	1,706	8
		deep-water .....	0.0115	1,706	20
2 .....	April 1–July 1 .....	shallow-water .....	0.0189	1,706	32
		deep-water .....	0.1072	1,706	183
3 .....	July 1–September 1 .....	shallow-water .....	0.0146	1,706	25
		deep-water .....	0.0521	1,706	89
4 .....	September 1–October 1 .....	shallow-water .....	0.0074	1,706	13
		deep-water .....	0.0014	1,706	2
5 .....	October 1–December 31 .....	shallow-water .....	0.0227	1,706	39
		deep-water .....	0.0371	1,706	63
Total .....					474

#### Directed Fishing Closures

Pursuant to § 679.20(d)(1)(i), if the Regional Administrator determines (1) that any allocation or apportionment of a target species or species group allocated or apportioned to a fishery will be reached; or (2) with respect to pollock and Pacific cod, that an allocation or apportionment to an

inshore or offshore component or sector allocation will be reached, then the Regional Administrator may establish a directed fishing allowance (DFA) for that species or species group. If the Regional Administrator establishes a DFA and that allowance is or will be reached before the end of the fishing year, NMFS will prohibit directed fishing for that species or species group

in the specified GOA subarea, regulatory area, or district (§ 679.20(d)(1)(iii)).

The Regional Administrator has determined that the TACs for the species listed in Table 29 are necessary to account for the incidental catch of these species in other anticipated groundfish fisheries for the 2018 and 2019 fishing years.

TABLE 29—2018 AND 2019 DIRECTED FISHING CLOSURES IN THE GOA

[Amounts for incidental catch in other directed fisheries are in metric tons]

Target	Area/component/gear	Incidental catch amount and year (if amounts differ by year)
Pollock .....	all/offshore .....	not applicable. <sup>1</sup>
Sablefish <sup>2</sup> .....	all/rawl .....	1,581 (2018), 2,225 (2019).
Pacific cod .....	Western, catcher/processor, trawl .....	134 (2018), 125 (2019).
	Central, catcher/processor, trawl .....	253 (2018), 239 (2019).
Shortraker rockfish <sup>2</sup> .....	all .....	864.
Rougheye rockfish <sup>2</sup> .....	all .....	1,444 (2018), 1,427 (2019).
Thornyhead rockfish <sup>2</sup> .....	all .....	2,038.
Other rockfish .....	all .....	2,305.
Atka mackerel .....	all .....	3,000.
Big skate .....	all .....	2,848.
Longnose skate .....	all .....	3,572.
Other skates .....	all .....	1,384.
Sharks .....	all .....	4,514.
Squids .....	all .....	1,137.
Octopuses .....	all .....	975.

<sup>1</sup> Pollock is closed to directed fishing in the GOA by the offshore component under § 679.20(a)(6)(i).

<sup>2</sup> Closures not applicable to participants in cooperatives conducted under the Central GOA Rockfish Program, as cooperatives are prohibited from exceeding their allocations (§ 679.7(n)(6)(viii)).

Consequently, in accordance with § 679.20(d)(1)(i), the Regional Administrator establishes the DFA for the species or species groups listed in Table 29 as zero mt. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing for those species, areas, gear types, and components in the GOA listed in Table 29. These closures will remain in effect through 2400 hours, A.l.t., December 31, 2019.

Section 679.64(b)(5) provides for management of AFA CV groundfish harvest limits and PSC bycatch limits using directed fishing closures and PSC closures according to procedures set out at §§ 679.20(d)(1)(iv), 679.21(d)(6), and 679.21(e)(3)(v). The Regional Administrator has determined that, in addition to the closures listed above, many of the non-exempt AFA CV sideboard limits listed in Tables 18 and 19 are necessary as incidental catch to support other anticipated groundfish

fisheries for the 2018 and 2019 fishing years. In accordance with § 679.20(d)(1)(iv), the Regional Administrator sets the DFAs for the species and species groups in Table 30 at zero mt. Therefore, in accordance with § 679.20(d)(1)(iii), NMFS is prohibiting directed fishing by non-exempt AFA CVs in the GOA for the species and specified areas listed in Table 30. These closures will remain in effect through 2400 hours, A.l.t., December 31, 2019.

TABLE 30—2018 AND 2019 NON-EXEMPT AFA CV SIDEBOARD DIRECTED FISHING CLOSURES FOR ALL GEAR TYPES IN THE GOA

[Amounts for incidental catch in other directed fisheries are in metric tons]

Species	Regulatory area/district	Incidental catch amount
Pacific cod .....	Eastern .....	10 (inshore) and 9 (offshore) [2018]. 1 (inshore) and 1 (offshore) [2019].
Shallow-water flatfish .....	Eastern .....	53.
Deep-water flatfish .....	Western .....	0.
Rex sole .....	Western and Eastern .....	2 and 10.
Arrowtooth flounder .....	Western and Eastern .....	30 and 3.
Flathead sole .....	Western and Eastern .....	31 and 2.
Pacific ocean perch .....	Western .....	8.
Northern rockfish .....	Western .....	0.
Dusky rockfish .....	Entire GOA .....	2.
Demersal shelf rockfish .....	SEO District .....	1.
Sculpins .....	Entire GOA .....	33.
Squids .....	Entire GOA .....	7.

Section 680.22 provides for the management of non-AFA crab vessel sideboards using directed fishing closures in accordance with § 680.22(e)(2) and (3). The Regional Administrator has determined that the non-AFA crab vessel sideboards listed in Tables 21 and 22 are insufficient to support a directed fishery and has set the sideboard DFA at zero mt, with the exception of Pacific cod pot CV sector apportionments in the Western and Central Regulatory Areas. Therefore, NMFS is prohibiting directed fishing by non-AFA crab vessels in the GOA for all species and species groups listed in Tables 21 and 22, with the exception of the Pacific cod pot CV sector apportionments in the Western and Central Regulatory Areas.

Closures implemented under the 2017 and 2018 GOA harvest specifications for groundfish (82 FR 12032, February 27, 2017) remain effective under authority of these final 2018 and 2019 harvest specifications and until the date specified in those notices. Closures are posted at the following website: <http://alaskafisheries.noaa.gov/infobulletins/search>. While these closures are in effect, the maximum retainable amounts at § 679.20(e) and (f) apply at any time during a fishing trip. These closures to directed fishing are in

addition to closures and prohibitions found at 50 CFR part 679. NMFS may implement other closures during the 2018 and 2019 fishing years as necessary for effective conservation and management.

#### Comments and Responses

NMFS received two letters during the public comment period for the proposed GOA groundfish harvest specifications. No changes were made to the final rule in response to the comment letters received. NMFS' response to public comments on the proposed GOA groundfish harvest specifications is provided below.

*Comment 1:* The proposed harvest specifications are based on stock assessment information from the 2016 SAFE. That information is not the most up-to-date, and may not be sufficient to support the Council's recommendations for the 2018 and 2019 harvest specifications, as contained in the proposed rule.

*Response:* NMFS noted in the proposed 2018 and 2019 harvest specifications that, while the proposed specifications were based on information from the 2016 SAFE report, the final 2017 SAFE report would be available to support the Council's recommendations and NMFS' determinations for the final GOA 2018

and 2019 harvest specifications. The final 2017 SAFE report, which contains the most recent GOA groundfish stock assessment information on the biological condition of groundfish stocks as well as other biological and socioeconomic information, became available in November 2017. The Council reviewed the final 2017 SAFE report during its December 2017 meeting and based its recommendations for appropriate 2018 and 2019 OFLs, ABCs, and TACs on information provided in the final 2017 SAFE report. NMFS also considered the information in the final 2017 SAFE report in adopting the Council's recommendations and in setting the final 2018 and 2019 harvest specifications. The 2017 SAFE is available from the Council (see **ADDRESSES**).

*Comment 2:* NOAA has done an adequate job protecting baby longnose skates in the Western Regulatory Area of the Gulf of Alaska and should keep doing what it is doing.

*Response:* NMFS acknowledges this comment.

#### Classification

NMFS has determined that these final harvest specifications are consistent with the FMP and with the Magnuson-Stevens Fishery Conservation and

Management Act and other applicable laws.

This action is authorized under 50 CFR 679.20 and is exempt from review under Executive Order 12866.

NMFS prepared an EIS for this action (see **ADDRESSES**) and made it available to the public on January 12, 2007 (72 FR 1512). On February 13, 2007, NMFS issued the ROD for the EIS. In January 2017, NMFS prepared a SIR for this action. Copies of the EIS, ROD, and SIR for this action are available from NMFS (see **ADDRESSES**). The EIS analyzes the environmental consequences of the groundfish harvest specifications and alternative harvest strategies on resources in the action area. The EIS found no significant environmental consequences of this action and its alternatives. The preferred alternative is a harvest strategy in which TACs are set at a level that falls within the range of ABCs recommended by the Council's SSC; the sum of the TACs must achieve the OY specified in the FMP. The SIR evaluates the need to prepare a Supplemental EIS (SEIS) for the 2018 and 2019 groundfish harvest specifications.

An SEIS should be prepared if (1) the agency makes substantial changes in the proposed action that are relevant to environmental concerns, or (2) significant new circumstances or information exist relevant to environmental concerns and bearing on the proposed action or its impacts (40 CFR 1502.9(c)(1)). After reviewing the information contained in the SIR and SAFE reports, the Regional Administrator has determined that (1) approval of the 2018 and 2019 harvest specifications, which were set according to the preferred harvest strategy in the EIS, does not constitute a substantial change in the action; and (2) there are no significant new circumstances or information relevant to environmental concerns and bearing on the action or its impacts. Additionally, the 2018 and 2019 harvest specifications will result in environmental impacts within the scope of those analyzed and disclosed in the EIS. Therefore, supplemental National Environmental Policy Act documentation is not necessary to implement the 2018 and 2019 harvest specifications.

Section 604 of the Regulatory Flexibility Act (RFA) (5 U.S.C. 604) requires that, when an agency promulgates a final rule under section 553 of Title 5 of the United States Code, after being required by that section, or any other law, to publish a general notice of proposed rulemaking, the agency shall prepare a final regulatory flexibility analysis (FRFA). The

following constitutes the FRFA prepared in the final action.

Section 604 describes the required contents of a FRFA: (1) A statement of the need for, and objectives of, the rule; (2) a statement of the significant issues raised by the public comments in response to the initial regulatory flexibility analysis, a statement of the assessment of the agency of such issues, and a statement of any changes made in the proposed rule as a result of such comments; (3) the response of the agency to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule, and a detailed statement of any change made to the proposed rule in the final rule as a result of the comments; (4) a description of and an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available; (5) a description of the projected reporting, recordkeeping, and other compliance requirements of the rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report or record; and (6) a description of the steps the agency has taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes, including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency that affect the impact on small entities was rejected.

A description of this action, its purpose, and its legal basis are contained at the beginning of the preamble to this final rule and are not repeated here.

NMFS published the proposed rule on December 8, 2017 (82 FR 57924). NMFS prepared an Initial Regulatory Flexibility Analysis (IRFA) to accompany this action, and included a summary in the proposed rule. The comment period closed on January 8, 2018. No comments were received on the IRFA or on the economic impacts of the rule more generally. The Chief Counsel for Advocacy of the Small Business Administration did not file any comments on the proposed rule.

The entities directly regulated by this action include: (1) Entities operating vessels with groundfish FFPs catching FMP groundfish in Federal waters; (2) all entities operating vessels, regardless of whether they hold groundfish FFPs, catching FMP groundfish in the State-waters parallel fisheries; and (3) all

entities operating vessels fishing for halibut inside three miles of the shore (whether or not they have FFPs).

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

Based on data from 2016 fishing activity, there were 920 individual catcher vessel entities with gross revenues meeting small entity criteria. Of these entities, 841 used hook-and-line gear, 114 used pot gear, and 31 used trawl gear (some of these entities used more than one gear type, thus the counts of entities using the different gear types do not sum to the total number of entities above). Three individual catcher/processors met the small entity criterion; two used hook-and-line gear, and one used trawl gear. Catcher/processor gross revenues were not reported for confidentiality reasons; however, small hook-and-line entities had average gross revenues of \$340,000, small pot entities had average gross revenues of \$720,000, and small trawl entities had average gross revenues of \$1.83 million.

Some of these vessels are members of AFA inshore pollock cooperatives, of GOA rockfish cooperatives, or of Bering Sea and Aleutian Islands crab rationalization cooperatives, and, therefore, under the RFA it is the aggregate gross receipts of all participating members of the cooperative that must meet the threshold. Vessels that participate in these cooperatives are considered to be large entities within the meaning of the RFA. These relationships are accounted for, along with corporate affiliations among vessels, to the extent that they are known, in the estimated number of small entities. If affiliations exist of which NMFS is unaware, or if entities had non-fishing revenue sources, the estimates above may overstate the number of directly regulated small entities.

This action does not modify recordkeeping or reporting requirements.

NMFS considered alternative harvest strategies when choosing the preferred harvest strategy (Alternative 2) in December 2006. These included the following:

- *Alternative 1:* Set TACs to produce fishing mortality rates,  $F$ , that are equal to  $maxFABC$ , unless the sum of the TACs is constrained by the OY established in the fishery management plans. This is equivalent to setting TACs to produce harvest levels equal to the maximum permissible ABCs, as constrained by OY. The term " $maxFABC$ " refers to the maximum permissible value of  $FABC$  under Amendment 56 to the BSAI and GOA groundfish fishery management plans. Historically, the TAC has been set at or below the ABC; therefore, this alternative represents a likely upper limit for setting the TAC within the OY and ABC limits.

- *Alternative 3:* For species in Tiers 1, 2, and 3, set TAC to produce  $F$  equal to the most recent 5-year average actual  $F$ . For species in Tiers 4, 5, and 6, set TAC equal to the most recent 5-year average actual catch. For stocks with a high level of scientific information, TACs would be set to produce harvest levels equal to the most recent 5-year average actual fishing mortality rates. For stocks with insufficient scientific information, TACs would be set equal to the most recent 5-year average actual catch. This alternative recognizes that for some stocks, catches may fall well below ABCs, and recent average  $F$  may provide a better indicator of actual  $F$  than  $FABC$  does.

- *Alternative 4:* Set TACs for rockfish species in Tier 3 at  $F75\%$ ; set TACs for rockfish species in Tier 5 at  $F=0.5M$ ; and set spatially explicit TACs for shortraker and rougheye rockfish in the GOA. Second, taking the rockfish TACs as calculated above, reduce all other TACs by a proportion that does not vary across species, so that the sum of all TACs, including rockfish TACs, is equal to the lower bound of the area OY (116,000 mt in the GOA). This alternative sets conservative and spatially explicit TACs for rockfish species that are long-lived and late to mature and sets conservative TACs for the other groundfish species.

- *Alternative 5:* (No Action) Set TACs at zero.

Alternatives 1, 3, 4, and 5 do not meet the objectives of this action, and although Alternatives 1 and 3 may have a smaller adverse economic impact on small entities than the preferred alternative, Alternatives 4 and 5 would have a significant adverse economic impact on small entities. The Council rejected these alternatives as harvest strategies in 2006, and the Secretary did so in 2007.

Alternative 2 is the preferred alternative chosen by the Council: Set TACs that fall within the range of ABCs

recommended through the Council harvest specifications process and TACs recommended by the Council. Under this scenario,  $F$  is set equal to a constant fraction of  $maxFABC$ . The recommended fractions of  $maxFABC$  may vary among species or stocks, based on other considerations unique to each. This is the method for determining TACs that has been used in the past.

Alternative 2 selected harvest rates that will allow fishermen to harvest stocks at the level of ABCs, unless total harvests are constrained by the upper bound of the GOA OY of 800,000 mt. The sums of ABCs in 2018 and 2019 are 536,921 mt and 480,187 mt, respectively. The sums of the TACs in 2018 and 2019 are 427,512 mt and 376,417 mt, respectively. Thus, although the sum of ABCs in each year is less than 800,000 mt, the sums of the TACs in each year are less than the sums of the ABCs.

In most cases, the Council has set TACs equal to ABCs. The divergence between aggregate TACs and aggregate ABCs reflects a variety of special species- and fishery-specific circumstances:

- Pacific cod TACs are set equal to 70 percent in the Western GOA and 75 percent in the Central and Eastern GOA of the Pacific cod ABCs in each year to account for the GHL set by the State for its GHL Pacific cod fisheries (30 percent of the Western GOA ABC and 25 percent of the Central and Eastern GOA ABCs). Thus, the difference between the Federal TACs and ABCs does not actually reflect a Pacific cod harvest below the Pacific cod ABC, as the balance is available for the State's cod GHL fisheries.

- Shallow-water flatfish and flathead sole TACs are set below ABCs in the Western Regulatory Area. Arrowtooth flounder TACs are set below ABC in all GOA regulatory areas. Catches of these flatfish species rarely, if ever, approach the proposed ABCs or TACs. Important trawl fisheries in the GOA take halibut PSC, and are constrained by limits on the allowable halibut PSC mortality. These limits may force the closure of trawl fisheries before they have harvested the available groundfish ABC. Thus, actual harvests of groundfish in the GOA routinely fall short of some ABCs and TACs. Markets can also constrain harvests below the TACs, as has been the case with arrowtooth flounder, in the past. These TACs are set to allow for increased harvest opportunities for these targets while conserving the halibut PSC limit for use in other, more fully utilized fisheries.

- The other rockfish TAC is set below the ABC in the Southeast Outside

District based on several factors. In addition to conservation concerns for the rockfish species in this group, there is a regulatory prohibition against using trawl gear east of  $140^\circ$  W longitude. Because most species of other rockfish are caught exclusively with trawl gear, the catch of such species with other gear types, such as hook-and-line, is low. The commercial catch of other rockfish in the Eastern Regulatory Area, which includes the West Yakutat and Southeast Outside Districts, has ranged from approximately 70 mt to 248 mt per year over the last decade.

- The GOA-wide Atka mackerel TAC is set below the ABC. The estimates of survey biomass continue to be unreliable in the GOA. Therefore, the Council recommended and NMFS agrees that the Atka mackerel TAC in the GOA be set at an amount to support incidental catch in other directed fisheries.

Alternative 1 selects harvest rates that would allow fishermen to harvest stocks at the level of the ABCs, unless total harvests were constrained by the upper bound of the GOA OY of 800,000 mt. Although Alternative 1 may be consistent with the preferred alternative (Alternative 2), meet the objectives of the action, and have small entity impacts equivalent to the preferred alternative, it is not likely that Alternative 1 would result in reduced adverse economic impacts to directly-regulated small entities relative to Alternative 2. The selection of Alternative 1, which could increase all TACs up to the sum of ABCs, would not reflect the practical implications that increased TACs for some species probably would not be fully harvested. This could be due to a variety of reasons, which are addressed in the preamble to this rule and are summarized briefly here. There may be a lack of commercial or market interest in some species. Additionally, an underharvest of flatfish TACs could result due to constraints such as the fixed, and therefore constraining, PSC limits associated with the harvest of the GOA groundfish species. Furthermore, TACs may be set lower than ABC for conservation purposes, as is the case with other rockfish in the Eastern GOA. Finally, the TACs for two species (pollock and Pacific cod) cannot be set equal to ABC, as the TAC must be reduced to account for the State of Alaska's guideline harvest levels in these fisheries.

Alternative 3 selects harvest rates based on the most recent 5 years of harvest rates (for species in Tiers 1 through 3) or based on the most recent 5 years of harvests (for species in Tiers

4 through 6). This alternative is inconsistent with the objectives of this action because it does not take account of the most recent biological information for this fishery. NMFS annually conducts at-sea surveys for different species, as well as statistical modeling, to estimate stock sizes and permissible harvest levels. Actual harvest rates or harvest amounts are a component of these estimates, but in and of themselves may not accurately portray stock sizes and conditions. Harvest rates are listed for each species or species group for each year in the SAFE report (see **ADDRESSES**).

Alternative 4 would lead to significantly lower harvests of all species to reduce TACs from the upper end of the OY range in the GOA to its lower end of 116,000 mt. Overall, this alternative would reduce 2018 TACs by about 69 percent. This would lead to significant reductions in harvests of species by small entities. While production declines in the GOA likely would be associated with offsetting price increases in the GOA, the size of these increases is very uncertain. Price increases would still be constrained by the availability of substitutes, and there are close substitutes for GOA groundfish species available in significant quantities from the Bering Sea and Aleutian Islands management area. In addition, price increases are very unlikely to offset revenue declines from smaller production. Thus, this action would have a detrimental economic impact on small entities.

Alternative 5, which sets all harvests equal to zero, may also address conservation issues, but would have a significant adverse economic impact on small entities.

Impacts on marine mammals resulting from fishing activities conducted under this rule are discussed in the EIS and SIR (see **ADDRESSES**).

Pursuant to 5 U.S.C. 553(d)(3), the Assistant Administrator for Fisheries, NOAA, finds good cause to waive the 30-day delay in effectiveness for this rule because delaying this rule would be contrary to the public interest. The Plan Team review occurred in November 2017, and the Council considered and recommended the final harvest specifications in December 2017. Accordingly, NMFS' review could not begin until after the December 2017 Council meeting, and after the public had time to comment on the proposed action. For all fisheries not currently closed because the TACs established under the final 2017 and 2018 harvest specifications (82 FR 12032, February 27, 2017) were not reached, it is possible that they would be closed prior

to the expiration of a 30-day delayed effectiveness period because their TACs could be reached within that period. If implemented immediately, this rule would allow these fisheries to continue fishing because some of the new TACs implemented by this rule are higher than the TACs under which they are currently fishing.

In addition, immediate effectiveness of this action is required to provide consistent management and conservation of fishery resources based on the best available scientific information. This is particularly pertinent for those species that have lower 2018 ABCs and TACs than those established in the 2017 and 2018 harvest specifications (82 FR 12032, February 27, 2017). If implemented immediately, this rule would ensure that NMFS can properly manage those fisheries for which this rule sets lower 2018 ABCs and TACs, which are based on the most recent biological information on the condition of stocks, rather than managing species under the higher TACs set in the previous year's harvest specifications.

Certain fisheries, such as those for pollock and Pacific cod, are intensive, fast-paced fisheries. Other fisheries, such as those for sablefish, flatfish, rockfish, Atka mackerel, skates, sculpins, sharks, squids, and octopuses, are critical as directed fisheries and as incidental catch in other fisheries. U.S. fishing vessels have demonstrated the capacity to catch the TAC allocations in many of these fisheries. If this rule allowed for a 30-day delay in effectiveness and if a TAC were reached during those 30 days, NMFS would close directed fishing or prohibit retention for the applicable species. Any delay in allocating the final TACs in these fisheries would cause confusion to the industry and potential economic harm through unnecessary discards, thus undermining the intent of this rule. Waiving the 30-day delay allows NMFS to prevent economic loss to fishermen that could otherwise occur should the 2018 TACs (set under the 2017 and 2018 harvest specifications) be reached. Determining which fisheries may close is impossible because these fisheries are affected by several factors that cannot be predicted in advance, including fishing effort, weather, movement of fishery stocks, and market price. Furthermore, the closure of one fishery has a cascading effect on other fisheries by freeing-up fishing vessels, allowing them to move from closed fisheries to open ones, increasing the fishing capacity in those open fisheries, and causing them to close at an accelerated pace.

In fisheries subject to declining sideboard limits, a failure to implement the updated sideboard limits before initial season's end could deny the intended economic protection to the non-sideboarded sectors. Conversely, in fisheries with increasing sideboard limits, economic benefit could be denied to the sideboard-limited sectors.

If the final harvest specifications are not effective by March 24, 2018, which is the start of the 2018 Pacific halibut season as specified by the IPHC, the hook-and-line sablefish fishery will not begin concurrently with the Pacific halibut IFQ season. This would result in confusion for the industry and economic harm from unnecessary discard of sablefish that are caught along with Pacific halibut, as both hook-and-line sablefish and Pacific halibut are managed under the same IFQ program. Immediate effectiveness of the final 2018 and 2019 harvest specifications will allow the sablefish IFQ fishery to begin concurrently with the Pacific halibut IFQ season.

Finally, immediate effectiveness also would provide the fishing industry the earliest possible opportunity to plan and conduct its fishing operations with respect to new information about TACs. Therefore, NMFS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3).

### Small Entity Compliance Guide

This final rule is a plain language guide to assist small entities in complying with this final rule as required by the Small Business Regulatory Enforcement Fairness Act of 1996. This final rule's primary purpose is to announce the final 2018 and 2019 harvest specifications and prohibited species bycatch allowances for the groundfish fisheries of the GOA. This action is necessary to establish harvest limits and associated management measures for groundfish during the 2018 and 2019 fishing years, and to accomplish the goals and objectives of the FMP. This action affects all fishermen who participate in the GOA fisheries. The specific OFL, ABC, TAC, and PSC amounts are provided in tables to assist the reader. NMFS will announce closures of directed fishing in the **Federal Register** and information bulletins released by the Alaska Region. Affected fishermen should keep themselves informed of such closures.

**Authority:** 16 U.S.C. 773 *et seq.*; 16 U.S.C. 1540 (f), 1801 *et seq.*; 16 U.S.C. 3631 *et seq.*; Pub. L. 105-277; Pub. L. 106-31; Pub. L. 106-554; Pub. L. 108-199; Pub. L. 108-447; Pub. L. 109-241; Pub. L. 109-479.



Dated: February 23, 2018.

**Samuel D. Rauch III,**

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

[FR Doc. 2018-04124 Filed 2-28-18; 8:45 am]

**BILLING CODE 3510-22-P**

# Proposed Rules

Federal Register

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

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 925

[Doc. No. AMS–SC–17–0082; SC18–925–1 PR]

### Grapes Grown in a Designated Area of Southeastern California; Decreased Assessment Rate

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule would implement a recommendation from the California Desert Grape Administrative Committee (Committee) to decrease the assessment rate established for the 2018 fiscal period and subsequent fiscal periods. This proposed rule also makes administrative revisions to the subpart headings to bring the language into conformance with the Office of Federal Register requirements.

**DATES:** Comments must be received by April 2, 2018.

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

#### FOR FURTHER INFORMATION CONTACT:

Maria Stobbe, Marketing Specialist or Jeffrey Smutny, Regional Director, California Marketing Field Office, Marketing Order and Agreement Division, Specialty Crops Program, AMS, USDA; Telephone: (559) 487–5901, Fax: (559) 487–5906, or Email: [Maria.Stobbe@ams.usda.gov](mailto:Maria.Stobbe@ams.usda.gov) or [Jeffrey.Smutny@ams.usda.gov](mailto:Jeffrey.Smutny@ams.usda.gov).

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

**SUPPLEMENTARY INFORMATION:** This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rule is issued under Marketing Agreement No. 925 and Order No. 925, as amended (7 CFR part 925), regulating the handling of grapes grown in a designated area of southeastern California. Part 925 (referred to as the “Order”) is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.” The Committee locally administers the Order and is comprised of producers and handlers of grapes operating within the area of production, and a member of the public.

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

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the Order now in effect, grape handlers in a designated

area of southeastern California are subject to assessments. Funds to administer the Order are derived from such assessments. Assessment fees charged to grape handlers are used by the Committee to fund reasonable and necessary expenses of the program. It is intended that the assessment rate as proposed herein would be applicable to all assessable grapes beginning on January 1, 2018, and continue until amended, suspended, or terminated.

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

This proposed rule would decrease the assessment rate for the 2018 and subsequent fiscal periods from \$0.030 to \$0.020 per 18-pound lug of grapes handled.

The Order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of grapes grown in a designated area of southeastern California, and a member of the public. They are familiar with the Committee’s needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2016 and subsequent fiscal periods the Committee recommended, and USDA approved, an assessment rate

of \$0.030 per 18-pound lug of grapes. That rate would continue in effect unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on November 30, 2017 and unanimously recommended 2018 fiscal year expenditures of \$119,000, with an estimated cash reserve of \$115,000, and an assessment rate of \$0.020 per 18-pound lug of grapes. In comparison, last fiscal year's budgeted expenditures were \$108,500. The assessment rate of \$0.020 is \$0.010 lower than the rate currently in effect. The 2017 crop, at the higher assessment rate currently in effect, provided more income than required to cover expenses, resulting in an estimated cash reserve of \$140,000. The cash reserves are sufficient to supplement this fiscal year's revenues at an assessment rate of \$0.020 per 18-pound lug of grapes to fully fund the recommended 2018 budgeted expenditures.

The major expenditures recommended by the Committee for the 2018 fiscal year include \$65,000 for management and compliance services, \$25,500 in office expenditures, and \$28,500 for research. Budgeted expenses for these items in fiscal year 2017 were \$50,000 for management and compliance services, \$28,330 in office expenditures, and \$28,500 for research.

The assessment rate recommended by the Committee was derived by considering anticipated expenses, expected shipments of grapes in the production area, and the level of funds in the authorized reserve. Grape shipments for fiscal year 2018 are estimated at 4,700,000 18-pound lugs, which should provide \$94,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses. Funds in the reserve (currently \$140,000) would be reduced by \$25,000 and would be within the maximum permitted by the Order. Section 925.42(a)(2) authorizes the Committee to carry over excess funds into subsequent fiscal years provided that funds in the reserve not exceed approximately one fiscal period's expenses. The Committee may utilize the reserve funds to defray expenses during any fiscal period. The Committee proposes to utilize approximately \$25,000 of its carry-over reserve funds to fully fund the fiscal year 2018 proposed budget, while assessing the new fiscal year 2018 crop at the proposed lower rate; thereby maintaining the carry-over reserve fund

within the authorized limit allowed by the Order.

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate would be in effect for an indefinite period, the Committee would continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's budget for fiscal year 2018 and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

#### **Initial Regulatory Flexibility Analysis**

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

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

There are approximately 38 producers of grapes in the production area and approximately 14 handlers subject to regulation under the Order. Small agricultural producers are defined by the Small Business Administration (SBA) as those having annual receipts less than \$750,000, and small agricultural service firms are defined as those whose annual receipts are less than \$7,500,000 (13 CFR 121.201).

Eleven of the 14 handlers subject to the Order have annual grape sales of less than \$7,500,000, according to USDA Market News Service and Committee data. In addition, information from the Committee and

USDA's Market News indicates that at least ten of 38 producers have annual receipts of less than \$750,000. Thus, it may be concluded that a majority of the grape handlers regulated under the Order and about ten of the producers could be classified as small entities under the SBA's definitions.

This proposal would decrease the assessment rate collected from handlers for the 2018 and subsequent fiscal periods from \$0.030 to \$0.020 per 18-pound lug of grapes. The Committee unanimously recommended fiscal year 2018 expenditures of \$119,000 and an assessment rate of \$0.020 per 18-pound lug. The proposed assessment rate of \$0.020 is \$0.010 lower than the 2017 rate. The quantity of assessable commodity for the 2018 fiscal year is estimated at 4,700,000 18-pound lugs. Thus, the \$0.020 rate should provide \$94,000 in assessment income. That amount plus the use of reserve funds of \$25,000 should be adequate to meet this 2018 fiscal year's expenses. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, would be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2018 fiscal year include \$65,000 for management and compliance services, \$25,500 in office expenditures, and \$28,500 for research. Budgeted expenses for these items in 2017 were \$50,000 for management and compliance services, \$28,330 in office expenditures, and \$28,500 for research.

Funds in the reserve (currently \$140,000) would be reduced by \$25,000 to be within the maximum permitted by the Order. Section 925.42 provides the Committee authority to carry over excess funds into subsequent fiscal years provided that funds in the reserve do not exceed approximately one fiscal period's expenses. The Committee is authorized to utilize the excess funds to defray expenses during any fiscal period. The Committee proposes to utilize approximately \$25,000 of its carry-over reserve funds to fully fund the 2018 proposed budget, while assessing the new 2018 crop at the proposed lower rate; thereby maintaining the carry-over reserve fund within the authorized limit stated in the Order, approximately one fiscal period's expenses.

Prior to arriving at this budget and assessment rate, the Committee considered various options, such as maintaining the current assessment rate and expenditure levels. Alternative expenditure levels were discussed by the Committee, based upon the relative value of various activities to the grape

industry. The Committee ultimately determined that 2018 expenditures of \$119,000 were appropriate, and the recommended assessment rate and the use of \$25,000 from the carry-over financial reserves would provide sufficient revenue to meet its expenses.

A review of historical crop and price information, as well as preliminary information pertaining to the upcoming fiscal period, indicates that the shipping point price for the 2017 season averaged about \$21.62 per 18-pound lug of California desert grapes handled. If the 2018 price is similar to the 2017 price, estimated assessment revenue as a percentage of total estimated handler revenue would be 0.09 percent for the 2018 season (\$0.020 divided by \$21.62 per 18-pound lug).

This action would decrease the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate would reduce the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the production area. The grape industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the November 30, 2017, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rule, including the regulatory and information collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581-0189. No changes in those requirements are necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large southeastern California grape handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other

information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this action.

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

A 30-day comment period is provided to allow interested persons to respond to this proposed rule. All written comments timely received will be considered before a final determination is made on this rule.

#### List of Subjects in 7 CFR Part 925

Grapes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 925 is proposed to be amended as follows:

#### PART 925—GRAPES GROWN IN A DESIGNATED AREA OF SOUTHEASTERN CALIFORNIA

■ 1. The authority citation for part 925 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Sections 925.1 through 925.69 are designated as subpart A under a heading to read as follows:

#### Subpart A—Order Regulating Handling [Subpart Redesignated as Subpart B and Amended]

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

#### Subpart B—Administrative Requirements [Subpart Redesignated as Subpart C]

■ 4. Redesignate “Subpart—Assessment Rates” as “Subpart C Assessment Rates”.

■ 5. Section 925.215 is revised to read as follows:

#### § 925.215 Assessment rate.

On and after January 1, 2018, an assessment rate of \$0.020 per 18-pound lug is established for grapes grown in a designated area of southeastern California.

Dated: February 22, 2018.

**Bruce Summers,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2018–04010 Filed 2–28–18; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 959

[AMS–SC–17–0067; SC17–959–4]

#### Onions Grown in South Texas; Proposed Amendment to Marketing Order 959

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule invites comments on a proposed amendment to Marketing Order No. 959, which regulates the handling of onions grown in south Texas. The proposed amendment would reduce the size of the South Texas Onion Committee (Committee) and make conforming and clarifying amendments as needed. The amendment would adjust the number of handlers and producers on the Committee to reflect a decrease in the number of onion producers and handlers in recent years.

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

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

**FOR FURTHER INFORMATION CONTACT:** Geronimo Quinones, Marketing Specialist, or Julie Santoboni, Rulemaking Branch Chief, Marketing

Order and Agreement Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: [Geronimo.Quinones@ams.usda.gov](mailto:Geronimo.Quinones@ams.usda.gov) or [Julie.Santoboni@ams.usda.gov](mailto:Julie.Santoboni@ams.usda.gov).

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

**SUPPLEMENTARY INFORMATION:** This action, pursuant to 5 U.S.C. 553, proposes an amendment to regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposal is issued under Marketing Order No. 959, as amended (7 CFR part 959), regulating the handling of onions grown in south Texas. Part 959 (referred to as the “Order”) is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the “Act.” The Committee locally administers the Marketing Order and is comprised of onion producers and handlers operating within the area of production.

Section 608c(17) of the Act and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR part 900) authorizes amendment of the Order through this informal rulemaking action. The Agricultural Marketing Service (AMS) will consider comments received in response to this proposed rule, and based on all the information available, will determine if the Order amendment is warranted. If AMS determines amendment of the Order is warranted, a subsequent proposed rule and notice of referendum would be issued and producers would be allowed to vote for or against the proposed Order amendment. AMS would then issue a final rule effectuating any amendments approved by producers in the referendum.

The Department of Agriculture (USDA) is issuing this proposed rule in conformance with Executive Orders 13563 and 13175. This action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review. Additionally, because this proposed rule does not meet the definition of a significant regulatory action it does not trigger the requirements contained in Executive

Order 13771. See OMB’s Memorandum titled “Interim Guidance Implementing Section 2 of the Executive Order of January 30, 2017, titled ‘Reducing Regulation and Controlling Regulatory Costs’” (February 2, 2017).

This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule shall not be deemed to preclude, preempt, or supersede any State program covering onions grown in south Texas.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA’s ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling.

Section 1504 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) (Pub. L. 110–246) amended section 8c(17) of the Act, which in turn required the addition of supplemental rules of practice to 7 CFR part 900 (73 FR 49307; August 21, 2008). The amendment of section 8c(17) of the Act and additional supplemental rules of practice authorize the use of informal rulemaking (5 U.S.C. 553) to amend Federal fruit, vegetable, and nut marketing agreements and orders. USDA may use informal rulemaking to amend marketing orders based on the nature and complexity of the proposed amendments, the potential regulatory and economic impacts on affected entities, and any other relevant matters.

AMS has considered these factors and has determined that the amendment proposed is not unduly complex and the nature of the proposed amendment is appropriate for utilizing the informal rulemaking process to amend the Order. A discussion of the potential regulatory and economic impacts on affected entities is discussed later in the “Initial Regulatory Flexibility Analysis” section of this proposed rule.

The proposed amendment was unanimously recommended by the Committee following deliberations at a public meeting held on June 7, 2017.

The proposal would amend the Order by reducing the size of the Committee from 34 to 26 members. The change would remove one voting producer and handler member, and one alternate producer and handler member from each of the two districts.

#### **Proposal—Reduce Committee Size**

Section 959.22 provides that the Committee consists of seventeen members, ten of whom shall be producers and seven of whom shall be handlers. For each member of the Committee there shall be an alternate.

This proposal would amend § 959.22 by reducing the size of the Committee from 34 to 26 members. The Committee size is based on membership per district. The Order initially established five districts, which were reestablished as two districts in § 959.110. Section 959.111 reapportioned the 34 Committee members between the two districts so that District 1 was comprised of 20 members and alternates and District 2 was comprised of 14 members and alternates. However, due to contractions in the size of the industry, the Committee has had difficulties finding nominees to fill positions on the Committee. The change would remove one voting producer and handler member, and one alternate producer and handler member from each of the two districts (eight members total). Conforming and clarifying changes would also be made to §§ 959.24, 959.26, 959.32, and §§ 959.110 and 959.111 would be removed.

This proposed action is necessary to adjust the number of handlers and producers on the Committee to reflect industry consolidation. There has been a decrease in the number of onion producers and handlers over the past 15 years. The current structure of the Committee requires 34 members, with half the members elected on biennial terms. Many seats remain vacant, as finding sufficient members to nominate has been challenging. Having a smaller size committee would enable it to fulfill membership and quorum requirements, thereby ensuring a more efficient and orderly flow of business.

For the reasons stated above, it is proposed that § 959.22 be modified to reduce the size of the Committee from 34 to 26 members. Conforming and clarifying changes would also be made to §§ 959.24, 959.26, 959.32, and §§ 959.110 and 959.111 would be removed.

#### **Initial Regulatory Flexibility Analysis**

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA)

(5 U.S.C. 601–612), AMS has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

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

There are approximately 60 producers of onions in the production area and approximately 30 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration as those having annual receipts less than \$750,000, and small agricultural service firms are defined as those whose annual receipts are less than \$7,500,000 (13 CFR 121.201).

Based on information from the National Agricultural Statistics Service, the weighted grower price for South Texas onions during the 2015–16 season was approximately \$12.30 per 50-pound equivalent. Furthermore, according to Committee data, total shipments were approximately three million 50-pound equivalents for the 2015–16 season with a total 2015–16 crop value estimated at \$37 million. Dividing the crop value by the estimated number of producers (60) yields an estimated average receipt per producer of \$617,000. This is below the \$750,000 SBA definition of small producers. The average handler price for South Texas onions during the 2015–16 season was approximately \$14.05 per 50-pound equivalent. Multiplying the average handler price by shipment information of 3 million 50-pound equivalent results in an estimated handler-level value of \$42 million. Dividing this figure by the number of handlers (30) yields an estimated average annual handler receipts of \$1.4 million, which is below the SBA definition of small agricultural service firms. Assuming a normal distribution, the majority of producers and handlers of South Texas onions may be classified as small entities.

The amendment proposed by the Committee would reduce the size of the Committee from 34 to 26 members under the Order. The reduction would remove one voting producer and handler member, and one alternate producer and handler member from each of the two districts.

The Committee's proposed amendment was unanimously

recommended at a meeting on June 7, 2017. If this proposal is approved in referendum, there would be no direct financial effects on producers or handlers. Over the past 15 years there has been a 31-percent decrease in the number of onion producers, and a 34-percent decrease in the number of handlers in the production area. Many seats on the Committee remain vacant, as it has been challenging to find sufficient nominees. Having a smaller size Committee would enable it to fulfill membership and quorum requirements, thereby ensuring a more efficient and orderly flow of business.

The Committee believes this change will serve the needs of the Committee and the industry. No economic impact is expected if the amendment is approved because it would not establish any regulatory requirements on handlers, nor does it contain any assessment or funding implications. There would be no change in financial costs, reporting, or recordkeeping requirements if this proposal is approved.

Alternatives to this proposal, including making no changes at this time, were considered. However, the Committee believes that given reductions in the size of the industry, a smaller Committee size is necessary in order to ensure its ability to locally administer the program. Reducing the size of the Committee would enable it to fulfill membership and quorum requirements, thereby ensuring a more efficient and orderly flow of business.

#### Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0178 (Vegetable and Specialty Crops). No changes in those requirements are necessary as a result of this action. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rule would impose no additional reporting or recordkeeping requirements on either small or large South Texas onion handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

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

access to Government information and services, and for other purposes.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this action.

The Committee's meeting was widely publicized throughout the South Texas onion production area. All interested persons were invited to attend the meeting and encouraged to participate in Committee deliberations on all issues. Like all Committee meetings, the June 7, 2017, meeting was public, and all entities, both large and small, were encouraged to express their views on the proposal.

Finally, interested persons are invited to submit comments on the proposed amendment to the Order, including comments on the regulatory and information collection impacts of this action on small businesses.

Following analysis of any comments received on the amendment proposed in this proposed rule, AMS will evaluate all available information and determine whether to proceed. If appropriate, a proposed rule and notice of referendum would be issued, and producers would be provided the opportunity to vote for or against the proposed amendment. Information about the referendum, including dates and voter eligibility requirements, would be published in a future issue of the **Federal Register**. A final rule would then be issued to effectuate any amendment favored by producers participating in the referendum.

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

#### General Findings

The findings hereinafter set forth are supplementary to the findings and determinations which were previously made in connection with the issuance of Marketing Order 959; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

1. Marketing Order 959 as hereby proposed to be amended and all of the terms and conditions thereof, would tend to effectuate the declared policy of the Act;

2. Marketing Order 959 as hereby proposed to be amended regulates the

handling of onions grown in South Texas and is applicable only to persons in the respective classes of commercial and industrial activity specified in the Marketing Order;

3. Marketing Order 959 as hereby proposed to be amended is limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

4. Marketing Order 959 as hereby proposed to be amended prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of onions produced or packed in the production area; and

5. All handling of onions produced or packed in the production area as defined in Marketing Order 959 is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

A 60-day comment period is provided to allow interested persons to respond to this proposal. Any comments received on the amendment proposed in this proposed rule will be analyzed, and if AMS determines to proceed based on all the information presented, a producer referendum would be conducted to determine producer support for the proposed amendment. If appropriate, a final rule would then be issued to effectuate the amendment favored by producers participating in the referendum.

#### List of Subjects in 7 CFR Part 959

Onions, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 959 is proposed to be amended as follows:

#### PART 959—ONIONS GROWN IN SOUTH TEXAS

■ 1. The authority citation for 7 CFR part 959 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Revise 925.22 to read as follows:

#### § 925.22 Establishment and membership.

The South Texas Onion Committee, consisting of thirteen members, eight of whom shall be producers and five of whom shall be handlers, is hereby established. For each member of the Committee there shall be an alternate.

Producer members and alternates shall not have a proprietary interest in or be employees of a handler organization.

■ 3. Revise 959.24 to read as follows:

#### § 959.24 Districts.

To determine a basis for selecting Committee members, the following districts of the production area are hereby established:

*District No. 1:* (Coastal Bend-Lower Valley) The Counties of Victoria, Calhoun, Goliad, Refugio, Bee, Live Oak, San Patricio, Aransas, Jim Wells, Nueces, Kleberg, Brooks, Kenedy, Duval, McMullen, Cameron, Hidalgo, Starr, and Willacy in the State of Texas.

*District No. 2:* (Laredo-Winter Garden) The Counties of Zapata, Webb, Jim Hogg, De Witt, Wilson, Atascosa, Karnes, Val Verde, Frio, Kinney, Uvalde, Medina, Maverick, Zavala, Dimmit, and La Salle in the State of Texas.

■ 4. Revise 959.26 to read as follows:

#### § 959.26 Selection.

The Secretary shall select members and respective alternates from districts established pursuant to § 959.24 or § 959.25. Selections shall be as follows:

*District No. 1:* five producer members and alternates; three handler members and alternates.

*District No. 2:* three producer members and alternates; two handler members and alternates.

■ 5. Revise 959.32 paragraph (a) to read as follows:

#### § 959.32 Procedure.

(a) Nine members of the Committee shall be necessary to constitute a quorum. Seven concurring votes, or two-thirds of the votes cast, whichever is greater, shall be required to pass any motion or approve any Committee action. At assembled meetings all votes shall be cast in person.

\* \* \* \* \*

#### §§ 959.110 and 959.111 [Removed and Reserved]

■ 6. Remove and reserve §§ 959.110 and 959.111.

Dated: February 23, 2018.

**Bruce Summers,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 2018–04076 Filed 2–28–18; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA–2018–0117; Product Identifier 2017–NM–104–AD]

RIN 2120–AA64

#### Airworthiness Directives; Dassault Aviation Airplanes

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

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

**SUMMARY:** We propose to supersede Airworthiness Directive (AD) 2017–01–07, which applies to all Dassault Aviation Model FAN JET FALCON airplanes, FAN JET FALCON SERIES C, D, E, F, and G airplanes; Model MYSTERE–FALCON 200 airplanes; Model MYSTERE–FALCON 20–C5, 20–D5, 20–E5, and 20–F5 airplanes; and MYSTERE–FALCON 50 airplanes. AD 2017–01–07 requires a functional test or check of the main entry door closure and warning system, and applicable door closing inspections, adjustments, operational tests, and corrective actions if necessary. Since we issued AD 2017–01–07, we have determined that the required actions must be repetitively performed to ensure continued safety. This proposed AD would require repetitive door closing inspections, adjustments, operational tests, and corrective actions if necessary. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by April 16, 2018.

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

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone: 201–440–6700; internet: <http://www.dassaultfalcon.com>. You may view this referenced service

information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

### Examining the AD Docket

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0117; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:** Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone: 206-231-3226; fax: 206-231-3398.

### SUPPLEMENTARY INFORMATION:

#### Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2018-0117; Product Identifier 2017-NM-104-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

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

#### Discussion

We issued AD 2017-01-07, Amendment 39-18774 (82 FR 1595, January 6, 2017) ("AD 2017-01-07"), for all Dassault Aviation Model FAN JET FALCON airplanes, FAN JET FALCON SERIES C, D, E, F, and G airplanes; Model MYSTERE-FALCON 200 airplanes; Model MYSTERE-FALCON 20-C5, 20-D5, 20-E5, and 20-F5 airplanes; and MYSTERE-FALCON 50 airplanes. AD 2017-01-07 requires a functional test or check of the main entry door closure and warning system,

and applicable door closing inspections, adjustments, operational tests, and corrective actions if necessary. AD 2017-01-07 resulted from a report that, during approach for landing, the main entry door detached from an airplane. We issued AD 2017-01-07 to detect and correct defective crew/passenger doors. Such a condition could result in the in-flight opening or detachment of the crew/passenger door, which could result in loss of control of the airplane and injury to persons on the ground.

#### Actions Since AD 2017-01-07 Was Issued

Since we issued AD 2017-01-07, we have determined that repetitive door closing inspections, adjustments, operational tests, and corrective actions if necessary, must be repetitively performed to ensure continued safety.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2017-0123, dated July 20, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or "the MCAI"), to correct an unsafe condition for all Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES C, D, E, F, and G airplanes; Model MYSTERE-FALCON 200 airplanes; Model MYSTERE-FALCON 20-C5, 20-D5, 20-E5, and 20-F5 airplanes; and Model MYSTERE-FALCON 50 airplanes. The MCAI states:

During approach for landing, at an altitude of 7,000 feet, a MF20-D5 lost the main entry door (MED). The flight crew maintained control of the aeroplane to land uneventfully. The results of the preliminary technical investigations concluded that the cause of this event could be either a broken cable, or an unlocked safety catch, associated with one or two deficient micro switches.

This condition, if not detected and corrected, could lead to in-flight opening and/or detachment of the MED, possibly resulting in loss of control of the aeroplane, and/or injury to persons on the ground.

To address this potential unsafe condition, Dassault issued Service Bulletin (SB) F20-789, SB F200-133 and SB MF50-531, providing instructions for inspection/adjustment, and an operational test of the MED closure. Consequently, EASA issued AD 2015-0007 [which corresponds to FAA AD 2017-01-07] to require a one-time accomplishment of a functional test/check of the MED closure/warning system. It also required [a general visual] inspection and operational test of the MED [including the control and latching mechanisms] and, depending on findings, accomplishment of applicable corrective action(s).

Since that [EASA] AD was issued, EASA determined that the inspection and operational test of the MED must be repeated to ensure continued safety.

For the reasons described above, this [EASA] AD retains the requirements of EASA AD 2015-0007, which is superseded, and additionally requires repetitive inspections and operational tests of the MED.

Corrective actions include adjusting the telescopic rod bolts on the door until the clearance between the lower part of the door and the fuselage is within the specified tolerances. The corrective actions for the control and latching mechanisms include adjusting components and replacing damaged components (including pull latches, microswitches, pulleys, and cables). Signs of damage include cracks, corrosion, wear, and distortion. You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0117.

#### Related Service Information Under 1 CFR Part 51

Dassault Aviation has issued the following service information.

- Dassault Service Bulletin F20-789, also referred to as 789, dated December 9, 2014.
- Dassault Service Bulletin F50-531, also referred to as 531, dated December 9, 2014.
- Dassault Service Bulletin F200-133, also referred to as 133, dated December 9, 2014.

This service information describes procedures for inspections, adjustments, and operational tests of certain doors and corrective actions. These documents are distinct since they apply to different airplane models. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

#### FAA's Determination and Requirements of This Proposed AD

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

#### Costs of Compliance

We estimate that this proposed AD affects 392 airplanes of U.S. registry.



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

## ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections/adjustments/operational tests (retained actions from AD 2017-01-07).	4 work-hours × \$85 per hour = \$340.	\$0	\$340 .....	\$133,280.
Inspections/adjustments/operational tests (new proposed action).	4 work-hours × \$85 per hour = \$340 per inspection cycle.	0	\$340 per inspection cycle .....	\$133,280 per inspection cycle.

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

### Authority for This Rulemaking

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

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

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

### Regulatory Findings

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

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

1. Is not a "significant regulatory action" under Executive Order 12866;
2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

### List of Subjects in 14 CFR Part 39

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

### The Proposed Amendment

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

### PART 39—AIRWORTHINESS DIRECTIVES

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

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

#### § 39.13 [Amended]

- 2. The FAA amends § 39.13 by removing Airworthiness Directive (AD) 2017-01-07, Amendment 39-18774 (82 FR 1595, January 6, 2017), and adding the following new AD:

**Dassault Aviation:** Docket No. FAA-2018-0117; Product Identifier 2017-NM-104-AD.

#### (a) Comments Due Date

We must receive comments by April 16, 2018.

#### (b) Affected ADs

This AD replaces AD 2017-01-07, Amendment 39-18774 (82 FR 1595, January 6, 2017) ("AD 2017-01-07").

#### (c) Applicability

This AD applies to the airplanes specified in paragraphs (c)(1) through (c)(4) of this AD,

certificated in any category, all serial numbers.

(1) Dassault Aviation Model FAN JET FALCON, FAN JET FALCON SERIES C, D, E, F, and G airplanes.

(2) Dassault Aviation Model MYSTERE-FALCON 200 airplanes.

(3) Dassault Aviation Model MYSTERE-FALCON 20-C5, 20-D5, 20-E5, and 20-F5 airplanes.

(4) Dassault Aviation Model MYSTERE-FALCON 50 airplanes.

#### (d) Subject

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

#### (e) Reason

This AD was prompted by a report indicating that during approach for landing, the main entry door detached from an airplane. We are issuing this AD to detect and correct defective crew/passenger doors. Such a condition could result in the in-flight opening or detachment of the crew/passenger door, which could result in loss of control of the airplane and injury to persons on the ground.

#### (f) Compliance

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

#### (g) Retained Main Entry/Passenger/Crew Door Closing Inspections, Adjustments, and Operational Tests and Corrective Actions, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2017-01-07, with no changes. Within 330 flight hours or 13 months, whichever occurs first after February 10, 2017 (the effective date of AD 2017-01-07), unless already done: Do the applicable door closing inspections, adjustments, and operational tests, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD. Do all applicable corrective actions before further flight.

(1) For Model FAN JET FALCON airplanes; Model FAN JET FALCON SERIES C, D, E, F, and G airplanes; and Model MYSTERE-FALCON 20-C5, 20-D5, 20-E5, and 20-F5 airplanes: Dassault Service Bulletin F20-789, also referred to as 789, dated December 9, 2014.

(2) For Model MYSTERE-FALCON 200 airplanes: Dassault Service Bulletin F200-133, also referred to as 133, dated December 9, 2014.

(3) For Model MYSTERE-FALCON 50 airplanes: Dassault Service Bulletin F50-531, also referred to as 531, dated December 9, 2014.

**(h) New Requirement of This AD: Repetitive Main Entry/Passenger/Crew Door Closing Inspections, Adjustments, and Operational Tests and Corrective Actions**

Within 72 months after accomplishing the actions required by paragraph (g) of this AD, and thereafter at intervals not to exceed 72 months, repeat the actions specified in paragraph (g) of this AD, and do all applicable corrective actions, in accordance with the Accomplishment Instructions of the applicable service information identified in paragraph (g)(1), (g)(2), or (g)(3) of this AD. Do all applicable corrective actions before further flight.

**(i) Other FAA AD Provisions**

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

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

(ii) AMOCs approved previously for AD 2017-01-07, Amendment 39-18774 (82 FR 1595, January 6, 2017), are approved as AMOCs for the corresponding provisions of this AD.

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

**(j) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) EASA AD 2017-0123, dated July 20, 2017, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0117.

(2) For more information about this AD, contact Tom Rodriguez, Aerospace Engineer, International Section, Transport Standards Branch, FAA, 2200 South 216th St., Des Moines, WA

98198; telephone 206-231-3226; fax 206-231-3398.

(3) For service information identified in this AD, contact Dassault Falcon Jet Corporation, Teterboro Airport, P.O. Box 2000, South Hackensack, NJ 07606; telephone 201-440-6700; internet <http://www.dassaultfalcon.com>. You may view this service information at the FAA, Transport Standards Branch, FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

Issued in Renton, Washington, on February 20, 2018.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2018-04150 Filed 2-28-18; 8:45 am]

**BILLING CODE 4910-13-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

**[Docket No. FAA-2018-0118; Product Identifier 2017-NM-083-AD]**

**RIN 2120-AA64**

**Airworthiness Directives; Bombardier, Inc., Airplanes**

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

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

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model DHC-8-400 series airplanes. This proposed AD was prompted by reports of arcing and smoke emanating from the windshields. This proposed AD would require a revision to the maintenance or inspection program, as applicable, to include an inspection of the windshield moisture seal for signs of cracks, erosion, wear, and other deterioration; doing that inspection and repair if necessary; and re-torquing the windshield heater terminal lugs and applying sealant to the windshield heater screw heads. We are proposing this AD to address the unsafe condition on these products.

**DATES:** We must receive comments on this proposed AD by April 16, 2018.

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

- *Federal eRulemaking Portal*: Go to <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax*: 202-493-2251.
- *Mail*: U.S. Department of Transportation, Docket Operations, M-

30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

• *Hand Delivery*: Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this NPRM, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone: 416-375-4000; fax: 416-375-4539; email: [thd.qseries@aero.bombardier.com](mailto:thd.qseries@aero.bombardier.com); internet: <http://www.bombardier.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195.

**Examining the AD Docket**

You may examine the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0118; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone: 800-647-5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

**FOR FURTHER INFORMATION CONTACT:**

Assata Dessaline, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516-228-7301; fax: 516-794-5531.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA-2018-0118; Product Identifier 2017-NM-083-AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM based on those comments.

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

## Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian AD CF-2017-18, dated May 26, 2017 (referred to after this as the Mandatory Continuing Airworthiness Information, or “the MCAI”), to correct an unsafe condition for certain Bombardier, Inc., Model DHC-8-400 series airplanes. The MCAI states:

There have been numerous reports of arcing and smoke emanating from the windshields. Review of these incidents revealed that the windshield heater terminal lugs tend to loosen over time. Loose terminal lugs could create sparks that lead to burning of the lugs and, due to the excessive heat, cracking of the windshields. If not corrected, this condition could cause a loss of cabin pressure resulting in an emergency descent.

Required actions include a revision to the maintenance or inspection program, as applicable, to include an inspection of the windshield moisture seal for signs of cracks, erosion, wear, or other deterioration; doing that inspection and repair if necessary; and re-torquing the

windshield heater terminal lugs and applying sealant to the windshield heater screw heads. You may examine the MCAI in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA-2018-0118.

## Related Service Information Under 1 CFR Part 51

Bombardier, Inc., has issued Service Bulletin 84-30-16, Revision A, dated September 27, 2017. This service information describes procedures for re-torquing the screws that fasten the windshield heater terminal lugs and applying sealant to the screw heads.

Bombardier, Inc., has also issued Q400 Dash 8 Temporary Revision MRB-0099, dated December 9, 2016, to Part 1 of Bombardier, Inc., Q400 Dash 8 Maintenance Requirements Manual (MRM), PSM 1-84-7. This temporary revision describes procedures for inspecting the moisture seal for the left and right windshields for signs of cracks, erosion, wear, and other deterioration.

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

## FAA’s Determination and Requirements of This Proposed AD

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

## Costs of Compliance

We estimate that this proposed AD affects 54 airplanes of U.S. registry.

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

## ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revision/Inspection/Retorque/Seal .....	Up to 4 work-hours × \$85 per hour = \$340.	\$0	Up to \$340 .....	Up to \$18,360.

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

## Authority for This Rulemaking

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

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

This proposed AD is issued in accordance with authority delegated by

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

## Regulatory Findings

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

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

1. Is not a “significant regulatory action” under Executive Order 12866;
2. Is not a “significant rule” under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);

3. Will not affect intrastate aviation in Alaska; and

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

## List of Subjects in 14 CFR Part 39

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

## The Proposed Amendment

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

## PART 39—AIRWORTHINESS DIRECTIVES

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

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

## § 39.13 [Amended]

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

**Bombardier, Inc.:** Docket No. FAA–2018–0118; Product Identifier 2017–NM–083–AD.

**(a) Comments Due Date**

We must receive comments by April 16, 2018.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Bombardier, Inc., Model DHC–8–400, –401, and –402 airplanes, certificated in any category, serial numbers 4001 through 4524 inclusive.

**(d) Subject**

Air Transport Association (ATA) of America Code 30, Ice and Rain Protection.

**(e) Reason**

This AD was prompted by reports of arcing and smoke emanating from the windshields. We are issuing this AD to detect and correct loose windshield heater terminal lugs. Loose terminal lugs could create sparks that lead to burning of the lugs and, due to the excessive heat, cracking of the windshields. If not corrected, such a condition could cause a loss of cabin pressure resulting in an emergency descent.

**(f) Compliance**

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

**(g) Revision to Inspection or Maintenance Program**

Within 30 days after the effective date of this AD: Revise the maintenance or inspection program, as applicable, to incorporate the task specified in Q400 Dash 8 (Bombardier) Temporary Revision (TR) MRB–0099, dated December 9, 2016, into Part 1 of Bombardier, Inc., Q400 Dash 8 Maintenance Requirements Manual (MRM), PSM 1–84–7.

**(h) No Alternative Actions and Intervals**

After the maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (e.g., inspections), intervals, may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (k)(1) of this AD.

**(i) Inspection and Corrective Action**

Within 1,600 flight hours or 12 months after the effective date of this AD, whichever occurs first, do a general visual inspection of the moisture seal on the left and right windshields for signs of cracks, erosion, wear, and other deterioration (including discoloration, warping, or missing material). If any crack, erosion, wear, or other deterioration is found, before further flight, repair the moisture seal in accordance with a method approved by the Manager, New York ACO Branch, FAA; or Transport Canada Civil Aviation (TCCA); or Bombardier, Inc.'s TCCA Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

**Note 1 to paragraph (i) of this AD:** Additional guidance for repair of the moisture seal can be found in PPG Aerospace Transparencies Abbreviated Component Maintenance Manual, Part Number NP–157901, dated June 16, 2015.

**(j) Re-Torquing and Sealing Screws**

Within 8,000 flight hours or 60 months after the effective date of this AD, whichever occurs first: Re-torque the windshield heater terminal lug screws for the left and right windshields and apply Humiseal to the screw heads of the windshield heaters, in accordance with the Accomplishment Instructions of Bombardier Service Bulletin 84–30–16, Revision A, dated September 27, 2017.

**(k) Other FAA AD Provisions**

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, New York ACO Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the certification office, send it to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7300; fax: 516–794–5531. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain corrective actions from a manufacturer, the action must be accomplished using a method approved by the Manager, New York ACO Branch, FAA; or TCCA; or Bombardier, Inc.'s TCCA DAO. If approved by the DAO, the approval must include the DAO-authorized signature.

**(l) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) Canadian AD CF–2017–18, dated May 26, 2017, for related information. This MCAI may be found in the AD docket on the internet at <http://www.regulations.gov> by searching for and locating Docket No. FAA–2018–0118.

(2) For more information about this AD, contact Assata Dessaline, Aerospace Engineer, Avionics and Administrative Services Section, FAA, New York ACO Branch, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone: 516–228–7301; fax: 516–794–5531.

(3) For service information identified in this AD, contact Bombardier, Inc., Q-Series Technical Help Desk, 123 Garratt Boulevard, Toronto, Ontario M3K 1Y5, Canada; telephone: 416–375–4000; fax: 416–375–4539; email: [thd.qseries@aero.bombardier.com](mailto:thd.qseries@aero.bombardier.com); internet: <http://www.bombardier.com>. You may view this service information at the FAA, Transport Standards Branch, 2200 South 216th St., Des

Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195.

Issued in Renton, Washington, on February 21, 2018.

**Michael Kaszycki,**

*Acting Director, System Oversight Division, Aircraft Certification Service.*

[FR Doc. 2018–04149 Filed 2–28–18; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 15 CFR Part 922

**RIN 0648–XF789**

#### Plan for Periodic Review of Regulations

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notification of plan for periodic review of regulations; request for comments.

**SUMMARY:** Regulatory Flexibility Act (RFA) section 610 requires that NOAA Office of National Marine Sanctuaries (ONMS) periodically review existing regulations that have a significant economic impact on a substantial number of small entities, such as small businesses, small organizations, and small governmental jurisdictions. This plan describes how ONMS will perform this review and describes the regulations proposed for review in 2018.

**DATES:** Comments must be received on or before April 2, 2018.

**ADDRESSES:** Comments may be submitted by:

- *Electronic Submission:* Submit all electronic public comments via the Federal eRulemaking Portal. Go to <http://www.regulations.gov/#/docketDetail;D=NOAA-NOS-2017-0133>, click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

*Instructions:* Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personally identifiable information (for example, name, address, etc.), confidential business information, or otherwise

sensitive information submitted voluntarily submitted by the commenter will be publicly accessible. NOAA will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

**FOR FURTHER INFORMATION CONTACT:**

Meredith Walz, NOAA Office of National Marine Sanctuaries, 1305 East-West Highway, Silver Spring, MD 20910, *Meredith.Walz@noaa.gov*, or 240-355-0686.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601 *et seq.*, requires that federal agencies take into account how their regulations affect “small entities,” including small businesses, small governmental jurisdictions and small organizations. For regulations proposed after January 1, 1981, the agency must either prepare a Regulatory Flexibility Analysis or certify the regulation, if promulgated, will not have a significant economic impact on a substantial number of small entities.

Section 610 of the RFA, 5 U.S.C. 610, requires federal agencies to review existing regulations. It requires that ONMS publish a plan in the **Federal Register** explaining how it will review existing regulations that may have a significant economic impact on a substantial number of small entities. Regulations that become effective after January 1, 1981 must be reviewed within 10 years of the publication date of the final rule. Section 610(c) requires that ONMS publish in the **Federal Register** a list of rules it will review during the succeeding 12 months. The list must describe, explain the need for, and provide the legal basis for the rules, as well as invite public comment on the rules.

In addition, section 605 of the RFA provides that, when a rule is promulgated, the head of an agency may certify to the Small Business Administration’s Chief Counsel for Advocacy that a rule would not have a significant economic impact on a substantial number of small entities. Guidance on implementing the requirements of RFA section 610 indicates that agencies should also determine if previously changed conditions may mean that a certified rule now does have a significant economic impact on a substantial number of small entities.

**Criteria for Review of Existing Regulations**

The purpose of the review is to determine whether existing rules should

be left unchanged, or whether they should be revised or rescinded in order to minimize significant economic impacts on a substantial number of small entities, consistent with the objectives of other applicable statutes. In deciding whether change is necessary, RFA section 610(b) establishes five factors that agencies will consider in reviewing existing regulations:

- (1) Whether the rule is still needed;
- (2) What type of public complaints or comments were received concerning the rule;
- (3) How complex is the rule;
- (4) How much the rule overlaps, duplicates or conflicts with other federal rules, and, to the extent feasible, with state and local governmental rules; and
- (5) How long it has been since the rule has been evaluated or how much the technology, economic conditions, or other factors have changed in the area affected by the rule.

**Plan for Periodic Review of Rules**

ONMS will conduct reviews in such a way as to ensure that all rules for which a Final Regulatory Flexibility Analysis was prepared are reviewed within 10 years of the year in which they were originally issued. During this same period, ONMS will also review other rules certified under RFA section 605 as not having significant impacts. ONMS will evaluate whether those rules now have a significant impact and therefore should be reviewed under RFA section 610. ONMS intends that it will conduct section 610 reviews on applicable regulations on an annual basis. ONMS will make RFA Section 610 review reports available at the following website: <http://sanctuaries.noaa.gov/library/alldocs.html>.

**ONMS Regulation Requiring Review for 2018**

One rulemaking finalized in 2008, and one rulemaking finalized in January 2009, are being reviewed under RFA section 610. The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration (SBA) that these rules would not have a significant economic impact on a substantial number of small entities. As a result, a regulatory flexibility analysis was not required, and none were prepared for the following actions:

1. “Gulf of the Farallones National Marine Sanctuary Regulations; Monterey Bay National Marine Sanctuary Regulations; and Cordell

Bank National Marine Sanctuary Regulations”. RINs 0648–AT14, 0648–AT15, 0648–AT16 (73 FR 70488; November 20, 2008). ONMS issued this rule, along with final revised management plans, for the Gulf of the Farallones (now renamed Greater Farallones), Cordell Bank, and Monterey Bay national marine sanctuaries (GFMNS, CBNMS, and MBNMS respectively). This final rule updated the regulations for the three sanctuaries, and established new regulatory prohibitions for them. New prohibitions contained in the regulations included restrictions on: The introduction of introduced species; discharges from cruise ships and other vessels; attracting or approaching white sharks in GFMNS; anchoring vessels in seagrass in Tomales Bay; deserting vessels; motorized personal watercraft use in the MBNMS (definition revision); and, possessing, moving, or injuring historic resources. This final rule also codified three dredge disposal sites in the MBNMS that existed prior to the MBNMS designation in 1992, and expanded the boundaries of the MBNMS to include the Davidson Seamount and surrounding area.

2. “Channel Islands National Marine Sanctuary Regulations”. RIN 0648–AT17 (74 FR 3216; January 16, 2009). ONMS published this rule, along with final revised management plans, to finalize the regulations for the Channel Islands National Marine Sanctuary (CINMS or Sanctuary). The rule revised the regulations to implement prohibitions on: Exploring for, developing, or producing minerals within the sanctuary; abandoning matter on or in sanctuary submerged lands; taking marine mammals, sea turtles, or seabirds within or above the sanctuary; possessing within the sanctuary any marine mammal, sea turtle, or seabird; marking, defacing, damaging, moving, removing, or tampering with sanctuary signs, monuments, boundary markers, or similar items; introducing or otherwise releasing from within or into the sanctuary an introduced species; and operating motorized personal watercraft within waters of the sanctuary that are coextensive with the Channel Islands National Park. NOAA also made additional changes to the grammar and wording of several sections of the regulations to ensure clarity.

ONMS invites comments on these rules. ONMS plans to complete the RFA section 610 review of the regulations by November 1, 2018. Unless we publish a notification stating otherwise, ONMS will make the final report available at

<http://sanctuaries.noaa.gov/library/alldocs.html>.

Dated: December 27, 2017.

**John Armor,**

*Director, Office of National Marine Sanctuaries.*

[FR Doc. 2018-04178 Filed 2-28-18; 8:45 am]

BILLING CODE 3510-NK-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R03-OAR-2017-0601; FRL-9974-99—Region 3]

#### Air Plan Approval; Virginia; Regional Haze Plan and Visibility for the 2010 SO<sub>2</sub> and 2012 PM<sub>2.5</sub> Standards

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision submitted by the Commonwealth of Virginia (the Commonwealth or Virginia) that changes reliance on the Clean Air Interstate Rule (CAIR) to reliance on the Cross-State Air Pollution Rule (CSAPR) to address certain regional haze requirements. EPA's approval of this SIP revision would convert the Agency's limited approval/limited disapproval of Virginia's regional haze SIP to a full approval. EPA is also proposing to approve the visibility element of Virginia's infrastructure SIP submittals for the 2010 sulfur dioxide (SO<sub>2</sub>) and 2012 fine particulate matter (PM<sub>2.5</sub>) national ambient air quality standards (NAAQS). These proposed actions are supported by EPA's recent final determination that a state's participation in CSAPR continues to meet the Regional Haze Rule's (RHR) criteria to qualify as an alternative to the application of best available retrofit technology (BART). This action is being taken under the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before April 2, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R03-OAR-2017-0601 at <http://www.regulations.gov>, or via email to [spielberger.susan@epa.gov](mailto:spielberger.susan@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from [Regulations.gov](http://www.regulations.gov). For either manner of submission, EPA may publish any comment received to its public docket.

Do not submit electronically any information you consider to be confidential business information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Ellen Schmitt, (215) 814-5787 or at [schmitt.ellen@epa.gov](mailto:schmitt.ellen@epa.gov).

**SUPPLEMENTARY INFORMATION:** On July 16, 2015, the Virginia Department of Environmental Quality (VA DEQ) submitted a revision to its SIP to update its regional haze plan and to meet visibility requirements in section 110(a)(2)(D) of the CAA.

### I. Background

#### A. Regional Haze and the Relationship With CAIR and CSAPR

In section 169A of the 1977 Amendments to the CAA, Congress created a program for protecting visibility in the nation's national parks and wilderness areas. This section of the CAA establishes "as a national goal the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I federal areas which impairment results from manmade air pollution."<sup>1</sup> On December 2, 1980, EPA promulgated regulations to address visibility impairment in Class I areas that are reasonably attributable to a single source or small group of sources.<sup>2</sup> Then, in 1990 Congress added section 169B to the CAA to address

regional haze issues. EPA subsequently promulgated regulations pursuant to section 169B to address regional haze.<sup>3</sup> The RHR focuses on visibility impairment that is caused by the emission of air pollutants from numerous sources located over a wide geographic area, requiring states to establish goals and emission reduction strategies for improving visibility in Class I areas.

The CAA requires each state to develop, and submit for approval by EPA, a SIP to meet various air quality requirements, including the protection of visibility in Class I areas.<sup>4</sup> Section 169A(b)(2) of the CAA requires that applicable<sup>5</sup> state SIPs must contain such emission limits, schedules of compliance and other measures as may be necessary to make reasonable progress toward meeting the national visibility goal. Such measures include the application of BART by any BART-eligible sources<sup>6</sup> that emit air pollutants such as SO<sub>2</sub> and nitrogen oxides (NO<sub>x</sub>)<sup>7</sup> that may reasonably be anticipated to cause or contribute to visibility impairment in a Class I area. The BART provisions of the RHR generally direct states to follow these steps to address the BART requirements: (1) Identify all BART-eligible sources; (2) determine which of those sources may reasonably be anticipated to cause or contribute to visibility impairment in a Class I area, and are therefore subject to BART requirements; (3) determine source-specific BART for each source that is subject to BART requirements; and (4) include the emission limitations reflecting those BART determinations in their SIPs.<sup>8</sup> However, the RHR also provides states with the flexibility to adopt an emissions trading program or other alternative program instead of requiring source-specific BART controls, as long as the alternative provides greater reasonable progress towards the national goal of achieving natural visibility conditions in Class I

<sup>3</sup> These regulations are known as the Regional Haze Rule or RHR. 64 FR 35714, 35714 (July 1, 1999) (codified at 40 CFR part 51, subpart P).

<sup>4</sup> 42 U.S.C. 7410(a), 7491, and 7492(a), CAA sections 110(a), 169A, and 169B.

<sup>5</sup> States that have a federal Class I area, listed by the Administrator under subsection 169A(a)(2) of the CAA, and/or states from which the emissions may reasonably be anticipated to cause or contribute to any impairment of visibility in any federal Class I area.

<sup>6</sup> A BART-eligible source is any one of the 26 specified source categories listed in appendix Y to 40 CFR part 51, Guidelines for BART Determinations Under the Regional Haze Rule.

<sup>7</sup> SO<sub>2</sub> and NO<sub>x</sub> are considered the most significant visibility impairing pollutants.

<sup>8</sup> 40 CFR 51.308(e)(1).

<sup>1</sup> 42 U.S.C. 7491(a). Mandatory Class I federal areas are defined as national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. 42 U.S.C. 7472(a). In accordance with section 169A of the CAA, EPA, in consultation with the Department of Interior, promulgated a list of 156 mandatory Class I federal areas where visibility is identified as an important value. 44 FR 69122 (November 30, 1979). When we use the term Class I area in this action, we mean a mandatory Class I federal area.

<sup>2</sup> These regulations are the reasonably attributable visibility impairment (RAVI) provisions. 45 FR 80084 (December 2, 1980).

areas than BART. *See* 40 CFR 51.308(e)(2).

In a 2005 revision to the RHR,<sup>9</sup> EPA demonstrated that CAIR<sup>10</sup> would achieve greater reasonable progress than BART. *See* 70 FR 39104. This is often referred to as the CAIR-better-than-BART determination. Based on this determination, EPA amended its regulations so that states participating in the CAIR cap-and-trade programs under 40 CFR part 96 pursuant to an EPA approved CAIR SIP, or states that remain subject to a CAIR federal trading program under 40 CFR part 97, need not require affected BART-eligible electric generating units (EGUs) to install, operate, and maintain BART for emissions of SO<sub>2</sub> and NO<sub>x</sub>. *See* 40 CFR 51.308(e)(4). Several states subject to CAIR, including Virginia, relied on the CAIR cap-and-trade programs as an alternative to BART to achieve greater reasonable progress towards national visibility goals for their first SIP revision submitted to address regional haze.<sup>11</sup>

In July 2008, the United States Court of Appeals for the District of Columbia Circuit (D.C. Circuit) vacated CAIR.<sup>12</sup> In December 2008, the D.C. Circuit remanded CAIR back to EPA without vacatur while a replacement rule consistent with the Court's opinion was developed.<sup>13</sup> On August 8, 2011 (76 FR 48208) EPA promulgated CSAPR to replace CAIR and issued federal trading programs to implement the rule in the states subject to CSAPR.<sup>14</sup> CSAPR was to become effective January 1, 2012; however, the timing of CSAPR's implementation was impacted by a number of court actions.

After promulgating CSAPR, EPA conducted a technical analysis to determine whether compliance with CSAPR would satisfy the requirements

of the RHR addressing alternatives to BART. In a June 7, 2012 action, EPA amended the RHR to provide that participation by a state's EGUs in a CSAPR trading program for a given pollutant—either a CSAPR federal trading program or an integrated CSAPR state trading program implemented through an approved CSAPR SIP revision—qualifies as a BART alternative for those EGUs for that pollutant.<sup>15</sup> *See* 40 CFR 51.308(e)(4). Since EPA promulgated this amendment, both states and EPA have relied on the CSAPR-better-than-BART determination to satisfy the BART requirements for states that participate in CSAPR.

Numerous parties filed petitions for review of CSAPR in the D.C. Circuit, and on August 21, 2012, the court issued its ruling, vacating and remanding CSAPR to EPA and ordering continued implementation of CAIR.<sup>16</sup> The D.C. Circuit's vacatur of CSAPR was reversed by the United States Supreme Court on April 29, 2014, and the case was remanded to the D.C. Circuit to resolve remaining issues in accordance with the high court's ruling.<sup>17</sup> On remand, the D.C. Circuit affirmed CSAPR in most respects, but invalidated without vacating some of the CSAPR budgets to a number of states.<sup>18</sup> The remanded budgets included the Phase 2 SO<sub>2</sub> emissions budgets for four states and the Phase 2 ozone-season NO<sub>x</sub> budgets for 11 states, including those for Virginia. The D.C. Circuit litigation ultimately delayed implementation of CSAPR for three years, from January 1, 2012, when CSAPR's cap-and-trade programs were originally scheduled to replace the CAIR cap-and-trade programs, to January 1, 2015.<sup>19</sup> Thus, the rule's Phase 2 budgets that were originally promulgated to begin on January 1, 2014 began on January 1,

2017 instead. EPA has now taken all actions necessary to respond to the D.C. Circuit's remand of the various CSAPR budgets. On September 29, 2017, EPA finalized a determination that the changes to the scope of CSAPR coverage following the remand of certain of the budgets by the D.C. Circuit do not alter EPA's conclusion that CSAPR remains better-than-BART. In sum, EGU participation in a CSAPR trading program remains available as an alternative to BART for states participating in CSAPR.

#### *B. Partial Regional Haze Federal Implementation Plan (FIP)*

On June 7, 2012, EPA finalized a limited approval and a limited disapproval of several SIP revisions submitted by VA DEQ meant to address regional haze program requirements.<sup>20</sup> The limited disapproval of these SIP revisions was based upon Virginia's reliance on CAIR as an alternative to BART and as a measure for reasonable progress. In the June 7, 2012 action, EPA also finalized a determination that for states covered by CSAPR, including Virginia, CSAPR achieves greater reasonable progress towards the national visibility goals in Class I areas than source-specific BART. To address deficiencies in CAIR-dependent regional haze SIPs for several states, including Virginia, EPA promulgated FIPs that replace reliance on CAIR with reliance on CSAPR to meet BART and reasonable progress requirements in Virginia and other states in that same action. Consequently, for these states, this particular aspect of their regional haze requirements was satisfied by a FIP (hereafter referred to as partial RH FIP).

On July 16, 2015, the Commonwealth of Virginia submitted a SIP revision changing its reliance from CAIR to CSAPR in its SIP to meet BART for visibility purposes and for addressing reasonable progress requirements, thereby removing Virginia's need for the partial RH FIP.

<sup>20</sup> 77 FR 33643. Virginia's SIP revisions are dated July 17, 2008, March 6, 2009, January 14, 2010, October 4, 2010, November 19, 2010, and May 6, 2011. The Commonwealth submitted Virginia's regional haze SIP revisions on July 17, 2008 for Georgia Pacific Corporation BART determination and permit; March 6, 2009 for MeadWestvaco Corporation BART determination and permit; January 14, 2010 for O-N Minerals Facility BART determination and permit; October 4, 2010 for the comprehensive regional haze SIP; November 19, 2010 for the revision to the O-N Minerals Facility BART determination and permit; and May 6, 2011 for the MeadWestvaco Corporation reasonable progress permit, to address the requirements of the RHR.

<sup>9</sup> 70 FR 39104 (July 6, 2005).

<sup>10</sup> CAIR involved the District of Columbia and 27 eastern states, including Virginia, in several regional cap and trade programs to reduce SO<sub>2</sub> and NO<sub>x</sub> emissions that contribute to the nonattainment or interfere with the maintenance of the 1997 ozone and PM<sub>2.5</sub> NAAQS. 70 FR 25162 (May 12, 2005).

<sup>11</sup> Virginia submitted its comprehensive regional haze SIP revision on October 4, 2010. Virginia also submitted some additional SIP submittals addressing specific BART and reasonable progress requirements.

<sup>12</sup> *North Carolina v. EPA*, 531 F.3d 896 (D.C. Cir. 2008).

<sup>13</sup> *North Carolina v. EPA*, 550 F.3d 1176 (D.C. Cir. 2008).

<sup>14</sup> CSAPR is a regional cap-and-trade program meant to replace CAIR. Similar to CAIR, it is focused on eastern states (including Virginia) and requires participants to limit their statewide emissions of SO<sub>2</sub> and/or NO<sub>x</sub> in order to mitigate transported air pollution unlawfully impacting another state's ability to attain or maintain the following NAAQS: 1997 ozone and PM<sub>2.5</sub> NAAQS, the 2006 PM<sub>2.5</sub> NAAQS, and the 2008 ozone NAAQS.

<sup>15</sup> Legal challenges to the CSAPR-better-than-BART determination are pending. *Utility Air Regulatory Group v. EPA*, No. 12–1342 (D.C. Cir. filed August 6, 2012).

<sup>16</sup> *EME Homer City Generation, L.P. v. EPA*, 696 F.3d 7, 38 (D.C. Cir. 2012).

<sup>17</sup> *EPA v. EME Homer City Generation, L.P.*, 134 S. Ct. 1584 (2014).

<sup>18</sup> *EME Homer City Generation, L.P. v. EPA*, 795 F.3d 118 (D.C. Cir. 2015).

<sup>19</sup> Following the April 2014 Supreme Court decision, EPA filed a motion asking the D.C. Circuit to delay, by three years, all CSAPR compliance deadlines that had not passed as of the approval date of the stay on CSAPR. On October 23, 2014, the D.C. Circuit granted EPA's request, and on December 3, 2014 (79 FR 71663), in an interim final rule, EPA set the updated effective date of CSAPR as January 1, 2015 and delayed the implementation of CSAPR Phase 1 to 2015 and CSAPR Phase 2 to 2017. In accordance with the interim final rule, the sunset date for CAIR was December 31, 2014, and EPA began implementing CSAPR on January 1, 2015.



### *C. Section 110(a)(2)(D)(i)(II) Prong 4 Requirement*

The CAA requires states to submit, within three years after promulgation of a new or revised NAAQS, SIP revisions meeting the applicable elements of sections 110(a)(1) and (2). SIP revisions that are intended to meet the requirements of section 110(a) of the CAA are often referred to as infrastructure SIPs and the elements under 110(a) are referred to as infrastructure requirements. Several of these applicable elements are delineated within section 110(a)(2)(D)(i) of the CAA. Section 110(a)(2)(D)(i) requires SIPs to contain adequate provisions to prohibit emissions in that state from having certain adverse air quality effects on neighboring states due to interstate transport of air pollution. There are four prongs within section 110(a)(2)(D)(i) of the CAA; section 110(a)(2)(D)(i)(I) contains prongs 1 and 2, while section 110(a)(2)(D)(i)(II) includes prongs 3 and 4. This rulemaking action addresses prong 4 which is related to interference with measures by another state to protect visibility. Prong 4 requires that a state's SIP include adequate provisions prohibiting any source or other type of emissions activity in one state from interfering with measures to protect visibility required to be included in another state's SIP. One way in which prong 4 can be satisfied is if a state has a fully approved regional haze program within its SIP.<sup>21</sup> At the time Virginia submitted its infrastructure SIP revisions for the 2010 SO<sub>2</sub> and 2012 PM<sub>2.5</sub> NAAQS, which included provisions addressing the prong 4 portions, Virginia did not have a fully approved regional haze program.<sup>22</sup> EPA acted on the majority of the infrastructure elements within Virginia's infrastructure SIP submittals for the 2010 SO<sub>2</sub> and 2012 PM<sub>2.5</sub> NAAQS, but concluded that it would take separate action on the prong 4 portions of the submittals at a later date.<sup>23 24</sup>

<sup>21</sup> "Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)," Memorandum from Stephen D. Page, September 13, 2013.

<sup>22</sup> Virginia submitted its infrastructure SIPs for the 2010 SO<sub>2</sub> NAAQS on June 18, 2014 and for the 2012 PM<sub>2.5</sub> NAAQS on July 16, 2015.

<sup>23</sup> On March 4, 2015 (80 FR 11557), EPA approved portions of Virginia's June 18, 2014 submittal for the 2010 SO<sub>2</sub> NAAQS addressing the following: CAA section 110(a)(2)(A), (B), (C), (D)(i)(II) for prevention of significant deterioration, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

<sup>24</sup> On June 16, 2016 (81 FR 39208), EPA approved portions of Virginia's July 16, 2015 submittal for the 2012 PM<sub>2.5</sub> NAAQS addressing the following: CAA section 110(a)(2)(A), (B), (C), (D)(i)(II) for prevention

Relying on its July 16, 2015 SIP submittal for demonstrating it should receive full approval of its regional haze program, Virginia requested that EPA take action to approve the prong 4 visibility requirements for the 2010 SO<sub>2</sub> and 2012 PM<sub>2.5</sub> NAAQS.

### **II. Summary of SIP Revision and EPA Analysis**

Virginia submitted a SIP revision on July 16, 2015, seeking to correct the deficiencies identified in EPA's June 7, 2012 limited disapproval action, by replacing reliance on CAIR with reliance on CSAPR in its regional haze SIP.<sup>25</sup> Specifically, the July 16, 2015 submittal changes the Virginia regional haze program to state that Virginia is relying on CSAPR in its regional haze SIP to meet the BART and reasonable progress requirements to support visibility improvement progress goals for the Commonwealth's Class I areas, the Shenandoah National Park and the James River Wilderness Area.

Additionally, the July 16, 2015 submittal addressed prong 4 for the previously submitted infrastructure SIP revision regarding the 2010 SO<sub>2</sub> NAAQS. Virginia's June 18, 2014 2010 SO<sub>2</sub> NAAQS infrastructure SIP submission relied on the Commonwealth having a fully approved regional haze program to satisfy its prong 4 requirements. However, at the time of the June 18, 2014 submittal, Virginia did not have a fully approved regional haze program as the Agency had issued a limited disapproval of the Commonwealth's regional haze plan on June 7, 2012, due to its reliance on CAIR. To correct the deficiencies and obtain approval of the aforementioned infrastructure SIP that relied on a fully approved regional haze program, the Commonwealth submitted the July 16, 2015 SIP revision to replace reliance on CAIR with reliance on CSAPR.

As did EPA's partial RH FIP for Virginia, the Commonwealth's July 16, 2015 regional haze SIP revision relies on CSAPR to address the deficiencies identified in EPA's limited disapproval of Virginia's regional haze SIP. EPA is proposing to find that this revision would satisfy the NO<sub>x</sub> and SO<sub>2</sub> BART and reasonable progress requirements for EGUs in Virginia and therefore make Virginia's regional haze program fully approvable. Upon EPA's final approval of this SIP, Virginia will have a SIP in place to address all of its regional haze requirements. EPA is proposing to find

of significant deterioration, (D)(ii), (E), (F), (G), (H), (J), (K), (L), and (M).

<sup>25</sup> Virginia was included in the CSAPR federal trading programs on August 8, 2011. 76 FR 48208.

that Virginia's reliance in its SIP upon CSAPR for certain BART and reasonable progress requirements is in accordance with the CAA and RHR requirements (including 40 CFR 51.308(e)(2)) as EPA has recently affirmed that CSAPR remains better-than-BART for regional haze requirements.<sup>26</sup> Because the BART and reasonable progress requirements associated with EPA's prior limited disapproval would be addressed through the Commonwealth's revised SIP, if EPA takes final action to approve the July 16, 2015 SIP submission, the Agency's prior limited disapproval/limited approval of Virginia's regional haze SIP would convert to a full approval. Additionally, EPA is proposing to find that if revisions to the Commonwealth's regional haze SIP are fully approved, then the prong 4 portions of Virginia's infrastructure SIP submittal for the 2010 SO<sub>2</sub> NAAQS meet applicable requirements of the CAA.

In addition to the regional haze SIP submittal which Virginia submitted to EPA on July 16, 2015, the Commonwealth also submitted to EPA on the same date a SIP revision regarding the infrastructure requirements for the 2012 PM<sub>2.5</sub> NAAQS. In order to meet prong 4 requirements for the 2012 PM<sub>2.5</sub> NAAQS, this submittal referred to Virginia's regional haze July 16, 2015 SIP submission. Therefore, to approve the prong 4 requirements of the July 16, 2015 infrastructure SIP for the 2012 PM<sub>2.5</sub> NAAQS, EPA must first fully approve Virginia's regional haze program request within the Commonwealth's July 16, 2015 regional haze SIP submittal.

EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action. All other applicable infrastructure requirements for the Commonwealth's infrastructure SIP submissions for the 2010 SO<sub>2</sub> NAAQS and the 2012 PM<sub>2.5</sub> NAAQS have been or will be addressed in separate rulemakings.

### **III. Proposed Action**

EPA is proposing to take the following actions: (1) Approve Virginia's July 16, 2015 SIP submission that changes reliance on CAIR to reliance on CSAPR for certain elements of Virginia's regional haze program; (2) convert EPA's limited approval/limited disapproval of Virginia's regional haze program to a full approval; and (3) approve the prong 4 portions of Virginia's June 18, 2014 infrastructure

<sup>26</sup> See 82 FR 45481 (reaffirming CSAPR better-than-BART).



SIP submission for the 2010 SO<sub>2</sub> NAAQS and its July 16, 2015 infrastructure SIP submission for the 2012 PM<sub>2.5</sub> NAAQS.

#### IV. General Information Pertaining to SIP Submittals From the Commonwealth of Virginia

In 1995, Virginia adopted legislation that provides, subject to certain conditions, for an environmental assessment (audit) “privilege” for voluntary compliance evaluations performed by a regulated entity. The legislation further addresses the relative burden of proof for parties either asserting the privilege or seeking disclosure of documents for which the privilege is claimed. Virginia’s legislation also provides, subject to certain conditions, for a penalty waiver for violations of environmental laws when a regulated entity discovers such violations pursuant to a voluntary compliance evaluation and voluntarily discloses such violations to the Commonwealth and takes prompt and appropriate measures to remedy the violations. Virginia’s Voluntary Environmental Assessment Privilege Law, Va. Code Sec. 10.1–1198, provides a privilege that protects from disclosure documents and information about the content of those documents that are the product of a voluntary environmental assessment. The Privilege Law does not extend to documents or information that: (1) Are generated or developed before the commencement of a voluntary environmental assessment; (2) are prepared independently of the assessment process; (3) demonstrate a clear, imminent and substantial danger to the public health or environment; or (4) are required by law.

On January 12, 1998, the Commonwealth of Virginia Office of the Attorney General provided a legal opinion that states that the Privilege law, Va. Code Sec. 10.1–1198, precludes granting a privilege to documents and information “required by law,” including documents and information “required by federal law to maintain program delegation, authorization or approval,” since Virginia must “enforce federally authorized environmental programs in a manner that is no less stringent than their federal counterparts. . . .” The opinion concludes that “[r]egarding § 10.1–1198, therefore, documents or other information needed for civil or criminal enforcement under one of these programs could not be privileged because such documents and information are essential to pursuing enforcement in a manner required by federal law to maintain program delegation, authorization or approval.”

Virginia’s Immunity law, Va. Code Sec. 10.1–1199, provides that “[t]o the extent consistent with requirements imposed by federal law,” any person making a voluntary disclosure of information to a state agency regarding a violation of an environmental statute, regulation, permit, or administrative order is granted immunity from administrative or civil penalty. The Attorney General’s January 12, 1998 opinion states that the quoted language renders this statute inapplicable to enforcement of any federally authorized programs, since “no immunity could be afforded from administrative, civil, or criminal penalties because granting such immunity would not be consistent with federal law, which is one of the criteria for immunity.”

Therefore, EPA has determined that Virginia’s Privilege and Immunity statutes will not preclude the Commonwealth from enforcing its regional haze program consistent with the federal requirements. In any event, because EPA has also determined that a state audit privilege and immunity law can affect only state enforcement and cannot have any impact on federal enforcement authorities, EPA may at any time invoke its authority under the CAA, including, for example, sections 113, 167, 205, 211 or 213, to enforce the requirements or prohibitions of the state plan, independently of any state enforcement effort. In addition, citizen enforcement under section 304 of the CAA is likewise unaffected by this, or any, state audit privilege or immunity law.

#### 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 proposed action:

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

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

In addition, this proposed rule addressing regional haze requirements and prong 4 requirements for the 2010 SO<sub>2</sub> and 2012 PM<sub>2.5</sub> NAAQS is not proposed to apply on any Indian reservation land as defined in 18 U.S.C. 1151 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).

#### 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.

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

Dated: February 15, 2018.

**Cosmo Servidio,**  
Regional Administrator, Region III.

[FR Doc. 2018–04185 Filed 2–28–18; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA–R02–OAR–2016–0625, FRL–9975–03—Region 2]

#### Approval and Promulgation of Air Quality Implementation Plans; New Jersey; Infrastructure Requirements for the 2008 Lead, 2008 Ozone, 2010 Nitrogen Dioxide, 2010 Sulfur Dioxide, 2011 Carbon Monoxide, 2006 PM<sub>10</sub>, 2012 PM<sub>2.5</sub>, 1997 Ozone, and the 1997 and 2006 PM<sub>2.5</sub> National Ambient Air Quality Standards

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve elements of New Jersey's State Implementation Plan (SIP) revision submitted regarding the infrastructure requirements of section 110(a)(1) and (2) of the Clean Air Act (CAA) for the 2008 lead, 2008 ozone, 2010 nitrogen dioxide, 2010 sulfur dioxide, 2011 carbon monoxide, 2006 particulate matter of 10 microns or less (PM<sub>10</sub>), and 2012 particulate matter of 2.5 microns or less (PM<sub>2.5</sub>) National Ambient Air Quality Standards (NAAQS). The EPA is also proposing to approve three infrastructure requirements of the 1997 ozone and the 1997 and 2006 PM<sub>2.5</sub> NAAQS. The infrastructure requirements are designed to ensure that the structural components of each state's air quality management program are adequate to meet the state's responsibilities under the CAA.

**DATES:** Written comments must be received on or before April 2, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID Number EPA–R02–OAR–2016–0625 at <http://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov*. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.*, on the web, cloud, or

other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

#### FOR FURTHER INFORMATION CONTACT:

Anthony (Ted) Gardella, Environmental Protection Agency, 290 Broadway, New York, New York 10007–1866, at (212) 637–3892, or by email at [Gardella.Anthony@epa.gov](mailto:Gardella.Anthony@epa.gov).

**SUPPLEMENTARY INFORMATION:** The Supplementary Information section is arranged as follows:

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- I. What action is the EPA proposing?
- II. What is the background for this proposed rulemaking?
- III. What elements are required under CAA sections 110(a)(1) and (2)?
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- V. How has the State addressed the elements of the section 110(a)(1) and (2) “infrastructure” provisions?
- VI. What action is the EPA taking?
- VII. Incorporation by Reference
- VIII. Statutory and Executive Order Reviews

#### I. What action is the EPA proposing?

The EPA is proposing to approve elements of the State of New Jersey's Infrastructure State Implementation Plan (SIP) submission, dated October 17, 2014, and as supplemented on March 15, 2017, as meeting the section 110(a) infrastructure requirements of the Clean Air Act (CAA) for the following National Ambient Air Quality Standards (NAAQS or standard): 2008 ozone, 2008 lead, 2010 nitrogen dioxide (NO<sub>2</sub>), 2010 sulfur dioxide (SO<sub>2</sub>), 2011 carbon monoxide (CO), 2006 particulate matter of 10 microns or less (PM<sub>10</sub>), and 2012 particulate matter of 2.5 microns or less (PM<sub>2.5</sub>). As explained below, the State has the necessary infrastructure, resources and general authority to implement the 2008 ozone, 2008 lead, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, 2011 CO, 2006 PM<sub>10</sub>, and 2012 PM<sub>2.5</sub> NAAQS, except where specifically noted.

The EPA is also proposing to approve three CAA section 110(a) infrastructure requirements for the 1997 ozone and the 1997 and 2006 PM<sub>2.5</sub> NAAQS that were conditionally approved by the EPA on June 14, 2013 (78 FR 35764). New Jersey's response to the conditional approval was not submitted to EPA within one year, but was submitted approximately three months late, and supplemented on March 15, 2017, so the conditional approval is treated as a disapproval. The EPA is also now proposing to approve New Jersey's October 17, 2014 submittal, as

supplemented on March 15, 2017, for the 1997 ozone and the 1997 and 2006 PM<sub>2.5</sub> NAAQS.

#### II. What is the background for this proposed rulemaking?

On March 27, 2008 (73 FR 16436), the EPA promulgated a revised NAAQS for ozone. The EPA revised the level of the 8-hour ozone NAAQS from 0.08 parts per million (ppm) to 0.075 ppm.

On October 15, 2008 (73 FR 66964), the EPA promulgated a new NAAQS, a rolling 3-month average NAAQS for lead. The 2008 lead NAAQS is 0.15 micrograms per cubic meter of air (µg/m<sup>3</sup>) maximum (not-to-be-exceeded).

On January 22, 2010 (75 FR 6474), the EPA promulgated a new 1-hour primary NAAQS for NO<sub>2</sub> at a level of 100 parts per billion (ppb), based on a 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations.

On June 2, 2010 (75 FR 35520), the EPA promulgated a revised primary NAAQS for SO<sub>2</sub> at a level of 75 ppb, based on a 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations.

On December 14, 2012 (78 FR 3086), the EPA promulgated a revised primary NAAQS for PM<sub>2.5</sub> for the annual standard. The revised standard was set at the level of 12 µg/m<sup>3</sup> calculated as an annual average, which is averaged over a three-year period.

On September 21, 2006 (71 FR 61144), the EPA retained the primary and secondary 24-hour PM<sub>10</sub> standard of 150 µg/m<sup>3</sup>, not to be exceeded more than once per year on average over a 3-year period. The standard was initially promulgated on June 2, 1987 (52 FR 24634). The PM<sub>10</sub> standard was also retained on December 14, 2012 (78 FR 3086).

On August 31, 2011 (54 FR 54294), the EPA retained the existing primary and secondary standards for CO of 9 ppm as an 8-hour average, and 35 ppm as a 1-hour standard average, neither to be exceeded more than once per year. The standards were initially established on April 30, 1971 (36 FR 8186).

Section 110(a)(1) of the CAA provides the procedural and timing requirements for SIPs. Section 110(a)(2) of the CAA lists specific elements that states must meet for SIP requirements related to a newly established or revised NAAQS. Sections 110(a)(1) and (2) of the CAA require, in part, that states submit to EPA plans to implement, maintain and enforce each of the NAAQS promulgated by the EPA. By statute, SIPs meeting the requirements of sections 110(a)(1) and (2) are to be submitted by states within three years

after promulgation of a new or revised standard. The EPA refers to this type of SIP submission as the “infrastructure” SIP because the SIP ensures that states can implement, maintain and enforce the air standards.

On October 17, 2014 the New Jersey Department of Environmental Protection (NJDEP) submitted a revision to its SIP to address requirements under section 110(a)(2) of the CAA (the infrastructure requirements) related to the 2008 lead, 2008 ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS. On March 15, 2017, NJDEP submitted a supplement to the October 17, 2014 SIP submission. Although not specifically required by 110(a)(1) since neither NAAQS was new or revised,<sup>1</sup> the SIP submission included infrastructure requirements for the 2006 PM<sub>10</sub> and 2011 CO NAAQS. New Jersey’s SIP submission also addresses the infrastructure requirements that were conditionally approved for the 1997 ozone and the 1997 and 2006 PM<sub>2.5</sub> NAAQS.

On March 30, 2016, New Jersey withdrew the portion of the October 17, 2014 SIP submittal addressing 110(a)(2)(D)(i)(I) (prongs 1 and 2) for the 2008 Ozone NAAQS. The EPA subsequently issued a Finding of Failure to submit to New Jersey.<sup>2</sup>

On September 6, 2016<sup>3</sup> EPA acted on elements of the October 17, 2014 SIP submittal that addressed interstate transport provisions concerning the Prevention of Significant Deterioration (PSD) regulations, and visibility protection. Section 110(a)(2)(D)(i)(II) (prongs 3 and 4).

### III. What elements are required under CAA sections 110(a)(1) and (2)?

The infrastructure requirements of CAA section 110(a)(1) and (2) are discussed in the following EPA guidance documents: EPA’s October 2, 2007, “Guidance on SIP Elements Required Under Section 110(a)(1) and (2) for the 1997 8-Hour Ozone and PM<sub>2.5</sub> National Ambient Air Quality Standards;” September 25, 2009, “Guidance on SIP Elements Required Under Section 110(a)(1) and (2) for the 2006 24-Hour Fine Particle (PM<sub>2.5</sub>) National Ambient Air Quality

Standards;” September 13, 2013, “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2),”<sup>4</sup> (2013 Guidance) (addresses the 2008 ozone, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, and 2012 PM<sub>2.5</sub> NAAQS, as well as infrastructure SIPs for new or revised NAAQS promulgated in the future); October 14, 2011, “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2) for the 2008 Lead (Pb) National Ambient Air Quality Standards (NAAQS);” March 17, 2016, “Information on Interstate Transport ‘Good Neighbor’ Provision for the 2012 Fine Particulate Matter National Ambient Air Quality Standards under Clean Air Act section 110(a)(2)(D)(i)(I).”

The EPA reviews each infrastructure SIP submission for compliance with the applicable statutory provisions of CAA 110(a)(2). The 14 elements required to be addressed by CAA section 110(a)(2) are:

- 110(a)(2)(A): Emission limits and other control measures;
- 110(a)(2)(B): Ambient air quality monitoring/data system;
- 110(a)(2)(C): Program for enforcement of control measures;
- 110(a)(2)(D)(i)(I) and (II): Interstate pollution transport;
- 110(a)(2)(D)(ii): Interstate and international pollution abatement;
- 110(a)(2)(E): Adequate resources and authority, conflict of interest, oversight of local governments and local authorities;
- 110(a)(2)(F): Stationary source monitoring and reporting;
- 110(a)(2)(G): Emergency powers;
- 110(a)(2)(H): Future SIP revisions;
- 110(a)(2)(I): Plan revisions for nonattainment areas (under part D);
- 110(a)(2)(J): Consultation with government officials, public notification, and PSD and visibility protection;
- 110(a)(2)(K): Air quality modeling and data;
- 110(a)(2)(L): Permitting fees;
- 110(a)(2)(M): Consultation/participation by affected local entities.

Two elements identified in section 110(a)(2) are not governed by the three-year submission deadline of section 110(a)(1) because SIPs incorporating necessary local nonattainment area controls are not due within three years after promulgation of a new or revised NAAQS, but rather due at the time that

the nonattainment area plan requirements are due pursuant to section 172 of the CAA. See 77 FR 46354 (August 3, 2012); 77 FR 60308 (October 3, 2012, footnote 1). These requirements are: (1) Submissions required by section 110(a)(2)(C) to the extent that subsection refers to a permit program as required in part D Title I of the CAA, and (2) submissions required by section 110(a)(2)(I) which pertain to the nonattainment planning requirements of part D, Title I of the CAA. As a result, this action does not address the nonattainment permit program requirements of 110(a)(2)(C) or the nonattainment planning requirements related to section 110(a)(2)(I).

One of the requirements of section 110(a)(2)(J) is that SIPs meet the applicable requirements of CAA part C related to visibility. New Jersey addresses visibility protection requirements through its Regional Haze SIP submittal which the EPA approved on January 3, 2012 (77 FR 19). As indicated in the EPA’s September 2013 Infrastructure Guidance, although states are subject to visibility and regional haze program requirements under CAA part C, the visibility and regional haze requirements under CAA part C do not change due to promulgation of, or revision to, a NAAQS. The SIP is not required to be revised with respect to visibility protection since there are no new visibility obligations. Accordingly, air agencies do not need to address the visibility sub-element of section 110(a)(2)(J) in infrastructure SIP submissions. Hence, the EPA considers this sub-element to be not germane to infrastructure SIPs and therefore this action does not address the visibility sub-element of section 110(a)(2)(J).

### IV. What did New Jersey submit?

The EPA is acting on a New Jersey SIP submittal dated October 17, 2014 which addresses the section 110 infrastructure requirements for the following seven NAAQS: 2008 ozone, 2008 lead, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, 2011 CO, 2006 PM<sub>10</sub>, and 2012 PM<sub>2.5</sub>. New Jersey’s SIP revision also addresses the section 110(a)(2) infrastructure requirements for three elements that EPA conditionally approved on June 14, 2013 (78 FR 35764) for the 1997 ozone and the 1997 and 2006 PM<sub>2.5</sub> NAAQS. In a letter dated October 28, 2014, the EPA determined that New Jersey’s infrastructure SIP revision, dated October 17, 2014, to be administratively complete except for inclusion of a state adopted PSD program.

New Jersey’s October 2014 section 110 submittal demonstrates how the

<sup>1</sup> EPA notes that, when promulgated, the 2006 24 hour PM<sub>10</sub> NAAQS and the 2011 primary CO NAAQS were neither “new” nor “revised” NAAQS—they merely retained, without revision, prior NAAQS for those pollutants. Accordingly, promulgation of these NAAQS did not trigger a new obligation for New Jersey to make infrastructure SIP submissions.

<sup>2</sup> 81 FR 38963 (June 15, 2016).

<sup>3</sup> 81 FR 64070 (September 19, 2016) (EPA disapproved prong 3, addressing interstate transport provisions concerning the PSD regulations, and approved prong 4, concerning visibility).

<sup>4</sup> “Guidance on Infrastructure State Implementation Plan (SIP) Elements under Clean Air Act Sections 110(a)(1) and 110(a)(2)” can be found at: <http://www.epa.gov/airquality/urbanair/sipstatus/infrastructure.html>.

State, where applicable, has a plan in place that meets the requirements of section 110(a)(1) and (2) for the 2008 ozone, 2008 lead, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, 2011 CO, 2006 PM<sub>10</sub>, and 2012 PM<sub>2.5</sub> NAAQS and for the three section 110(a)(2) elements conditionally approved by the EPA in June 2013 for the 1997 ozone and the 1997 and 2006 PM<sub>2.5</sub> NAAQS. The State's plan references the current New Jersey Air Quality SIP, the New Jersey Statutes Annotated (NJSA) and/or the New Jersey Administrative Code (NJAC). The NJSA and the NJAC (air pollution control regulations) referenced in the submittal are publicly available. On June 4, 2014, NJDEP issued a notice providing the public the opportunity to comment and request a public hearing on the proposed 110 infrastructure SIP submittal. The public comment period ended on July 23, 2014 and the public did not request, nor did NJDEP hold, a public hearing. New Jersey air pollution control regulations that have been previously approved by the EPA and incorporated into the New Jersey SIP can be found at 40 CFR 52.1570 and are posted on the internet at <https://www.epa.gov/sips-nj/epa-approved-statutes-and-regulations-new-jersey-sip>.

#### V. How has the State addressed the elements of the section 110(a)(1) and (2) "infrastructure" provisions?

The EPA's evaluation and rationale for proposing action on New Jersey's October 2014 infrastructure SIP submittal is detailed in the "Technical Support Document for EPA's Proposed Rulemaking for the New Jersey State Implementation Plan Revision For Meeting the Infrastructure Requirements In the Clean Air Act" dated February 2018 (TSD). The TSD also discusses in detail how New Jersey's SIP revision addresses the infrastructure requirements of section 110(a)(1) and (2) of the CAA. The TSD is available in the docket (EPA-R02-OAR-2016-0625). The reader should refer to this TSD for the EPA's detailed rationale for proposing approval of particular CAA section 110(a)(2) elements. The EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

The following summarizes the EPA's proposed findings, based on the detailed rationale discussed in the TSD, for New Jersey's SIP revision addressing the infrastructure requirements of section 110(a)(1) and (2) for the following seven NAAQS: 2008 ozone, 2008 lead, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, 2011 CO, 2006 PM<sub>10</sub>, and 2012 PM<sub>2.5</sub> NAAQS:

In this rulemaking, the EPA is proposing to approve New Jersey's infrastructure SIP submittal for the seven NAAQS noted herein as addressing the requirements of CAA section 110(a)(2) (A), (B), (C) (with the exception of program requirements for PSD and permitting programs for minor sources and minor modifications), (E), (F), (G), (H), (J) (with the exception of program requirements related to PSD), (K), (L), and (M) of the CAA.

In accordance with 40 CFR part 51, appendix V, EPA found that New Jersey's October 17, 2014 infrastructure SIP submittal is technically incomplete for the portions addressing the infrastructure elements in section 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J) relating to the permitting program for PSD, because New Jersey has not adequately addressed the requirements of part C of title I of the CAA for having a SIP approved PSD permit program. The EPA found the remainder of the SIP submittal to be administratively and technically complete. On October 28, 2014, EPA sent a letter to New Jersey Department of Environmental Protection notifying New Jersey of this determination. As a result of this incompleteness finding, the EPA is not taking action on the PSD related portions of section 110(a)(2)(C), (D)(ii), and (J) for the seven NAAQS included in New Jersey's October 2014 infrastructure SIP submittal, until New Jersey submits a SIP to address the PSD permit program requirements of part C of title I of the CAA.<sup>5</sup> The EPA recognizes, however, that New Jersey has elected to comply with the Federal PSD requirements by accepting delegation of the Federal rules and has been successfully implementing this program for many years. New Jersey is already subject to a Federal Implementation Plan (FIP) which incorporates by reference the federal PSD provisions as codified in 40 CFR 51.21, with the exception of paragraph (a)(1), into the implementation plan for the State. 40 CFR 52.1603.<sup>6</sup> New Jersey would not have to take further action for

the FIP-based permitting process to continue operating.

The EPA does not anticipate any adverse consequences to New Jersey as a result of this incompleteness finding for the PSD related portions of section 110(a)(2)(C), (D)(i)(II), (D)(ii), and (J) for New Jersey's 2014 infrastructure SIP revision. First, mandatory sanctions would not apply to New Jersey under CAA section 179 because the failure to submit a PSD SIP is neither required under title I part D of the CAA, nor in response to a SIP call under section 110(k)(5) of the CAA. Second, EPA is not subject to any further FIP duty from our finding of incompleteness because of the PSD FIP that has already been approved, and that addresses the SIP deficiency.

The EPA finds that the remainder of New Jersey's October 2014 infrastructure submittal provides the basic program elements specified in section 110(a)(2) of the CAA necessary to implement, maintain, and enforce the NAAQS. A detailed summary of EPA's review and rationale for approving New Jersey's infrastructure SIP submittal may be found in the TSD for this rulemaking action which is available on line at [www.regulations.gov](http://www.regulations.gov), Docket ID Number EPA-R02-OAR-2016-0625.

The EPA is not acting on the portions of the SIP submittal addressing CAA section 110(a)(2)(D)(i)(I) with respect to the 2008 ozone, 2008 lead, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, 2011 CO, 2006 PM<sub>10</sub>, and 2012 PM<sub>2.5</sub> NAAQS. As previously mentioned, in a letter to EPA dated March 30, 2016, New Jersey withdrew the portion of its October 17, 2014 SIP submission addressing 110(a)(2)(D)(i)(I) for interstate transport requirements (commonly referred to as the "Good Neighbor Provision" or "prongs 1 and 2") with respect to the 2008 8-hour ozone NAAQS.<sup>7</sup> The EPA will address the requirements of CAA sections 110(a)(2)(D)(i)(I) for the 2008 lead, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, 2011 CO, 2006 PM<sub>10</sub>, and 2012 PM<sub>2.5</sub> in a separate action at a later date.

The following summarizes the EPA's proposed findings, based on the detailed rationale discussed in the TSD, for New Jersey's SIP revision addressing the

<sup>5</sup> As discussed in section II and footnote 3, above, EPA took action on section 110(a)(2)(D)(i)(II) (prongs 3 and 4). 81 FR 64070 (Sept. 19, 2016).

<sup>6</sup> On August 7, 1980 (45 FR 52676, at 52741), EPA disapproved a number of states SIPs for PSD purposes, including New Jersey, and incorporated by reference portions of the federal PSD provisions in 40 CFR 52.21 into the implementation plans for those states. This FIP was subsequently amended to reflect amendments to the federal PSD rule, on March 10, 2003 (68 FR 11316, at 11322) and December 24, 2003 (68 FR 74483, at 74488). The PSD FIP is incorporated by reference in the New Jersey SIP in 40 CFR 52.1603.

<sup>7</sup> On June 15, 2016 (81 FR 38963) the EPA issued a finding that New Jersey failed to submit an infrastructure SIP revision for the interstate transport requirements of CAA section 110(a)(2)(D)(i)(I), also called the "good neighbor" provision, for the 2008 8-hour ozone NAAQS. On November 16, 2015, the EPA proposed a rule to address the "good neighbor" provisions of the 2008 ozone NAAQS. The rule proposed to promulgate FIPs in 23 states, including New Jersey, to reduce interstate transport as to the 2008 ozone NAAQS. The EPA finalized the rule and respective FIPs on September 7, 2016. 81 FR 74504 (Oct. 26, 2016).

infrastructure requirements of section 110(a)(1) and (2) for the 1997 8-hour ozone NAAQS and the 1997 and 2006 PM<sub>2.5</sub> NAAQS:

In this rulemaking, the EPA is also proposing to approve New Jersey's infrastructure SIP submittal for the 1997 8-hour ozone NAAQS and the 1997 and 2006 PM<sub>2.5</sub> NAAQS as addressing the requirements in CAA sections 110(a)(2)(E)(ii) [conflict of interest provisions] and (E)(iii) [oversight of local governments and local authorities]; and proposing to approve New Jersey's infrastructure SIP submittal for the 1997 8-hour ozone NAAQS as addressing the requirements in CAA section 110(a)(2)(G) [emergency powers]. The EPA previously conditionally approved sub-elements 110(a)(2)(E)(ii) and (E)(iii) and element 110(a)(2)(G) in a final rule dated June 14, 2013 (see 78 FR 35764). The EPA's approval was conditioned upon New Jersey correcting the following deficiencies within one year of EPA's June 14, 2013 final rule:

- Sub-element 110(E)(ii) [conflict of interest provisions]: Submitting for approval into the SIP the statutes or regulations necessary to substantially meet the requirements of CAA section 128(a)(2) that addresses conflict of interest;
- Sub-element 110(E)(iii) [oversight of local governments and local authorities]: Identify the local governments or authorities that: (a) Participate in the SIP planning efforts, (b) have been delegated responsibilities to implement or enforce portions of the SIP, and (c) provide copies of the agreement or memoranda of understanding (MOU) between the State and local governments or authorities;
- Element 110(G) [emergency powers]: Submit for approval into the SIP the current version of NJAC 7:27–12 “Prevention and Control of Air Pollution Emergencies” (Subchapter 12) and submit the current version the emergency criteria levels that the State will use in making alerts, warnings or emergencies.

With reference to New Jersey's infrastructure SIP submittal for the 1997 8-hour ozone NAAQS and the 1997 and 2006 PM<sub>2.5</sub> NAAQS, New Jersey, in a letter dated May 2, 2013, committed to correct the deficiencies that the EPA identified in the April 10, 2013 proposed rule (78 FR 21296) within one year from the effective date of the EPA's June 14, 2013 final rule, *i.e.*, one year from July 15, 2013, or by July 15, 2014. In the SIP submittal dated October 17, 2014, as supplemented in a letter dated March 15, 2017, New Jersey addressed the deficiencies that the EPA identified

in the June 14, 2013 final rule. However, CAA section 110(k)(4) requires states to meet their commitment not later than one year after conditional approval; if not, a conditional approval is treated as a disapproval. Therefore, since New Jersey's October 17, 2014 SIP revision was submitted late, sub-elements 110(a)(2)(E)(ii) and (E)(iii) and element 110(a)(2)(G) for the 1997 8-hour ozone NAAQS and the 1997 and 2006 PM<sub>2.5</sub> NAAQS were disapproved, by operation of law. However, the EPA has reviewed New Jersey's October 17, 2014 SIP revision, as supplemented on March 15, 2017, and is now proposing to find that the State has fully addressed the deficiencies that EPA identified in the June 14, 2013 final rule. The reader is referred to the TSD for this action for details concerning the EPA's analysis. Therefore, the EPA is proposing to approve New Jersey's infrastructure SIP submittal for the 1997 8-hour ozone NAAQS and the 1997 and 2006 PM<sub>2.5</sub> NAAQS as addressing the requirements of CAA sections 110(a)(2)(E)(ii) [conflict of interest provisions] and (E)(iii) [oversight of local governments and local authorities]; and proposing to approve New Jersey's infrastructure SIP submittal for the 1997 8-hour ozone NAAQS as addressing the requirements of CAA section 110(a)(2)(G) [emergency powers].

With the State's submittal of information that addresses CAA section 110(a)(2)(E)(iii), the EPA is proposing to remove 40 CFR 52.1579 (Intergovernmental cooperation) that the EPA previously identified as not meeting the requirements of subpart M (Intergovernmental Consultation) of part 51 since the SIP had not adequately described the responsibilities of local agencies in developing, implementing and enforcing the SIP.

## VI. What action is the EPA taking?

The EPA is proposing to approve New Jersey's infrastructure submittal dated October 17, 2014, as supplemented on March 15, 2017, for the 2008 ozone, 2008 lead, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, 2011 CO, 2006 PM<sub>10</sub>, and 2012 PM<sub>2.5</sub> NAAQS, respectively, as meeting the requirements of section 110(a)(2) of the CAA, including specifically sections 110(a)(2)(A), (B), (C) (with the exception of program requirements for PSD and the permitting program for minor sources and minor modifications), (E), (F), (G), (H), (J) (with the exception of program requirements related to PSD and visibility), (K), (L), and (M) of the CAA.

The EPA is not taking action on the following elements that are not germane to infrastructure SIPs: Sections

110(a)(2)(C) (sub-element related to nonattainment permitting); 110(a)(2)(I); and the visibility requirements of section 110(a)(2)(J). In addition, with respect to 2008 lead, 2010 NO<sub>2</sub>, 2010 SO<sub>2</sub>, 2011 CO, 2006 PM<sub>10</sub>, and 2012 PM<sub>2.5</sub> NAAQS, the EPA previously took action on CAA element 110(a)(2)(D)(i)(II) [prongs 3 and 4] and will take action on CAA element 110(a)(2)(D)(i)(I) [prongs 1 and 2] at a later date. As noted above, New Jersey withdrew the portion of its October 17, 2014 SIP submission addressing 110(a)(2)(D)(i)(I) with respect to the 2008 8-hour ozone NAAQS. Also, with respect to the 1997 ozone and the 1997 and 2006 PM<sub>2.5</sub> NAAQS, the EPA is proposing to approve that New Jersey has met the infrastructure SIP requirements pertaining to sections 110(a)(2)(E)(ii) [conflict of interest] and (E)(iii) [oversight of local governments and local authorities]; and with respect to the 1997 ozone NAAQS, we are proposing to approve that New Jersey has met the infrastructure SIP requirements pertaining to section 110(a)(2)(G) [emergency powers].

The EPA is proposing to delete the deficiency at 40 CFR 52.1579 because the deficiency identified would be resolved by the approval of CAA section 110(a)(2)(E)(iii) for each of the NAAQS indicated in this action.

In addition, the EPA is proposing to incorporate into the New Jersey SIP the following regulation and statutes:

N.J.S.A. 52:13D–14, 52:13D–16(a)–(b) and 52:13D–21(n) “New Jersey's Conflict of Interest Law,”<sup>8</sup>

N.J.A.C 7:27–12, “Prevention and Control of Air Pollution Emergencies.”<sup>9</sup>

## VII. Incorporation by Reference

In this rule, the EPA is proposing to include in a final rule regulatory text that includes incorporation by reference. In accordance with the requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the regulations and statutes identified at the bottom of Section VI of this rule. The 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 2 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

<sup>8</sup>N.J.S.A. 52:13D–14 (effective January 11, 1972), 52:13D–16 (effective January 11, 1972); most recent amendment to 52:13D–16, (September 16, 1996). 52:13D–21 (effective January 11, 1972), subsection 52:13D–21(n) (effective March 15, 2006).

<sup>9</sup>N.J.A.C 7:27–12 state effective October 24, 1969 (as amended May 20, 1974).

## VIII. 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 proposes to approve state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this proposed action:

- Is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866

- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4);

- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and

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

In addition, this proposed rulemaking action, pertaining to New Jersey's section 110(a)(2) infrastructure requirements for the 1997 and 2008

ozone NAAQS, 1997, 2006 and 2012 PM<sub>2.5</sub> NAAQS, 2006 PM<sub>10</sub> NAAQS, 2010 NO<sub>2</sub> NAAQS, 2010 SO<sub>2</sub> NAAQS, 2011 CO NAAQS, and 2008 lead NAAQS do not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the state, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

### List of Subjects in 40 CFR Part 52

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

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

Dated: February 14, 2018.

**Peter D. Lopez,**

*Regional Administrator, Region 2.*

[FR Doc. 2018-04191 Filed 2-28-18; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[EPA-R09-OAR-2018-0080; FRL-9974-95—Region 9]

### Revisions to California State Implementation Plan; Bay Area Air Quality Management District; Stationary Sources; New Source Review

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

**ACTION:** Proposed rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is proposing to approve revisions to the Bay Area Air Quality Management District (BAAQMD or District) portion of the California State Implementation Plan (SIP). These revisions concern permit program rules governing the issuance of permits for stationary sources, including review and permitting of major sources and major modifications under parts C and D of title I of the Clean Air Act (CAA). The revisions correct deficiencies in BAAQMD Regulation 2, Rules 1 and 2, and Regulation 2, Rule 4, previously identified by the EPA in final rules dated August 1, 2016, and December 4, 2017, respectively. We are proposing to approve revisions that correct the identified deficiencies.

**DATES:** Any comments must arrive by April 2, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-R09-OAR-2018-0080 at <http://www.regulations.gov>, or via email to [R9AirPermits@epa.gov](mailto:R9AirPermits@epa.gov). For comments submitted at [Regulations.gov](http://www.regulations.gov), follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from [Regulations.gov](http://www.regulations.gov). For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit <http://www2.epa.gov/dockets/commenting-epa-dockets>.

**FOR FURTHER INFORMATION CONTACT:** Laura Yannayon, EPA Region 9, (415) 972-3534, [yannayon.laura@epa.gov](mailto:yannayon.laura@epa.gov).

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

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### Definitions

For the purpose of this document, we are giving meaning to certain words or initials as follows:

(i) The word or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The word or initials APCO mean or refer to the Air Pollution Control Officer.

(iii) The word or initials BAAQMD or District mean or refer to the Bay Area Air Quality Management District.

(iv) The initials BACT mean or refer to Best Available Control Technology.

(v) The words Bay Area mean or refer to the geographic area regulated by the Bay Area Air Quality Management District.

(vi) The initials CARB mean or refer to the California Air Resources Board.

(vii) The initials CFR mean or refer to Code of Federal Regulations.

(viii) The initials or words EPA, we, us or our mean or refer to the United States Environmental Protection Agency.

(ix) The initials ERC mean or refer to Emission Reduction Credit.

(x) The initials FR mean or refer to Federal Register.

(xi) The initials GHG mean or refer to greenhouse gases.

(xii) The initials NAAQS mean or refer to National Ambient Air Quality Standards.

(xiii) The initials NO<sub>x</sub> mean or refer to oxides of nitrogen.

(xiv) The initials NSR mean or refer to New Source Review.

(xv) The initials PM<sub>2.5</sub> mean or refer to particulate matter with an aerodynamic diameter of less than or equal to 2.5 micrometers (fine particulate matter).

(xvi) The initials POC mean or refer to precursor organic compound.

(xvii) The initials PSD mean or refer to Prevention of Significant Deterioration.

(xviii) The initials PTE mean or refer to potential to emit

(xix) The initials SIP mean or refer to State Implementation Plan.

(xx) The initials SO<sub>2</sub> mean or refer to sulfur dioxide.

(xxi) The initials VOC mean or refer to volatile organic compound.

## I. The State's Submittal

### A. What rules did the State submit?

Table 1 lists the rules addressed by this proposal with the dates they were adopted by BAAQMD and submitted by the CARB, which is the governor's designee for California SIP submittals. Regulation 2, Rule 1 contains general requirements that apply to all District air quality permitting programs. Regulation 2, Rule 2 contains the District's New Source Review (NSR) permit programs for both attainment and nonattainment pollutants. Regulation 2, Rule 4 contains requirements for banking emission reduction credits (ERCs).

TABLE 1—SUBMITTED RULES

Regulation & Rule No.	Rule title	Amended	Submitted
Regulation 2, Rule 1 (Rule 2–1) .....	Permits, General Requirements .....	12/6/2017	12/14/17
Regulation 2, Rule 2 (Rule 2–2) .....	Permits, New Source Review .....	12/6/2017	12/14/17
Regulation 2, Rule 4 (Rule 2–4) .....	Permits, Emissions Banking .....	12/6/2017	12/14/17

On February 14, 2018, the EPA determined that the submittal of Regulation 2, Rules 1, 2 and 4 met the completeness criteria in 40 CFR part 51, appendix V, which must be met before formal EPA review.

### B. Are there other versions of these rules?

The existing SIP-approved NSR program for new or modified stationary sources in the Bay Area consists of the

rules identified below in Table 2. The EPA's approval of the rules identified above in Table 1 would have the effect of entirely superseding our prior approval of these rules in the current SIP-approved program.

TABLE 2—EXISTING SIP RULES

Regulation & Rule No.	Rule title	Approval date	FR citation
Regulation 2, Rule 1 (Rule 2–1) .....	Permits, General Requirements .....	8/1/2016	81 FR 50339
Regulation 2, Rule 2 (Rule 2–2) .....	Permits, New Source Review .....	8/1/2016	81 FR 50339
Regulation 2, Rule 4 (Rule 2–4) .....	Permits, Emissions Banking .....	12/4/2017	82 FR 57133

### C. What is the purpose of the submitted rule revisions?

This SIP submittal is intended to correct deficiencies previously identified by the EPA in our August 1, 2016, limited approval and limited disapproval action for Rules 2–1 and 2–2 (81 FR 50339), and our December 4, 2017, conditional approval action for Rule 2–4 (82 FR 57133).

## II. The EPA's Evaluation and Action

### A. How is the EPA evaluating the rules?

The evaluation criteria for the submitted rules includes compliance with the CAA's requirements for SIPs in CAA sections 110(a)(2), 110(l), and 193. In addition, the EPA evaluated the submitted rules for consistency with the

regulatory provisions of 40 CFR part 51, subpart I (Review of New Sources and Modifications) (*i.e.*, 40 CFR 51.160–51.166) and 40 CFR 51.307.

### B. Do the rules meet the evaluation criteria?

In our previous August 1, 2016, and December 4, 2017, actions we evaluated prior submissions of the submitted rules in accordance with the CAA and regulatory requirements listed in Section II.A of this document. In those actions, we determined that for the most part the submitted rules satisfied the applicable requirements for NSR permit programs. However, in each action we identified certain deficiencies that prevented full approval. For both of the previous actions, we list the identified

deficiencies and evaluate whether the submitted rule revisions correct the deficiency. We also evaluate any additional rule revisions and whether the submittal complies with the requirements of sections 110(a)(2), 110(l) and 193 of the CAA.

#### 1. Regulation 2, Rules 1 and 2

Our August 1, 2016 action identified the following eleven deficiencies in Rules 2–1 and 2–2.

First, the definitions of “agricultural source” in Section 2–1–239 and “large confined animal facility” used in Section 2–1–424 rely on other definitions and provisions in District rules that are not SIP approved.

Second, Section 2–1–234, subparagraph 2.2, is deficient because it



does not satisfy the PSD provisions at 40 CFR 51.166(a)(7) and 51.166(r)(6) & (7), which require PSD programs to contain specific applicability procedures and recordkeeping provisions.

Third, the same deficiency discussed above for the PSD provisions applies to the nonattainment NSR provisions. Section 2–1–234, subparagraph 2.1, does not satisfy the requirements of 40 CFR 51.165(a)(2) and 51.165(a)(6) & (7), which require nonattainment NSR programs to contain specific applicability procedures and recordkeeping provisions.

Fourth, the definition of the term “PSD pollutant” as defined in Section 2–2–223, which is used in place of the federal definition for the term “regulated NSR pollutant,” is deficient because it explicitly excludes nonattainment pollutants.

Fifth, Section 2–2–305 does not require written approval of the Administrator prior to using any modified or substituted air quality model as provided in subsection 3.2.2 of 40 CFR part 51, appendix W.

Sixth, Section 2–2–611 does not include the requirement regarding “any other stationary source category which as of August 7, 1980, is being regulated under section 111 or 112 of the Act” in the list of source categories that must include fugitive emissions to determine whether a source is a major facility.

Seventh, Section 2–2–401.4 only requires a visibility analysis for sources that are located within 100 km of a Class I area, rather than for any source that “may have an impact on visibility” in any mandatory Class I Federal Area, as required by 40 CFR 51.307(b)(2).

Eighth, Section 2–2–411 pertaining to Offset Refunds does not contain any timeframe for obtaining an offset refund.

Ninth, the Offset Program Equivalence demonstration required by Section 2–2–412 does not provide a remedy if the District fails to make the required demonstration.

Tenth, Subsection 2–2–605.2 allows existing “fully-offset” sources to generate ERCs based on the difference between the post-modification PTE and the pre-modification PTE. Emission reductions intended to be used as offsets for new major sources or major modifications are only creditable if they are reductions of actual emissions, not reductions in the PTE of a source.

Eleventh, Subsection 2–2–606.2, as it applies to major modifications, does not require “fully-offset” sources to calculate the emission increases from a proposed major modification based on the difference between the post-modification PTE and the pre-

modification actual emissions as required by 40 CFR 51.165(a)(3)(ii)(J).

To address the first deficiency, the definition of “agricultural source” in Section 2–1–239 and the reference to “large confined animal facility” used in Section 2–1–424 have been revised to remove references to “Regulation 2, Rule 10,” which is not SIP approved. The District made additional edits to both of these provisions, as well as Subsection 2–1–113.1.2, to provide additional information due to the removal of the references to Regulation 2, Rule 10. These revisions cure this deficiency because the rules no longer reference rules which are not SIP approved.

To address the second deficiency, Section 2–1–234 has been revised by adding two new subparagraphs (2.3 and 2.4) to include the specific applicability procedures and recordkeeping provisions required by 40 CFR 51.166(a)(7) and 51.166(r)(6) & (7). These two new subparagraphs are acceptable to cure this deficiency.

To address the third deficiency, Section 2–1–234 has been revised by adding two new subparagraphs (2.3 and 2.4) to include the specific applicability procedures and recordkeeping provisions required by 40 CFR 51.165(a)(2) and 51.165(a)(6) & (7). These two new subparagraphs are acceptable to cure this deficiency.

To address the fourth deficiency, Section 2–2–224 has been revised to reference the term “Regulated NSR Pollutant” rather than “PSD pollutant.” This revision cures the deficiency by ensuring that a Major PSD Facility determination (as specified in Subsection 224.1) is based on emissions of all regulated NSR pollutants, including any nonattainment pollutant.

To address the fifth deficiency, Section 2–2–305.3—Air Quality Models, has been revised to require written EPA approval prior to using any modified or substituted air quality model. This revision cures this deficiency.

To address the sixth deficiency, Section 2–2–611 has been revised to add the following language: “or is in any other stationary source category that was being regulated under section 111 or 112 of the Clean Air Act as of August 7, 1980.” This revision cures this deficiency by adding the missing required language.

To address the seventh deficiency, Section 2–2–401.4 has been revised to indicate an analysis of potential impacts to air quality related values is required for a project which “may have an impact on air quality related values (including visibility) within any Class I area(s),” rather than only projects

located within 100 km of a Class I area. In addition, language has been added to this section to clarify how such a determination is to be made by referencing the guidelines adopted by the Federal Land Managers Air Quality Related Values Work Group. These revisions cure this deficiency.

To address the eighth deficiency, Section 2–2–411.1 has been revised to specify that if excess offsets are provided, an offset refund request must be made within 2 years of the issuance of the authority to construct or within 6 months of issuance of the permit to operate. Section 2–2–411.2 has been revised to specify that if a source is never constructed or operated, and the authority to construct for the source has expired or been surrendered, an offset refund request must be made within 2 years of the issuance or renewal of the authority to construct. These revisions cure this deficiency.

To address the ninth identified deficiency, Section 2–2–415—Additional Offset Requirements Where District Has Not Demonstrated NO<sub>x</sub>, POC or PM<sub>2.5</sub> Offset Program Equivalence, has been added to specify that if the demonstration required by Section 2–2–412 is not made by March 1 of each year (or other EPA-approved date), the Air Pollution Control Officer (APCO) shall require additional offsets for any subsequent Authority to Construct and/or Permit to Operate for a Federal Major NSR Source sufficient to make up for (i) any Federal Offsets Baseline Shortfall calculated pursuant to Section 2–2–229 and (ii) any Federal Surplus-at-Time-of-Use Shortfall calculated pursuant to Section 2–2–230. The new provision also states that this requirement shall continue until the District has made the required equivalence demonstration.

These new provisions cure this deficiency because they ensure an applicant will provide the full amount of federal offsets required for a new project if the District fails to make the required annual demonstration. The EPA recognizes that any shortfall for a year in which the District does not provide an adequate demonstration will not be immediately corrected, but it will be corrected prior to continued usage of the offset equivalence demonstration. The EPA finds this acceptable.

To address the tenth identified deficiency, Subsection 2–2–605.1 has been revised to clarify the requirements of an eligible emission reduction credit and Subsection 2–2–605.2 has been revised to eliminate a separate calculation methodology for “fully-offset” sources. The provision has also been revised to specify that the amount



of emission reduction shall be calculated as the difference between: (i) The source's adjusted baseline emissions before the change calculated pursuant to Section 2–2–603; and (ii) the source's potential to emit after the change. This revision cures this deficiency because it ensures that the amount of ERC is based on actual emission reductions.

To address the eleventh identified deficiency, the calculation methodology specified in Subsection 2–2–606.2 was not revised. Instead, Section 2–2–412—Demonstration of NO<sub>x</sub>, POC and PM<sub>2.5</sub> Offset Program Equivalence, was revised to require the District to provide an annual demonstration that the District's NSR program as a whole has obtained at least as many NO<sub>x</sub>, POC and PM<sub>2.5</sub> offsets as would have been required pursuant to the provisions of 40 CFR 51.165 for federal major sources during the previous calendar year. We note that although section 2–2–412 was modified to include PM<sub>2.5</sub>, the revisions to Section 2–2–412 do not contain any provisions for demonstrating equivalency with SO<sub>2</sub> offset requirements. In section II.B.3 of this preamble we discuss our reasoning for proposing approval of Rule 2–2 without requiring an equivalency demonstration for SO<sub>2</sub> offsets.

In addition, new definitions for the terms Federal Major NSR Source, Federal Offsets Baseline Shortfall, Federal Surplus-at-Time of Use Shortfall and Equivalence Credit were added to define these terms as used in Section 2–2–412. We find these new definitions acceptable.

In the current SIP, the annual Offset Program Equivalence Demonstration is only required to account for the difference between the quantity of offsets obtained by the District using ERCs surplus adjusted solely at the time of generation and the subset of those offsets that continue to be surplus at the time of use. The new provisions require the District to also calculate the difference between the amount of offsets provided pursuant to the provisions of Subsection 2–2–606.2, and the amount required pursuant to the provisions of 40 CFR 51.165, when applied to new and modified major sources. We have reviewed the language added to Section 2–2–412 and new Section 2–2–415, and have determined that the provisions of Rule 2–2 will ensure that in the aggregate an equivalent number of ERCs will be provided as would otherwise be required by a NSR program without an equivalence mechanism that met the offset quantification provisions specified in 40 CFR 51.165. We find that

these revised and new provisions are acceptable to cure this deficiency.

In addition to the revisions made to address the identified deficiencies discussed above, the District made several additional minor rule revisions. In Rule 2–1, the definitions for the terms “Facility” and “New Source” were revised to provide additional clarification regarding portable equipment. The provisions of Subsection 2–1–234.2 were revised to clarify which specific provisions of 40 CFR 51.165 (for nonattainment pollutants) and 40 CFR 52.21 (for other Federal NSR pollutants) must be used to determine if an emissions increase from a project will result in a major modification as defined in 40 CFR 51.165 or 52.21, as applicable. These revisions provide important clarifications to ensure the provisions are enforceable, as required by CAA section 110(a)(2)(C), and do not revise any of the requirements for determining if a project will result in a major modification. Therefore we find the revisions to Subsection 2–1–234.2 acceptable. Section 2–1–413—Permits for Operation of Equipment at Multiple Locations Within the District, was revised by adding new Subsection 413.7. This new provision ensures that equipment permitted under this provision do not effectively become “stationary source equipment” by residing at a single stationary source for more than 12 months. We find these revisions acceptable. Revisions were also made to Section 2–1–424—Loss of Exemption or Exclusion to remove the reference to non-SIP approved Rule 2–10, and provide additional clarification regarding the applicability of this provision. These revisions do not change the requirements of this section, therefore we find the revisions acceptable.

In Rule 2–2, the definitions for the terms “Adjustment to Emission Reductions for Federal Purposes” and “Fully Offset Source” were deleted because the rule no longer uses these terms. In Section 2–2–214, the definition of “Greenhouse Gases” was revised to remove the requirement that such gases be measured on a mass basis consistent with the Supreme Court's decision in *Utility Air Regulatory Group v. EPA*, and the subsequent Judgment in the United States Court of Appeals for the District of Columbia Circuit in *Coalition for Responsible Regulation, Inc. v. EPA* regarding the treatment of GHGs in the PSD program.<sup>1</sup>

<sup>1</sup> In 2014 the U.S. Supreme Court issued a ruling in *Utility Air Regulatory Group v. EPA*, 134 S.Ct. 2427 (2014) that interpreted several relevant

## 2. Regulation 2, Rule 4

Our December 4, 2017 action identified the following three deficiencies in Rule 2–4.

First, Rule 2–4 is deficient because it defines the term ERCs as emission reductions “that are in excess of the reductions required by applicable regulatory requirements, and that are real, permanent, quantifiable, and enforceable,” but does not contain any enforceable provisions requiring the APCO to determine that the emission reductions under review meet the offset integrity criteria prior to issuing an ERC Certificate.

Second, Rule 2–4 is deficient because it incorporates the deficient emission reduction calculation procedures found in Rule 2–2 subsection 605.2. This deficiency in Rule 2–2–605.2 is discussed in Section II.B.1 of the present document, and is identified as deficiency number ten.

Third, Rule 2–4 is deficient because Section 2–4–302.3 allows ERC Certificates to be issued that do not adequately ensure the permanency of an emission reduction due to a facility closure.

To address the first deficiency, Section 2–4–301 has been revised by adding language clarifying that emission reductions may be banked only if the APCO determines (i) that the reductions satisfy all of the criteria necessary to constitute Emission Reduction Credits as defined in Section 2–2–211, including but not limited to the requirements that the reductions are real, permanent, quantifiable, and enforceable, and are calculated in accordance with Section 2–2–605; and (ii) that banking the reductions is not prohibited by Section 2–4–303. These revisions cure this deficiency because they ensure that emission reductions may only be banked after the APCO determines the offset integrity criteria have been met.

To address the second deficiency, Section 2–2–605.2 has been revised to eliminate a separate calculation methodology for “fully-offset” sources. This revision is discussed in more detail in section II.B.1 of the present document in the discussion of deficiency number ten. Because the second identified deficiency in Rule 2–4 stems from the incorporation of a deficiency in Section 2–2–605.2, and we found in Section

provisions of the federal Clean Air Act regarding the Act's PSD permit program requirements. On April 10, 2015, the D.C. Circuit Court of Appeals effectuated the Supreme Court's judgment by vacating portions of the EPA's PSD regulations addressing GHGs. See *Coalition for Responsible Regulation, Inc. v. EPA*, 606 Fed. Appx. 6 (Apr. 10, 2015).

II.B.1 above that the District's amendments to Rule 2–2 cure this deficiency, we also find that the corresponding deficiency cited in Rule 2–4 pertaining to how the quantity of an emission reduction is calculated has been cured.

To address the third identified deficiency, Section 2–4–302.3 has been removed from Rule 2–4. This revision cures this deficiency by removing the deficient provision.

In addition to the revisions to Rule 2–4 discussed above, the District deleted Section 301.7, which provided an example of a bankable emission reduction. Because this was only an example, this deletion has no effect on the approvability of Rule 2–4.

Our December 4, 2017, conditional approval action (82 FR 57133) was predicated on the state's commitment to submit SIP revisions to cure the three identified deficiencies. Because we are proposing to find that the present submission cures these deficiencies, we also propose to find that the state has fulfilled its commitment. If finalized as proposed, the EPA would fully approve the submitted version of Rule 2–4 into the SIP, curing the previously identified deficiencies, and remove the conditional approval contained in 40 CFR 52.248(c).

### 3. Requirements of 40 CFR 51.165(a)(13)

For any area designated nonattainment for PM<sub>2.5</sub>, 40 CFR 51.165(a)(13) requires a nonattainment NSR program to require the same control requirements applicable to major stationary sources and major modifications of PM<sub>2.5</sub> to all PM<sub>2.5</sub> precursors. A permitting authority may exclude a specific precursor from this requirement if they submit—and the EPA approves—a precursor demonstration that meets the conditions for a nonattainment NSR precursor demonstration as set forth in 40 CFR 51.1006(a)(3). In our August 1, 2016 action we found that Rule 2–2 satisfied the requirements of CAA section 189(e), which are now enacted through 40 CFR 51.165(a)(13), for SO<sub>2</sub>, NO<sub>x</sub>, and VOC, and we approved a demonstration for ammonia allowing it to be excluded from this requirement.<sup>2</sup> A nonattainment NSR precursor demonstration must “evaluate the sensitivity of PM<sub>2.5</sub> levels in the nonattainment area to an increase in emissions of a particular precursor.” If the changes “are not significant, based on the facts and circumstances of the area, the state may use that information

to identify new major stationary sources and major modifications of [that] precursor that will not be considered to contribute significantly to PM<sub>2.5</sub> levels that exceed the standard in the nonattainment area.” As part of the current SIP submittal, the District has provided an analysis in accordance with the requirements of 40 CFR 51.1006(a)(3).<sup>3</sup>

The analysis used the Community Multiscale Air Quality (CMAQ) Model and California Puff Model (CALPUFF) to model the impacts of 7 new greenfield sources emitting 370 tpy of SO<sub>2</sub> along with a 20% increase of current SO<sub>2</sub> emissions from existing sources to determine if such increases would contribute significantly to PM<sub>2.5</sub> levels that exceed the standard in the area. The District provided reasoned explanations for choosing the number, size and location of the new sources to be modeled. For the CMAQ and CALPUFF modeling, the maximum contribution was just under 0.6 µg/m<sup>3</sup> and 0.68 µg/m<sup>3</sup>, respectively. Both of these contribution estimates are well under the recommended insignificance threshold of 1.3 µg/m<sup>3</sup> contained in EPA's draft *PM<sub>2.5</sub> Precursor Demonstration Guidance*.<sup>4</sup>

Based on the information provided in the District's submitted analysis, EPA is proposing to approve the District's demonstration that SO<sub>2</sub> emissions from new and modified major SO<sub>2</sub> sources will not contribute significantly to 24-hour PM<sub>2.5</sub> concentrations exceeding the standard in the area. A more detailed summary of the District's demonstration and the EPA's analysis can be found in the docket for this action.

Based on our approval of the District's non-significance demonstration for SO<sub>2</sub>, we find it acceptable that Section 2–2–412—Demonstration of NO<sub>x</sub>, POC and PM<sub>2.5</sub> Offset Program Equivalence, does not require an annual demonstration that an equivalent number of SO<sub>2</sub> offsets are required under Rule 2–2, as would otherwise be required under a fully compliant nonattainment NSR program. While Section 2–2–303 requires offsets for SO<sub>2</sub> emissions (as required by state law), the District will not be required to include any offsets provided for SO<sub>2</sub> major sources in the annual equivalency demonstration required by Section 2–2–

412—Demonstration of NO<sub>x</sub>, POC and PM<sub>2.5</sub> Offset Program Equivalence.

### 4. Sections 110(a)(2) and 110(l) of the Act

We are proposing to find that Regulation 2, Rules 1, 2 and 4 satisfy the requirements of sections 110(a)(2) and 110(l) of the CAA. These sections state that each SIP revision submitted by a State shall be adopted by such State after reasonable notice and public hearing. Section 110(l) also states that the Administrator shall not approve a SIP revision if the revision would interfere with any applicable requirement concerning attainment and reasonable further progress, or any other CAA applicable requirement.

With respect to the procedural requirements of CAA sections 110(a)(2) and 110(l), based on our review of the public process documentation included in the December 14, 2017 SIP submittal package, we find that BAAQMD has provided sufficient evidence of public notice and opportunity for comment and public hearings prior to adoption and submittal of these rules to the EPA.

With respect to the substantive requirements of section 110(l), we have determined that our approval of the BAAQMD NSR SIP submittal represents a strengthening of BAAQMD's NSR program as compared to the District's current SIP-approved NSR program that was last approved on August 1, 2016, and that the revision would not interfere with any applicable CAA requirement. Therefore we are proposing full approval of the BAAQMD NSR SIP submittal under section 110(l) of the Act.

### 5. Section 193 of the Act

Section 193 of the Act includes a savings clause which provides, in pertinent part: “No control requirement in effect, or required to be adopted by an order, settlement agreement, or plan in effect before November 15, 1990, in any area which is a nonattainment area for any air pollutant may be modified after November 15, 1990, in any manner unless the modification insures equivalent or greater emission reductions of such air pollutant.”

We have reviewed the provisions included in BAAQMD's NSR SIP submittal and find that they would ensure equivalent or greater emission reductions compared to the current SIP-approved NSR program. The BACT and offset requirements of the submitted rules, which are the primary control requirements of a NSR program, are equivalent to or more stringent than those contained in the existing SIP-approved NSR rules. Therefore, we can

<sup>3</sup> Final Report: Demonstration of SO<sub>2</sub> Precursor Contributions to PM<sub>2.5</sub> in the San Francisco Bay Area, Bay Area Air Quality Management District, with technical assistance from Ramboll Environ, November 30, 2017.

<sup>4</sup> Draft PM<sub>2.5</sub> Precursor Demonstration Guidance, EPA-454/P-16-001, U.S. EPA OAQPS, November 17, 2016, available at <https://www.epa.gov/pm-pollution/draft-pm25-precursor-demonstration-guidance>.

<sup>2</sup> See 80 FR 52236, 52242–3 (August 28, 2015), 81 FR 50339, 50341.

approve the submitted NSR program under section 193 of the Act.

### III. Proposed Action and Public Comment

As authorized in section 110(k)(3) of the Act, the EPA is proposing to fully approve the submitted rules because we believe they fulfill all relevant requirements. In support of this proposed action, we have concluded that our approval of the submitted rules would comply with sections 110(a)(2), 110(l) and 193 of the Act because the amended rules would not interfere with any applicable requirement concerning attainment of the NAAQS in the Bay Area, and do not relax control technology and offset requirements. If we finalize this action as proposed, our action would be codified through revisions to 40 CFR 52.220 (Identification of plan—in part), and removal of the conditional approval contained in 40 CFR 52.248(c).

We will accept comments from the public on the proposed approval of Rules 2–1, 2–2, and 2–4 for the next 30 days.

### IV. Incorporation by Reference

In this rule the EPA is proposing to include in a final EPA rule regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference the BAAQMD rules listed in Table 1 of this preamble. The EPA has made, and will continue to make, these materials available electronically through [www.regulations.gov](http://www.regulations.gov) and in hard copy at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

### V. Statutory and Executive Order Reviews

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

- Is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735,

October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);

- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;

- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);

- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and

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

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

### 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.

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

Dated: February 20, 2018.

**Alexis Strauss,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 2018–04112 Filed 2–28–18; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 174

[EPA–HQ–OPP–2018–0040; FRL–9973–57]

### Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities

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

**ACTION:** Notice of filing of petition and request for comment.

**SUMMARY:** This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

**DATES:** Comments must be received on or before April 2, 2018.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2018–0040, 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:** Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (703) 305–7090; email address: [BPPDFRNotices@epa.gov](mailto:BPPDFRNotices@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. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, 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>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

## II. What action is the Agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 174 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at <http://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

*PP 7G8630.* Southern Gardens Citrus Nursery, LLC, 1820 County Road 833, Clewiston, FL 33440, requests to amend an exemption from the requirement of a tolerance in 40 CFR 174.535 for residues of the plant-incorporated protectant (PIP), Spinach Defensin Proteins, in or on citrus. The petitioner believes no analytical method is needed because an exemption from the requirement is being sought.

**Authority:** 21 U.S.C. 346a.

**Dated:** February 20, 2018.

**Robert C. McNally,**

*Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. 2018-04194 Filed 2-28-18; 8:45 am]

**BILLING CODE 6560-50-P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[MB Docket No. 18-72, RM-11796; DA 18-101]

### Radio Broadcasting Services; Desert Hills, Arizona

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** This document requests comments on a petition for rulemaking filed by L. Topaz Enterprises, Inc. (Petitioner), proposing to amend the FM Table of Allotments by allotting Channel 292A at Desert Hills, Arizona, as a second local service. Petitioner states that the proposed allotment will provide additional diversity and an outlet for local residents. A staff engineering analysis indicates that Channel 292A can be allotted to Desert Hills consistent with the minimum distance separation requirements of the Commission's rules. The reference coordinates are 34-32-58 NL and 114-22-2 WL with no site restriction.

**DATES:** Comments must be filed on or before March 26, 2018, and reply comments on or before April 10, 2018.

**ADDRESSES:** You may submit comments, identified by MB Docket No. 18-72, by any of the following methods:

- *Federal Communications Commission's Website:* <http://apps.fcc.gov/ecfs/>. Follow the instructions for submitting comments.
- *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202-418-0530 or TTY: 888-835-5322.

In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: Dale A. Ganske, L. Topaz Enterprise, Inc., 3325 Conservancy Lane, Middleton, WI 53562.

### FOR FURTHER INFORMATION CONTACT:

Adrienne Y. Denysyk, Media Bureau, (202) 418-2651.

**SUPPLEMENTARY INFORMATION:** This is a summary of the Commission's Notice of Proposed Rulemaking, MB Docket No. 18-27, adopted February 2, 2018, and released February 2, 2018. The full text of this document is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY-A257, 445 Twelfth Street SW, Washington, DC 20554. The full text of

this document is also available online at <http://apps.fcc.gov/ecfs/>. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden “for small business concerns with fewer than 25 employees,” pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this

one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

**Nazifa Sawez,**

*Assistant Chief, Audio Division, Media Bureau.*

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 73 as follows:

#### PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336 and 339.

#### § 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Desert Hills, Channel 292A, to read as follows in alphabetical order:

#### § 73.202 Table of Allotments.

\* \* \* \* \*

(b) *Table of FM Allotments.*

Arizona				
	*	*	*	*
Desert Hills .....				292A
	*	*	*	*
	*	*	*	*

[FR Doc. 2018–04115 Filed 2–28–18; 8:45 am]

**BILLING CODE 6712–01–P**

# Notices

Federal Register

Vol. 83, No. 41

Thursday, March 1, 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.

## ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

### Meetings

**AGENCY:** Architectural and Transportation Barriers Compliance Board.

**ACTION:** Notice of meetings.

**SUMMARY:** The Architectural and Transportation Barriers Compliance Board (Access Board) plans to hold its regular committee and Board meetings in Washington, DC, Monday and Wednesday, March 12 and 14, 2018 at the times and location listed below.

**DATES:** The schedule of events is as follows:

### Monday, March 12, 2018

10:00 a.m.–11:00 a.m.: Ad Hoc Committee on Design Guidance  
11:00 a.m.–Noon: Technical Programs Committee  
1:30 p.m.–2:30 p.m.: Ad Hoc Committee on Frontier Issues  
3:00 p.m.–4:00 p.m.: Update on Smart Cities Activities

### Wednesday, March 14, 2018

9:30 a.m.–10:00 a.m.: Budget Committee  
10:00 a.m.–11:00 a.m.: Planning and Evaluation  
11:00 a.m.–Noon: Rulemaking Update (Closed Session)  
1:30 p.m.–3:00 p.m.: Board Meeting

**ADDRESSES:** Meetings will be held at the Access Board Conference Room, 1331 F Street NW, Suite 800, Washington, DC 20004.

**FOR FURTHER INFORMATION CONTACT:** For further information regarding the meetings, please contact David Capozzi, Executive Director, (202) 272–0010 (voice); (202) 272–0054 (TTY).

**SUPPLEMENTARY INFORMATION:** At the Board meeting scheduled on the afternoon of Wednesday, March 14, the Access Board will consider the following agenda items:

- Approval of draft meeting minutes (vote): March 15, 2017; July 12, 2017; September 13, 2017; and, November 15, 2017
- Ad Hoc Committee Reports: Design Guidance; Frontier Issues
- Technical Programs Committee
- Budget Committee
- Planning and Evaluation Committee
- Election Assistance Commission Report
- Election of Officers
- Executive Director's Report
- Public Comment (final 15 minutes of the meeting)

Members of the public can provide comments either in-person or over the telephone during the final 15 minutes of the Board meeting on Wednesday, March 14, 2018. Any individual interested in providing comment is asked to pre-register by sending an email to [bunales@access-board.gov](mailto:bunales@access-board.gov) with the subject line "Access Board meeting—Public Comment" with your name, organization, state, and topic of comment included in the body of your email. All emails to register for public comment must be received by Wednesday, March 7, 2018. Commenters will be provided with a call-in number and passcode before the meeting. Commenters will be called on in the order by which they are pre-registered. Due to time constraints, each commenter is limited to two minutes. Commenters on the telephone will be in a listen-only capacity until they are called on.

All meetings are accessible to persons with disabilities. An assistive listening system, Communication Access Realtime Translation (CART), and sign language interpreters will be available at the Board meeting and committee meetings.

Persons attending Board meetings are requested to refrain from using perfume, cologne, and other fragrances for the comfort of other participants (see [www.access-board.gov/the-board/policies/fragrance-free-environment](http://www.access-board.gov/the-board/policies/fragrance-free-environment) for more information).

You may view the Wednesday, March 14, 2018 meeting through a live webcast from 1:30 p.m. to 3:00 p.m. at: [www.access-board.gov/webcast](http://www.access-board.gov/webcast).

**David M. Capozzi,**  
Executive Director.

[FR Doc. 2018–04146 Filed 2–28–18; 8:45 am]

**BILLING CODE 8150–01–P**

## COMMISSION ON CIVIL RIGHTS

### Notice of Public Meeting of the Texas Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Texas Advisory Committee (Committee) to the Commission will be held at 9:00 a.m. to 5:00 p.m. (Central Time) Tuesday, March 13, 2018. The purpose of the briefing is for the Committee to receive testimony regarding potential barriers to voting such as voter registration, access to and administration of polling locations, and language access that may have a disparate impact on voters on the basis of race, color, religion, sex, age, disability, or national origin.

**DATES:** The meeting will be held on Tuesday, March 13, 2018, at 9:00 a.m. to 5:00 p.m. CT.

**Location:** University of Houston Law Center, Krost Hall, 4604 Calhoun Road, Houston, TX 77004.

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

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

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://facadatabase.gov/committee/meetings.aspx?cid=276>.

Please click on the "Meeting Details" and "Documents" links. Records

generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

#### Agenda

- I. Opening Remarks and Introductions (9:00–9:15 a.m.)
- II. Academic (9:15–10:15 a.m.)  
Michael Adams, Dean of the School of Public Affairs, Texas Southern University  
Rogelio Saenz, Dean of the College of Public Policy, University of Texas at San Antonio  
Teddy Rave, Assistant Professor of Law, University of Houston Law Center
- III. Advocacy Groups (10:25–11:40 a.m.)  
Frank Jackson, Former Mayor of Prairie View  
Aaron Harris, Founder, Direct Action Texas  
Ernest Herrera, Staff Attorney, Mexican American Legal Defense and Education Fund  
Garry Bledsoe, President, Texas National Association for the Advancement of Colored People  
Jerry Vattamala, Director of the Democracy Program, Asian American Legal Defense and Education Fund
- IV. A.M. Open Forum (11:45 a.m.–12:15 p.m.)
- V. Break (12:15–1:30 p.m.)
- VI. Election Officials & Lawmakers (1:30–2:45 p.m.)  
Rodney Ellis, Commissioner, Harris County, Precinct 1  
Celia Israel, Representative, Texas House of Representatives
- VII. Voters (3:00–4:15 p.m.)
- VIII. P.M. Open Forum (4:15–4:45 p.m.)
- IX. Closing Remarks (4:45–5:00 p.m.)

Dated: February 23, 2018.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018–04143 Filed 2–28–18; 8:45 am]

**BILLING CODE P**

and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Montana Advisory Committee (Committee) to the Commission will be held at 11:00 a.m. (Mountain Time) Thursday, March 15, 2018. The purpose of the meeting is for the Committee to discuss preparations to hear testimony on border town discrimination.

**DATES:** The meeting will be held on Thursday, March 15, 2018 at 11:00 a.m. MT.

*Public Call Information: Dial: 888–516–2447, Conference ID: 8154017.*

**FOR FURTHER INFORMATION CONTACT:** Angelica Trevino at [atrevino@usccr.gov](mailto:atrevino@usccr.gov) or (213) 894–3437.

**SUPPLEMENTARY INFORMATION:** This meeting is available to the public through the following toll-free call-in number: 888–516–2447, conference ID number: 8154017. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–877–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be mailed to the Western Regional Office, U.S.

Commission on Civil Rights, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. They may be faxed to the Commission at (213) 894–0508, or emailed Angelica Trevino at [atrevino@usccr.gov](mailto:atrevino@usccr.gov). Persons who desire additional information may contact the Regional Programs Unit at (213) 894–3437.

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://facadatabase.gov/committee/meetings.aspx?cid=259>. Please click on the “Meeting Details” and “Documents” links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the

meeting. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

#### Agenda

- I. Welcome and Rollcall
- II. Approval of minutes from February 1, 2018 meeting
- III. Discussion of panelists and logistics for hearing testimony on border town discrimination
- IV. Public Comment
- V. Adjournment

Dated: February 23, 2018.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018–04144 Filed 2–28–18; 8:45 am]

**BILLING CODE P**

### COMMISSION ON CIVIL RIGHTS

#### Notice of Public Meeting of the Alaska Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Alaska Advisory Committee (Committee) to the Commission will be held at 1:00 p.m. (Alaska Time) Tuesday, March 27, 2018. The purpose of the meeting is for the Committee to vote on the final advisory memorandum on Alaska Native voting rights that will be issued to the U.S. Commission on Civil Rights.

**DATES:** The meeting will be held on Tuesday, March 27, 2018, at 1:00 p.m. AKT.

*Public Call Information: Dial: 800–756–4697, Conference ID: 1620223.*

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

**SUPPLEMENTARY INFORMATION:** This meeting is available to the public through the following toll-free call-in number: 800–756–4697, conference ID number: 1620223. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the

### COMMISSION ON CIVIL RIGHTS

#### Notice of Public Meeting of the Montana Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights.

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules

proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

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

Records and documents discussed during the meeting will be available for public viewing prior to and after the meeting at <https://facadatabase.gov/committee/meetings.aspx?cid=234>. Please click on the "Meeting Details" and "Documents" links. Records generated from this meeting may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meeting. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

#### Agenda

- I. Welcome
- II. Vote on Advisory Memorandum
- III. Public Comment
- IV. Next Steps
- V. Adjournment

Dated: February 23, 2018.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018-04142 Filed 2-28-18; 8:45 am]

**BILLING CODE P**

#### COMMISSION ON CIVIL RIGHTS

##### Notice of Public Meetings of the Texas Advisory Committee

**AGENCY:** U.S. Commission on Civil Rights

**ACTION:** Announcement of meeting.

**SUMMARY:** Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that meetings of the Texas

Advisory Committee (Committee) to the Commission will be held at 12:00 p.m. (Central Time), Wednesday, March 21, 2018; 1:00 p.m. (Central Time), Wednesday, April 18, 2018; 1:00 p.m. (Central Time), Wednesday, May 9, 2018; and 1:00 p.m. (Central Time), Wednesday, May 30, 2018. The purpose of these meetings is for the Committee to discuss findings and recommendations for an advisory memorandum on voting rights in the state.

**DATES:** These meetings will be held on Wednesday, March 21, 2018 at 12:00 p.m.; Wednesday, April 18, 2018 at 1:00 p.m.; Wednesday, May 9, 2018 at 1:00 p.m.; and Wednesday, May 30, 2018 at 1:00 p.m. Central Time.

*Public Call Information:* Dial: 888-211-9963; *Conference ID:* 2677329.

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

**SUPPLEMENTARY INFORMATION:** These meetings are available to the public through the following toll-free call-in number: 888-211-9963, conference ID number: 2677329. Any interested member of the public may call this number and listen to the meetings. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1-800-877-8339 and providing the Service with the conference call number and conference ID number.

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

Records and documents discussed during meetings will be available for public viewing prior to and after the meetings at <https://facadatabase.gov/committee/meetings.aspx?cid=276>. Please click on the "Meeting Details"

and "Documents" links. Records generated from these meetings may also be inspected and reproduced at the Regional Programs Unit, as they become available, both before and after the meetings. Persons interested in the work of this Committee are directed to the Commission's website, <https://www.usccr.gov>, or may contact the Regional Programs Unit at the above email or street address.

#### Agenda

- I. Welcome
- II. Approve minutes from previous meeting date
- III. Discuss advisory memorandum
- IV. Public Comment
- V. Next Steps
- VI. Adjournment

Dated: February 23, 2018.

**David Mussatt,**

*Supervisory Chief, Regional Programs Unit.*

[FR Doc. 2018-04145 Filed 2-28-18; 8:45 am]

**BILLING CODE P**

#### DEPARTMENT OF COMMERCE

##### Census Bureau

##### Proposed Information Collection; Comment Request; Redistricting Data Program

**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)). You may also submit comments, identified by Docket Number USBC-XXXX-XXXX, to the Federal e-Rulemaking Portal: <http://www.regulations.gov>. All comments received are part of the public record. No comments will be posted to <http://www.regulations.gov> for public viewing until after the comment period has closed. Comments will generally be posted without change. All Personally



Identifiable Information (for example, name and address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. You may submit attachments to electronic comments in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to James Whitehorne, U.S. Census Bureau, 4600 Silver Hill Road, Washington, DC 20233, [rdo@census.gov](mailto:rdo@census.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Overview**

The Redistricting Data Program (RDP) is one of many voluntary geographic data exchange programs that collects boundaries to update the U.S. Census Bureau's geographic database of addresses, streets, and boundaries. The Census Bureau uses its geographic database to link demographic data from surveys and the decennial Census to locations and areas, such as cities, congressional and legislative districts, and counties. To tabulate statistics by localities, the Census Bureau must have accurate addresses and boundaries.

The boundaries collected in the RDP and other geographic programs will create census blocks, which are the building blocks for all Census Bureau geographic boundaries. While the geographic programs differ in requirements, timeframe, and participants, the RDP and the other geographic programs all follow the same basic process:

1. The Census Bureau invites eligible participants to the program. For the RDP, we invite nonpartisan state liaisons appointed by the legislative leadership of each state.
2. If they elect to participate in the program, participants receive a digital copy of the boundaries the Census Bureau has on file. Participants review the boundaries and update them if needed. RDP participants can choose to review and provide their boundary updates using a free customized mapping software, or using their own mapping software.
3. Participants return their updates to the Census Bureau.
4. The Census Bureau updates its geographic database with boundary updates from participants.
5. The Census Bureau uses the newly updated boundaries and addresses to tabulate statistics.

**II. Abstract**

The Census Bureau is requesting a three-year clearance for the Fiscal Year (FY) 2019 through 2021 to continue the phases of the 2020 Census RDP Operation. The current three-year RDP clearance and the project specific Office of Management and Budget (OMB) Control Number 0607–0988 will expire in November 2018. The new clearance allows the Census Bureau to provide RDP-specific materials, procedures, and burden hours to the liaisons from the 50 states, the District of Columbia, and Puerto Rico to complete two rounds of verification of the Voting District Project (VTDP), Phase 2, in 2019 and 2020. The RDP has added a second round of VTDP verification in 2020, resulting in an increase of 4,836 hours in total burden from the burden described in the previously-approved OMB package. Leading up to the decennial census, many geographies are changing simultaneously and consequently may affect the Voting District (VTD) geography. This second verification is necessary to make sure that VTD geographies are up-to-date and align with decennial geography. The Census Bureau will deliver the 2020 Census Redistricting Data (Phase 3) by April 1, 2021. RDP is executed under the provisions of Title 13, Section 141(c) of the United States Code (U.S.C.).

Under the provisions of Public Law 94–171, as amended (Title 13, United States Code (U.S.C.), Section 141(c)), the Director of the Census Bureau is required to provide the “officers or public bodies having initial responsibility for the legislative apportionment or districting of each state . . .” with the opportunity to specify geographic areas (e.g., Voting Districts (VTDs), wards, and election precincts) for which they wish to receive decennial census population counts for the purpose of reapportionment or redistricting.

**III. Method of Collection**

The Census Bureau develops and uses different methods to collect data from program participants. The Census Bureau issued invitation letters by mail (U.S. Postal Service) and follow-up emails to the officers or public bodies having initial responsibility for legislative reapportionment and redistricting. The 50 states, the District of Columbia, and the Commonwealth of Puerto Rico have identified non-partisan liaisons that are already working directly with the Census Bureau on the 2020 Census RDP.

In addition, to begin work on Phase 1 and Phase 2, the Census Bureau provides to states:

1. Data from the Master Address File/ Topologically Integrated Geographic Encoding and Referencing system.
  2. The Geographic Update Program Software (GUPS), an optional software tool.
  3. The procedures necessary for each state to participate.
- States are not required to use GUPS, but they have to submit their submission to the Census Bureau electronically in Census Bureau-specified formats. During the submission period, the Census Bureau provides training in the use of GUPS and assists the states in understanding the procedures necessary for processing files for their submission.

State liaisons have participated and/or will continue to provide inputs in the following phases of the program:

*Phase 1: Block Boundary Suggestion Project (BBSP) (2015–2017)*

Between 2015 and 2017, the Census Bureau collaborated with each state liaison to collect and verify suggestions for 2020 Census tabulation blocks through the BBSP. The purpose of the BBSP was to afford states the opportunity to identify non-standard features often used as electoral boundaries (such as a power line or stream, rather than a street centerline, which might divide voters on the same street into two districts) for use as 2020 Census tabulation block boundaries. For the first time, states also had the opportunity to review legal limits, such as county and incorporated place boundaries, as reported through the Boundary and Annexation Survey (BAS). The Census Bureau conducts the BAS annually to update information about the legal boundaries and names of all governmental units. The alignment of the BAS with the BBSP facilitated the cooperation between state and local governments. States that chose to participate in Phase 1 received guidelines and training for providing their suggestions.

*Phase 2: Voting District Project (VTDP) (2018–2020)*

The VTDP is the second phase of the RDP operation. During this phase, states are able to submit their VTD boundaries and to suggest legal boundary updates to the Census Bureau. In addition, state liaisons who participated in the delineation have two opportunities to verify the submitted VTDs prior to release of the 2020 Census redistricting data tabulations, which occurs in Phase 3. VTDP delineation occurs between

January and May 2018 and is included in the current OMB clearance. VTDP verifications occur in early 2019 and early 2020.

- **VTDs Delineation (2018)**

States that choose to participate in VTDP receive geographic products that allow them the opportunity to update the VTDs for inclusion in the 2020 Census tabulation geography. State liaisons also have the option to continue to align their effort with updates from state and local government officials participating in the BAS. The VTD/BAS updates continue through May 2018.

- **VTDs Verification (2019 and 2020)**

The Census Bureau will conduct two rounds of verification of the VTDs. The Census Bureau will perform an initial VTD verification between December 2018 and May 2019. Leading up to the decennial census, many geographies are changing simultaneously and subsequently may affect the VTD geography. In order to provide current VTDs to the states that align better with decennial geography, a second round of verification will occur between December 2019 and March 2020 for states that participated in the initial delineation and first verification.

Participation in the 2020 Census RDP Phases 1 (BBSP) and 2 (VTDP), under Title 13, U.S.C., is voluntary. However, the Census Bureau cannot ensure that the 2020 Census tabulation geography will support the redistricting needs of a state that has chosen not to participate in Phase 1 and Phase 2.

*Phase 3: Delivery of the 2020 Census Redistricting Data (2021)*

By April 1, 2021, the Director of the Census Bureau will, in accordance with Title 13, U.S.C., furnish the Governor and state legislative leaders, both the majority and minority, and any public bodies responsible for legislative redistricting, with 2020 Census population counts for standard census tabulation areas (e.g., states, Congressional districts, state legislative districts, American Indian areas, counties, cities, towns, census tracts, census block groups, and census blocks) regardless of a state's participation in Phase 1 or 2. The Director of the Census Bureau will provide 2020 Census population counts for those states participating in Phase 2, for both the standard tabulation areas and for VTDs. For each state, this delivery will occur no later than April 1, 2021.

*Phase 4: Collection of Post-Census Redistricting Data Plans (2011–2022)*

- **2010 Census**

Beginning in 2011 and every two years thereafter, the Census Bureau solicits from each state the newly drawn legislative and Congressional district plans and prepares appropriate data tabulations based on the new districts. From November 2015 through May 2016, the Census Bureau completed the data collection and verification of the 115th Congressional Districts (CDs) and 2016 State Legislative Districts (SLDs). The 116th CDs and SLDs collection and verification will occur between

November 2017 and May 2018. The Census Bureau is not planning to collect the 117th CDs and SLDs in 2020.

- **2020 Census**

Between November 2021 and May 2022, the Census Bureau will solicit from each state the boundaries of the newly drawn 118th CDs and 2022 SLDs. This effort will occur every two years in advance of the 2030 Census in order to update these boundaries with new or changed plans. A verification phase will occur with each update.

*Phase 5: Review of the 2020 Census RDP and Recommendations for the 2030 Census RDP (2020 Post-Data Collection)*

As the final phase of the 2020 Census RDP, the Census Bureau will work with the states to conduct a thorough review of the RDP. The intent of this review, and the final report that results, is to provide guidance to the Secretary and the Census Bureau Director in planning the 2030 Census RDP.

#### IV. Data

*OMB Control Number:* 0607–0988.

*Form Number(s):* Not available.

*Type of Review:* Regular submission.

*Affected Public:* All 50 states, the District of Columbia, and the Commonwealth of Puerto Rico.

*Estimated Number of Respondents:* 52.

*Estimated Time per Response:* 72 hours.

*Estimated Burden Hours (Information Collection Renewal—FY 2019–2021):* 11,284.

Phases/activities	Estimated total hour burden per fiscal year (FY)					
	Currently approved OMB			Renewal		
	2016	2017	2018	2019	2020	2021
BBSP Annotation Phase 1 .....	6,448	.....	.....	.....	.....	.....
BBSP Verification Phase 2 .....	.....	3,224	.....	.....	.....	.....
VTDP Delineation Phase 1 .....	.....	.....	12,896	.....	.....	.....
VTDP Delineation round one .....	.....	.....	.....	6,448	.....	.....
VTDP Verification round two .....	.....	.....	.....	.....	4,836	.....
<i>Total Estimated Hour Burden .....</i>	22,984			11,284		

*Estimated Total Annual Burden Hours:* 3,761.

*Estimated Total Annual Cost to Public:* \$0.

*Respondent's Obligation:* Voluntary.

**Authority:** Legal Authority: Title 13, U.S.C., Sections 16, 141, and 193.

#### V. 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,**

*Department Lead PRA Officer, Office of the Chief Information Officer.*

[FR Doc. 2018–04156 Filed 2–28–18; 8:45 am]

**BILLING CODE 3510–07–P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[S–166–2014]

#### Foreign-Trade Zone 231—Stockton, California; Withdrawal of Application for Subzone Expansion; Medline Industries, Inc.; Lathrop, California

Notice is hereby given of the withdrawal of the application of the Port of Stockton, California, grantee of FTZ 231, requesting an additional site within Subzone 231A on behalf of Medline Industries, Inc., located in Lathrop, California. The application was docketed on December 15, 2014 (79 FR 75787, December 19, 2014).

The case has been closed without prejudice.

Dated: February 26, 2018.

**Andrew McGilvray,**

*Executive Secretary.*

[FR Doc. 2018–04171 Filed 2–28–18; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–560–830]

#### Biodiesel From Indonesia: Final Determination of Sales at Less Than Fair Value

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

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of biodiesel from Indonesia are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The period of investigation (POI) is January 1, 2016, through December 31, 2016. The final weighted-average dumping margins are listed below in the section entitled “Final Determination Margins.”

**DATES:** Applicable March 1, 2018.

#### FOR FURTHER INFORMATION CONTACT:

Myrna Lobo or Alex Cipolla, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue

NW, Washington, DC 20230; telephone: (202) 482–2371 or (202) 482–4956, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On October 31, 2017, Commerce published in the **Federal Register** the preliminary affirmative determination of sales at LTFV in the antidumping duty (AD) investigation of biodiesel from Indonesia.<sup>1</sup> On December 8, 2017, Commerce published a postponement notice, extending the due date of the final LTFV determination until February 15, 2018.<sup>2</sup> Commerce invited comments from interested parties on the *Preliminary Determination*.<sup>3</sup> The petitioner, Wilmar, and Musim Mas filed case and rebuttal briefs on both sales and cost issues.<sup>4</sup> In addition, the Government of Indonesia filed a case brief. Commerce exercised its discretion to toll deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. The revised deadline for the final determination of this investigation is now February 20, 2018.<sup>5</sup> A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the

<sup>1</sup> See *Biodiesel from Indonesia: Preliminary Affirmative Determination of Sales at Less Than Fair Value*, 82 FR 50379 (October 31, 2017) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum (PDM).

<sup>2</sup> See *Biodiesel from Argentina and Indonesia: Postponement of Final Determinations of Sales at Less Than Fair Value Investigations and Extension of Provisional Measures*, 82 FR 57952 (December 8, 2017).

<sup>3</sup> See Memorandum “Antidumping Duty Investigation of Biodiesel from Indonesia: Deadline for Case Briefs,” dated November 22, 2017; see also Memorandum “Antidumping Duty Investigation of Biodiesel from Indonesia: Deadline for Case Briefs,” dated December 1, 2017.

<sup>4</sup> The petitioner is the National Biodiesel Board Fair Trade Coalition, which is an *ad hoc* association comprised of domestic producers of biodiesel, as well as one trade association. See, e.g., *Biodiesel from Argentina and Indonesia: Antidumping and Countervailing Duty Petitions*, dated March 23, 2017. The mandatory respondents in this investigation are Wilmar Trading PTE Ltd. (Wilmar) and PT Musim Mas (Musim Mas).

<sup>5</sup> See Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, “Deadlines Affected by the Shutdown of the Federal Government,” dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days. If the new deadline falls on a non-business day, in accordance with Commerce’s practice, the deadline will become the next business day. See *Notice of Clarification: Application of “Next Business Day” Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended*, 70 FR 24533 (May 10, 2005).

Issues and Decision Memorandum.<sup>6</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

##### Scope of the Investigation

The product covered by this investigation is biodiesel from Indonesia. Commerce did not receive any scope comments subsequent to the *Preliminary Determination* and, therefore, the scope has not been updated since the *Preliminary Determination*. See the scope in Appendix I to this notice.

##### Period of Investigation

The POI is January 1, 2016, through December 31, 2016.

##### Verification

As provided in section 782(i) of the Act, we conducted the cost and sales verifications of Wilmar in Medan, Indonesia, Singapore, and Pearland, Texas, in October and November, 2017. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by the respondents.

##### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II.

##### Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations. For a discussion of these changes, see the Issues and Decision Memorandum.

<sup>6</sup> See Memorandum to the File, “Issues and Decision Memorandum for the Final Affirmative Determination in the Antidumping Duty Investigation of Biodiesel from Indonesia,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated “all-others” rate for exporters and producers not individually investigated shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for individually investigated exporters and producers, excluding any margins that are zero or *de minimis* or any margins determined entirely under section 776 of the Act. In this investigation, Commerce assigned a rate based entirely on facts available to Musim Mas. Therefore, the only rate that is not zero, *de minimis* or based entirely on facts otherwise available is the rate calculated for Wilmar. Consequently, the rate calculated for Wilmar is also assigned as the rate for all-other producers and exporters, as referenced in the “Final Determination Margins” section below.

### Final Determination Margins

The weighted-average dumping margins are as follows:

Exporter or producer	Estimated weighted-average dumping margin (percent)
Wilmar Trading PTE Ltd .....	92.52
PT Musim Mas .....	276.65
All-Others .....	92.52

### Disclosure

We will disclose the calculations performed within five days of any public announcement of this notice in accordance with 19 CFR 351.224(b).

### Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of biodiesel from Indonesia, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after October 31, 2017, the date of publication of the *Preliminary Determination*.

Furthermore, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination;

(2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

These instructions will stay in effect until further notice.

### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of biodiesel from Indonesia no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the “Continuation of Suspension of Liquidation” section.

### Notification Regarding Administrative Protective Orders

This notice will serve as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction or APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

### Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: February 20, 2018.

**Prentiss Lee Smith,**

*Deputy Assistant Secretary for Policy and Negotiations.*

### Appendix I—Scope of the Investigation

The product covered by this investigation is biodiesel, which is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, including biologically-based waste oils or greases, and other biologically-based oil or fat sources. The investigation covers biodiesel in pure form (B100) as well as fuel mixtures containing at least 99 percent biodiesel by volume (B99). For fuel mixtures containing less than 99 percent biodiesel by volume, only the biodiesel component of the mixture is covered by the scope of the investigation.

Biodiesel is generally produced to American Society for Testing and Materials International (ASTM) D6751 specifications, but it can also be made to other specifications. Biodiesel commonly has one of the following Chemical Abstracts Service (CAS) numbers, generally depending upon the feedstock used: 67784–80–9 (soybean oil methyl esters); 91051–34–2 (palm oil methyl esters); 91051–32–0 (palm kernel oil methyl esters); 73891–99–3 (rapeseed oil methyl esters); 61788–61–2 (tallow methyl esters); 68990–52–3 (vegetable oil methyl esters); 129828–16–6 (canola oil methyl esters); 67762–26–9 (unsaturated alkylcarboxylic acid methyl ester); or 68937–84–8 (fatty acids, C12–C18, methyl ester).

The B100 product subject to the investigation is currently classifiable under subheading 3826.00.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), while the B99 product is currently classifiable under HTSUS subheading 3826.00.3000. Although the HTSUS subheadings, ASTM specifications, and CAS numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

### Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Changes Since the Preliminary Determination
- V. Discussion of the Issues
  - Comment 1: Whether a Circumstances of Sale Adjustment is Appropriate for the Renewable Identification Numbers Value
  - Comment 2: Whether Commerce Erred in Disregarding Wilmar’s Reported Home Market Sales Due to Particular Market Situation
  - Comment 3: Whether the Particular Market Situation Permits Disregarding Raw Material Costs
  - Comment 4: Whether the Particular Market Situation Adjustment for Crude Palm Oil Results in the Imposition of Double Remedies
  - Comment 5: Whether Commerce Erred in Its Selection of CV Profit Sources
  - Comment 6: Whether Commerce Should Correct Errors in Its CV Profit Calculation

Comment 7: Whether to Continue to Include Allocated RIN and BTC Values for Wilmar's U.S. Sales of Biodiesel Made Without RINs and BTCs

Comment 8: Whether Commerce Should Correct Its Constructed Value Calculation Based on Its Cost Verification Finding

Comment 9: Whether Commerce's Application of AFA to Musim Mas was Justified and Sufficiently Adverse

#### VI. Recommendation

[FR Doc. 2018-04138 Filed 2-28-18; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-357-820]

#### **Biodiesel From Argentina: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part**

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

**SUMMARY:** The Department of Commerce (Commerce) determines that imports of biodiesel from Argentina are being, or are likely to be, sold in the United States at less than fair value (LTFV), as provided in section 735 of the Tariff Act of 1930, as amended (the Act). The period of investigation (POI) is January 1, 2016, through December 31, 2016. The final weighted-average dumping margins are listed below in the section entitled "Final Determination Margins."

**DATES:** Applicable March 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** David Lindgren, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-3870.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

On October 31, 2017, Commerce published in the **Federal Register** the preliminary affirmative determination of sales at LTFV and the preliminary affirmative determination of critical circumstances, in part, in the antidumping duty (AD) investigation of biodiesel from Argentina.<sup>1</sup> On December 8, 2017, Commerce published a

postponement notice, extending the due date of the final LTFV determination until February 15, 2018.<sup>2</sup> Commerce invited comments from interested parties on the *Preliminary Determination*.<sup>3</sup> The petitioner, LDC Argentina S.A. (LDC), and the Vicentin Group filed case and rebuttal briefs.<sup>4</sup> Commerce exercised its discretion to toll deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. The revised deadline for the final determination of this investigation is now February 20, 2018.<sup>5</sup> A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by interested parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>6</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>, and it is available to all parties in the Central Records Unit, Room B8024 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/>

<sup>2</sup> See *Biodiesel from Argentina and Indonesia: Postponement of Final Determinations of Sales at Less Than Fair Value Investigations and Extension of Provisional Measures*, 82 FR 57952 (December 8, 2017).

<sup>3</sup> See Memorandum, "Case Brief Schedule for the Antidumping Duty Investigation of Biodiesel from Argentina," dated December 1, 2017.

<sup>4</sup> The petitioner is the National Biodiesel Board Fair Trade Coalition, which is an *ad hoc* association comprised of domestic producers of biodiesel, as well as one trade association. See, e.g., *Biodiesel from Argentina and Indonesia: Antidumping and Countervailing Duty Petitions*, dated March 23, 2017. The Vicentin Group consists of the following companies: Vicentin S.A.I.C., Renova S.A., Oleaginosa Moreno Hermanos S.A., Molinos Agro S.A., Patagonia Energia S.A., VFG Inversiones y Actividades Especiales S.A., Vicentin S.A.I.C. Sucursal Uy, Trading Company X, and Molinos Overseas Commodities S.A. See, e.g., *Preliminary Decision Memorandum at "Affiliation and Collapsing."*

<sup>5</sup> See Memorandum, "Deadlines Affected by the Shutdown of the Federal Government," dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. See *Notice of Clarification: Application of "Next Business Day" Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, as Amended*, 70 FR 24533 (May 10, 2005).

<sup>6</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Antidumping Duty Investigation of Biodiesel from Argentina," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

*frn*/. The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

#### **Scope of the Investigation**

The product covered by this investigation is biodiesel from Argentina. Commerce did not receive any scope comments subsequent to the *Preliminary Determination* and, therefore, the scope has not been updated since the *Preliminary Determination*. See the scope in Appendix I to this notice.

#### **Period of Investigation**

The POI is January 1, 2016, through December 31, 2016.

#### **Verification**

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), we conducted the cost and sales verifications in Buenos Aires, Argentina, and Kansas City, Missouri, between October 30, 2017, and November 17, 2017. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by the respondents.

#### **Final Affirmative Determination of Critical Circumstances, in Part**

In the *Preliminary Determination*, in accordance with section 733(e)(1) of the Act and 19 CFR 351.206, Commerce found that critical circumstances existed for LDC and "all other" producers or exporters not individually examined and found that critical circumstances did not exist for the Vicentin Group. Commerce received no comments concerning the preliminary critical circumstances determination. Thus, for this final determination, Commerce continues to find that, in accordance with section 735(a)(3) of the Act and 19 CFR 351.206, critical circumstances exist for LDC and "all other" producers or exporters and do not exist for the Vicentin Group. For further discussion of Commerce's critical circumstances analysis, see the Issues and Decision Memorandum.

#### **Analysis of Comments Received**

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum, which is hereby adopted by this notice. A list of the issues raised is attached to this notice as Appendix II.

<sup>1</sup> See *Biodiesel from Argentina: Preliminary Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part*, 82 FR 50391 (October 31, 2017) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum.

### Use of Facts Available and Adverse Facts Available

For purposes of this final determination, Commerce relied, in part, on facts available with adverse inferences when calculating the margins for LDC and the Vicentin Group, pursuant to sections 776(a)(2)(A)–(C) and 776(b) of the Act. For further information, see the Issues and Decision Memorandum.

### Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at

verification, we made certain changes to the margin calculations. For a discussion of these changes, see the Issues and Decision Memorandum.

### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated “all-others” rate for exporters and producers not individually investigated shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for individually investigated exporters and producers, excluding any margins that are zero or *de minimis* or any margins

determined entirely under section 776 of the Act. We calculated the all-others rate using a weighted average of the dumping margins calculated for the mandatory respondents using each company’s publicly-ranged values for the merchandise under consideration, pursuant to section 735(c)(5)(A) of the Act, as referenced in the “Final Determination Margins” section below.<sup>7</sup>

### Final Determination Margins

The weighted-average dumping margins are as follows:

Exporter or producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
LDC Argentina S.A .....	60.44	60.44
Vicentin S.A.I.C. <sup>8</sup> .....	86.41	<sup>9</sup> 86.23
All-Others .....	74.73	<sup>10</sup> 74.63

### Disclosure

We will disclose the calculations performed within five days of any public announcement of this notice in accordance with 19 CFR 351.224(b).

### Continuation of Suspension of Liquidation

In accordance with section 733(e)(2) of the Act, for this final determination, Commerce will instruct U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of biodiesel, as described in the Appendix I to this notice, produced or exported by LDC and “all other” exporters and producers not individually examined, which were entered, or withdrawn from warehouse, for consumption on or after August 2, 2017 (90 days prior to the date of publication of the *Preliminary Determination*), because we continue to find that critical circumstances exist with regard to imports from produced or exported by LDC and “all other” exporters and producers not individually examined.

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. CBP to continue to suspend liquidation of all appropriate entries of biodiesel from Argentina, as described in Appendix I of this notice,

which were entered, or withdrawn from warehouse, for consumption on or after October 31, 2017, the date of publication of the *Preliminary Determination*.

Furthermore, pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), Commerce will instruct CBP to require a cash deposit for such entries of merchandise equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows:

(1) The cash deposit rate for the respondents listed above will be equal to the respondent-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the respondent-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin. Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in

effect. Accordingly, where Commerce made an affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate.<sup>11</sup> Any such adjusted cash deposit rate may be found in the “Final Determination Margins” section, above.

These instructions will stay in effect until further notice.

### International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2)(B) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of biodiesel from Argentina no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the

<sup>7</sup> For more detail on this calculation, see Memorandum, “Antidumping Duty Investigation of Biodiesel from Argentina: Final Determination Calculation for the ‘All Others’ Rate,” dated concurrently with this notice (Final All-Others Memorandum).

<sup>8</sup> As noted above, Commerce preliminarily determined that Vicentin S.A.I.C., and companies Renova S.A., Oleaginosa Moreno Hermanos S.A., Molinos Agro S.A., Patagonia Energia S.A., VFG

Inversiones y Actividades Especiales S.A., Vicentin S.A.I.C. Sucursal Uy, Trading Company X, and Molinos Overseas Commodities S.A. are a single entity. See Preliminary Decision Memorandum at “Affiliation and Collapsing.” This determination has not been changed for the purposes of the final determination.

<sup>9</sup> See Memorandum to the File, “Antidumping Duty Investigation of Biodiesel from Argentina: Vicentin Group Final Determination Analysis,”

dated concurrently with this notice (Vicentin Final Analysis Memorandum).

<sup>10</sup> See Final All-Others Memorandum.

<sup>11</sup> See Memorandum to the File, “Antidumping Duty Investigation of Biodiesel from Argentina: LDC Argentina S.A. Final Determination Analysis,” dated concurrently with this notice; see also Vicentin Final Analysis Memorandum; Final All-Others Memorandum.

ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

#### Notification Regarding Administrative Protective Orders

This notice will serve as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of return/destruction or APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

#### Notification to Interested Parties

We are issuing and publishing this determination and notice in accordance with sections 735(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: February 20, 2018.

**Prentiss Lee Smith,**

*Deputy Assistant Secretary for Policy and Negotiations.*

#### Appendix I—Scope of the Investigation

The product covered by this investigation is biodiesel, which is a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, including biologically-based waste oils or greases, and other biologically-based oil or fat sources. The investigation covers biodiesel in pure form (B100) as well as fuel mixtures containing at least 99 percent biodiesel by volume (B99). For fuel mixtures containing less than 99 percent biodiesel by volume, only the biodiesel component of the mixture is covered by the scope of the investigation.

Biodiesel is generally produced to American Society for Testing and Materials International (ASTM) D6751 specifications, but it can also be made to other specifications. Biodiesel commonly has one of the following Chemical Abstracts Service (CAS) numbers, generally depending upon the feedstock used: 67784–80–9 (soybean oil methyl esters); 91051–34–2 (palm oil methyl esters); 91051–32–0 (palm kernel oil methyl esters); 73891–99–3 (rapeseed oil methyl esters); 61788–61–2 (tallow methyl esters); 68990–52–3 (vegetable oil methyl esters); 129828–16–6 (canola oil methyl esters); 67762–26–9 (unsaturated alkylcarboxylic acid methyl ester); or 68937–84–8 (fatty acids, C12–C18, methyl ester).

The B100 product subject to the investigation is currently classifiable under subheading 3826.00.1000 of the Harmonized

Tariff Schedule of the United States (HTSUS), while the B99 product is currently classifiable under HTSUS subheading 3826.00.3000. Although the HTSUS subheadings, ASTM specifications, and CAS numbers are provided for convenience and customs purposes, the written description of the scope is dispositive.

#### Appendix II—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Investigation
- IV. Final Affirmative Determination of Critical Circumstances, in Part
- V. Changes Since the Preliminary Determination
- VI. Use of Facts Otherwise Available and Adverse Inferences
- VII. Discussion of the Issues
  - Comment 1: Whether It Is Appropriate To Adjust Normal Value for the Renewable Identification Number Value
  - Comment 2: Whether the Determination To Disregard Home Market Prices Due to Particular Market Situation Contradicts Commerce Precedent
  - Comment 3: Whether the Particular Market Situation Permits Disregarding Raw Material Costs
  - Comment 4: Whether the Particular Market Situation Adjustment for Soybean Export Tax Results in Double Counting
  - Comment 5: Whether To Adjust the Constructed Value Profit Calculation
  - Comment 6: Whether Commerce's Use of Its Inflation Methodology Should Be Determined on a Country-Wide or Company-Specific Basis
  - Comment 7: Whether It Is Appropriate To Index Costs for Inflation if Commerce Finds a Particular Market Situation
  - Comment 8: Whether To Deduct Export Taxes From Gross Unit Prices
  - Comment 9: Whether To Apply Adverse Facts Available to Certain Unreported LDC Expenses
  - Comment 10: Whether To Apply Facts Available to LDC's Unreported U.S. Sales
  - Comment 11: Treatment of Vicentin Group's EPA-Related Soybean Expenses
  - Comment 12: Whether To Apply Adverse Facts Available to Molinos's Export Expenses
  - Comment 13: Whether To Adjust Patagonia's Costs for the Change in Biodiesel Finished Goods Inventories
  - Comment 14: Whether To Reduce Patagonia's Byproduct Offset by Commissions Paid on the Sales of the Byproduct
  - Comment 15: Whether To Adjust Vicentin's Reported Costs for an Unreconcilable Cost Difference
  - Comment 16: Whether Elements of the Renova Transfer Price to Actual Processing Cost Comparison Are on an Inconsistent Basis and Require Adjustment
- VIII. Recommendation

[FR Doc. 2018–04137 Filed 2–28–18; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–351–825]

#### Stainless Steel Bar From Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2016–2017

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

**SUMMARY:** The Department of Commerce (Commerce) preliminarily finds that the sole exporter subject to this administrative review has not made sales of subject merchandise at less than normal value. We invite interested parties to comment on these preliminary results.

**DATES:** Applicable March 1, 2018.

**FOR FURTHER INFORMATION CONTACT:** Dmitry Vladimirov, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0665.

#### SUPPLEMENTARY INFORMATION:

##### Background

Commerce is conducting an administrative review of the antidumping duty order on stainless steel bar (SSB) from Brazil. The period of review (POR) is February 1, 2016, through January 31, 2017. The review covers one producer/exporter of the subject merchandise, Villares Metals S.A. (Villares).

##### Scope of the Order

The merchandise subject to the order is SSB. The SSB subject to the order is currently classifiable under subheadings 7222.10.00, 7222.11.00, 7222.19.00, 7222.20.00, 7222.30.00 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.<sup>1</sup>

##### Methodology

Commerce conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Constructed export price and export

<sup>1</sup> See the Memorandum, "Stainless Steel Bar from Brazil: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2016–2017," dated concurrently with, and hereby adopted by this notice (Preliminary Decision Memorandum).



price are calculated in accordance with section 772 of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying our conclusions, see Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is made available to the public *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov> and to all parties in Commerce's Central Records Unit, located at room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at <http://enforcement.trade.gov/frn/index.html>. A list of the topics discussed in the Preliminary Decision Memorandum is attached as an Appendix to this notice.

### Preliminary Results of Review

As a result of this review, we preliminarily determine that a weighted-average dumping margin of 0.00 percent exists for Villares for the period February 1, 2016, through January 31, 2017.

### Disclosure and Public Comment

We intend to disclose the calculations performed to parties in this proceeding within five days after public announcement of the preliminary results in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs not later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>2</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>3</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the Acting Assistant Secretary for Enforcement and Compliance, filed electronically *via* ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5 p.m. Eastern Time within 30 days after the date of publication of

this notice.<sup>4</sup> Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, unless extended, pursuant to section 751(a)(3)(A) of the Act.

### Assessment Rates

If Villares' weighted-average dumping margin is above *de minimis* in the final results of this review, we will calculate an importer-specific assessment rate based on the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). If Villares' weighted-average dumping margin continues to be zero or *de minimis* in the final results of this review, we will instruct U.S. Customs and Border Protection (CBP) not to assess duties on any of its entries in accordance with the *Final Modification for Reviews*.<sup>5</sup>

For entries of subject merchandise during the POR produced by Villares for which it did not know its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company or companies involved in the transaction. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

### Cash Deposit Requirements

The following deposit requirements will be effective upon publication of the notice of final results of administrative review for all shipments of SSB from Brazil entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(1) and (2) of the Act: (1) The cash deposit rate for Villares will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate

published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation but the producer is covered, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 19.43 percent, the all-others rate established in the *LTFV Stainless Steel Bar from Brazil*.<sup>6</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221.

Dated: February 23, 2018.

**Prentiss Lee Smith,**

*Deputy Assistant Secretary for Policy and Negotiations.*

### Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Discussion of the Methodology
  - (1) Comparisons to Normal Value
    - A. Determination of Comparison Method
    - B. Results of the Differential Pricing Analysis
  - (2) Product Comparisons
  - (3) Date of Sale
  - (4) Level of Trade/CEP Offset
  - (5) Export Price and Constructed Export Price
  - (6) Normal Value
    - A. Home Market Viability and Comparison Market
    - B. Cost of Production
      1. Calculation of Cost of Production
      2. Test of Comparison Market Sales Prices
      3. Results of the COP Test
    - C. Calculation of Normal Value Based on Comparison Market Prices
- V. Currency Conversion

<sup>4</sup> See 19 CFR 351.310(c).

<sup>5</sup> See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification*, 77 FR 8101, 8102 (February 14, 2012) (*Final Modification for Reviews*).

<sup>6</sup> See *Notice of Final Determination of Sales at Less Than Fair Value: Stainless Steel Bar from Brazil*, 59 FR 66914 (December 28, 1994) (*LTFV Stainless Steel Bar from Brazil*).

<sup>2</sup> See 19 CFR 351.309(d).

<sup>3</sup> See 19 CFR 351.303 (for general filing requirements).



## VI. Recommendation

[FR Doc. 2018-04173 Filed 2-28-18; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

## National Oceanic and Atmospheric Administration

RIN 0648-XF831

**Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Lighthouse Repair and Tour Operations at Northwest Seal Rock, California**

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

**ACTION:** Notice; proposed incidental harassment authorization; request for comments.

**SUMMARY:** NMFS has received a request from the St. George Reef Lighthouse Preservation Society (Society) for authorization to take marine mammals incidental to conducting aircraft operations, lighthouse renovation, light maintenance activities, and tour operations on the St. George Reef Lighthouse Station on Northwest Seal Rock (NWSR) in the northeast Pacific Ocean. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to incidentally take marine mammals during the specified activities. NMFS will consider public comments prior to making any final decision on the issuance of the requested MMPA authorizations and agency responses will be summarized in the final notice of our decision.

**DATES:** Comments and information must be received no later than April 2, 2018.

**ADDRESSES:** Comments should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Fowler@noaa.gov](mailto:ITP.Fowler@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments

received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities> without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:**

Amy Fowler, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-research-and-other-activities>. In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:****Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined “negligible impact” in 50 CFR 216.103 as “. . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.”

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA

defines “harassment” as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

**National Environmental Policy Act**

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action (*i.e.*, the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental harassment authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has preliminarily determined that the issuance of the proposed IHA qualifies to be categorically excluded from further NEPA review.

We will review all comments submitted in response to this notice prior to concluding our NEPA process or making a final decision on the IHA request.

**Summary of Request**

On October 18, 2017, NMFS received a request from the Society for an IHA to take marine mammals incidental to restoration, maintenance, and tour operations at St. George Reef Lighthouse (Station) located on Northwest Seal Rock (NWSR) offshore of Crescent City, California in the northeast Pacific Ocean. NMFS determined the application adequate and complete on January 17, 2018. The Society’s request is for take of California sea lions (*Zalophus californianus*), Steller sea lions (*Eumetopias jubatus*), northern fur seals (*Callorhinus ursinus*) and Pacific harbor seals (*Phoca vitulina richardii*) by Level B harassment only. Neither the Society nor NMFS expects serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS has previously issued seven IHA's to the Society for similar work between 2010 and 2017 (75 FR 4774, January 29, 2010; 76 FR 10564, February 25, 2011; 77 FR 8811, February 15, 2012; 78 FR 71576, November 29, 2013; 79 FR 6179, February 3, 2014; 81 FR 9440, February 23, 2016; and 82 FR 11005, February 17, 2017). The Society complied with all the requirements (e.g., mitigation, monitoring, and reporting) of the previous IHAs and information regarding their monitoring results may be found in the Estimated Take section.

### Description of Proposed Activity

#### Overview

The Station, listed in the National Park Service's National Register of Historic Places, is located on NWSR offshore of Crescent City, California in the northeast Pacific Ocean. The Station, built in 1892, rises 45.7 meters (m) (150 feet (ft)) above sea level. The structure consists of hundreds of granite blocks topped with a cast iron lantern room and covers much of the surface of the islet. The purpose of the project is to restore the lighthouse, to conduct tours, and to conduct annual and emergency maintenance on the Station's optical light system.

The Society proposes to conduct aircraft operations, lighthouse renovation, and periodic maintenance on the Station's optical light system on a monthly basis. The proposed activity would occur on a monthly basis over one weekend, November through April. The Society currently has an IHA that is valid through February 18, 2018. This IHA would start on February 19, 2018, to avoid a lapse in authorization, and would be valid for one year. The following specific aspects of the proposed activities would likely result in the take of marine mammals: Acoustic and visual stimuli from (1) helicopter landings/takeoffs; (2) noise generated during restoration activities (e.g., painting, plastering, welding, and glazing); (3) maintenance activities (e.g., bulb replacement and automation of the light system); and (4) human presence. Thus, NMFS anticipates that take, by Level B harassment only, of California sea lions, Pacific harbor seals, Steller sea lions of the eastern U.S. Stock, and northern fur seals could result from the specified activity.

#### Dates and Duration

The Society proposes to conduct the activities (aircraft operations, lighthouse restoration and maintenance activities, and public tours) at a maximum frequency of one session per month. The proposed duration for each session

would last no more than three days (e.g., Friday, Saturday, and Sunday). The proposed IHA, if issued, would be effective from February 19, 2018 through February 18, 2019, with restrictions on the Society conducting activities from May 1, 2018 to October 31, 2018. The Society proposes to visit the Station for six three-day sessions for a total of 18 days over the course of the work window. NMFS refers the reader to the *Detailed Description of Specific Activity* section for more information on the scope of the proposed activities.

#### Specific Geographic Region

The Station is located on a small, rocky islet (41°50'24" N, 124°22'06" W) approximately nine kilometers (km) (6.0 miles (mi)) in the northeast Pacific Ocean, offshore of Crescent City, California (41°46'48" N; 124°14'11" W). NWSR is approximately 91.4 meters (m) (300 feet (ft)) in diameter that peaks at 5.18 m (17 ft) above mean sea level.

#### Detailed Description of Specific Activity

**Aircraft Operations**—Because NWSR has no safe landing area for boats, the proposed restoration, maintenance, and touring activities would require the Society to transport work personnel, equipment, and tourists from the California mainland to NWSR by a small helicopter. Helicopter landings take place on top of the engine room (caisson) which is approximately 15 m (48 ft) above the surface of the rocks on NWSR. The landing zone has been relocated closer to the edge of the caisson, increasing the distance of the rotor from the lighthouse tower by the required footage. The Society plans to charter a Robinson R66 helicopter, owned and operated by Air Shasta Rotor and Wing, LLC. The Robinson R66, which seats three passengers and one pilot, is a compact-sized (1,225 kilograms (kg), 2,700 pounds (lbs)) helicopter with two-bladed main and tail rotors. Both sets of rotors are fitted with noise-attenuating blade tip caps that would decrease flyover noise.

The Society proposes to transport no more than 12 work crew members and equipment to NWSR for each session and estimates that each session would require no more than 30 helicopter landings/takeoffs per month (see below for number per day). During landing, the helicopter would land on the caisson to allow the work crew members to disembark and retrieve their equipment located in a basket attached to the underside of the helicopter. The helicopter would then return to the mainland to pick up additional personnel and equipment.

**Proposed Schedule:** The Society would conduct a maximum of eight flights (four arrivals and four departures) for the first day. The first flight would depart from Crescent City Airport no earlier than 8:30 a.m. for a 6-minute flight to NWSR. The helicopter would land and takeoff immediately after offloading personnel and equipment every 20 minutes (min). The total duration of the first day's aerial operations could last for approximately four hours (hrs) and would end at approximately 12:30 p.m. Crew members would remain overnight at the Station and would not return to the mainland on the first day.

For the second day, the Society would conduct a maximum of four flights (two arrivals and two departures) to transport additional materials on and off the islet, if needed. The first flight would depart from Crescent City Airport at 9 a.m. for a 6-min flight to NWSR. The total duration of the second day's aerial operations could last up to three hrs. Second-day operations are only conducted if needed; flights on the second day do not normally occur.

For the final day of operations, on dates when no public tours are planned, the Society could conduct a maximum of eight helicopter flights (four arrivals and four departures) to transport the remaining crew members and equipment/material back to the Crescent City Airport. The total duration of the third day's helicopter operations in support of restoration could last up to two hrs.

**Lighthouse Restoration Activities**—Restoration and maintenance activities would involve the removal of peeling paint and plaster, restoration of interior plaster and paint, refurbishing structural and decorative metal, reworking original metal support beams throughout the lantern room and elsewhere, replacing glass as necessary, upgrading the present electrical system; and annual light beacon maintenance.

**Public Tours**—The Society began conducting public tours to the lighthouse by helicopter in 1998 in conjunction with restoration activities and proposes to conduct public tours at the Station during the last day of the proposed restoration session each month. Visitors touring the Station would be transported by helicopter during the Sunday work window period. The maximum number of expected tourists is 36 people per tour day. The total number of helicopter trips on a tour day (Sunday) is estimated at 34 (17 arrivals and 17 departures), all between the hours of 8:30 a.m. to 2 p.m. It is expected that each flight would land every 15–20 minutes. Thus, the

total duration of the last day's aerial operations, including the restoration and maintenance activities described previously (two hour duration) would last for approximately five hours and 30 minutes. The scheduled duration of each visit is one hour per tour group. The last tour group would leave the island before 2:00 p.m. Return trips from the lighthouse to the mainland would include construction workers, equipment, and tourists.

**Emergency Light Maintenance**—If the beacon light fails, the Society proposes to send a crew of two to three people to the Station by helicopter to repair the beacon light. For each emergency repair event, the Society proposes to conduct a maximum of four flights (two arrivals and two departures) to transport equipment and supplies. The helicopter may remain on site or transit back to shore and make a second landing to pick up the repair personnel.

In the case of an emergency repair between May 1, 2018, and October 31, 2018, the Society would consult with the NMFS' West Coast Regional Office (WRO) biologists to best determine the timing of the trips to the lighthouse, on a case-by-case basis, based upon the existing environmental conditions and the abundance and distribution of any marine mammals present on NWSR. The regional biologists would have real-time knowledge regarding the animal use and abundance of the NWSR at the time of the repair request and would

make a decision regarding when the Society could conduct trips to the lighthouse during the emergency repair time window that would have the least practicable adverse impact to marine mammals. The WRO biologists would also ensure that the Society's request for incidental take during emergency repairs would not exceed the number of incidental take authorized in the proposed IHA.

Proposed mitigation, monitoring, and reporting measures are described in detail later in this document (please see "Proposed Mitigation" and "Proposed Monitoring and Reporting").

#### Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of the application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history, of the potentially affected species. Additional information regarding population trends and threats may be found in NMFS's Stock Assessment Reports (SAR; <https://www.fisheries.noaa.gov/topic/population-assessments/marine-mammals>) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS's website (<https://www.fisheries.noaa.gov/find-species>).

Table 1 lists all species with expected potential for occurrence in the vicinity of NWSR and summarizes information

related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. For taxonomy, we follow Committee on Taxonomy (2016). PBR is defined by the MMPA as the maximum number of animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS's SARs). While no mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS's stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS's U.S. 2016 SARs (e.g., Carretta *et al.*, 2017; Muto *et al.*, 2017). All values presented in Table 1 are the most recent available at the time of publication and are available in the 2016 SARs (Carretta *et al.*, 2017; Muto *et al.*, 2017).

TABLE 1—MARINE MAMMALS IN THE VICINITY OF NORTHWEST SEAL ROCK

Common name	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) <sup>1</sup>	Stock abundance (CV, N <sub>min</sub> , most recent abundance survey) <sup>2</sup>	PBR	Annual M/SI <sup>3</sup>
<b>Order Carnivora—Superfamily Pinnipedia</b>						
<b>Family Otariidae (eared seals and sea lions)</b>						
California sea lion .....	<i>Zalophus californianus</i> .	U.S. ....	-; N	296,750 (n/a; 153,337; 2011).	9,200	389
Steller sea lion .....	<i>Eumetopias jubatus</i> ..	Eastern U.S. ....	-; N	41,638 (n/a; 41,638; 2015).	2,498	108
Northern fur seal .....	<i>Callorhinus ursinus</i> ...	California Breeding ...	-; N	14,050 (n/a; 7,524; 2013).	451	1.8
<b>Family Phocidae (earless seals)</b>						
Pacific harbor seal .....	<i>Phoca vitulina richardii</i> .	California .....	-; N	30,968 (n/a; 27,348; 2012).	1,641	43

<sup>1</sup> Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

<sup>2</sup> NMFS marine mammal stock assessment reports online at: [www.nmfs.noaa.gov/pr/sars/](https://www.nmfs.noaa.gov/pr/sars/). CV is coefficient of variation; N<sub>min</sub> is the minimum estimate of stock abundance. In some cases, CV is not applicable [explain if this is the case].

<sup>3</sup> These values, found in NMFS's SARs, represent annual levels of human-caused mortality (M) plus serious injury (SI) from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

All species that could potentially occur in the proposed activity area are included in Table 1. As described below, all four species temporally and spatially co-occur with the activity to the degree that take is reasonably likely to occur, and we have proposed authorizing it.

#### *Eastern Distinct Population Segment of Steller Sea Lions*

Steller sea lions consist of two distinct population segments: The western and eastern distinct population segments (eDPS and wDPS, respectively) divided at 144° West longitude (Cape Suckling, Alaska). The western segment of Steller sea lions inhabit central and western Gulf of Alaska, Aleutian Islands, as well as coastal waters and breed in Asia (e.g., Japan and Russia). The eastern segment includes sea lions living in southeast Alaska, British Columbia, California, and Oregon. The eDPS includes animals born east of Cape Suckling, AK (144° W) (Muto *et al.*, 2017).

Steller sea lions range along the North Pacific Rim from northern Japan to California (Loughlin *et al.*, 1984), with centers of abundance and distribution in the Gulf of Alaska and Aleutian Islands, respectively. The species is not known to migrate, but individuals disperse widely outside of the breeding season (late May through early July), thus potentially intermixing with animals from other areas.

The eDPS of Steller sea lions breeds on rookeries located in southeast Alaska, British Columbia, Oregon, and California. Steller sea lions give birth in May through July and breeding commences a couple of weeks after birth. Pups are weaned during the winter and spring of the following year.

Despite the wide-ranging movements of juveniles and adult males in particular, exchange between rookeries by breeding adult females and males (other than between adjoining rookeries) appears low, although males have a higher tendency to disperse than females (Trujillo *et al.*, 2004; Hoffman *et al.*, 2006). A northward shift in the overall breeding distribution has occurred, with a contraction of the range in southern California and new rookeries established in southeastern Alaska (Pitcher *et al.*, 2007). Overall, counts of non-pups at trend sites in California and Oregon have been relatively stable or increasing slowly since the 1980s (Allen and Angliss 2012).

Steller sea lion numbers at NWSR ranged from 20 to 355 animals (CCR 2001). Counts of Steller sea lions during the spring (April–May), summer (June–

August), and fall (September–October), averaged 68, 110, and 56, respectively (CCR 2001). A multi-year survey at NWSR between 2000 and 2004 showed Steller sea lion numbers ranging from 175 to 354 in July (M. Lowry, NMFS/SWFSC, unpubl. data). The Society presumes that winter use of NWSR by Steller sea lion to be minimal, due to inundation of the natural portion of the island by large swells.

#### *California Sea Lion*

The current maximum population growth rate for California sea lions is 12 percent (Carretta *et al.*, 2015). California sea lion breeding areas are on islands located in southern California, in western Baja California, Mexico, and the Gulf of California. During the breeding season, most California sea lions inhabit southern California and Mexico. Rookery sites in southern California are limited to the San Miguel Islands and the southerly Channel Islands of San Nicolas, Santa Barbara, and San Clemente (Carretta *et al.*, 2015). Males establish breeding territories during May through July on both land and in the water. Females come ashore in mid-May and June where they give birth to a single pup approximately four to five days after arrival and will nurse pups for about a week before going on their first feeding trip. Females will alternate feeding trips with nursing bouts until weaning between four and 10 months of age (Allen and Angliss 2010).

Adult and juvenile males will migrate as far north as British Columbia, Canada while females and pups remain in southern California waters in the non-breeding season. In warm water (El Niño) years, some females range as far north as Washington and Oregon, presumably following prey.

Crescent Coastal Research (CCR) conducted a three-year (1998–2000) survey of the wildlife species on NWSR for the Society. They reported that counts of California sea lions on NWSR varied greatly (from 6 to 541) during the observation period from April 1997 through July 2000. CCR reported that counts for California sea lions during the spring (April–May), summer (June–August), and fall (September–October), averaged 60, 154, and 235, respectively (CCR 2001).

#### *Northern Fur Seal*

Northern fur seals occur from southern California north to the Bering Sea and west to the Sea of Okhotsk and Honshu Island of Japan. NMFS recognizes two separate stocks of northern fur seals within U.S. waters: An Eastern Pacific stock distributed among sites in Alaska, British Columbia;

and a California stock (including San Miguel Island and the Farallon Islands).

Northern fur seals breed in Alaska and migrate along the west coast during fall and winter. Due to their pelagic habitat, they are rarely seen from shore in the continental United States, but individuals occasionally come ashore on islands well offshore (i.e., Farallon Islands and Channel Islands in California). During the breeding season, approximately 45 percent of the worldwide population inhabits the Pribilof Islands in the Southern Bering Sea, with the remaining animals spread throughout the North Pacific Ocean (Carretta *et al.*, 2015).

CCR observed one male northern fur seal on Northwest Seal Rock in October, 1998 (CCR 2001). It is possible that a few animals may use the island more often than indicated by the CCR surveys, if they were mistaken for other otariid species (i.e., eared seals or fur seals and sea lions) (M. DeAngelis, NMFS, pers. comm., 2007).

#### *Pacific Harbor Seal*

Harbor seals are widely distributed in the North Atlantic and North Pacific. Two subspecies exist in the Pacific: *Phoca vitulina stejnegeri* in the western North Pacific, near Japan, and *P. v. richardii* in the eastern North Pacific. The latter subspecies inhabits coastal and estuarine areas from Mexico to Alaska (Carretta *et al.*, 2014) and is the only stock present in the action area. Previous assessments of the status of harbor seals have recognized three stocks along the west coast of the continental U.S.: (1) California, (2) Oregon and Washington outer coast waters, and (3) inland waters of Washington; however, the exact placement of the boundary was arbitrary.

In California, over 500 harbor seal haul out sites are widely distributed along the mainland and offshore islands, and include rocky shores, beaches and intertidal sandbars (Lowry *et al.*, 2005). Harbor seals mate at sea and females give birth during the spring and summer, although, the pupping season varies with latitude. Females nurse their pups for an average of 24 days and pups are ready to swim minutes after being born. Harbor seal pupping takes place at many locations and rookery size varies from a few pups to many hundreds of pups. The nearest harbor seal rookery relative to the proposed project site is at Castle Rock National Wildlife Refuge, located approximately located 965 m (0.6 mi) south of Point St. George, and 2.4 km (1.5 mi) north of the Crescent City Harbor in Del Norte County, California

(USFWS 2007). CCR noted that harbor seal use of NWSR was minimal, with only one sighting of a group of six animals, during 20 observation surveys (CCR 2001). They hypothesized that harbor seals may avoid the islet because of its distance from shore, relatively steep topography, and full exposure to rough and frequently turbulent sea swells.

### Potential Effects of Specified Activities on Marine Mammals and Their Habitat

This section includes a summary and discussion of the ways that components of the specified activity may impact marine mammals and their habitat. The *Estimated Take by Incidental Harassment* section later in this document includes a quantitative analysis of the number of individuals that are expected to be taken by this activity. The *Negligible Impact Analysis and Determination* section considers the content of this section, the *Estimated Take by Incidental Harassment* section, and the *Proposed Mitigation* section, to draw conclusions regarding the likely impacts of these activities on the reproductive success or survivorship of individuals and how those impacts on individuals are likely to impact marine mammal species or stocks.

Acoustic and visual stimuli generated by: (1) Helicopter landings/takeoffs; (2) restoration activities (e.g., painting, plastering, welding, and glazing); (3) maintenance activities (e.g., bulb replacement and automation of the light system); and (4) human presence may have the potential to cause behavioral disturbance.

**Aircraft Presence and Noise**—This section includes a brief explanation of the sound measurements frequently used in the discussions of acoustic effects in this notice. Sound pressure is the sound force per unit area, and is usually measured in micropascals ( $\mu\text{Pa}$ ), where 1 pascal (Pa) is the pressure resulting from a force of one newton exerted over an area of one square meter. Sound pressure level (SPL) is the ratio of a measured sound pressure and a reference level. The commonly used reference pressure is 1  $\mu\text{Pa}$  for under water, and the units for SPLs are dB re: 1  $\mu\text{Pa}$ . The commonly used reference pressure is 20  $\mu\text{Pa}$  for in air, and the units for SPLs are dB: 20  $\mu\text{Pa}$ .  $\text{SPL (in decibels (dB))} = 20 \log (\text{pressure/reference pressure})$ .

SPL is an instantaneous measurement expressed as the peak, the peak-peak, or the root mean square (rms). Root mean square is the square root of the arithmetic average of the squared instantaneous pressure values. All

references to SPL in this document refer to the rms unless otherwise noted. SPL does not take into account the duration of a sound.

Noise testing on the Robinson R66 Helicopter, as required for Federal Aviation Administration (FAA) approval, required an overflight at 150 m (492 ft) above ground level, 109 knots and a maximum gross weight of 1,225 kg (2,700 lbs). The noise level measured on the ground at this distance and speed was 84.5 dB re: 20  $\mu\text{Pa}$  (A-weighted). FAA testing also measured the sound levels on the ground for a typical helicopter takeoff and approach as 87.8 dB re: 20  $\mu\text{Pa}$  (A-weighted) (Robinson 2017). Based on this information, we expect that the received sound levels at the landing area on the Station's caisson would be between 84.5 and 87.8 dB re: 20  $\mu\text{Pa}$  (A-weighted). These sound levels are below the NMFS behavioral threshold for airborne pinniped disturbance (90 dB for harbor seals and 100dB for all other pinnipeds) (NMFS 2016).

Any noise associated with restoration and maintenance activities is likely to be from light construction (e.g., sanding, hammering, or use of hand drills). The Society proposes to confine all restoration activities to the existing structure, which would occur on the upper levels of the Station. Pinnipeds hauled out on NWSR do not have access to the upper levels of the Station.

Pinnipeds have the potential to be disturbed by airborne and underwater noise generated by the engine of the aircraft (Born *et al.*, 1999; Richardson *et al.*, 1995). Researchers have demonstrated temporary threshold shift (TTS) in certain captive odontocetes and pinnipeds exposed to strong sounds (reviewed in Southall *et al.*, 2007). In 2004, researchers measured auditory fatigue to airborne sound in harbor seals, California sea lions, and Northern elephant seals after exposure to non-pulse noise for 25 minutes (Kastak *et al.*, 2004). In the study, the harbor seal experienced approximately 6 dB of temporary threshold shift (TTS) at 99 dB re: 20  $\mu\text{Pa}$ . The authors identified onset of TTS in the California sea lion at 122 dB re: 20  $\mu\text{Pa}$ . The northern elephant seal experienced TTS-onset at 121 dB re: 20  $\mu\text{Pa}$  (Kastak *et al.*, 2004).

There is a dearth of information on acoustic effects of helicopter overflights on pinniped hearing and communication (Richardson, *et al.*, 1995) and to NMFS' knowledge, there has been no specific documentation of TTS, let alone permanent threshold shift (PTS), in free-ranging pinnipeds exposed to helicopter operations during

realistic field conditions (Baker *et al.*, 2012; Scheidat *et al.*, 2011).

In 2008, NMFS issued an IHA to the USFWS for the take of small numbers of Steller sea lions and Pacific harbor seals, incidental to rodent eradication activities on an islet offshore of Rat Island, AK conducted by helicopter. The 15-minute aerial treatment consisted of the helicopter slowly approaching the islet at an elevation of over 1,000 ft (304.8 m); gradually decreasing altitude in slow circles; and applying the rodenticide in a single pass and returning to Rat Island. The gradual and deliberate approach to the islet resulted in the sea lions present initially becoming aware of the helicopter and calmly moving into the water. Further, the USFWS reported that all responses fell well within the range of Level B harassment (*i.e.*, limited, short-term displacement resulting from aircraft noise due to helicopter overflights).

As a general statement from the available information, pinnipeds exposed to intense (approximately 110 to 120 dB re: 20  $\mu\text{Pa}$ ) non-pulse sounds often leave haul out areas and seek refuge temporarily (minutes to a few hours) in the water (Southall *et al.*, 2007). Per Richardson *et al.* (1995), approaching aircraft generally flush animals into the water and noise from a helicopter is typically directed down in a "cone" underneath the aircraft.

It is likely that the initial helicopter approach to NWSR would cause a subset, or all of the marine mammals hauled out to depart the rock and flush into the water. The physical presence of aircraft could also lead to non-auditory effects on marine mammals involving visual or other cues. Airborne sound from a low-flying helicopter or airplane may be heard by marine mammals while at the surface or underwater. In general, helicopters tend to be noisier than fixed wing aircraft of similar size and underwater sounds from aircraft are strongest just below the surface and directly under the aircraft. Noise from aircraft would not be expected to cause direct physical effects, but have the potential to affect behavior. The primary factor that may influence abrupt movements of animals is engine noise, specifically changes in engine noise. Responses by mammals could include hasty dives or turns, change in course, or flushing and stampeding from a haul out site. There are few well documented studies of the impacts of aircraft overflight over pinniped haul out sites or rookeries, and many of those that exist, are specific to military activities (Efroymson *et al.*, 2001).

Several factors complicate the analysis of long- and short-term effects

for aircraft overflights. Information on behavioral effects of overflights by military aircraft (or component stressors) on most wildlife species is sparse. Moreover, models that relate behavioral changes to abundance or reproduction, and those that relate behavioral or hearing effects thresholds from one population to another are generally not available. In addition, the aggregation of sound frequencies, durations, and the view of the aircraft into a single exposure metric is not always the best predictor of effects and it may also be difficult to calculate. Overall, there has been no indication that single or occasional aircraft flying above pinnipeds in water cause long term displacement of these animals (Richardson *et al.*, 1995). The Lowest Observed Adverse Effects Levels (LOAEL) are rather variable for pinnipeds on land, ranging from just over 150 m (492 ft) to about 2,000 m (6,562 ft) (Efroymsen *et al.*, 2001). A conservative (90th percentile) distance effects level is 1,150 m (3,773 ft). Most thresholds represent movement away from the overflight. Bowles and Stewart (1980) estimated an LOAEL of 305 m (1,000 ft) for helicopters (low and landing) in California sea lions and harbor seals observed on San Miguel Island, CA; animals responded to some

degree by moving within the haul out and entering into the water, stampeding into the water, or clearing the haul out completely. Both species always responded with the raising of their heads. California sea lions appeared to react more to the visual cue of the helicopter than the noise.

If pinnipeds are present on NWSR, it is likely that a helicopter landing at the Station would cause some number of the pinnipeds on NWSR to flush; however, when present, they appear to show rapid habituation to helicopter landing and departure (CCR, 2001; Guy Towers, SGRLPS, pers. com.). According to the CCR Report (2001), while up to 40 percent of the California and Steller sea lions present on NWSR have been observed to enter the water on the first of a series of helicopter landings, as few as zero percent have flushed on subsequent landings on the same date. In fact, the Society reported that during the November 2011 work session, Steller sea lions and California sea lions exhibited minimal ingress and egress from NWSR during helicopter approaches and departures (SGRLPS, 2011).

*Human Presence*—The appearance of Society personnel may have the potential to cause Level B harassment of marine mammals hauled out on the

small island in the proposed action area. Disturbance includes a variety of effects, including subtle to conspicuous changes in behavior, movement, and displacement. Disturbance may result in reactions ranging from an animal simply becoming alert to the presence of the Society’s restoration personnel (*e.g.*, turning the head, assuming a more upright posture) to flushing from the haul out site into the water. NMFS does not consider the lesser reactions to constitute behavioral harassment, or Level B harassment takes, but rather assumes that pinnipeds that move greater than two body lengths to longer retreats over the beach, or if already moving, a change of direction of greater than 90 degrees in response to the presence of surveyors, or pinnipeds that flush into the water, are behaviorally harassed, and thus subject to Level B taking. NMFS uses a 3-point scale (Table 2) to determine which disturbance reactions constitute take under the MMPA. Levels two and three (movement and flush) are considered take, whereas level one (alert) is not. Animals that respond to the presence of the Society’s restoration personnel by becoming alert, but do not move or change the nature of locomotion as described, are not considered to have been subject to behavioral harassment.

TABLE 2—DISTURBANCE SCALE OF PINNIPED RESPONSES TO IN-AIR SOURCES TO DETERMINE TAKE

Level	Type of response	Definition
1 .....	Alert .....	Seal head orientation or brief movement in response to disturbance, which may include turning head towards the disturbance, craning head and neck while holding the body rigid in a u-shaped position, changing from a lying to a sitting position, or brief movement of less than twice the animal's body length.
2* .....	Movement .....	Movements in response to the source of disturbance, ranging from short withdrawals at least twice the animal's body length to longer retreats over the beach, or if already moving a change of direction of greater than 90 degrees.
3* .....	Flush .....	All retreats (flushes) to the water.

\* Only Levels 2 and 3 are considered take, whereas Level 1 is not.

Reactions to human presence, if any, depend on species type, state of maturity, experience, current activity, reproductive state, time of day, and many other factors (Richardson *et al.*, 1995; Southall *et al.*, 2007; Weilgart 2007). These behavioral reactions from marine mammals are often shown as: changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior; avoidance of areas; and/or flight responses (*e.g.*, pinnipeds flushing into the water from haul outs

or rookeries). If a marine mammal does react briefly to human presence by changing its behavior or moving a small distance, the impacts of the change are unlikely to be significant to the individual, let alone the stock or population. However, if visual stimuli from human presence displaces marine mammals from an important feeding or breeding area for a prolonged period, impacts on individuals and populations could be significant (*e.g.*, Lusseau and Bejder 2007; Weilgart, 2007). Nevertheless, this is not likely to occur during the proposed activities since rapid habituation of the site is expected to occur after a potential pinniped flush.

Disturbances resulting from human activity can impact short- and long-term pinniped haul out behavior (Renouf *et al.*, 1981; Schneider and Payne, 1983; Terhune and Almon, 1983; Allen *et al.*, 1984; Stewart, 1984; Suryan and Harvey, 1999; and Kucey and Trites, 2006). Numerous studies have shown that human activity can flush harbor seals off haul out sites (Allen *et al.*, 1984; Calambokidis *et al.*, 1991; and Suryan and Harvey 1999) or lead Hawaiian monk seals (*Neomonachus schauinslandi*) to avoid beaches (Kenyon 1972). In one case, human disturbance appeared to cause Steller sea lions to desert a breeding area at

Northeast Point on St. Paul Island, Alaska (Kenyon 1962).

In cases where vessels actively approached marine mammals (*e.g.*, whale watching or dolphin watching boats), scientists have documented that animals exhibit altered behavior such as increased swimming speed, erratic movement, and active avoidance behavior (Acevedo, 1991; Trites and Bain, 2000; Williams *et al.*, 2002; Constantine *et al.*, 2003), reduced blow interval (Richter *et al.*, 2003), disruption of normal social behaviors (Lusseau 2003; 2006), and the shift of behavioral activities which may increase energetic costs (Constantine *et al.*, 2003; 2004).

In 1997, Henry and Hammil (2001) conducted a study to measure the impacts of small boats (*i.e.*, kayaks, canoes, motorboats and sailboats) on harbor seal haul out behavior in Metis Bay, Quebec, Canada. During that study, the authors noted that the most frequent disturbances ( $n = 73$ ) were caused by lower speed, lingering kayaks, and canoes (33.3 percent) as opposed to motorboats (27.8 percent) conducting high speed passes. The seal's flight reactions could be linked to a surprise factor by kayaks and canoes which approach slowly, quietly, and low on the water making them look like predators. However, the authors note that once the animals were disturbed, there did not appear to be any significant lingering effect on the recovery of numbers to their pre-disturbance levels. In conclusion, the study showed that boat traffic at current levels has only a temporary effect on the haul out behavior of harbor seals in the Metis Bay area.

In 2004, Acevedo-Gutierrez and Johnson (2007) evaluated the efficacy of buffer zones for watercraft around harbor seal haul out sites on Yellow Island, Washington. The authors estimated the minimum distance between the vessels and the haul out sites; categorized the vessel types; and evaluated seal responses to the disturbances. During the course of the seven-weekend study, the authors recorded 14 human-related disturbances which were associated with stopped powerboats and kayaks. During these events, hauled out seals became noticeably active and moved into the water. The flushing occurred when stopped kayaks and powerboats were at distances as far as 453 and 1,217 ft (138 and 371 m) respectively. The authors note that the seals were unaffected by passing powerboats, even those approaching as close as 128 ft (39 m), possibly indicating that the animals had become tolerant of the brief presence of the vessels and ignored them. The

authors reported that on average, the seals quickly recovered from the disturbances and returned to the haul out site in less than or equal to 60 minutes. Seal numbers did not return to pre-disturbance levels within 180 minutes of the disturbance less than one quarter of the time observed. The study concluded that the return of seal numbers to pre-disturbance levels and the relatively regular seasonal cycle in abundance throughout the area counter the idea that disturbances from powerboats may result in site abandonment (Johnson and Acevedo-Gutierrez, 2007). As a general statement from the available information, pinnipeds exposed to intense (approximately 110 to 120 decibels re: 20  $\mu$ Pa) non-pulsed sounds often leave haul out areas and seek refuge temporarily (minutes to a few hours) in the water (Southall *et al.*, 2007).

**Stampede**—There are other ways in which disturbance, as described previously, could result in more than Level B harassment of marine mammals. They are most likely to be consequences of stampeding, a potentially dangerous occurrence in which large numbers of animals succumb to mass panic and rush away from a stimulus. These situations are: (1) Falling when entering the water at high-relief locations; (2) extended separation of mothers and pups; and (3) crushing of pups by large males during a stampede. However, NMFS does not expect any of these scenarios to occur at NWSR as the proposed action occurs outside of the pupping/breeding season and no mother/pup pairs are expected to be at the Station. There is the risk of injury if animals stampede towards shorelines with precipitous relief (*e.g.*, cliffs). However, there are no cliffs on NWSR. The haul out sites consist of ridges with unimpeded and non-obstructive access to the water. If disturbed, the small number of hauled-out adult animals may move toward the water without risk of encountering barriers or hazards that would otherwise prevent them from leaving the area. Moreover, the proposed area would not be crowded with large numbers of Steller sea lions, further eliminating the possibility of potentially injurious mass movements of animals attempting to vacate the haul out. Thus, in this case, NMFS considers the risk of injury, serious injury, or death to hauled-out animals as very low.

#### *Anticipated Effects on Marine Mammal Habitat*

The only habitat modification associated with the proposed activity is the restoration of a light station. However, all restoration would occur on

the upper levels of Northwest Seal Rock, which are not used by marine mammals. Thus, NMFS does not expect that the proposed activity would have any effects on marine mammal habitat and NMFS expects that there will be no long- or short-term physical impacts to pinniped habitat on NWSR.

The Society would remove all waste, discarded materials and equipment from the island after each visit. The proposed activities will not result in any permanent impact on habitats used by marine mammals, including prey species and foraging habitat. The main impact associated with the proposed activity will be temporarily elevated noise levels and the associated direct effects on marine mammals (*i.e.*, the potential for temporary abandonment of the site), previously discussed in this notice.

NMFS does not anticipate that the proposed restoration activities would result in any permanent effects on the habitats used by the marine mammals in the proposed area, including the food sources they use (*i.e.*, fish and invertebrates). Based on the preceding discussion, NMFS does not anticipate that the proposed activity would have any habitat-related effects that could cause significant or long-term consequences for individual marine mammals or their populations.

#### **Estimated Take**

This section provides an estimate of the number of incidental takes proposed for authorization through this IHA, which will inform both NMFS' consideration of "small numbers" and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as: Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would be by Level B harassment only, in the form of disruption of behavioral patterns for individual marine mammals resulting from exposure to aircraft operations and lighthouse maintenance activities. Based on the nature of the activity, Level A harassment is neither anticipated nor proposed to be authorized.



As discussed earlier, NMFS assumes that pinnipeds that move greater than two body lengths to longer retreats over the beach, or if already moving, a change of direction of greater than 90 degrees in response to the presence of surveyors, or pinnipeds that flush into the water, are behaviorally harassed, and thus subject to Level B taking (Table 2).

#### Marine Mammal Occurrence

In this section we provide the information about the presence, density, or group dynamics of marine mammals that will inform the take calculations.

For the 2010 season, the Society reported that no Steller sea lions were present in the vicinity of NWSR during restoration activities (SGRLPS 2010). Based on the monitoring report for the 2011 season, the maximum numbers of Steller sea lions present during the April and November 2011, work sessions were 2 and 150 animals, respectively (SGRLPS 2012). During the 2012 season, the Society did not observe any Steller sea lions present on NWSR during restoration activities. The Society did not conduct any operations for the 2013–2014, 2014–2015, and 2015–2016 seasons. The Society reported no Steller sea lions observed in the 2016–2017 and 2017–2018 work seasons (T. McNamara, pers. comm., 2018).

Based on the monitoring report for the 2011 season, the maximum numbers of

California sea lions present during the April and November, 2011 work sessions were 2 and 160 animals, respectively (SGRLPS 2012). There were no California sea lions present during the March, 2012 work session (SGRLPS 2012). The Society reported 16 California sea lions observed in March 2017 and no California sea lions present in April 2017. 16 California sea lions were observed in November 2017. (Terry McNamara, pers. comm., 2018).

For the 2010, 2011, and 2012 work seasons, the Society did not observe any Northern fur seals present on NWSR during restoration activities (SGRLPS 2010; 2011; 2012). No Northern fur seals were observed during the 2016–2017 and 2017–2018 work seasons (Terry McNamara, pers. comm., 2018).

For the 2010 and 2011 seasons, the Society did not observe any Pacific harbor seals present on NWSR during restoration activities (SGRLPS 2010; 2011). During the 2012 season, the Society reported sighting a total of two harbor seals present on NWSR (SGRLPS 2012). No harbor seals were observed during the 2016–2017 and 2017–2018 work seasons (Terry McNamara, pers. comm., 2018).

#### Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

Based on the Society's previous monitoring reports, NMFS estimates

that approximately 2,880 California sea lions (calculated by multiplying the maximum single-day count of California sea lions present on NWSR (160) by 18 days of the restoration, maintenance, and touring activities), 2,790 Steller sea lions (calculated by multiplying the maximum single-day count of Steller sea lions that could be present (155) by 18 days of the restoration, maintenance, and touring activities), 36 Pacific harbor seals (calculated by multiplying the maximum single-day count of harbor seals present on NWSR (2) by 18 days), and 18 Northern fur seals (calculated by multiplying the maximum number of northern fur seals present on NWSR (1) by 18 days) could be potentially affected by Level B behavioral harassment over the course of the IHA. NMFS bases these estimates of the numbers of marine mammals that might be affected on consideration of the number of marine mammals that could be disturbed appreciably by approximately 75 hours of aircraft operations over the course of the activity. These incidental harassment take numbers represent less than one percent of the affected stocks for California sea lions, Pacific harbor seals, and Northern fur seals, and less than seven percent of the stock of Steller sea lions (Table 3). However, actual take may be slightly less if animals decide to haul out at a different location for the day or if animals are foraging at the time of the survey activities.

TABLE 3—THE PERCENTAGE OF STOCK AFFECTED BY THE NUMBER OF TAKES PER SPECIES

Species	Maximum number per day	Days of proposed activity	Take number	Stock abundance	Percent of stock
California sea lion ( <i>Zalophus californianus</i> ) .....	160	18	2,880	296,750	0.97
Steller sea lion ( <i>Eumetopias jubatus</i> ) .....	155	18	2,790	41,638	6.7
Pacific harbor seal ( <i>Phoca vitulina</i> ) .....	2	18	36	30,968	0.35
Northern fur seal ( <i>Callorhinus ursinus</i> ) .....	1	18	18	14,050	.12

#### Proposed Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to such activity, “and other means of effecting the least practicable impact on such species or stock and its habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stock for taking” for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological) of equipment, methods, and manner of

conducting such activity or other means of effecting the least practicable adverse impact upon the affected species or stocks and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on species or stocks and their habitat, as well as subsistence uses where applicable, we carefully consider two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat. This considers the nature of the potential adverse

impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned) the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, impact on operations, and, in the case of a military readiness activity, personnel safety, practicality of implementation, and impact on the effectiveness of the military readiness activity.



### *Mitigation for Marine Mammals and Their Habitat*

**Time and Frequency**—The Society would conduct restoration and touring activities at a maximum of once per month over the course of the year, with the exception of between May 1, 2018 through October 31, 2018 (barring potential emergency light repairs during this time). Each restoration session would last no more than three days. Maintenance of the light beacon would occur only in conjunction with restoration activities (except if an emergency light repair is needed from May 1, 2018 through October 31, 2018).

**Helicopter Approach and Timing Techniques**—The Society would ensure that its helicopter approach patterns to the Station and timing techniques would be conducted at times when marine mammals are less likely to be disturbed. To the extent possible, the helicopter should approach NWSR when the tide is too high for the marine mammals to haul out on NWSR. Additionally, since the most severe impacts (stampede) precede rapid and direct helicopter approaches, the Society's initial approach to the station must be offshore from the island at a relatively high altitude (e.g., 800–1,000 ft, or 244–305 m). Before the final approach, the helicopter shall circle lower and approach from area with the lowest pinniped density. If for any safety reasons (e.g., wind condition) the Society cannot conduct these types of helicopter approach and timing techniques, they must postpone the restoration and maintenance activities for that day.

**Avoidance of Visual and Acoustic Contact With People on Island**—The Society would instruct its members and restoration crews to avoid making unnecessary noise and not expose themselves visually to pinnipeds around the base of the station. Although CCR reported no impacts from these activities in the 2001 study, it is relatively simple for the Society to avoid this potential impact. The door to the lower platform shall remain closed and barricaded to all tourists and other personnel since the lower platform is used at times by pinnipeds.

Based on our evaluation of the applicant's proposed measures, NMFS has preliminarily determined that the proposed mitigation measures provide the means effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance.

### **Proposed Monitoring and Reporting**

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth, "requirements pertaining to the monitoring and reporting of such taking." The MMPA implementing regulations at 50 CFR 216.104 (a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present in the proposed action area. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (e.g., presence, abundance, distribution, density).
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) Action or environment (e.g., source characterization, propagation, ambient noise); (2) affected species (e.g., life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (e.g., age, calving or feeding areas).
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors.
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks.
- Effects on marine mammal habitat (e.g., marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat).
- Mitigation and monitoring effectiveness.

As part of its IHA application, the Society proposes to sponsor marine mammal monitoring, in order to implement the mitigation measures that require real-time monitoring, and to satisfy the monitoring requirements of the proposed IHA. These requirements include:

- A NMFS approved, experienced biologist that will be present on the first flight of each day of the activity. This observer will be able to identify all species of pinnipeds expected to use the island, and qualified to determine age and sex classes when viewing conditions allow. The observer would record data including species counts, numbers of observed disturbances, and descriptions of the disturbance behaviors during the activities, including location, date, and time of the event. In addition, the Society would record observations regarding the number and species of any marine mammals either observed in the water or hauled out.

- Aerial photographic surveys to provide an accurate means of documenting species composition, age and sex class of pinnipeds using the project site during human activity periods. The Society should complete aerial photo coverage from the same helicopter used to transport the Society's personnel to the island during restoration trips. The Society would take photographs of all marine mammals hauled out on the island from an altitude greater than 300 m (984 ft) by a skilled photographer, on the first flight of each day of activities. These photographs will be forwarded to a biologist capable of discerning marine mammal species. Data shall be provided to us in the form of a report with a data table, any other significant observations related to marine mammals, and a report of restoration activities (see *Proposed Reporting*). The original photographs can be made available to us or other marine mammal experts for inspection and further analysis.

As detailed above, the proposed monitoring requirements in relation to the Society's proposed activities would include species counts, numbers of observed disturbances, and descriptions of the disturbance behaviors during the restoration activities, including location, date, and time of the event. In addition, the Society would record observations regarding the number and species of any marine mammals either observed in the water or hauled out.

By completing the proposed requirements mentioned above, the Society can add to the knowledge of pinnipeds in the proposed action area by noting observations of: (1) Unusual behaviors, numbers, or distributions of pinnipeds, enabling appropriate personnel to conduct future follow-up research; (2) tag-bearing carcasses of pinnipeds, allowing transmittal of the information to appropriate agencies and personnel; and (3) rare or unusual

species of marine mammals for agency follow-up.

If at any time injury, serious injury, or mortality of the species for which take is authorized should occur, or if take of any other kind of marine mammal occurs, and such action may be a result of the Society's activities, the Society would suspend restoration and tour activities and contact NMFS immediately. NMFS will then determine how best to proceed to ensure another injury or death does not occur and to guarantee the applicant remains in compliance with the MMPA.

#### *Proposed Reporting*

The Society would submit a draft report to NMFS' Office of Protected Resources no later than 90 days after the conclusion of restoration activities in April. The report will include a summary of the information gathered pursuant to the monitoring requirements set forth in the proposed IHA. The Society will submit a final report to NMFS within 30 days after receiving comments from NMFS on the draft report. If the Society receives no comments from NMFS on the report, NMFS will consider the draft report to be the final report.

The report will describe the operations conducted and sightings of marine mammals near the proposed project. The report will provide full documentation of methods, results, and interpretation pertaining to all monitoring. The report will provide:

1. A summary and table of the dates, times, and weather during all activities.
2. Species, number, location, and behavior of any marine mammals observed throughout all monitoring activities.
3. An estimate of the number (by species) of marine mammals exposed to human presence associated with the Society's activities.
4. A description of the implementation and effectiveness of the monitoring and mitigation measures of the IHA and full documentation of methods, results, and interpretation pertaining to all monitoring.

In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by the authorization, such as an injury (Level A harassment), serious injury, or mortality (e.g., stampede), society personnel shall immediately cease the specified activities and immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Assistant West Coast Regional Stranding Coordinator. The

report must include the following information:

- Time, date, and location (latitude/longitude) of the incident;
- Description and location of the incident (including water depth, if applicable);
- Environmental conditions (e.g., wind speed and direction, Beaufort sea state, cloud cover, and visibility);
- Description of all marine mammal observations in the 24 hours preceding the incident;
- Species identification or description of the animal(s) involved;
- Fate of the animal(s); and
- Photographs or video footage of the animal(s) (if equipment is available)

The Society shall not resume its activities until NMFS is able to review the circumstances of the prohibited take. We will work with the Society to determine what is necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Society may not resume their activities until notified by us via letter, email, or telephone.

In the event that the Society discovers an injured or dead marine mammal, and the marine mammal observer determines that the cause of the injury or death is unknown and the death is relatively recent (i.e., in less than a moderate state of decomposition as we describe in the next paragraph), the Society will immediately report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Assistant West Coast Regional Stranding Coordinator. The report must include the same information identified in the paragraph above this section. Activities may continue while NMFS reviews the circumstances of the incident. NMFS would work with the Society to determine whether modifications in the activities are appropriate.

In the event that the Society discovers an injured or dead marine mammal, and the lead visual observer determines that the injury or death is not associated with or related to the authorized activities (e.g., previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the Society will report the incident to the Chief, Permits and Conservation Division, Office of Protected Resources, NMFS, and the Assistant West Coast Regional Stranding Coordinator within 24 hours of the discovery. Society personnel will provide photographs or video footage (if available) or other documentation of the stranded animal sighting to us. The Society can continue their survey

activities while NMFS reviews the circumstances of the incident.

#### **Negligible Impact Analysis and Determination**

NMFS has defined negligible impact as "an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival" (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be "taken" through harassment, NMFS considers other factors, such as the likely nature of any responses (e.g., intensity, duration), the context of any responses (e.g., critical reproductive time or location, migration), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS's implementing regulations (54 FR 40338; September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the environmental baseline (e.g., as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of human-caused mortality, or ambient noise levels).

Although the Society's survey activities may disturb a small number of marine mammals hauled out on NWSR, NMFS expects those impacts to occur to a small, localized group of animals for a limited duration (e.g., six hours in one day). Marine mammals would likely become alert or, at most, flush into the water in reaction to the presence of the Society's personnel during the proposed activities. Disturbance will be limited to a short duration, allowing marine mammals to reoccupy NWSR within a short amount of time. Thus, the proposed action is unlikely to result in long-term impacts such as permanent abandonment of the area because of the availability of alternate areas for pinnipeds to avoid the resultant acoustic and visual disturbances from the restoration activities and helicopter operations. Results from previous monitoring reports also show that the pinnipeds returned to NWSR and did

not permanently abandon haul out sites after the Society conducted their activities.

The Society's activities would occur during the least sensitive time (*e.g.*, November through April, outside of the pupping season) for hauled out pinnipeds on NWSR. Thus, pups or breeding adults would not be present during the proposed activity days.

Moreover, the Society's mitigation measures regarding helicopter approaches and restoration site ingress and egress would minimize the potential for stampedes and large-scale movements. Thus, the potential for large-scale movements and stampede leading to injury, serious injury, or mortality is low.

Any noise attributed to the Society's proposed helicopter operations on NWSR would be short-term (approximately six minutes per trip). We would expect the ambient noise levels to return to a baseline state when helicopter operations have ceased for the day. As the helicopter lands and takes off from the station, NMFS presumes that the received sound levels would be between 84.5–87.8 Db RE: 20  $\mu$ Pa (A-weighted) at the landing pad. However, we do not expect that the increased received levels of sound from the helicopter would cause TTS or PTS because the sound levels are below the thresholds for airborne pinniped disturbance at the landing pad which is 15 m (48 ft) above the rocks. Additionally, the pinnipeds would likely flush before the helicopter approached NWSR, further increasing the distance between the pinnipeds and the received sound levels on NWSR during the proposed action.

If pinnipeds are present on NWSR, Level B behavioral harassment of pinnipeds may occur during helicopter landing and takeoff from NWSR due to the pinnipeds temporarily moving from the rocks and lower structure of the Station into the sea due to the noise and appearance of a helicopter during approaches and departures. It is expected that all or a portion of the marine mammals hauled out on NWSR will depart the rock and slowly move into the water upon initial helicopter approaches. The movement to the water would be gradual due to the required controlled helicopter approaches (see *Proposed Mitigation* for more details), the small size of the aircraft, the use of noise-attenuating blade tip caps on the rotors, and behavioral habituation on the part of animals as helicopter trips continue throughout the day. During the sessions of helicopter activity, if present on NWSR, some animals may be temporarily displaced from the island

and either raft in the water or relocate to other haul outs.

Sea lions have shown habituation to helicopter flights within a day at the project site and most animals are expected to return soon after helicopter activities cease for that day. By clustering helicopter arrivals/departures within a short time period, we expect animals present to show less response to subsequent landings. NMFS anticipates no impact on the population size or breeding stock of Steller sea lions, California sea lions, Pacific harbor seals, or Northern fur seals.

In summary and as described above, the following factors primarily support our preliminary determination that the impacts resulting from this activity are not expected to adversely affect the species or stock through effects on annual rates of recruitment or survival:

- The impacts to animals present would be of limited duration (*i.e.*, at maximum three days a month);
- The impacts would be of limited intensity (*i.e.*, temporary flushing at most); and
- No injury or mortality is anticipated or authorized.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the proposed monitoring and mitigation measures, NMFS preliminarily finds that the total marine mammal take from the proposed activity will have a negligible impact on all affected marine mammal species or stocks.

#### Small Numbers

As noted above, only small numbers of incidental take may be authorized under section 101(a)(5)(D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

As mentioned previously, NMFS estimates that the Society's proposed activities could potentially affect, by Level B harassment only, four species of marine mammals under our jurisdiction. For each species, these estimates are small numbers (less than one percent of the affected stocks of California sea

lions, Pacific harbor seals, and Northern fur seals, and less than seven percent of the stock of Steller sea lions) relative to the population size (Table 3).

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

#### Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has preliminarily determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of such species or stocks for taking for subsistence purposes.

#### Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally, in this case with the West Coast Region Protected Resources Division Office, whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

#### Proposed Authorization

The St. George Reef Lighthouse Preservation Society (Society) is hereby authorized under section 101(a)(5)(D) of the Marine Mammal Protection Act (MMPA; 16 U.S.C. 1371(a)(5)(D)) to harass marine mammals incidental to conducting helicopter operations and maintenance and restoration activities on the St. George Reef Lighthouse Station (Station), when adhering to the following terms and conditions.

1. This Incidental Harassment Authorization (IHA) is valid from February 19, 2018 through February 18, 2019.

2. This IHA is valid only for activities associated with helicopter operations, lighthouse restoration and maintenance

activities, and human presence on the Station on Northwest Seal Rock (NWSR) (41°50'24" N, 124°22'06" W) in the Northeast Pacific Ocean.

(a) The use of a small, compact, 4-person helicopter with two-bladed main and tail rotors fitted with noise-attenuating blade tip caps to transport work crews and tourists to and from NWSR;

(b) Restoration activities (e.g., painting, plastering, welding, and glazing) conducted on the Station;

(c) Maintenance activities (e.g., bulb replacement and automation of the light system) conducted on the Station;

(d) Emergency repair events (e.g., the failure of the PATON beacon light) outside of the three-day work session; and

(e) Human presence.

### 3. General Conditions

(a) A copy of this IHA must be in the possession of the Society, its designees, and work crew personnel operating under the authority of this IHA.

(b) The species authorized for taking are the California sea lion (*Zalophus californianus*), Pacific harbor seal (*Phoca vitulina richardii*), the eastern Distinct Population Segment of Steller sea lion (*Eumetopias jubatus*), and the northern fur seal (*Callorhinus ursinus*).

(c) The taking, by Level B harassment only, is limited to the species listed in condition 3(b). See Table 1 (attached) for numbers of take authorized.

(d) The taking by injury (Level A harassment), serious injury, or death of any of the species listed in condition 3(b) of the Authorization or any taking of any other species of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.

(e) The Society shall conduct briefings between construction supervisors and crews, marine mammal monitoring team, and Society staff prior to the start of all helicopter flights, restoration and maintenance work, and public tours, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

(f) Except in the event of an emergency repair event, the Society may not conduct activities between the dates of May 1, 2018 and October 31, 2018.

(i) In the case of an emergency repair event (i.e., failure of the PATON beacon light) between May 1, 2018 through October 31, 2018, the society shall consult with the Assistant Regional Administrator, West Coast Region, NMFS, to best determine the timing of an emergency repair trip to the Station.

(ii) The West Coast Region NMFS marine mammal biologist shall make a decision regarding when the Society can schedule helicopter trips to the NWSR during the emergency repair time window and will ensure that such operations will have the least practicable adverse impact to marine mammals.

(iii) The Assistant Regional Administrator, West Coast Region, NMFS shall also ensure that the Society's request for incidental take during an emergency repair event would not exceed the number of incidental take authorized in this IHA.

### 4. Mitigation Measures

The holder of this Authorization is required to implement the following mitigation measures:

(a) Conduct restoration and maintenance activities at the Station at a maximum of one session per month between February 19, 2018 and February 18, 2019, except between May 1, 2018 and October 31, 2018. Each restoration session shall be no more than three days in duration. Maintenance of the light beacon shall occur only in conjunction with the monthly restoration activities.

(b) Ensure that helicopter approach patterns to the NWSR shall be such that the timing techniques are least disturbing to marine mammals. To the extent possible, the helicopter should approach NWSR when the tide is too high for marine mammals to haul out on NWSR.

(c) Avoid rapid and direct approaches by the helicopter to the station by approaching NWSR at a relatively high altitude (e.g., 800–1,000 ft; 244–305 m). Before the final approach, the helicopter shall circle lower, and approach from an area where the density of pinnipeds is the lowest. If for any safety reasons (e.g., wind conditions or visibility) such helicopter approach and timing techniques cannot be achieved, the Society must abort the restoration and maintenance session for the day.

(d) Provide instructions to the Society's members, the restoration crew, and if applicable, to tourists, on appropriate conduct when in the vicinity of hauled-out marine mammals. The Society's members, the restoration crew, and if applicable, tourists, shall avoid making unnecessary noise while on NWSR and must not view pinnipeds around the base of the Station.

(e) Ensure that the door to the Station's lower platform shall remain closed and barricaded at all times.

(f) The Society shall establish monitoring protocols as described below.

### 5. Monitoring

The holder of this Authorization is required to conduct marine mammal monitoring during helicopter operations. Monitoring and reporting shall be conducted in accordance with the Monitoring Plan. The Society is required to:

(a) Have a NMFS-approved biologist present on the first flight of each day of activities.

(b) Record the date, time, and location (or closest point of ingress) of each visit to the NWSR.

(c) Collect the following information for each visit:

(i) Information on the numbers (by species) of marine mammals observed during the activities;

(ii) The estimated number of marine mammals (by species) that may have been harassed during the activities;

(iii) Any behavioral responses or modifications of behaviors that may be attributed to the specific activities (e.g., flushing into the water, becoming alert and moving, rafting); and

(iv) Information on the weather, including the tidal state and horizontal visibility.

(d) Employ a skilled, aerial photographer to document marine mammals hauled out on NWSR.

(i) The photographer will complete a photographic survey of NWSR using the same helicopter that will transport Society personnel to the island during restoration trips.

(ii) Photographs of all marine mammals hauled out on the island shall be taken at an altitude greater than 300 m (984 ft) during the first arrival flight to NWSR.

(iii) The Society and/or its designees will forward the photographs to a biologist capable of discerning marine mammal species. The Society shall provide the data to us in the form of a report with a data table, any other significant observations related to marine mammals, and a report of restoration activities (see Reporting). The Society shall make available the original photographs to NMFS or to other marine mammal experts for inspection and further analysis.

### 6. Reporting

The holder of this Authorization is required to:

(a) Submit a draft report on all monitoring conducted under the IHA within ninety calendar days of the completion of lighthouse maintenance and preservation work in April. This report must contain the following information:

(i) A summary of the dates, times, and weather during all helicopter operations, restoration, and maintenance activities.

(ii) Species, number, location, and behavior of any marine mammals, observed throughout all monitoring activities.

(iii) An estimate of the number (by species) of marine mammals that are known to have been exposed to visual and acoustic stimuli associated with the helicopter operations, restoration, and maintenance activities.

(iv) A description of the implementation and effectiveness of the monitoring and mitigation measures of the IHA and full documentation of methods, results, and interpretation pertaining to all monitoring.

(b) Reporting injured or dead marine mammals:

(i) In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as an injury (Level A harassment), serious injury, or mortality, the Society shall immediately cease the specified activities and report the incident to the Office of Protected Resources (301-427-8401) and/or by email to [Amy.Fowler@noaa.gov](mailto:Amy.Fowler@noaa.gov), and the Assistant West Coast Regional Stranding Coordinator (562-980-3264, [Justin.Greenman@noaa.gov](mailto:Justin.Greenman@noaa.gov)). The report must include the following information:

1. Time and date of the incident;
2. Description of the incident;
3. Environmental conditions (*e.g.*, wind speed and direction, sea state, cloud cover, and visibility);
4. Description of all marine mammal observations and active sound source use in the 24 hours preceding the incident;
5. Species identification or description of the animal(s) involved;
6. Fate of the animal(s); and
7. Photographs or video footage of the animal(s).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with the Society to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Society may not resume their activities until notified by NMFS.

(ii) In the event that the Society discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.*, in less than a moderate state of decomposition), the Society shall immediately report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS.

The report must include the same information identified in 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with the Society to determine whether additional mitigation measures or modifications to the activities are appropriate.

(iii) In the event that the Society discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.*, previously wounded animal, carcass with moderate to advanced decomposition, or scavenger damage), the Society shall report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. The Society shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS.

7. This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

#### Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this Notice of Proposed IHA for the proposed lighthouse restoration and maintenance project. We also request comment on the potential for renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for MMPA authorization.

On a case-by-case basis, NMFS may issue a second one-year IHA without additional notice when (1) another year of identical or nearly identical activities as described in the Specified Activities section is planned or (2) the activities would not be completed by the time the IHA expires and a second IHA would allow for completion of the activities beyond that described in the Dates and Duration section, provided all of the following conditions are met:

- A request for renewal is received no later than 60 days prior to expiration of the current IHA.
- The request for renewal must include the following:

(1) An explanation that the activities to be conducted beyond the initial dates either are identical to the previously analyzed activities or include changes so minor (*e.g.*, reduction in pile size)

that the changes do not affect the previous analyses, take estimates, or mitigation and monitoring requirements.

(2) A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

- Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and appropriate, and the original findings remain valid.

Dated: February 23, 2018.

**Donna Wieting,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2018-04147 Filed 2-28-18; 8:45 am]

**BILLING CODE 3510-22-P**

## CONSUMER PRODUCT SAFETY COMMISSION

### Commission Agenda and Priorities; Notice of Hearing

**AGENCY:** U.S. Consumer Product Safety Commission.

**ACTION:** Notice of public hearing.

**SUMMARY:** The U.S. Consumer Product Safety Commission (Commission) will conduct a public hearing to receive views from all interested parties about the Commission's agenda and priorities for fiscal year 2019, which begins on October 1, 2018, and for fiscal year 2020, which begins on October 1, 2019. We invite members of the public to participate. Written comments and oral presentations concerning the Commission's agenda and priorities for fiscal years 2019 and 2020 will become part of the public record.

**DATES:** The hearing will begin at 10 a.m. on April 11, 2018, and will conclude the same day. Requests to make oral presentations and the written text of any oral presentations must be received by the Office of the Secretary not later than 5 p.m. Eastern Daylight Time (EDT) on March 28, 2018. The Commission will accept written comments as well. These also must be received by the Office of the Secretary not later than 5 p.m. EDT on March 28, 2018.

**ADDRESSES:** The hearing will be in the Hearing Room, 4th Floor of the Bethesda Towers Building, 4330 East-West Highway, Bethesda, MD 20814. Requests to make oral presentations,

and texts of oral presentations and written comments should be captioned, "Agenda and Priorities FY 2019 and/or 2020," and sent by electronic mail (email) to: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov), or mailed or delivered to the Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814. Requests and written comments must be received no later than 5 p.m. EDT on March 28, 2018.

**FOR FURTHER INFORMATION CONTACT:** For information about the hearing, or to request an opportunity to make an oral presentation, please send an email, call, or write Alberta E. Mills, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov); telephone: (301) 504-7923; facsimile: (301) 504-0127. An electronic copy of the CPSC's budget request for fiscal year 2019 and the CPSC's 2018–2022 Strategic Plan can be found at: [www.cpsc.gov/about-cpsc/agency-reports/performance-and-budget](http://www.cpsc.gov/about-cpsc/agency-reports/performance-and-budget).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Section 4(j) of the Consumer Product Safety Act (CPSA) (15 U.S.C. 2053(j)) requires the Commission to establish an agenda for action under the laws the Commission administers, and to the extent feasible, select priorities for action at least 30 days before the beginning of each fiscal year. Section 4(j) of the CPSA provides further that before establishing its agenda and priorities, the Commission conduct a public hearing and provide an opportunity for the submission of comments.

##### **II. Oral Presentations and Submission of Written Comments**

The Commission is preparing the agency's fiscal year 2019 Operating Plan and fiscal year 2020 Congressional Budget Request. Fiscal year 2019 begins on October 1, 2018, and fiscal year 2020 begins on October 1, 2019. Through this notice, the Commission invites the public to comment on the following questions:

1. What are the priorities the Commission should consider emphasizing and dedicating resources toward in the fiscal year 2019 Operating Plan and/or the fiscal year 2020 Congressional Budget Request?
2. What activities should the Commission consider deemphasizing in the fiscal year 2019 Operating Plan and/or the fiscal year 2020 Congressional Budget Request?

3. What retrospective review of rules should the Commission consider in the fiscal year 2019 Operating Plan and/or the fiscal year 2020 Congressional Budget Request?

4. The CPSC's programs will align with the strategic goals outlined in the CPSC's 2018–2022 Strategic Plan. The CPSC's fiscal year 2019 Budget Request, submitted to Congress on February 12, 2018, is based on four agency priorities: (1) Focusing the agency's resources on the highest-priority consumer product safety risks; (2) continuing to support import surveillance by incrementally developing the Risk Assessment Methodology (RAM) system to identify and stop noncompliant imported products from entering the U.S. marketplace; (3) emphasizing outreach and education by engaging all stakeholders through forums and workshops; and (4) expanding the sources and types of data analysis used to identify and assess product safety risks and inform compliance decisions. The Commission requests comments on the priorities as presented in the FY 2019 Budget Request. The CPSC's Budget Request for fiscal year 2019 can be found at: [www.cpsc.gov/about-cpsc/agency-reports/performance-and-budget](http://www.cpsc.gov/about-cpsc/agency-reports/performance-and-budget). The Commission also requests comments on whether the Commission should consider making any changes or adjustments to the agency's proposed or ongoing safety standards activities, regulation and enforcement efforts in fiscal years 2019 and 2020 (16 CFR 1009.8). Comments are welcome on whether particular action items should be higher priority than others, should not be included, or should be added to the fiscal year 2019 and/or fiscal year 2020 agendas.

Persons who desire to make oral presentations at the hearing on April 11, 2018 should send an email, call, or write Alberta E. Mills, Office of the Secretary, U.S. Consumer Product Safety Commission, 4330 East-West Highway, Bethesda, MD 20814; email: [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov); telephone: (301) 504-7923; facsimile (301) 504-0127 not later than 5 p.m. EDT on March 28, 2018. Requests to make oral presentations and texts of the presentation must be received not later than 5 p.m. EDT on March 28, 2018. Presentations should be limited to approximately 10 minutes. The Commission reserves the right to impose further time limitations on all presentations and further restrictions to avoid duplication of presentations.

If you do not want to make an oral presentation, but would like to provide written comments, you may do so. Please submit written comments in the manner described in the previous

paragraph. Written comments must be received no later than 5 p.m. EDT on March 28, 2018.

**Alberta E. Mills,**

*Secretary, U.S. Consumer Product Safety Commission.*

[FR Doc. 2018-04129 Filed 2-28-18; 8:45 am]

**BILLING CODE 6355-01-P**

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## **DEPARTMENT OF DEFENSE**

### **Department of the Air Force**

#### **Air University Board of Visitors Meeting**

**AGENCY:** Air University Board of Visitors, Department of Air Force, DOD.

**ACTION:** Notice of meeting.

**SUMMARY:** Under the provisions of the Federal Advisory Committee Act and the Government in the Sunshine Act, the Department of Defense announces the Air University Board of Visitors' fall meeting. The purpose of this meeting is to provide independent advice and recommendations on matters pertaining to the educational, doctrinal, and research policies and activities of Air University.

**DATES:** The meeting will take place on Monday, 16 April 2018, from 8:00 a.m. to approximately 5 p.m. and Tuesday, 17 April 2018, from 7:30 a.m. to approximately 3:00 p.m. Central Standard Time.

**ADDRESSES:** The meeting will be held in the Air University Commander's Conference Room located in Building 800 at Maxwell Air Force Base, AL.

**FOR FURTHER INFORMATION CONTACT:** Dr. Shawn O'Mailia, Designated Federal Officer, Air University Headquarters, 55 LeMay Plaza South, Maxwell Air Force Base, Alabama 36112-6335, telephone (334) 953-4547.

**SUPPLEMENTARY INFORMATION:** The agenda will include topics relating to the policies, programs, and initiatives of Air University educational programs and will include an out brief from the Air Force Institute of Technology and Community College of the Air Force Subcommittees.

Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102-3.155 all sessions of the Air University Board of Visitors' meetings' will be open to the public. Any member of the public wishing to provide input to the Air University Board of Visitors' should submit a written statement in accordance with 41 CFR 102-3.140(c) and section 10(a)(3) of the Federal Advisory Committee Act and the procedures described in this paragraph.

Written statements can be submitted to the Designated Federal Officer at the address detailed below at any time. Statements being submitted in response to the agenda mentioned in this notice must be received by the Designated Federal Officer at the address listed below at least ten calendar days prior to the meeting which is the subject of this notice. Written statements received after this date may not be provided to or considered by the Air University Board of Visitors until its next meeting. The Designated Federal Officer will review all timely submissions with the Air University Board of Visitors' Board Chairperson and ensure they are provided to members of the Board before the meeting that is the subject of this notice. Any member of the public wishing to attend this meeting should contact the Designated Federal Officer listed below at least ten calendar days prior to the meeting for information on base entry procedures.

**Henry Williams,**

*Acting Air Force Federal Register Liaison Officer.*

[FR Doc. 2018-03498 Filed 2-28-18; 8:45 am]

**BILLING CODE 5001-10-P**

## DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### Sunshine Act Meetings

**TIME AND DATE:** 1:00 p.m.–2:30 p.m., March 8, 2018.

**PLACE:** Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004.

**STATUS:** Closed. During the closed meeting, the Board Members will discuss issues dealing with potential Recommendations to the Secretary of Energy. The Board is invoking the exemptions to close a meeting described in 5 U.S.C. 552b(c)(3) and (9)(B) and 10 CFR 1704.4(c) and (h). The Board has determined that it is necessary to close the meeting since conducting an open meeting is likely to disclose matters that are specifically exempted from disclosure by statute, and/or be likely to significantly frustrate implementation of a proposed agency action. In this case, the deliberations will pertain to potential Board Recommendations which, under 42 U.S.C. 2286d(b) and (h)(3), may not be made publicly available until after they have been received by the Secretary of Energy or the President, respectively.

**MATTERS TO BE CONSIDERED:** The meeting will proceed in accordance with the closed meeting agenda which is posted on the Board's public website at

[www.dnfsb.gov](http://www.dnfsb.gov). Technical staff may present information to the Board. The Board Members are expected to conduct deliberations regarding potential Recommendations to the Secretary of Energy.

### CONTACT PERSON FOR MORE INFORMATION:

Glenn Sklar, General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (800) 788–4016. This is a toll-free number.

Dated: February 26, 2018.

**Joseph Bruce Hamilton,**

*Acting Chairman.*

[FR Doc. 2018-04246 Filed 2-27-18; 11:15 am]

**BILLING CODE 3670-01-P**

## DEPARTMENT OF EDUCATION

[Docket ID ED-2017-FSA-0135]

### Privacy Act of 1974; System of Records

**AGENCY:** Federal Student Aid, Department of Education.

**ACTION:** Notice of a modified system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, as amended (Privacy Act), the U.S. Department of Education (Department) modifies the system of records entitled “Student Aid internet Gateway (SAIG), Participation Management System” (18–11–10).

The SAIG, Participation Management System, is a system of records containing contact information that individuals affiliated with an authorized entity provide to create an account to request electronic access to the Department's Federal Student Aid (FSA) systems or to the system of the Department of Homeland Security (DHS) for purposes of administering or assisting in administering programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA).

**DATES:** Submit your comments on this modified system of records notice on or before April 2, 2018.

This modified system of records will become applicable upon publication in the **Federal Register** on March 1, 2018. Modified routine use disclosures numbered (1), (4), (6), (10), and (12) and new routine use disclosure numbered (13) listed under “ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES” will become applicable on April 2, 2018, unless the modified system of records notice needs to be changed as a

result of public comment. The Department will publish any significant changes resulting from public comment.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using [Regulations.gov](http://Regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the “help” tab.

- **Postal Mail, Commercial Delivery, or Hand Delivery:** If you mail or deliver your comments about this modified system of records, address them to: Director, Systems Integration Division, Systems Operations and Aid Delivery Management Services, Federal Student Aid, U.S. Department of Education, 830 First Street NE, Room 41F1, Union Center Plaza, Washington, DC 20202–5144.

**Privacy Note:** The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

**Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record:** On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

**FOR FURTHER INFORMATION CONTACT:** Director, Systems Integration Division, Systems Operations and Aid Delivery Management Services, Federal Student Aid, U.S. Department of Education, 830 First Street NE, Room 41F1, Union Center Plaza, Washington, DC 20202–5144. Telephone: (202) 377–3547.

If you use a telecommunications device for the deaf (TDD) or text telephone (TTY), you may call the



Federal Relay Service, toll free, at 1-800-877-8339.

#### SUPPLEMENTARY INFORMATION:

##### Introduction

The Department is updating the section of the notice entitled "SYSTEM LOCATION" by adding an alternate location, and replacing the locations no longer utilized. The Department is changing the section of the notice entitled "SYSTEM MANAGER" to reflect the current organization of Business Operations in the Federal Student Aid office. The Department is modifying the section of the notice entitled "PURPOSE(S) OF THE SYSTEM" to remove the references about authenticating users to the Debt Management and Collections System (DMCS) and Title IV Additional Servicers (TIVAS). These systems do not require authorization through the SAIG, Participation Management System. However, the Department is adding that the SAIG, Participation Management System, will be used to provide users with access to the Enterprise Complaint System (ECS) and the system of the DHS that also administers or assists in administering programs authorized under title IV of the HEA. In this section and throughout the notice, the Department is removing all references regarding "authenticating" users and replacing it with the term "authorizing." This is a more accurate representation of the Department's practices in the SAIG, Participation Management System.

The Department is modifying the section of the notice entitled "CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM" to replace as covered individuals those who are eligible to participate in the Department's programs with those who are authorized to access the Department's Federal Student Aid systems and the DHS system for the purposes of administering or assisting in administering programs authorized under title IV of the HEA. This modification is a clarification to the public and does not change the scope of the system. The Department is also modifying this section to update the entities whose employees may be authorized to access the SAIG, Participation Management System, such as by deleting the reference to authorized employees or representatives of State scholarship programs and inserting in its place, research and scholarship organizations. The Department is also clarifying in this section that the authorized employees or representatives of lenders and guaranty agencies covered by the system are

limited to lenders and guaranty agencies participating in the Federal Family Education Loan Program (FFELP).

The Department is updating the section of the notice entitled "CATEGORIES OF RECORDS IN THE SYSTEM" to specify that records are those of authorized individuals with access to not just the Department's student financial aid systems but also the DHS system that administer or assist in administering programs authorized under title IV of the HEA.

The Department is modifying the section of the notice entitled "RECORD SOURCE CATEGORIES" to update authorized entities as follows: Postsecondary educational institutions, institutional third-party servicers, FFELP lenders, FFELP guaranty agencies, Federal loan servicers, DHS, State grant agencies, research and scholarship organizations, and from other individuals or entities from which data is obtained under the routine uses set forth below.

The Department is updating routine use (1) entitled "Program Disclosures" to remove the listed Department systems DMCS and TIVAS, which were previously listed in paragraphs (f) and (g), and to add, in paragraph (f), ECS as a Department system to which authorized users will have access. The Department is adding to this routine use in paragraph (h) that authorized users also will have access to the DHS system that administers or assists in the administration of programs authorized under title IV of the HEA. These modifications to routine use (1) will permit the Department to share authorized users' information with DHS to allow these authorized users access to systems belonging to the Department's Federal Student Aid office and DHS for the purposes of administering or assisting in administering programs authorized under title IV of the HEA. The Department will only disclose these records to DHS after the Department has approved in writing a request from DHS to access these records.

The Department is modifying routine use (4) entitled "Contract Disclosure" and routine use (6) entitled "Research Disclosure" to remove language that respectively referenced safeguard requirements under subsection (m) of the Privacy Act and Privacy Act safeguards. The Department revised the language in routine use (4) to permit the Department to disclose records from this system of records to employees of Departmental contractors, whether or not they are covered by subsection (m) of the Privacy Act, so long as they are performing a Departmental function that requires disclosing records to them and

they agree to safeguards that will protect the security and confidentiality of the records in the system. The Department also revised the language in routine uses (4) and (6) because the prior language referring to required safeguards under the Privacy Act and Privacy Act safeguards was unclear about what safeguards were required and therefore to clarify that contractors and researchers to whom disclosures are made under these routine uses will be required to agree to safeguards to protect the security and confidentiality of the records in the system.

The Department is modifying routine use (10) entitled "Employee Grievance, Complaint, or Conduct Disclosure" to clarify and promote the standardization of the language used in this routine use with that used in the Department's other systems of records notices.

Pursuant to the requirements in Office of Management and Budget (OMB) M-17-12, the Department is modifying routine use (12) entitled "Disclosure in the Course of Responding to a Breach of Data."

The Department is also adding routine use (13) entitled "Disclosure in Assisting another Agency in Responding to a Breach of Data" in order to comply with the requirements in OMB M-17-12. The Department may disclose records from this system to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) 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.

The Department is updating the sections of the notice entitled "POLICIES AND PRACTICES FOR STORAGE OF RECORDS" and "ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS" to reflect the current location of the records at General Dynamics One Source (GDOS). The Department is also updating the section entitled "POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS" to reflect the updated General Records Schedule, issued by the National Archives and Records Administration, which governs the retention and disposition of the records. Finally, the Department is modifying the sections entitled "RECORD ACCESS PROCEDURES" and "NOTIFICATION



PROCEDURES” to specify the necessary particulars that an individual must provide when making a request for access to or notification of a record.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or compact disc) on request to the 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 CFR 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 the Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: February 23, 2018.

**James F. Manning,**

*Acting Chief Operating Officer, Federal Student Aid.*

For the reasons discussed in the preamble, the Acting Chief Operating Officer, Federal Student Aid of the U.S. Department of Education (Department) publishes a notice of a modified system of records to read as follows:

#### **SYSTEM NAME AND NUMBER**

Student Aid internet Gateway (SAIG), Participation Management System (18–11–10).

#### **SECURITY CLASSIFICATION:**

Unclassified.

#### **SYSTEM LOCATION:**

General Dynamics One Source (GDOS), LLC 2450 Oakdale Boulevard, Coralville, IA 52241–9728. (This facility is the location of Technical Support and also stores hard copy records for the first 12 months after they are received by the Department.

SAIG/Participation Management System Technical Support 3833 Greenway Drive, Lawrence, KS 66046. (This is another location of the Technical Support).

Dell Perot Systems, 2300 West Plano Parkway, Plano, TX 75075–8247. (This is the computer center for SAIG, Participation Management System Application Virtual Data Center (VDC).)

Iron Mountain Headquarters, 1000 Campus Dr., Collegeville, PA 19426. (This facility stores hard copy records after 12 months from when they are received by the Department, and prior to the Department transferring them to National Archives and Records Administration (NARA)—operated Federal Records Centers.)

#### **SYSTEM MANAGER(S):**

Director, Systems Integration Division, Systems Operations and Aid Delivery Management Services, Business Operations, Federal Student Aid, U.S. Department of Education, 830 First Street NE, Union Center Plaza, Washington, DC 20202–5454.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title IV of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. 1070 *et seq.* The collection of Social Security numbers of users of this system is authorized by 31 U.S.C. 7701 and Executive Order 9397, as amended by Executive Order 13478 (November 18, 2008).

#### **PURPOSE(S) OF THE SYSTEM:**

The information in this system is maintained for the purposes of: (1) Processing stored data from the SAIG, Participation Management System Enrollment Forms (web and paper versions); (2) maintaining the SAIG, Participation Management System Enrollment website (titled <https://FSAWebEnroll.ed.gov>); (3) managing the assignment of individual electronic SAIG, Participation Management System mailbox numbers, known as “TG numbers”; and (4) authorizing users of the Department’s Federal Student Aid systems, including Central Processing System (CPS), electronic Campus Based (eCB) System, National Student Loan Data System (NSLDS), Common Origination and Disbursement (COD) System, Financial Management System (FMS), Enterprise Complaint System (ECS), and Access and Identity Management System (AIMS), and the system of the Department of Homeland Security (DHS), for the purposes of administering or assisting in administering programs authorized under title IV of the HEA.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

This system contains records on those individuals who are authorized to access the Department’s Federal Student Aid systems and the DHS system for purposes of administering or assisting in administering programs authorized under title IV of the HEA. Those individuals include authorized employees or representatives of

authorized entities as follows: Postsecondary educational institutions, institutional third-party servicers, lenders participating in the Federal Family Education Loan Program (FFELP), FFELP guaranty agencies, Federal loan servicers, State grant agencies, and research and scholarship organizations.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

This system maintains identifying information that authorized individuals affiliated with an authorized entity provide to create an account to request electronic access to the Department’s Federal Student Aid systems or access to the DHS system for the purposes of administering or assisting in administering programs authorized under title IV of the HEA. This information includes the individual’s name, address, and other identifying information (e.g., mother’s maiden name, Social Security number (SSN), and date of birth).

#### **RECORD SOURCE CATEGORIES:**

Information in this system is obtained from the authorized employees or representatives of authorized entities as follows: Postsecondary educational institutions, institutional third-party servicers, FFELP lenders, FFELP guaranty agencies, Federal loan servicers, DHS, State grant agencies, research and scholarship organizations, and from other individuals or entities from which data is obtained under routine uses set forth below.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act), under a computer matching agreement.

(1) *Program Disclosures.* The Department may disclose records maintained in the SAIG, Participation Management System, to DHS for the purpose of allowing authorized users who are eligible to participate in the electronic exchange of data with the Department to transmit files to and from the following databases and access the Department’s websites online for the purposes of administering or assisting in

administering programs authorized under title IV of the HEA:

- (a) COD System;
- (b) CPS;
- (c) eCB System;
- (d) NSLDS;
- (e) FMS;
- (f) ECS;
- (g) AIMS; and,
- (h) the DHS system.

The Department will only disclose records from this system to DHS for purposes of administering or assisting in administering programs authorized under title IV of the HEA and only after the Department has approved in writing a request from DHS to access these records.

(2) *Freedom of Information Act (FOIA) or Privacy Act Advice Disclosure.* The Department may disclose records to the Department of Justice (DOJ) or the Office of Management and Budget (OMB) if the Department seeks advice regarding whether records maintained in this system of records are required to be disclosed under the FOIA or the Privacy Act.

(3) *Disclosure to the DOJ.* The Department may disclose records to the DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(4) *Contract Disclosure.* If the Department contracts with an entity to perform any function that requires disclosing records to the contractor's employees, the Department may disclose the records to those employees. As part of such a contract, the Department shall require the contractor to agree to establish and maintain safeguards to protect the security and confidentiality of the records in the system.

(5) *Litigation and Alternative Dispute Resolution (ADR) Disclosures.*

(a) *Introduction.* In the event that one of the following parties is involved in judicial or administrative litigation or ADR, or has an interest in judicial or administrative litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

- (i) The Department, or any of its components;
- (ii) Any Department employee in his or her official capacity;
- (iii) Any Department employee in his or her individual capacity where the DOJ agrees to or has been requested to provide or arrange for representation of the employee;

(iv) Any Department employee in his or her individual capacity where the Department has agreed to represent the employee;

(v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to DOJ.* If the Department determines that disclosure of certain records to the DOJ is relevant and necessary to judicial or administrative litigation or ADR, and is compatible with the purpose for which the records were collected, the Department may disclose those records as a routine use to the DOJ.

(c) *Adjudicative Disclosures.* If the Department determines that disclosure of certain records to an adjudicative body before which the Department is authorized to appear or to a person or entity designated by the Department or otherwise empowered to resolve or mediate disputes, is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the adjudicative body, person, or entity.

(d) *Parties, Counsel, Representatives, and Witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative, or witness is relevant and necessary to the judicial or administrative litigation or ADR, the Department may disclose those records as a routine use to the party, counsel, representative, or witness.

(6) *Research Disclosure.* The Department may disclose records to a researcher if the official serving or acting as the Chief Operating Officer of Federal Student Aid determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The official may disclose records from this system of records to that researcher solely for the purpose of carrying out that research related to the functions or purposes of this system of records. The researcher shall be required to agree to maintain safeguards to protect the security and confidentiality of the disclosed records.

(7) *Congressional Member Disclosure.* The Department may disclose records to a Member of Congress in response to an inquiry from the Member made at the written request of the individual whose records are being disclosed. The Member's right to the information is no greater than the right of the individual who requested it.

(8) *Enforcement Disclosure.* In the event that information in this system of

records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant records to the appropriate agency, whether foreign, Federal, State, Tribal or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, Executive Order, rule, regulation, or order issued pursuant thereto.

(9) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(10) *Employee Grievance, Complaint, or Conduct Disclosure.* If a record is relevant and necessary to an employee grievance, complaint, or disciplinary action involving a present or former employee of the Department, the Department may disclose a record from this system of records in the course of investigation, fact-finding, mediation, or adjudication, to any party to the grievance, complaint, or action; to the party's counsel or representative; to a witness; or to a designated fact-finder, mediator, or other person designated to resolve issues or decide the matter.

(11) *Labor Organization Disclosure.* The Department may disclose records from this system of records to an arbitrator to resolve disputes under a negotiated grievance process or to officials of a labor organization recognized under 5 U.S.C. chapter 71

when relevant and necessary to their duties of exclusive representation.

(12) *Disclosure in the Course of Responding to a Breach of Data.* The Department may disclose records from this system to appropriate agencies, entities, and persons when (a) the Department suspects or has confirmed that there has been a breach of the system of records; (b) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs, and operation), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(13) *Disclosure in Assisting another Agency in Responding to a Breach of Data.* The Department may disclose records from this system to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Records are maintained in both electronic and hard copy form. Records maintained in electronic form, including hard copy records loaded into an imaging system accessible through internal systems only, are stored in IBM Content Manager. For the first 12 months after receiving a hard copy record, the record is stored in a locked file cabinet at the GDOS storage facility in Coralville, Iowa. After the initial 12-month period, the hard copy record is stored at the Iron Mountain storage facility. After three years from the termination or closure of an enrollment account of a user of the SAIG, Participation Management System, all records (electronic and hard copy) are transferred to NARA-operated Federal Records Centers for further storage in accordance with the applicable retention and disposition schedule.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

All users of the SAIG, Participation Management System, have a unique user identification (ID) with a password. Records are retrieved by the names of the individual user and/or their unique system User ID.

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

These records are covered by General Records Schedule 3.2: Information Systems Security Records, Item 031 (DAA-GRS-2013-0006-0004). Records are destroyed six years after the user account is terminated or the password is altered.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

All users of the SAIG, Participation Management System, will have a unique user ID with a password. All physical access to the data housed at the GDOS location and within the VDC, and the locations of Department contractors where this system of records is maintained, is controlled and monitored by security personnel who check each individual entering the building for his or her employee or visitor badge. The computer system employed by the Department offers a high degree of resistance to tampering and circumvention with firewalls, encryption, and password protection. This security system limits data access to Department and contract staff on a "need-to-know" basis, and controls individual users' ability to access and alter records within the system. All interactions by users of the SAIG, Participation Management System, are recorded.

#### **RECORD ACCESS PROCEDURES:**

If you wish to gain access to a record in this system, you must contact the system manager at the address listed above. You must provide necessary particulars such as your name, user ID, date of birth, and any other identifying information requested by the Department while processing the request to distinguish between individuals with the same name. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity.

#### **CONTESTING RECORD PROCEDURES:**

If you wish to contest or change the content of a record about you in the system of records, you must contact the system manager with the information described in the record access procedures. Requests to amend a record must meet the requirements of the

Department's Privacy Act regulations at 34 CFR 5b.7.

#### **NOTIFICATION PROCEDURES:**

If you wish to determine whether a record exists about you in the system of records, you must contact the system manager at the address listed above. You must provide necessary particulars such as your name, user ID, date of birth, and any other identifying information requested by the Department while processing the request to distinguish between individuals with the same name. Your request must meet the requirements of the regulations in 34 CFR 5b.5, including proof of identity.

#### **EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

#### **HISTORY:**

The system of records was published in the **Federal Register** on December 27, 1999 (64 FR 72384, 72397) and entitled "Title IV Wide Area Network" (Title IV WAN). This system of records was altered and published in the **Federal Register** on January 28, 2005 (70 FR 4112), changing the title to "Student Aid internet Gateway (SAIG), Participation Management System." The system of records notice for the SAIG, Participation Management System, was most recently altered in the **Federal Register** on April 19, 2010 (75 FR 20346).

[FR Doc. 2018-04141 Filed 2-28-18; 8:45 am]

**BILLING CODE 4000-01-P**

## **DEPARTMENT OF EDUCATION**

[Docket No.: ED-2018-ICCD-0022]

### **Agency Information Collection Activities; Comment Request; Reaffirmation Agreement**

**AGENCY:** Federal Student Aid (FSA), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of an existing information collection.

**DATES:** Interested persons are invited to submit comments on or before April 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-2018-ICCD-0022. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov>

[www.regulations.gov](http://www.regulations.gov) by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216-34, Washington, DC 20202-4537.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Beth Grebeldinger, 202-377-4018.

**SUPPLEMENTARY INFORMATION:** The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* Reaffirmation Agreement.

*OMB Control Number:* 1845-0133.

*Type of Review:* A revision of an existing information collection.

*Respondents/Affected Public:* Individuals or Households; Private Sector; State, Local, and Tribal Governments.

*Total Estimated Number of Annual Responses:* 13,156.

*Total Estimated Number of Annual Burden Hours:* 1,578.

*Abstract:* The HEA provides for a maximum amount that a borrower can

receive per year and in total. If a borrower receives more than one of these maximum amounts, the borrower is rendered ineligible for further Title IV aid (including Federal Pell Grants, Federal Supplemental Educational Opportunity Grants, Federal Work-Study, and Teacher Education Assistance for Higher Education (TEACH) Grants) unless the borrower repays the excess amount or agreed to repay the excess amount according to the terms and conditions of the promissory note that the borrower signed. Agreeing to repay the excess amount according to the terms and conditions of the promissory note that the borrower signed is called "reaffirmation", which is the subject of this collection.

Dated: February 26, 2018.

**Kate Mullan,**

*Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.*

[FR Doc. 2018-04166 Filed 2-28-18; 8:45 am]

**BILLING CODE 4000-01-P**

## DEPARTMENT OF ENERGY

[FE Docket No. 18-15-LNG]

### **Southern LNG Company, L.L.C.; Application for Blanket Authorization To Export Liquefied Natural Gas to Non-Free Trade Agreement Countries on a Short-Term Basis**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of application.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of an application (Application), filed on February 1, 2018, by Southern LNG Company, L.L.C. (Southern LNG). The Application requests blanket authorization to export domestically produced and previously imported liquefied natural gas (LNG) in an amount up to the equivalent of 255 billion cubic feet (Bcf) of natural gas on a cumulative basis over a two-year period, commencing on the date of the initial short-term export. The LNG would be exported from the Elba Liquefaction Project (Liquefaction Project), which is currently under construction at the Elba Island Terminal on Elba Island, Chatham County, Georgia. Southern LNG requests authorization to export the LNG to any country with the capacity to import LNG via ocean-going carrier and with which trade is not prohibited by U.S. law or policy, including both countries with which the United States has entered into a free trade agreement

(FTA) requiring national treatment for trade in natural gas (FTA countries) and all other countries (non-FTA countries). Southern LNG seeks to export this LNG before commercial operations at the Liquefaction Project begin. Southern LNG requests this authorization on its own behalf and as agent for other entities who hold title to the natural gas at the time of export. Additional details can be found in Southern LNG's Application, posted on the DOE/FE website at: <https://energy.gov/fe/southern-lng-company-llc-18-15-lng-export-lng>.

Protests, motions to intervene, notices of intervention, and written comments are invited.

**DATES:** Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, April 2, 2018.

#### **ADDRESSES:**

*Electronic Filing by email:* [fergas@hq.doe.gov](mailto:fergas@hq.doe.gov).

*Regular Mail:* U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026-4375.

*Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.):* U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585.

#### **FOR FURTHER INFORMATION CONTACT:**

Kyle W. Moorman or Larine Moore, U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-7970; (202) 586-9478.

Cassandra Bernstein or Ronald (R.J.) Colwell, U.S. Department of Energy (GC-76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-9793; (202) 586-8499.

**SUPPLEMENTARY INFORMATION:** Southern LNG requests a short-term blanket authorization to export domestically produced and previously imported LNG prior to the start of commercial operations at its Liquefaction Project. Southern LNG commits that the short-term volumes to be exported under the requested authorization, when added to

any volumes exported under Southern LNG's existing long-term export authorization, will not exceed 130 Bcf in any annual (consecutive 12-month) period.

#### DOE/FE Evaluation

The portion of the Application seeking authority to export LNG on a short-term basis to non-FTA countries will be reviewed pursuant to section 3(a) of the NGA, 15 U.S.C. 717b(a), and DOE will consider any issues required by law or policy. In reviewing this Application, DOE will consider domestic need for the natural gas, as well as any other issues determined to be appropriate, including whether the arrangement is consistent with DOE's policy of promoting competition in the marketplace by allowing commercial parties to freely negotiate their own trade arrangements. As part of this analysis, DOE will consider the following two studies examining the cumulative impacts of exporting domestically produced LNG:

- *Effect of Increased Levels of Liquefied Natural Gas on U.S. Energy Markets*, conducted by the U.S. Energy Information Administration upon DOE's request (2014 EIA LNG Export Study)<sup>1</sup> and
- *The Macroeconomic Impact of Increasing U.S. LNG Exports*, conducted jointly by the Center for Energy Studies at Rice University's Baker Institute for Public Policy and Oxford Economics, on behalf of DOE (2015 LNG Export Study).<sup>2</sup>

Additionally, DOE will consider the following environmental documents:

- *Addendum to Environmental Review Documents Concerning Exports of Natural Gas From the United States*, 79 FR 48132 (Aug. 15, 2014);<sup>3</sup> and
- *Life Cycle Greenhouse Gas Perspective on Exporting Liquefied Natural Gas From the United States*, 79 FR 32260 (June 4, 2014).<sup>4</sup>

Parties that may oppose this Application should address these issues and documents in their comments and/or protests, as well as other issues deemed relevant to the Application.

The National Environmental Policy Act (NEPA), 42 U.S.C. 4321 *et seq.*, requires DOE to give appropriate consideration to the environmental effects of its proposed decisions. FLEX states that no new construction or changes to the Liquefaction Project facilities will be required for the short-term exports requested in the Application. No final decision will be issued in this proceeding until DOE has met its environmental responsibilities.

Interested persons will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, notices of intervention, or motions for additional procedures.

#### Public Comment Procedures

In response to this Notice, any person may file a protest, comments, or a motion to intervene or notice of intervention, as applicable. Interested parties will be provided 30 days from the date of publication of this Notice in which to submit comments, protests, motions to intervene, or notices of intervention.

Any person wishing to become a party to the proceeding must file a motion to intervene or notice of intervention. The filing of comments or a protest with respect to the Application will not serve to make the commenter or protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the Application. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by the regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Emailing the filing to [fergas@hq.doe.gov](mailto:fergas@hq.doe.gov), with FE Docket No. 18–15–LNG in the title line; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to FE Docket No. 18–15–LNG. **Please Note:** If submitting a filing via email, please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure

that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

A decisional record on the Application will be developed through responses to this notice by parties, including the parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final Opinion and Order may be issued based on the official record, including the Application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

The Application is available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. The Application and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE Web address: <http://www.fe.doe.gov/programs/gasregulation/index.html>.

Issued in Washington, DC, on February 23, 2018.

**Robert J. Smith,**

*Deputy Assistant Secretary for Oil and Natural Gas (Acting), Office of Fossil Energy.*

[FR Doc. 2018–04121 Filed 2–28–18; 8:45 am]

**BILLING CODE 6450–01–P**

#### DEPARTMENT OF ENERGY

**[FE Docket No. 14–179–LNG]**

**Pieridae Energy (USA), Ltd.**

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of change in control.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt of two related Notices of Change in Control (Notice or, collectively, Notices) filed by Pieridae Energy (USA), Ltd. (Pieridae US) in the above-referenced docket. The first Notice, filed on May 21, 2017, described a planned change in control of Pieridae Energy Limited, the parent company of Pieridae US. In the second Notice, filed on November 1, 2017, Pieridae US confirmed that the planned change in

<sup>1</sup> The 2014 EIA LNG Export Study, published on Oct. 29, 2014, is available at: <https://www.eia.gov/analysis/requests/fe/>.

<sup>2</sup> The 2015 LNG Export Study, dated Oct. 29, 2015, is available at: [http://energy.gov/sites/prod/files/2015/12/f27/20151113\\_macro\\_impact\\_of\\_lng\\_exports\\_0.pdf](http://energy.gov/sites/prod/files/2015/12/f27/20151113_macro_impact_of_lng_exports_0.pdf).

<sup>3</sup> The Addendum and related documents are available at: <http://energy.gov/fe/draft-addendum-environmental-review-documents-concerning-exports-natural-gas-united-states>.

<sup>4</sup> The Life Cycle Greenhouse Gas Report is available at: <http://energy.gov/fe/life-cycle-greenhouse-gas-perspective-exporting-liquefied-natural-gas-united-states>.

control had occurred. The Notices were filed under the Natural Gas Act (NGA).

**DATES:** Protests, motions to intervene or notices of intervention, as applicable, and written comments are to be filed using procedures detailed in the Public Comment Procedures section no later than 4:30 p.m., Eastern time, March 16, 2018.

**ADDRESSES:**

*Electronic Filing by email:* [fergas@hq.doe.gov](mailto:fergas@hq.doe.gov).

*Regular Mail:* U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, P.O. Box 44375, Washington, DC 20026-4375.

*Hand Delivery or Private Delivery Services (e.g., FedEx, UPS, etc.):* U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585.

**FOR FURTHER INFORMATION CONTACT:**

Larine Moore or Amy Sweeney, U.S. Department of Energy (FE-34), Office of Regulation and International Engagement, Office of Fossil Energy, Forrestal Building, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-9478; (202) 586-2627.

Cassandra Bernstein, U.S. Department of Energy (GC-76), Office of the Assistant General Counsel for Electricity and Fossil Energy, Forrestal Building, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586-9793.

**SUPPLEMENTARY INFORMATION:**

**Summary of Change in Control**

As noted, Pieridae US filed two related Notices of Change in Control in the above-referenced docket under section 3 of the NGA, 15 U.S.C. 717b. In the first Notice filed on May 21, 2017,<sup>1</sup> Pieridae US asserted that: (i) It is wholly-owned at all times by Pieridae Energy Limited; (ii) on May 15, 2017, Pieridae Energy Limited and Pétrolia Inc. (Pétrolia), a Canadian public corporation, entered into an agreement which contemplated that, on or before August 15, 2017, Pétrolia would acquire all of the issued and outstanding shares of Pieridae Energy Limited in exchange for shares of Pétrolia pursuant to a plan of arrangement effected under section 192 of the Canada Business Corporation Act; and (iii) immediately thereafter, Pétrolia and Pieridae Energy Limited would amalgamate to form a new entity

to be named “Pieridae Energy Limited.” Pieridae US further asserted that completion of the plan of arrangement was subject to approval by the shareholders of Pétrolia and Pieridae Energy Limited. According to Pieridae US, the plan of arrangement, if completed, would result in a “reverse takeover” of Pétrolia pursuant to which the former shareholders of Pieridae Energy Limited would own, collectively, approximately 85% of the amalgamated corporation.

In the second Notice, filed on November 1, 2017,<sup>2</sup> Pieridae US confirmed that the plan of arrangement and amalgamation described in the first Notice became effective on October 24, 2017.<sup>3</sup>

Additional details can be found in the Notices, posted on the DOE/FE website at: <https://energy.gov/sites/prod/files/2017/06/f35/Change%20in%20Control%20-%20Notification%20-%20FE%20Docket%20No.%2014-179-LNG.pdf> (May 21, 2017) and [https://energy.gov/sites/prod/files/2017/11/f39/CIC14-179-LNG11\\_01\\_17.pdf](https://energy.gov/sites/prod/files/2017/11/f39/CIC14-179-LNG11_01_17.pdf) (November 1, 2017).

**DOE/FE Evaluation**

DOE/FE will review the two Notices in accordance with its Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas (CIC Revised Procedures).<sup>4</sup> Consistent with the CIC Revised Procedures, this notice addresses only the Pieridae US proceeding in which a final authorization has been issued to export LNG to non-free trade agreement (non-FTA) countries. The affected proceeding is FE Docket No. 14-179-LNG. If no interested person protests the change in control and DOE takes no action on its own motion, the change in control will be deemed granted 30 days after publication in the **Federal Register**. If one or more protests are submitted, DOE will review any motions to intervene, protests, and answers, and will issue a determination as to whether the proposed change in control has been demonstrated to render the underlying

authorization inconsistent with the public interest.

**Public Comment Procedures**

Interested persons will be provided 15 days from the date of publication of this notice in the **Federal Register** in order to move to intervene, protest, and answer Pieridae US's Notices. Protests, motions to intervene, notices of intervention, and written comments are invited in response to this notice only as to the change in control described in Pieridae US's Notices.<sup>5</sup> All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590.

Filings may be submitted using one of the following methods: (1) Preferred method: Emailing the filing to [fergas@hq.doe.gov](mailto:fergas@hq.doe.gov), with the individual FE Docket Number(s) in the title line, or Pieridae Change in Control in the title line to include all applicable dockets in this Notice; (2) mailing an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**; or (3) hand delivering an original and three paper copies of the filing to the Office of Regulation and International Engagement at the address listed in **ADDRESSES**. All filings must include a reference to the individual FE Docket Number(s) in the title line, or Pieridae Change in Control in the title line to include all applicable dockets in this Notice. **Please note:** If submitting a filing via email, please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner. Any hardcopy filing submitted greater in length than 50 pages must also include, at the time of the filing, a digital copy on disk of the entire submission.

The Notices and any filed protests, motions to intervene or notice of interventions, and comments are available for inspection and copying in the Office of Regulation and International Engagement docket room, Room 3E-042, 1000 Independence Avenue SW, Washington, DC 20585. The docket room is open between the hours of 8:00 a.m. and 4:30 p.m.,

<sup>1</sup> Pieridae Energy (USA) Ltd., FE Docket No. 14-179-LNG, Notice of Change in Control (May 21, 2017).

<sup>2</sup> Pieridae Energy (USA) Ltd., FE Docket No. 14-179-LNG, Notice of Change in Control (Nov. 1, 2017).

<sup>3</sup> Pieridae US is advised that its described change in control may also require the approval of the Committee on Foreign Investment in the United States (CFIUS). DOE expresses no opinion regarding the need for review by CFIUS. Additional information may be obtained at: <http://www.treasury.gov/resource-center/international/Pages/Committee-on-Foreign-Investment-in-US.aspx>.

<sup>4</sup> 79 FR 65541 (Nov. 5, 2014).

<sup>5</sup> Intervention, if granted, would constitute intervention only in the change in control portion of this proceeding, as described herein.

Monday through Friday, except Federal holidays.

The Notices and any filed protests, motions to intervene or notice of interventions, and comments will also be available electronically by going to the following DOE/FE web address: <http://www.fe.doe.gov/programs/gasregulation/index.html>.

Issued in Washington, DC, on February 23, 2018.

**Robert J. Smith,**

*Deputy Assistant Secretary for Oil and Natural Gas (Acting), Office of Fossil Energy.*

[FR Doc. 2018-04135 Filed 2-28-18; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC18-59-000.

*Applicants:* Ormat Technologies, Inc., U.S. Geothermal Inc.

*Description:* Application For Authorization Pursuant to Section 203 of the Federal Power Act, et al. of Ormat Technologies, Inc., et al.

*Filed Date:* 2/20/18.

*Accession Number:* 20180220-5333.

*Comments Due:* 5 p.m. ET 3/13/18.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER18-893-000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* § 205(d) Rate Filing: Revisions to the OATT to clean-up Part IV & Part VI re: Interconnection Process to be effective 4/23/2018.

*Filed Date:* 2/21/18.

*Accession Number:* 20180221-5119.

*Comments Due:* 5 p.m. ET 3/14/18.

*Docket Numbers:* ER18-894-000.  
*Applicants:* Southern California Edison Company.

*Description:* Tariff Cancellation: Notice of Cancellation LGIA Oro Verde Solar Project SA No. 150 to be effective 4/24/2018.

*Filed Date:* 2/22/18.

*Accession Number:* 20180222-5019.

*Comments Due:* 5 p.m. ET 3/15/18.

*Docket Numbers:* ER18-895-000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* § 205(d) Rate Filing: 1628R11 Western Farmers Electric Cooperative NITSA NOA to be effective 2/1/2018.

*Filed Date:* 2/22/18.

*Accession Number:* 20180222-5021.

*Comments Due:* 5 p.m. ET 3/15/18.

Take notice that the Commission received the following foreign utility company status filings:

*Docket Numbers:* FC18-1-000.

*Applicants:* Parry Energy Storage, LP.

*Description:* Notification of Self-

Certification of Foreign Utility Company Status of Parry Energy Storage, LP.

*Filed Date:* 2/21/18.

*Accession Number:* 20180221-5138.

*Comments Due:* 5 p.m. ET 3/14/18.

*Docket Numbers:* FC18-2-000.

*Applicants:* Elmira Energy Storage, LP.

*Description:* Notification Self-Certification of Foreign Utility Company Status of Elmira Energy Storage, LP.

*Filed Date:* 2/21/18.

*Accession Number:* 20180221-5139.

*Comments Due:* 5 p.m. ET 3/14/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 22, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018-04139 Filed 2-28-18; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

#### Filings Instituting Proceedings

*Docket Numbers:* RP18-440-000.

*Applicants:* Transcontinental Gas Pipe Line Company.

*Description:* § 4(d) Rate Filing: FOS—FDLS—Agreement Effective Date to be effective 3/17/2018.

*Filed Date:* 2/14/18.

*Accession Number:* 20180214-5086.

*Comments Due:* 5 p.m. ET 2/26/18.

*Docket Numbers:* RP18-443-000.

*Applicants:* National Fuel Gas Supply Corporation.

*Description:* § 4(d) Rate Filing: New Price Index—for IG Rate to be effective 4/1/2018.

*Filed Date:* 2/15/18.

*Accession Number:* 20180215-5055.

*Comments Due:* 5 p.m. ET 2/27/18.

*Docket Numbers:* RP18-444-000.

*Applicants:* Southern Natural Gas Company, L.L.C.

*Description:* § 4(d) Rate Filing: Fuel Retention Rates—Spring 2018 to be effective 4/1/2018.

*Filed Date:* 2/15/18.

*Accession Number:* 20180215-5117.

*Comments Due:* 5 p.m. ET 2/27/18.

*Docket Numbers:* RP18-445-000.

*Applicants:* Toshiba Corporation, Texas Eastern Transmission, LP.

*Description:* Joint Petition for Clarification or, in the alternative, Limited Waiver of Toshiba Corporation, et al.

*Filed Date:* 2/15/18.

*Accession Number:* 20180215-5128.

*Comments Due:* 5 p.m. ET 2/27/18.

*Docket Numbers:* RP18-446-000.

*Applicants:* Natural Gas Pipeline Co. of America LLC.

*Description:* § 4(d) Rate Filing:

Amendment to Negotiated Rate Agreement—Oklahoma Natural Gas Company to be effective 2/16/2018.

*Filed Date:* 2/16/18.

*Accession Number:* 20180216-5000.

*Comments Due:* 5 p.m. ET 2/28/18.

*Docket Numbers:* RP18-447-000.

*Applicants:* Empire Pipeline, Inc.

*Description:* § 4(d) Rate Filing: Fuel Tracker (Empire tracking Supply) Effective 04/01/18 to be effective 4/1/2018.

*Filed Date:* 2/16/18.

*Accession Number:* 20180216-5162.

*Comments Due:* 5 p.m. ET 2/28/18.

*Docket Numbers:* RP18-448-000.

*Applicants:* Empire Pipeline, Inc.

*Description:* § 4(d) Rate Filing: GT&C 4.1(f) Central Delivery/Receipt Points (Empire) to be effective 4/1/2018.

*Filed Date:* 2/16/18.

*Accession Number:* 20180216-5177.

*Comments Due:* 5 p.m. ET 2/28/18.

*Docket Numbers:* RP18-449-000.

*Applicants:* National Fuel Gas Supply Corporation.

*Description:* § 4(d) Rate Filing: Appalachian Zones & Central Delivery/Receipt Points to be effective 4/1/2018.

*Filed Date:* 2/16/18.

*Accession Number:* 20180216-5179.



*Comments Due:* 5 p.m. ET 2/28/18.

*Docket Numbers:* RP18-450-000.

*Applicants:* National Fuel Gas Supply Corporation.

*Description:* § 4(d) Rate Filing: Fuel Tracker-Supply (Effective 04/01/18) to be effective 4/1/2018.

*Filed Date:* 2/16/18.

*Accession Number:* 20180216-5180.

*Comments Due:* 5 p.m. ET 2/28/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

Dated: February 22, 2018.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2018-04140 Filed 2-28-18; 8:45 am]

**BILLING CODE 6717-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-9974-92-OEI]

### Privacy Act of 1974; System of Records

**AGENCY:** Office of Environmental Information, Environmental Protection Agency.

**ACTION:** Notice of a new system of records.

**SUMMARY:** The U.S. Environmental Protection Agency's (EPA) Office of General Counsel is giving notice that it proposes to create a new system of records pursuant to the provisions of the Privacy Act of 1974. The Employment Law Practice Group Case Management System (ELPG-CMS) is being created to meet the needs of the Office of General Counsel, Employment Law Practice Group Attorney Advisors and Agency Leadership. This system will provide automated information support to the Employment Law Practice Group in tracing and managing the flow of labor

and employment advice and litigation through the litigation process. The information collected in the case management program will be used to: Assign incoming cases and more efficiently track significant events in the litigation such as filing deadlines; electronically collect and store in one location all documents relevant to a case, including discovery materials, filings, submissions, case correspondence and case research information. The system is accessed from an internet browser using the Agency's secured portal.

**DATES:** Persons wishing to comment on this system or records notice must do so by April 2, 2018.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA-HQ-OEI-2017-0307, by one of the following methods:

*Regulations.gov:* [www.regulations.gov](http://www.regulations.gov). Follow the online instructions for submitting comments.

*Email:* [oei.docket@epa.gov](mailto:oei.docket@epa.gov).

*Fax:* 202-566-1752.

*Mail:* OEI Docket, Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

*Hand Delivery:* OEI Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to Docket ID No. EPA-HQ-OEI-2017-0307. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at [www.regulations.gov](http://www.regulations.gov), including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information for which disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through [www.regulations.gov](http://www.regulations.gov). The [www.regulations.gov](http://www.regulations.gov) website is an "anonymous access" system for EPA, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. However, over 180 federal agencies use [www.regulations.gov](http://www.regulations.gov) and some may require Personally Identifiable Information (PII) and some may not. Each agency determines submission requirements within their own internal processes and standards. EPA has no requirement of personal information. If

you send an email comment directly to the EPA without going through [www.regulations.gov](http://www.regulations.gov) 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. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket visit the EPA Docket Center homepage at <http://www.epa.gov/epahome/dockets.htm>.

*Docket:* All documents in the docket are listed in the [www.regulations.gov](http://www.regulations.gov) index. Although listed in the index, some information is not publicly available, e.g., CBI or other information for which disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in [www.regulations.gov](http://www.regulations.gov) or in hard copy at the OEI Docket, EPA/DC, WJC West Building, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday excluding legal holidays. The telephone number for the Public Reading Room is (202) 566-1744, and the telephone number for the OEI Docket is (202) 566-1752.

**FOR FURTHER INFORMATION CONTACT:** Tia Y. Miller, [Miller.Tia@epa.gov](mailto:Miller.Tia@epa.gov), (202) 564-8942.

**SUPPLEMENTARY INFORMATION:** The U.S. Environmental Protection Agency (EPA) plans to create a Privacy Act system of records for the Employment Law Practice Group Case Management System (ELPG-CMS). ELPG-CMS will be used by Employment Law attorneys in the Office General Counsel to: (1) Track, manage, and report on employment matters, including litigation, counseling, disciplinary actions, performance actions, and investigations into allegations of workplace harassment. (2) assign incoming cases and more efficiently track significant events in the litigation such as filing deadlines; (3) electronically collect and store in one location all documents relevant to a case, including discovery materials,



filings, submissions, case correspondence and case research information; (4) electronically provide access to case records to the case attorney(s), OGC support staff, and supervisory attorneys; (5) electronically provide access to case records to other ELPG attorneys working on other cases who may benefit from information collected in other cases; (6) facilitate the filing of submissions before administrative tribunals that require electronic filing of case materials, such as the EEOC and MSPB, and (7) generate reports that will allow the agency to track and evaluate a variety of employment litigation trends such as recurring employee misconduct, imposed disciplinary penalties, discrimination claims, etc.

The implementation of the ELPG-CMS will have no effect on the privacy of individuals. The system is password-protected and access is restricted to Office of General Counsel Employment Law Practice Group Attorneys and legal staff who have a work-related need to utilize the information in the system. Permission-level assignments allow users access only to those functions for which they are authorized. All records are maintained in secure, access-controlled areas of buildings. The system is accessed from an internet browser using the Agency's secured portal and requires a user to have an established log-in name and password. The system is maintained at a contractor's secured and FedRAMP-certified data center, discretely located in Ashburn, VA. ELPG-CMS is maintained by the Office of General Counsel, Employment Law Practice Group.

#### **SYSTEM NAME AND NUMBER**

ELPG Case Management System (ELPG-CMS), EPA-76.

#### **SECURITY CLASSIFICATION:**

Unclassified.

#### **SYSTEM LOCATION:**

The paper records will be located at the EPA, Office of General Counsel, Employment Law Practice Group, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001. The electronic records will be located on servers housed in Ashburn, VA.

#### **SYSTEM MANAGER(S):**

Associate General Counsel, Office of General Counsel, General Law Office, 1200 Pennsylvania Ave. NW, Mailcode 2377A, Washington, DC 20460.

#### **AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* (1964);

Equal Pay Act of 1963 (EPA), 29 U.S.C. 206(d) (1963); Age Discrimination in Employment Act of 1967 (ADEA), 29 U.S.C. 621-634 (2013); Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. 12101-12213 (2013) (amended 2008); Genetic Information Nondiscrimination Act of 2008 (GINA), Public Law 110-233, 122 Stat. 881; Sections 501 and 505 of the Rehabilitation Act of 1973, Public Law 93-112, 87 Stat. 355 (codified as amended in scattered sections of the 29 U.S.C and 31-41c U.S.C.); Uniformed Services Employment and Reemployment Rights of 1994, 38 U.S.C. 4301-4335 (1994); Civil Service Reform Act of 1978, Public Law 95-454, 92 Stat. 1111; Occupation Safety and Health Act of 1970, 29 U.S.C. ch. 15, § 651 *et seq.* (1971); Whistleblower Protection Enhancement Act of 2012 (WPEA), Public Law 112-199.

#### **PURPOSE(S) OF THE SYSTEM:**

The ELPG-CMS will allow ELPG to track case activity, generate mandated and ad hoc reports, and provide access to a centralized case management system to ELPG personnel.

These records are maintained in ELPG-CMS to support the Agency's Employment Law Practice Group in its efforts to track, manage, and report on employment matters, including litigation, counseling, disciplinary actions, performance actions, and investigations into allegations of workplace harassment.

#### **CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Current and former EPA employees; Individuals who have filed, or had filed on their behalf, discrimination complaints against the EPA.

#### **CATEGORIES OF RECORDS IN THE SYSTEM:**

This system will contain general human resources elements, including First/Middle/Last Name, Appointment Type, Appointment Not-to-Exceed Date (if applicable), Service Computation Date for Leave Accrual Purposes, Service Computation Date for Retirement Eligibility Purposes, Position Title, Pay Plan, Occupational Series, Grade, Step, Supervisory Code, Bargaining Unit Status Code, Organizational Breakdown of Position's Location and Duty Station. The system will also contain Adverse Action case file information regarding employee counseling for misconduct or poor performance, disciplinary actions, adverse actions, performance-based actions, performance assistance plans, performance improvement plans, reasonable accommodation requests,

including medical information. The system will also contain Office of Inspector General investigatory information regarding allegations of employee misconduct, including Reports of Investigation, Final Summary Reports, Memorandums of Interviews, Memorandum of Activity, and supporting exhibits.

The system will also contain documents created and/or submitted in anticipation of litigation, as well as during the course of litigation, including, but not limited to, Merit System Protection Board (MSPB) appeals, Equal Employment Opportunity Commission (EEOC) appeals, Department of Labor (DOL) appeals, Unemployment proceedings, Office of Special Counsel complaints, and Federal District Court proceedings.

Documents provided as part of litigation or employment law matters may include various types of information including, but not limited to, names, addresses, social security numbers, medical and/or financial information contained in pleadings, motions, exhibits, and any other documents provided to the Office of General Counsel.

#### **RECORD SOURCE CATEGORIES:**

Sources include Agency databases, employee personnel files, files maintained by the Office of Administration and Resources Management (OARM) Complainants, Complainant's attorneys or representatives, witnesses, EPA investigators, EPA Office of the Inspector General, other EPA personnel, Department of Justice, EEOC Administrative Judges, MSPB Judges, DOL Administrative Law Judges, and other persons with information relevant to an employment law matter before the Agency for consideration.

#### **ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

EPA General routine uses A, B, C, E, F, G, H, I, J, K and L apply to this system. (73 FR 2245)

#### **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

The records in the system are stored in paper files and computer databases. The computer storage devices are located at the contractor's FedRAMP approved facility in Ashburn, VA.

#### **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

The system will retrieve records employee name.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records stored in the system are subject to records schedule 1025.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

Paper records are maintained in lockable file cabinets in secure, access-controlled rooms, areas, of buildings. Computer records are maintained in a secure password-protected environment. Access to computer records is limited to those who have a need to know the information contained in the records. Permission-level assignments allow users access only to those functions for which they are authorized. All records are maintained in secure, access controlled areas of buildings. The system is accessed from an internet browser using the Agency's secured portal and requires a user to have an established log-in name and password.

**RECORD ACCESS PROCEDURES:**

Individuals seeking access to information in this system of records about themselves should make a written request to the Freedom of Information Act Office. Requesters are required to provide adequate identification (*e.g.* driver's license, military identification card, employee badge or identification card). Additional identity verification procedures may be required, as warranted. Requests must meet the requirements of EPA regulations that implement the Privacy Act of 1974, at 40 CFR part 16.

**CONTESTING RECORD PROCEDURES:**

Requests for correction or amendment must identify the record to be changed and the corrective action sought. Complete EPA Privacy Act procedures are set out in EPA's Privacy Act regulations at 40 CFR part 16.

**NOTIFICATION PROCEDURE:**

Any individual who wants to know whether this system of records contains a record about him or her, who wants access to his or her record, or who wants to contest the contents of a record, should make a written request to the EPA National Privacy Program, Attn: Privacy Act Officer, WJC West, MC 2831T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

None.

Dated: January 9, 2018.

**Steven Fine,**

*Acting Chief Information Officer.*

[FR Doc. 2018-04186 Filed 2-28-18; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9974-89—Region 8]

**Settlement Agreement and Order on Consent: Gilt Edge Mine Superfund Site, Lead, Lawrence County, South Dakota**

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

**ACTION:** Notice of proposed agreement; request for public comment.

**SUMMARY:** In accordance with the requirements of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), notice is hereby given of the proposed settlement under CERCLA, between the U.S. Environmental Protection Agency ("EPA"), the State of South Dakota ("State"), and Agnico Eagle Mines Limited ("Lessee"). The proposed Settlement Agreement provides for the performance of work by Lessee and the payment of certain response costs incurred by the United States. The Lessee consents to and will not contest the authority of the United States to enter into the Agreement or to implement or enforce its terms. The State and Lessee recognize that the Agreement has been negotiated in good faith and that the Agreement is entered into without the admission or adjudication of any issue of fact or law.

**DATES:** Comments must be submitted on or before April 2, 2018. For thirty (30) days following the date of publication of this notice, the Agency will receive written comments relating to the agreement. The Agency will consider all comments received and may modify or withdraw its consent to the agreement if comments received disclose facts or considerations that indicate that the agreement is inappropriate, improper, or inadequate.

**ADDRESSES:** The proposed agreement and additional background information relating to the agreement, as well as the Agency's response to any comments are or will be available for public inspection at the EPA Superfund Record Center, 1595 Wynkoop Street, Denver, Colorado, by appointment. Comments and requests for a copy of the proposed agreement should be addressed to Shawn McCaffrey, Enforcement

Specialist, Environmental Protection Agency—Region 8, Mail Code 8ENF-RC, 1595 Wynkoop Street, Denver, Colorado 80202-1129, and should reference the Gilt Edge Mine Superfund Site, EPA Docket No. CERCLA-08-2018-0004.

**FOR FURTHER INFORMATION CONTACT:**

Amelia Piggott, Enforcement Attorney, Legal Enforcement Program, Environmental Protection Agency—Region 8, Mail Code 8ENF-L, 1595 Wynkoop Street, Denver, Colorado 80202, (303) 312-6410.

Dated: February 15, 2018.

**Suzanne Bohan,**

*Assistant Regional Administrator, Office of Enforcement, Compliance and Environmental Justice, U.S. Environmental Protection Agency, Region VIII.*

[FR Doc. 2018-04189 Filed 2-28-18; 8:45 am]

**BILLING CODE 6560-50-P**

**ENVIRONMENTAL PROTECTION AGENCY**

[FRL-9974-94-OECA]

**National Environmental Justice Advisory Council; Public Teleconference and Public Comment; Correction**

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

**ACTION:** Notice; correction.

**SUMMARY:** The Environmental Protection Agency (EPA) published a document in the **Federal Register** of February 8, 2018, concerning the National Environmental Justice Advisory Council public teleconference and public comment period. The document contained an incorrect date.

**FOR FURTHER INFORMATION CONTACT:**

Questions or correspondence concerning the public teleconference meeting should be directed to Karen L. Martin, U.S. Environmental Protection Agency, by mail at 1200 Pennsylvania Avenue NW (MC2201A), Washington, DC 20460; by telephone at 202-564-0203; via email at [martin.karenl@epa.gov](mailto:martin.karenl@epa.gov); or by fax at 202-564-1624. Additional information about the NEJAC is available at <https://www.epa.gov/environmentaljustice/national-environmental-justice-advisory-council>.

**SUPPLEMENTARY INFORMATION:****Correction**

In the **Federal Register** of February 8, 2018, in FR Doc. 2018-02549, in the third column, correct the "Registration" caption to read:

**Registration**

Registration for the March 8, 2018, public meeting teleconference option will be processed at <https://nejac-public-teleconference-march-8-2018.eventbrite.com>. Pre-registration is required. Registration for the March 8, 2018, public meeting teleconference closes at 11:59 p.m., Eastern Time on Monday, March 5, 2018. The deadline to sign up to speak during the public comment period, or to submit written public comments, is 11:59 p.m., Eastern Time on Monday, March 5, 2018. When registering, please provide your name, organization, city and state, email address, and telephone number for follow up. Please also indicate whether you would like to provide public comment during the meeting, and whether you are submitting written comments before the Monday, March 5, 2018, deadline.

Dated: February 15, 2018.

**Matthew Tejada,**

*Designated Federal Officer, National Environmental Justice Advisory Council.*

[FR Doc. 2018-04190 Filed 2-28-18; 8:45 am]

**BILLING CODE 6560-50-P**

**FARM CREDIT ADMINISTRATION****Sunshine Act Meeting; Farm Credit Administration Board**

**AGENCY:** Farm Credit Administration.

**ACTION:** Notice, regular meeting.

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

**DATES:** The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on March 8, 2018, from 9:00 a.m. until such time as the Board concludes its business.

**ADDRESSES:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102-5090. Submit attendance requests via email to [VisitorRequest@FCA.gov](mailto:VisitorRequest@FCA.gov). See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

**FOR FURTHER INFORMATION CONTACT:**

Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883-4009, TTY (703) 883-4056, [aultmand@fca.gov](mailto:aultmand@fca.gov).

**SUPPLEMENTARY INFORMATION:** This meeting of the Board will be open to the public (limited space available). Please send an email to [VisitorRequest@FCA.gov](mailto:VisitorRequest@FCA.gov) at least 24 hours before the

meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883-4009. The matters to be considered at the meeting are:

**Open Session****A. Approval of Minutes**

- February 8, 2018

**B. Report**

- Farm Credit System Funding Update

**New Business**

- Lending and Loan Servicing Controls Bookletter
- Prior Approval of CoBank, ACB's Request to Retire Certain Equities Included in Common Equity Tier 1 Capital

Dated: February 27, 2018.

**Dale L. Aultman,**

*Secretary, Farm Credit Administration Board.*

[FR Doc. 2018-04322 Filed 2-27-18; 4:15 pm]

**BILLING CODE 6705-01-P**

**FEDERAL DEPOSIT INSURANCE CORPORATION****Agency Information Collection Activities: Proposed Collection Revisions; Comment Request**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The FDIC, 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 the three-year extension, with revisions, of existing information collections, as required by the Paperwork Reduction Act of 1995. Currently, the FDIC is soliciting comment on extension and revisions of the information collections described below.

**DATES:** Comments must be submitted on or before April 30, 2018.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- <https://www.FDIC.gov/regulations/laws/federal>.

- **Email:** [comments@fdic.gov](mailto:comments@fdic.gov). Please include the name and OMB control number of the relevant information collection in the subject line of the message.

- **Mail:** Manny Cabeza, Counsel, Room MB-3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

- **Hand Delivery:** Comments may be hand-delivered to the guard station at the rear of the 17th Street Building (located on F Street), on business days between 7:00 a.m. and 5:00 p.m.

All comments should refer to the relevant OMB control number. Written comments and/or suggestions can also be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, attention FDIC Desk Officer, New Executive Office Building, Washington, DC 20503 or sent to [OIRA\\_submissions@omb.eop.gov](mailto:OIRA_submissions@omb.eop.gov).

**FOR FURTHER INFORMATION CONTACT:** If you have additional comments, particularly with respect to the estimated public burden or associated response time, have suggestions, need a copy of any proposed information collection instrument and instructions, or desire any other additional information, please contact Manny Cabeza, Counsel, FDIC Legal Division, either by mail at Room MB-3007, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429; by email at [mcabeza@fdic.gov](mailto:mcabeza@fdic.gov); or by telephone at (202) 898-3767.

**SUPPLEMENTARY INFORMATION:** Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. All comments received will become a matter of public record. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;
- Evaluate whether and if so, how, the quality, utility, and clarity of the information to be collected can be enhanced; and
- 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.

*Overview of the Information Collection Requests.* The FDIC proposes to implement a number of revisions to currently-approved information collections, based on the recommendations of an interagency working group comprised of representatives from the FDIC, the Board of Governors of the Federal Reserve System, and the Office of the Comptroller of the Currency, who collaborated to recommend the proposed changes. The proposed changes are being made to: (a) Improve the clarity of the requests; (b) reflect new laws, regulations, capital requirements and accounting rules; (c) delete information requests that have been determined to be unnecessary for the analysis of the filing; and (d) add transparency for filers regarding the information that is required to consider a filing. In determining which changes to propose, the FDIC surveyed its regional offices to solicit recommendations for changes to the forms and considered the effects of the changes on community bank organizations, which represent the majority of filers. Although the revisions add items to these forms, the FDIC believes that some of these additions are related to information typically requested on a follow-up basis. Requesting the information up-front should increase transparency for filers as well as improve the efficiency of the submission and review process.

The FDIC is proposing to revise and request a three-year extension of the following currently-approved collections of information:

**1. Title:** Interagency Biographical and Financial Report.

**OMB Number:** 3064–0006.

**Type:** Revision of a currently approved collection.

**Form:** Interagency Biographical and Financial Report.

**Form Number:** 6200/06.

**Affected Public:** Individuals or households; business or other for profit; Insured state nonmember banks and state savings associations.

**Estimated Number of Annual Respondents:** 574.

**Estimated Time per Response:** 4.5 hours.

**Frequency of Response:** On occasion.

**Estimated Total Annual Burden:** 2,583 hours.

**General Description of Collection:** The Interagency Biographical and Financial Report is submitted to the FDIC by: (1) Each individual director, officer, or individual or group of shareholders acting in concert that will own or control 10 percent or more, of a proposed or operating depository institution applying for FDIC deposit insurance; (2) a person proposing to acquire control of an insured state nonmember bank, state savings association (FDIC-supervised institution) and certain parent companies of such entities; (3) each proposed new director or proposed new chief executive officer of an FDIC-supervised institution which has undergone a change in control within the preceding twelve months; and (4) each proposed new director or senior executive officer of an FDIC-supervised institution that is not in compliance with all minimum capital requirements, is in troubled condition, or otherwise is required to provide such notice. The information collected is used by the FDIC to evaluate the general character and financial condition of individuals who will be involved in the management or control of financial institutions, as required by statute. In order to lessen the burden on applicants, the FDIC cooperates with the

other federal banking agencies to the maximum extent possible in processing the various applications.

**Proposed Revisions:** The proposed changes for the Interagency Biographical and Financial Report include additional requested items relating to information that generally was previously requested as supplemental information subsequent to the filing of the initial application; clarification of exact requirements of certain requests; deletion of certain requested items that the FDIC no longer believes are helpful in evaluating the notice; and other minor changes for improved grammar, comprehension, and accurate citations and mailing addresses. Because a filer may require some additional time to incorporate supplemental documentation, particularly in connection with the requested description of pending legal and related matters, the FDIC estimates that the proposed revisions will result in an additional half an hour of reporting burden for each filer. Accordingly, the estimated time per response is being increased from 4 hours to 4.5 hours. The proposed revised “Interagency Biographical and Financial Report” form and a redlined version highlighting the proposed revisions from the currently-approved form may be reviewed by the public at <https://www.FDIC.gov/regulations/laws/federal>.

**2. Title:** Interagency Bank Merger Act Application.

**OMB Number:** 3064–0015.

**Type:** Revision of a currently approved collection.

**Form:** Interagency Bank Merger Act Application.

**Form Number:** 6220/01.

**Affected Public:** Individuals or households; business or other for profit.

**ESTIMATED BURDEN**

	Number of annual respondents	Frequency of response	Hours per response	Total estimated annual hours
Affiliate .....	134	On Occasion .....	19	2,546
Nonaffiliate .....	162	On Occasion .....	31	5,022
Total .....	296	.....	.....	7,568

**General Description of Collection:** The Interagency Bank Merger Act Application form is used by the FDIC, the Board of Governors of the Federal Reserve System, and the Office of the Comptroller of the Currency for applications under section 18(c) of the Federal Deposit Insurance Act (FDIA), as amended (12 U.S.C. 1828(c)). The

application is used for a merger, consolidation, or other combining transaction between nonaffiliated parties as well as to effect a corporate reorganization between affiliated parties (affiliate transaction). An affiliate transaction refers to a merger transaction or other business combination (including a purchase and

assumption) between institutions that are commonly controlled (for example, between a depository institution and an affiliated interim institution). There are different levels of burden for nonaffiliate and affiliate transactions. Applicants proposing affiliate transactions are required to provide less information than applicants involved in

the merger of two unaffiliated entities. If depository institutions are not controlled by the same holding company, the merger transaction is considered a nonaffiliate transaction.

**Proposed Revisions:** The proposed changes to the Interagency Bank Merger Act Application form include additional items relating to information that was previously requested as supplemental information subsequent to the filing of the initial application; clarification of certain requested items related to biographical and financial information for principals and to Community Reinvestment Act-related information; deletion of the request for cash flow projections for the parent company; updated requests to account for statutory considerations related to the effect of a transaction on the stability of the United States financial system, changes to capital requirements and accounting rules; and other minor changes to improve grammar and readability, provide accurate citations to authority, and update mailing addresses. As a result of the revisions described above, applicants may need to provide additional financial information, describe pending litigation and investigations, and summarize the effects of a proposed transaction on financial stability. For this reason, the FDIC estimates that the proposed revisions will result in an additional hour of burden for each applicant. Accordingly, the estimated times per response are being increased from 18 to 19 hours for affiliate transactions and 30 to 31 hours for nonaffiliate transactions. The proposed revised "Interagency Bank Merger Act Application" form and a redlined version highlighting the proposed revisions from the currently-approved form may be reviewed by the public at <https://www.FDIC.gov/regulations/laws/federal>.

3. **Title:** Interagency Notice of Change in Control.

**OMB Number:** 3064–0019.

**Type:** Revision of a currently approved collection.

**Form:** Interagency Notice of Change in Control.

**Form Number:** 6822/01.

**Affected Public:** Individuals, insured state nonmember banks, and insured state savings associations.

**Estimated Number of Annual Respondents:** 25.

**Estimated Time per Response:** 30.5 hours.

**Frequency of Response:** On occasion.

**Estimated Total Annual Burden:** 763 hours.

**General Description of Collection:** Section 7(j) of the FDIA (Change in Bank Control Act of 1978, 12 U.S.C. 1817(j))

and sections 303.80–88 of the FDIC Rules and Regulations (12 CFR 303.80 *et seq.*) require that any person proposing to acquire control of an insured depository institution and certain parent companies thereof provide 60 days prior written notice of the proposed acquisition to the appropriate federal banking agency. Such written notice which pertains to the acquisition of control of an FDIC-supervised institution and certain parent companies thereof is filed with the regional director of the FDIC region in which the bank is located. The FDIC reviews the information reported in the Notice to assess, in part, any anticompetitive and monopolistic effects of the proposed acquisition, to determine if the financial condition of any acquiring person or the future prospects of the institution might jeopardize the financial stability of the institution or prejudice the interests of the depositors of the institution, and to determine whether the competence, experience, or integrity of any acquiring person, or of any of the proposed management personnel, indicates that it would not be in the interest of the depositors of the institution, or in the interest of the public, to permit such persons to control the bank. The FDIC must also make an independent determination of the accuracy and completeness of all of the information required to be filed in conjunction with a Notice.

**Proposed Revisions:** The proposed changes for the Interagency Notice of Change in Control form include additional requested items relating to information that generally was previously requested as supplemental information subsequent to the filing of the initial application; clarification of exact requirements of certain requests; deletion of certain requested items that the FDIC no longer believes are helpful in evaluating the Notice; and other minor changes for improved grammar, comprehension, and accurate citations and mailing addresses. Because certain applicants may need additional time to complete the requested breakdowns of voting and nonvoting securities, and stock options and warrants that were previously requested by the agencies later in the process, and to include a narrative description of the proposed transaction, the FDIC estimates that the proposed revisions would require an additional half an hour of burden for each respondent. Accordingly, the estimated time per response is being increased from 30 hours to 30.5 hours. The proposed revised "Interagency Notice of Change in Control" form and

a redlined version highlighting the proposed revisions from the currently-approved form may be reviewed by the public at <https://www.FDIC.gov/regulations/laws/federal>.

4. **Title:** Interagency Notice of Change in Director or Senior Executive Officer.

**OMB Number:** 3064–0097.

**Type:** Revision of a currently approved collection.

**Form:** Interagency Notice of Change in Director or Senior Executive Officer.

**Form Number:** 6822/02.

**Affected Public:** Insured state nonmember banks and state savings associations.

**Estimated Number of Annual Respondents:** 325.

**Estimated Time per Response:** 2 hours.

**Frequency of Response:** On occasion.

**Estimated Total Annual Burden:** 650 hours.

**General Description of Collection:** Section 32 of the FDIA (12 U.S.C. 1831i) requires an insured depository institution or depository institution holding company under certain circumstances to notify the appropriate federal banking agency of the proposed addition of any individual to the board of directors or the employment of any individual as a senior executive officer of such institution at least 30 days before such addition or employment becomes effective. Section 32 of the FDIA also provides that the FDIC may disapprove an individual's service as a director or senior executive officer of certain state nonmember banks or state savings associations if, upon assessing the individual's competence, experience, character, and integrity, it is determined that the individual's service would not be in the best interest of the depositors of the institution or the public. The Interagency Notice of Change in Director or Senior Executive Officer, with the information contained in the Interagency Biographical and Financial Report (described above) as an attachment, is used by the FDIC to collect information relevant to assess the individual's competence, experience, character, and integrity.

**Proposed Revisions:** The proposed changes for the Interagency Notice of Change in Director or Senior Executive Officer form include clarifications of existing information requested and exceptions to the extent they may be relied upon by applicants; deletion of certain formerly requested items that are no longer needed to evaluate the notice; and other minor changes for improved grammar, comprehension, and accurate citations and mailing addresses. The FDIC believes these revisions will not change the estimated time per response.

The proposed revised Interagency Notice of Change in Director or Senior Executive Officer form and a redlined version highlighting the proposed revisions from the currently-approved form may be reviewed by the public at <https://www.FDIC.gov/regulations/laws/federal>.

Dated at Washington, DC, on February 23, 2018.

Federal Deposit Insurance Corporation.

**Valerie J. Best,**

*Assistant Executive Secretary.*

[FR Doc. 2018-04136 Filed 2-28-18; 8:45 am]

**BILLING CODE 6714-01-P**

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**TIME AND DATE:** Tuesday, March 6, 2018 at 10:00 a.m.

**PLACE:** 999 E Street NW, Washington, DC.

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:** Compliance matters pursuant to 52 U.S.C. 30109.

Matters concerning participation in civil actions or proceedings or arbitration.

\* \* \* \* \*

**CONTACT PERSON FOR MORE INFORMATION:** Judith Ingram, Press Officer, Telephone: (202) 694-1220.

**Laura E. Sinram,**

*Deputy Secretary of the Commission.*

[FR Doc. 2018-04258 Filed 2-27-18; 11:15 am]

**BILLING CODE 6715-01-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of

the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 23, 2018.

*A. Federal Reserve Bank of Dallas* (Robert L. Triplett III, Senior Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Charis Holdings, Inc., Dallas, Texas;* to become a bank holding company by acquiring 100 percent of Justin State Bank, Justin, Texas.

Board of Governors of the Federal Reserve System, February 23, 2018.

**Ann E. Misback,**

*Secretary of the Board.*

[FR Doc. 2018-04109 Filed 2-28-18; 8:45 am]

**BILLING CODE P**

## FEDERAL RESERVE SYSTEM

### Notice of Proposals To Engage in or To Acquire Companies Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated

or the offices of the Board of Governors not later than March 23, 2018.

*A. Federal Reserve Bank of Minneapolis* (Mark A. Rauzi, Vice President, Assistant Vice President) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

1. *Mackinac Financial Corporation, Manistique, Michigan, and its wholly owned subsidiary, MFNC Acquisition, LLC, Manistique, Michigan;* to acquire 100 percent of the voting shares of First Federal of Northern Michigan Bancorp, Inc., Alpena, Michigan, and thereby indirectly acquire First Federal of Northern Michigan, Alpena, Michigan, and thereby engage in operation of a savings association pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, February 23, 2018.

**Ann E. Misback,**

*Secretary of the Board.*

[FR Doc. 2018-04110 Filed 2-28-18; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Toxic Substances and Disease Registry

[60Day-18-0047; Docket No. ATSDR-2018-0001]

### Proposed Data Collection Submitted for Public Comment and Recommendations

**AGENCY:** Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Agency for Toxic Substances and Disease Registry (ATSDR), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a continuing information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on the information collection project titled "Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery."

**DATES:** ATSDR must receive written comments on or before April 30, 2018.

**ADDRESSES:** You may submit comments, identified by Docket No. ATSDR-2018-0001 by any of the following methods:

- *Federal eRulemaking Portal:* [Regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

• *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. ATSDR will post, without change, all relevant comments to [Regulations.gov](https://www.regulations.gov).

*Please note: Submit all Federal comments through the Federal eRulemaking portal ([regulations.gov](https://www.regulations.gov)) or by U.S. mail to the address listed above.*

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS-D74, Atlanta, Georgia 30329; phone: 404-639-7570; Email: [omb@cdc.gov](mailto:omb@cdc.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected; and
4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

*e.g.*, permitting electronic submissions of responses.

5. Assess information collection costs.

### Proposed Project

Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (OMB Control No. 0923-0047; Expiration Date 12/31/2018)—Extension—Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services (HHS).

### Background and Brief Description

The information collection activity provides a means to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Federal government's commitment to improving service delivery. By qualitative feedback we mean information that provides useful insights on perceptions and opinions, but are 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 the Agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management.

The solicitation of feedback will target areas such as: Timeliness, appropriateness, accuracy of information, courtesy, efficiency of service delivery, and resolution of issues with service delivery. Responses will be assessed to plan and inform efforts to improve or maintain the quality of service offered to the public. If this information is not collected, vital feedback from customers and stakeholders on the Agency's services will be unavailable.

ATSDR will only submit a collection for approval under this generic clearance if it meets the following conditions:

- The collections are voluntary;
- The collections are low-burden for respondents (based on considerations of total burden hours, total number of respondents, or burden-hours per respondent) and are low-cost for both the respondents and the Federal Government;

• The collections are noncontroversial and do not raise issues of concern to other Federal agencies;

- Any collection is targeted to the solicitation of opinions from respondents who have experience with the program or may have experience with the program in the near future;
- Personally identifiable information (PII) is collected only to the extent necessary and is not retained;
- Information gathered is intended to be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency (if released, the agency must indicate the qualitative nature of the information);
- Information gathered will not be used for the purpose of substantially informing influential policy decisions; and
- Information gathered will yield qualitative information; the collections will not be designed or expected to yield statistically reliable results or used as though the results are generalizable to the population of study.

Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: The target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential nonresponse bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

As a general matter, information collections will not result in any new system of records containing privacy information and will not ask questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

This is an extension of the previously approved collection of 7,075 annualized burden hours. There is no cost to



respondents other than their time. The respondents are Individuals and Households; Businesses and

Organizations; and State, Local, or Tribal Government.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of collection	Number of respondents	Annual frequency per response	Hours per response	Total burden (in hours)
Small discussion groups .....	300	1	90/60	450
Request for customer comment cards/complaint forms/post-conference or training surveys .....	1,500	1	15/60	375
Focus groups of customers, potential customers, delivery partners, or other stakeholders .....	2,000	1	2	4,000
Qualitative customer satisfaction surveys or interviews .....	3,000	1	30/60	1,500
Usability testing/in-person observation testing .....	1,500	1	30/60	750
Total .....				7,075

#### Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018-04151 Filed 2-28-18; 8:45 am]

BILLING CODE 4163-18-P

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

#### Centers for Disease Control and Prevention

[30Day-18-17AYG]

#### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Effective Communication in Public Health Emergencies—Developing Community-Centered Tools for People with Special Health Care Needs to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on September 20, 2017 to obtain comments from the public and affected agencies. CDC received two comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including

whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639-7570 or send an email to [omb@cdc.gov](mailto:omb@cdc.gov). Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395-5806. Provide written comments within 30 days of notice publication.

#### Proposed Project

Effective Communication in Public Health Emergencies—Developing Community-Centered Tools for People with Special Health Care Needs—New—Office of Public Health Preparedness and Response (OPHPR), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

Individuals with access and mobility challenges, chronic illness, intellectual and developmental disabilities, and other communication difficulties

require targeted messages before, during, and after disasters to ensure that they fully appreciate the risks to their health and safety and can take measures to avoid harm. Significant research has highlighted the unique information needs for at-risk populations in general, as well as more specific populations such as minority communities, limited-English proficiency communities, and persons with physical or communication disabilities. However, there has been minimal translation of this research into practical tools for sharing information, nor has the research been extended to the families of children and youth with special health care needs.

Research has also shown that families and individuals are more likely to prepare for emergencies or follow health-related emergency directives when the information comes from a health care professional, particularly someone engaged in their care. There is very little information about the capacity of these trusted sources to reach at-risk individuals during disasters, or their coordination into government risk communication efforts.

Finally, although social media is used by at-risk populations on a daily basis, relatively little is known about how these populations use social media during disasters, as the majority of the studies analyzing channels used by at-risk populations were completed before the widespread use of social media in disasters.

This study will utilize a multi-tiered, mixed methods approach to data collection to study the communication needs of two target populations during disasters: Families with children and youth with special health care needs (CYHCN); and individuals with Autism Spectrum Disorders (ASD), as well as families with children who have Autism Spectrum Disorders.



Data collection will consist of surveys, as well as focus groups and interviews. For each population, we will collect data from (1) families (*i.e.*, parents/caregivers of children and adolescents, as well as adolescents themselves) with special health care needs and ASD; and (2) the medical,

social service and other providers who serve them. In addition, we will collect data from emergency response agency representatives and experts in health information and communications technology to ask cross-cutting questions regarding the use of technology to communicate during

disasters, and the perspectives and needs of individuals and agencies charged with leading disaster response efforts.

There are no costs to respondents other than their time. The estimated annualized burden is 419 hours.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Families/Caregivers (CYSHCN) .....	CYSHCN Family/Caregiver Survey .....	150	1	15/60
Families/Caregivers (ASD) .....	ASD Family/Caregiver Survey .....	200	1	15/60
Providers (CYSHCN) .....	CYSHCN Provider Survey .....	250	1	15/60
Providers (ASD) .....	ASD Provider Survey .....	150	1	15/60
Families/Caregivers (CYSHCN) .....	CYSHCN Family/Caregiver Interviews .....	50	1	1
Families/Caregivers (ASD) .....	ASD Family/Caregiver Interviews .....	30	1	1
Families/Caregivers (CYSHCN and ASD) .....	CYSHCN & ASD Family/Caregiver Evaluation Focus Group.	30	1	90/60
Providers (CYSHCN) .....	CYSHCN Provider Focus Group .....	20	1	90/60
Providers (ASD) .....	ASD Provider Focus Group .....	10	1	90/60
Emergency Response Organizations .....	Emergency Response Focus Group .....	10	1	90/60
Health IT Professionals .....	Health IT Focus Group .....	10	1	90/60
Providers .....	Provider Evaluation Focus Group .....	20	1	90/60

**Leroy A. Richardson,**

*Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.*

[FR Doc. 2018-04176 Filed 2-28-18; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Office for State, Tribal, Local and Territorial Support (OSTLTS), Tribal Advisory Committee (TAC) Meeting and 18th Biannual Tribal Consultation Session); Cancellation of Meeting

Notice is hereby given of a change in the meeting of the Office for State, Tribal, Local and Territorial Support (OSTLTS), Tribal Advisory Committee (TAC) Meeting and 18th Biannual Tribal Consultation Session); March 13, 2018, 8:00 a.m.–5:00 p.m., EDT. CDC, Global Communications Center Auditorium B3, 1600 Clifton Road NE, Atlanta, Georgia 30329, which was published in the **Federal Register** on December 28, 2017, Volume 82, Number 248, 61573.

This meeting is being canceled in its entirety.

**FOR FURTHER INFORMATION CONTACT:** Carmen Clelland, PharmD, MPA, MPH, Associate Director for Tribal Support, OSTLTS, CDC, 4770 Buford Highway,

Mailstop E-70, Atlanta, Georgia 30341-3717, (404) 404-498-2205; [cclelland@cdc.gov](mailto:cclelland@cdc.gov).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2018-04133 Filed 2-28-18; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Board of Scientific Counselors, Office of Public Health and Preparedness and Response, (BSC, OPHPR); Correction

Notice is hereby given of a change in the meeting of the Board of Scientific Counselors, Office of Public Health and Preparedness and Response, (BSC, OPHPR); February 13, 2018, 2:00 p.m. to 5:00 p.m., EST which was published in the **Federal Register** on January 16, 2018, Volume 83, Number 10, pages 2158-2159.

The dial in number and Participant code should read as follows: Dial in number: 800-857-5746; Participant code: 4391556.

#### FOR FURTHER INFORMATION CONTACT:

Dometa Ouisley, Office of Science and Public Health Practice, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop D-44, Atlanta, Georgia 30329, Telephone: (404) 639-7450; Facsimile: (404) 471-8772; Email: [OPHPR.BSC.Questions@cdc.gov](mailto:OPHPR.BSC.Questions@cdc.gov).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2018-04132 Filed 2-28-18; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[30Day–18–17AZG]

#### Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled Assessment of Cancer Prevention Services at Community Mental Health Centers to the Office of Management and Budget (OMB) for review and approval. CDC previously published a “Proposed Data Collection Submitted for Public Comment and Recommendations” notice on November 8, 2017 to obtain comments from the public and affected agencies. CDC received four comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(c) Enhance the quality, utility, and clarity of the information to be collected;

(d) Minimize the burden of the collection of information on those who are to respond, including, through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses; and

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570 or send an email to [omb@cdc.gov](mailto:omb@cdc.gov). Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

#### Proposed Project

Assessment of Cancer Prevention Services at Community Mental Health Centers (0920–17AZG)—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

#### Background and Brief Description

People with mental illness (MI) have higher rates of cancer risk factors such as smoking and obesity than people without MI.

Many people with MI receive outpatient mental health care at community mental health centers (CMHC), and some of these facilities also provide screening for

cardiovascular disease and other chronic conditions. The extent to which CMHCs provide cancer prevention services is not understood.

This project will use online instruments and telephone interviews with psychiatric clinicians (e.g., psychiatrists, psychiatric nurse practitioners, psychologists, registered nurses, and other clinicians who might oversee cancer prevention services) and administrators at selected CMHCs across the United States to assess the capacities of these facilities to provide cancer prevention services (e.g., cancer risk factor education, cancer screening referrals, tobacco cessation counseling) to clients.

Our goal is to achieve a final analytic sample of at least 250 psychiatric clinicians and 250 administrators at CMHCs. A subset of 5%–10% of each group will be interviewed by telephone.

The objectives of this study are to: (1) Describe the capacity of CMHCs to provide cancer prevention services; (2) describe any written policies and procedures at CMHCs for providing these services; (3) describe any collaboration of CMHCs with health care providers or community health workers/organizations to provide these services; and (4) describe any barriers to providing these services. Researchers will ask respondents for CMHCs that provide cancer prevention services about best practices and lessons learned.

To calculate the total burden, we estimated 500 respondents for the surveys and 50 for the interviews. The average burden varied from 15–20 minutes for the surveys, and an hour for the interviews. The total estimated annual burden hours are 392. There will be no costs to the respondents other than their time.

#### ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Psychiatric clinicians .....	Clinician Survey Instrument .....	500	1	15/60
Administrators .....	Administrator Survey Instrument .....	500	1	20/60
Psychiatric clinicians .....	Clinician Interview .....	50	1	1
Administrators .....	Administrator Interview .....	50	1	1

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2018–04177 Filed 2–28–18; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as

amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended, and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public

Law 92–463. 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:* Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP) IP18–002, Economic Studies of Immunization Policies and Practices.

*Date:* April 3, 2018.

*Time:* 10:00 a.m.–3:00 p.m., EDT.

*Place:* Teleconference.

*Agenda:* To review and evaluate grant applications.

**FOR FURTHER INFORMATION CONTACT:**

Gregory Anderson, MS, MPH, Scientific Review Officer, CDC, 1600 Clifton Road NE, Mailstop E60, Atlanta, Georgia 30333, (404) 718–8833, [gca5@cdc.gov](mailto:gca5@cdc.gov).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2018–04134 Filed 2–28–18; 8:45 am]

**BILLING CODE 4163–18–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[60Day–18–0222; Docket No. CDC–2018–0014]

### Proposed Data Collections Submitted for Public Comment and Recommendations

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice with comment period.

**SUMMARY:** The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed and/or continuing information collection, as required by the Paperwork Reduction Act of 1995.

This notice invites comment on a proposed information collection project titled the Collaborating Center for Questionnaire Design and Evaluation Research (CCQDER), formerly the Questionnaire Design Research Laboratory (QDRL), generic clearance request, which encompasses general questionnaire development, pre-testing, and measurement-error reduction activities to be carried out in 2018–2020.

**DATES:** CDC must receive written comments on or before April 30, 2018.

**ADDRESSES:** You may submit comments, identified by Docket No. CDC–2018–0014 by any of the following methods:

- *Federal eRulemaking Portal:*

*Regulations.gov.* Follow the instructions for submitting comments.

- *Mail:* Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329.

*Instructions:* All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *Regulations.gov*.

*Please note:* Submit all comments through the Federal eRulemaking portal (*regulations.gov*) or by U.S. mail to the address listed above.

**FOR FURTHER INFORMATION CONTACT:** To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Leroy A. Richardson, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–D74, Atlanta, Georgia 30329; phone: 404–639–7570; Email: [omb@cdc.gov](mailto:omb@cdc.gov).

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

3. Enhance the quality, utility, and clarity of the information to be collected; and

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

5. Assess information collection costs.

### Proposed Project

The Collaborating Center for Questionnaire Design and Evaluation Research (CCQDER) (OMB Control Number 0920–0222, Expiration 07/31/2018)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

### Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall undertake and support (by grant or contract) research, demonstrations, and evaluations respecting new or improved methods for obtaining current data to support statistical and epidemiological activities for the purpose of improving the effectiveness, efficiency, and quality of health services in the United States.

The Collaborating Center for Questionnaire Design and Evaluation Research (CCQDER) is the focal point within NCHS for questionnaire and survey development, pre-testing, and evaluation activities for CDC surveys (such as the NCHS National Health Interview Survey, OMB No. 0920–0214) and other federally sponsored surveys. NCHS is requesting 3 years of OMB Clearance for this generic submission.

The CCQDER and other NCHS programs conduct cognitive interviews, focus groups, in-depth or ethnographic interviews, usability tests, field tests/pilot interviews, and experimental research in laboratory and field settings, both for applied questionnaire development and evaluation as well as more basic research on measurement errors and survey response.

Various techniques to evaluate interviewer administered, self-administered, telephone, Computer Assisted Personal Interviewing (CAPI), Computer Assisted Self-Interviewing (CASI), Audio Computer-Assisted Self-Interviewing (ACASI), and web-based questionnaires are used.

The most common questionnaire evaluation method is the cognitive interview. These evaluations are conducted by the CCQDER. The interview structure consists of respondents first answering a draft survey question and then providing textual information to reveal the processes involved in answering the test question. Specifically, cognitive interview respondents are asked to describe how and why they answered the question as they did. Through the interviewing process, various types of question-response problems that would not normally be identified in a traditional survey interview, such as interpretive errors and recall accuracy, are uncovered. By conducting a comparative analysis of cognitive interviews, it is also possible to determine whether particular interpretive patterns occur within particular sub-groups of the population. Interviews are generally conducted in small rounds totaling 40–100 interviews; ideally, the questionnaire is re-worked between rounds, and revisions are tested iteratively until interviews yield relatively few new insights.

Cognitive interviewing is inexpensive and provides useful data on questionnaire performance while

minimizing respondent burden. Cognitive interviewing offers a detailed depiction of meanings and processes used by respondents to answer questions—processes that ultimately produce the survey data. As such, the method offers an insight that can transform understanding of question validity and response error. Documented findings from these studies represent tangible evidence of how the question performs. Such documentation also serves CDC data users, allowing them to be critical users in their approach and application of the data.

In addition to cognitive interviewing, a number of other qualitative and quantitative methods are used to investigate and research measurement errors and the survey response process. These methods include conducting focus groups, usability tests, in-depth or ethnographic interviews, and the administration and analysis of questions in both representative and non-representative field tests. Focus groups are conducted by the CCQDER. They are group interviews whose primary purpose is to elicit the basic sociocultural understandings and terminology that form the basis of questionnaire design. Each group typically consists of one moderator and 4 to 10 participants, depending on the research question. In-depth or ethnographic interviews are one-on-one interviews designed to elicit the understandings or terminology that are necessary for question design, as well as to gather detailed information that can contribute to the analysis of both qualitative and quantitative data.

Usability tests are typically one-on-one interviews that are used to determine how a given survey or information collection tool functions in the field, and how the mode and layout of the instrument itself may contribute to survey response error and the survey response process.

In addition to these qualitative methods, NCHS also uses various tools to obtain quantitative data, which can be analyzed alone or analyzed alongside qualitative data to give a much fuller accounting of the survey response process. For instance, phone, internet, mail, and in-person follow-up interviews of previous NCHS survey respondents may be used to test the validity of survey questions and questionnaires and to obtain more detailed information that cannot be gathered on the original survey. Additionally, field or pilot tests may be conducted on both representative and non-representative samples, including those obtained from commercial survey and web panel vendors. Beyond looking at traditional measures of survey errors (such as item missing rates and non-response, and don't know rates), these pilot tests can be used to run experimental designs in order to capture how different questions function in a field setting.

Similar methodology has been adopted by other federal agencies, as well as by academic and commercial survey organizations. There are no costs to respondents other than their time. The total estimated annual burden hours are 23,350.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Individuals or households .....	Eligibility Screening .....	4,000	1	5/60	333
Individuals or households .....	Questionnaire Development Studies	7,300	1	55/60	6,692
Individuals or households .....	Respondent Data Collection Sheet ..	7,300	1	5/60	608
Individuals or households .....	Focus groups .....	100	1	1.5	150
Total .....	.....	.....	.....	.....	7,783

Leroy A. Richardson,  
Chief, Information Collection Review Office,  
Office of Scientific Integrity, Office of the  
Associate Director for Science, Office of the  
Director, Centers for Disease Control and  
Prevention.

[FR Doc. 2018–04152 Filed 2–28–18; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention (CDC): Notice of Charter Renewal

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of charter renewal.

**SUMMARY:** This gives notice under the Federal Advisory Committee Act of October 6, 1972, that the Advisory Committee to the Director (ACD), Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, has been renewed for a 2-year period through February 1, 2020.

**FOR FURTHER INFORMATION CONTACT:** Ashley Knotts, MPH, Designated Federal Officer, ACD, CDC, 1600 Clifton Road NE, M/S D-14, Atlanta, Georgia 30329. Telephone (404) 639/7037, Email: [ACDDirector@cdc.gov](mailto:ACDDirector@cdc.gov).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2018-04130 Filed 2-28-18; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Clinical Laboratory Improvement Advisory Committee (CLIAC); Notice of Charter Renewal

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of charter renewal.

**SUMMARY:** This gives notice under the Federal Advisory Committee Act of October 6, 1972, that the Clinical Laboratory Improvement Advisory Committee (CLIAC), Centers for Disease Control and Prevention, Department of Health and Human Services, has been

renewed for a 2-year period through February 19, 2020.

**FOR FURTHER INFORMATION CONTACT:** Nancy Anderson, MMSc, MT(ASCP), Executive Secretary, Clinical Laboratory Improvement Advisory Committee (CLIAC), Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop F-11, Atlanta, Georgia 30329-4018, telephone (404) 498-2741; [NAnderson@cdc.gov](mailto:NAnderson@cdc.gov).

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Elaine L. Baker,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 2018-04131 Filed 2-28-18; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2017-N-0901]

#### Meunerie Sawyerville, Inc.; Denial of Hearing; Final Debarment Order

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA or the Agency) is denying a request for a hearing submitted by Meunerie Sawyerville, Inc. (Meunerie Sawyerville) and is issuing an order under the Federal Food, Drug, and Cosmetic Act (FD&C Act) debaring Meunerie Sawyerville for 5 years from importing articles of food or offering such articles for import into the United States. FDA bases this order on a finding that Meunerie Sawyerville was convicted of felony offenses for conduct relating to the importation of food into the United States. In determining the appropriateness and period of Meunerie Sawyerville's debarment, FDA has considered the relevant factors listed in the FD&C Act. Meunerie Sawyerville has failed to file with the Agency information and analyses sufficient to create a basis for a hearing concerning this action.

**DATES:** The order is applicable March 1, 2018.

**ADDRESSES:** Any application by Meunerie Sawyerville for special

termination of debarment under section 306(d) of the FD&C Act (application) may be submitted as follows:

#### Electronic Submissions

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. An application submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your application will be made public, you are solely responsible for ensuring that your application does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your application, that information will be posted on <https://www.regulations.gov>.

- If you want to submit an application with confidential information that you do not wish to be made available to the public, submit the application as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For a written/paper application submitted to the Dockets Management Staff, FDA will post your application, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** Your application must include the Docket No. FDA-2017-N-0901. An application will be placed in the docket and, unless submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions—**To submit an application with confidential information that you do not wish to be made publicly available, submit your application only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS

CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of your application. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your application and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Nathan R. Sabel, Office of Scientific Integrity, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 1, Rm. 4206, Silver Spring, MD 20993, 301–796–8588.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On November 9, 2015, in the U.S. District Court for the District of Vermont, Meunerie Sawyerville pled guilty to two felony counts related to the importation of food into the United States. Both offenses occurred from on or about September 12, 2012, to on or about January 15, 2013. With respect to Count One, Meunerie Sawyerville admitted to knowingly and intentionally making and using a false writing that contained a materially fictitious statement in a matter within the jurisdiction of the executive branch of the United States government in violation of 18 U.S.C. 1001(a)(3) “by submitting a false Automated Commercial Environment Manifest listing a fictitious importer, namely, Ted Taft, and presenting such documents to Customs and Border Protection [Customs] officials . . . knowing and believing that Ted Taft was not the true importer of the goods” described in the manifest. With respect to Count Two,

Meunerie Sawyerville admitted to causing the introduction of an adulterated drug (*i.e.*, cattle feed containing monensin) into interstate commerce with the intent to defraud and mislead in violation of sections 301(a), 303(a)(2), and 501(a)(6) of the FD&C Act (21 U.S.C. 331(a), 333(a)(2), and 351(a)(6)). Under section 501(a)(6), a drug is adulterated if it is an animal feed bearing or containing a new animal drug that is unsafe within the meaning of the FD&C Act.

Under section 306(b)(1)(C) of the FD&C Act (21 U.S.C. 335a(b)(1)(C)), FDA is authorized to debar Meunerie Sawyerville from importing articles of food or offering food for import into the United States based on a finding, under section 306(b)(3)(A) of the FD&C Act, that Meunerie Sawyerville was convicted of a felony for conduct relating to the importation of food into the United States. By letter dated July 21, 2017, the Office of Regulatory Affairs (ORA) notified Meunerie Sawyerville of a proposal to debar it for 5 years from importing articles of food or offering such articles for import into the United States and provided an opportunity for Meunerie Sawyerville to request a hearing. In proposing a debarment period, ORA weighed the considerations in section 306(c)(3) it considered applicable to Meunerie Sawyerville’s offenses, concluded that each of these felony offenses independently warranted a 5-year period of debarment, and proposed that these debarment periods be served concurrently under section 306(c)(2)(A). By letter dated August 14, 2017, Meunerie Sawyerville requested a hearing on the proposal.

The Director of the Office of Scientific Integrity (OSI) has reviewed Meunerie Sawyerville’s request for a hearing, as well as the materials offered in support, and finds that Meunerie Sawyerville has not established a basis for a hearing because hearings will be granted only if there is a genuine and substantial issue of fact for resolution at a hearing. Hearings will not be granted on issues of policy or law, on mere allegations, denials, or general descriptions of positions and contentions, or on data and information insufficient to justify the factual determination urged (see 21 CFR 12.24(b)). OSI has considered Meunerie Sawyerville’s arguments and concludes that they are unpersuasive and fail to raise a genuine and substantial issue of fact requiring a hearing.

##### **II. Arguments**

Meunerie Sawyerville does not dispute that it is subject to debarment

under section 306(b)(1)(C) of the FD&C Act because it committed two felony offenses related to the importation of food. Nor does Meunerie Sawyerville dispute any of ORA’s factual findings contained in the proposal to debar. Further, Meunerie Sawyerville does not dispute ORA’s conclusion based on these findings that both the nature and seriousness of the offenses and the nature and extent of Meunerie Sawyerville management’s participation in the offenses are both considerations favoring debarment.

Against this backdrop, Meunerie Sawyerville argues only: (1) That ORA failed to consider as an applicable factor, under section 306(c)(3)(D) of the FD&C Act, the operational changes Meunerie Sawyerville contends it has made that would prevent it from shipping adulterated animal feed again in the future, specifically, discontinuing the use of monensin in its animal feed, (2) that voluntary mitigation of the offenses should not count as an unfavorable consideration under section 306(c)(3)(C) because Meunerie Sawyerville pled guilty and no specific harm occurred that Meunerie Sawyerville could mitigate, and (3) that debarment is not an appropriate remedy when customers are not defrauded and when debarment would hurt Meunerie Sawyerville’s business.

Section 306(c)(3) requires FDA to consider, “where applicable,” certain factors “[i]n determining the appropriateness and the period of debarment” for debarment under section 306(b)(3) of the FD&C Act. The proposal to debar Meunerie Sawyerville set forth five potentially applicable considerations for debarment actions related to food importation imposed under section 306(b)(1)(C): (1) The nature and seriousness of the offense under section 306(c)(3)(A); (2) the nature and extent of management participation in the offense under section 306(c)(3)(B); (3) the nature and extent of voluntary steps taken to mitigate the impact on the public under section 306(c)(3)(C); (4) the extent that ownership, management, or operations changes have corrected the causes of the offense and provide reasonable assurances that the offense will not recur under 306(c)(3)(D); and (5) prior convictions involving matters within the jurisdiction of FDA under section 306(c)(3)(F). In its proposal, ORA found that the first three considerations weigh in favor of debarring Meunerie Sawyerville and noted that the fifth consideration weighs against debarment because the Agency was unaware of any prior convictions involving matters within the jurisdiction of FDA. ORA

found the fourth consideration inapplicable.

Meunerie Sawyerville's now represents that it no longer ships animal feed containing monensin and argues that changes in its operations should be counted as a consideration weighing against debarment under section 306(c)(3)(D). Beyond removing monensin from its production process, Meunerie Sawyerville points to no other changes in ownership, management, or operations that would address the causes of the offenses and provides no other reasonable assurance that the criminal conduct underlying the offenses will not recur. As ORA's proposal finds and Meunerie Sawyerville concedes, the same management remains in charge at Meunerie Sawyerville, including president and owner Yves Bolduc, who Meunerie Sawyerville admits devised and executed the fraudulent scheme forming the basis for the offenses:

[A]fter the medicated feed at issue was sampled at the border, found to contain monensin at a concentration above that allowed by FDA, and the driver was ordered to warehouse the feed pending further testing from FDA, Mr. Bolduc instructed the driver to deliver the feed to a Vermont farmer as planned, without informing the farmer that the feed had been sampled and ordered held by FDA. Mr. Bolduc then engineered a plan that a sham shipment of similar-looking cattle feed cross the border under false Customs documentation to be stored on an unrelated piece of land in Vermont until requested for redelivery by Customs and Border Protection. Upon request by Customs and Border Protection, Mr. Bolduc ordered that the sham shipment be presented for redelivery, accompanied by the fictitious documentation, offering up the sham shipment feed to the U.S. government as the held tainted feed.

Meunerie Sawyerville has admitted to knowingly and intentionally orchestrating this presentation of false documents to Customs as part of a larger scheme to defraud government regulators about the nature of a shipment offered for import and to introducing adulterated product into interstate commerce with the intent to defraud and mislead. Meunerie Sawyerville does not dispute this conduct.

Meunerie Sawyerville also argues in its hearing request that the majority of its business going forward, if Meunerie Sawyerville is not debarred, would involve offering animal feed for import into the United States from Canada, necessarily requiring Meunerie Sawyerville to provide Customs with an ongoing stream of information about its products in the future. As an FDA-regulated product, animal feed can

become adulterated in numerous ways, not merely through the addition of too much monensin (see, generally, section 402 of the FD&C Act (21 U.S.C. 342)). In addition to adulteration, there are also many other reasons an unscrupulous importer might attempt to deceive Customs. Any regular importer of food will be required to submit import documents to Customs repeatedly that detail the nature, value, quantity, and condition of product offered for import. As a result, simply removing monensin from Meunerie Sawyerville's process does not sufficiently address the causes of the offenses and provides little assurance that Meunerie Sawyerville would handle future food import matters without resorting to the knowing and intentional deception of government regulators and the introduction of adulterated product that forms the basis of these offenses. Therefore, even assuming as true that Meunerie Sawyerville has stopped adding monensin to its animal feed, Meunerie Sawyerville has not sufficiently corrected the causes that resulted in the offenses and has not provided reasonable assurances that these offenses will not recur. As a result, the Director of OSI finds that the consideration in section 306(c)(3)(D) should not be considered as weighing against debarment for these offenses.

Next, Meunerie Sawyerville argues that the nature and extent of steps taken to mitigate the impact of its offenses on the public under section 306(c)(3)(C) of the FD&C Act should be a consideration weighing against debarment. Meunerie Sawyerville argues that there was no evidence that specific members of the public were harmed such that mitigation of that harm was possible and that it pled guilty as the only possible mitigation step. OSI disagrees that Meunerie Sawyerville's actions suggest significant voluntary mitigation of the harm related to the offenses at issue. Although the government exposed Meunerie Sawyerville's offenses in progress and thereby prevented harm to any specific victims for the offenses at issue, other voluntary mitigation efforts were available to Meunerie Sawyerville beyond simply pleading guilty when apprehended. Indeed, with respect to voluntary mitigation for the offense in Count Two, Meunerie Sawyerville devised the fraudulent scheme underlying the offense in Count One to compound, rather than mitigate, its earlier criminal conduct of shipping an adulterated product to its customer in Vermont. Rather than admitting the earlier

misconduct to Customs and FDA to mitigate any harm from its earlier tainted shipment and avoid continuing to undermine the government's ability to regulate imports, Meunerie Sawyerville engaged in additional criminal conduct and devised the sham shipment and fictitious documents that formed the basis for the offense in Count One. Further, with respect to Count One itself, because this offense was devised to conceal other criminal conduct, the primary opportunity to mitigate the associated harm to the government's regulatory authority occurred throughout Meunerie Sawyerville's efforts to devise and execute the scheme described in Count One. Rather than take steps to mitigate the harm from the earlier criminal offense, Meunerie Sawyerville chose to take affirmative steps to compound that harm. In this context, Meunerie Sawyerville deserves no credit for a guilty plea when its scheme was uncovered. Therefore, considering the facts and the context of these offenses, the Director of OSI finds that the extent of voluntary efforts to mitigate the impact of these offenses should not be considered in favor of Meunerie Sawyerville under section 306(c)(3)(C).

Lastly, Meunerie Sawyerville argues that debarment is inappropriate as a matter of policy because it would harm Meunerie Sawyerville's business and force its customers to consider other suppliers for their animal feed. As already noted, a hearing will not be granted on issues of policy such as these (see 21 CFR 12.24(b)). Also, the considerations Meunerie Sawyerville raises, such as the impact of debarment on Meunerie Sawyerville's business, are not appropriate considerations under section 306(c)(3) for determining the length of a period of debarment. Finally, the remedial purpose of the debarment statute is designed to accomplish exactly the result to which Meunerie Sawyerville objects by protecting the public from food from importers whose criminal conduct demonstrates, based on the applicable considerations, that they warrant debarment. As such, these arguments do not support Meunerie Sawyerville's request for a hearing on this matter.

### III. Findings and Order

Because OSI has assumed as true that Meunerie Sawyerville has discontinued using monensin in its process and Meunerie Sawyerville raises no other arguments that would present genuine and substantial issues of fact that would require resolution at an evidentiary hearing, Meunerie Sawyerville's request for an evidentiary hearing is denied.

Considering all applicable factors under 306(c)(3) of the FD&C Act, OSI concurs with ORA's proposal that a 5-year period of debarment for each offense is warranted. On this record, OSI finds that the nature and seriousness of the offenses and the nature and extent of Meunerie Sawyerville management's participation in the offenses are factors weighing heavily in favor of debarment. For the reasons already discussed, even assuming Meunerie Sawyerville has discontinued using monensin in its operations, OSI finds that operational change insufficient under section 306(c)(3)(D) to demonstrate correction of the causes of these offenses and to provide reasonable assurances that the offenses will not recur. Further, even after taking into account Meunerie Sawyerville's guilty plea under section 306(c)(3)(C), OSI finds that Meunerie Sawyerville's conduct related to this consideration weighs in favor of debarment. Although Meunerie Sawyerville's lack of a prior conviction under 306(c)(3)(F) is a factor weighing against debarment, this consideration is substantially outweighed by the nature and seriousness of the offenses, the nature and extent of management's participation in the offenses, and the nature and extent of voluntary steps to mitigate the impact of the offenses on the public. Therefore, considering all of these factors together and the record as a whole, OSI finds that a 5-year period of debarment is warranted for each offense.

Therefore, the Director of OSI, under section 306(b)(3)(A) of the FD&C Act and under authority delegated to him by the Commissioner of Food and Drugs, finds that Meunerie Sawyerville has been convicted of a felony for conduct relating to the importation of food into the United States. FDA has considered the relevant factors listed in section 306(c)(3) of the FD&C Act and determined that a debarment of 5 years is appropriate for each of these felony offenses. These periods will run concurrently under section 306(c)(2)(A). As a result of the foregoing findings, Meunerie Sawyerville is debarred for a period of 5 years from importing articles of food or offering such articles for import into the United States, applicable (see **DATES**). Under section 301(cc) of the FD&C Act, the importing or offering for import into the United States of an article of food by, with the assistance of, or at the direction of Meunerie Sawyerville is a prohibited act.

Dated: February 26, 2018.

George M. Warren,

Director, Office of Scientific Integrity.

[FR Doc. 2018-04195 Filed 2-28-18; 8:45 am]

BILLING CODE 4164-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2014-D-0313]

#### Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry, Researchers, Patient Groups, and Food and Drug Administration Staff on Meetings With the Office of Orphan Products Development

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

**DATES:** Fax written comments on the collection of information by April 2, 2018.

**ADDRESSES:** To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202-395-7285, or emailed to [oira\\_submission@omb.eop.gov](mailto:oira_submission@omb.eop.gov). All comments should be identified with the OMB control number 0910-0787. Also include the FDA docket number found in brackets in the heading of this document.

**FOR FURTHER INFORMATION CONTACT:** Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A-12M, 11601 Landsdown St., North Bethesda, MD 20852, 301-796-8867, [PRASStaff@fda.hhs.gov](mailto:PRASStaff@fda.hhs.gov).

**SUPPLEMENTARY INFORMATION:** In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

### Guidance for Industry, Researchers, Patient Groups, and Food and Drug Administration Staff on Meetings With the Office of Orphan Products Development

OMB Control Number 0910-0787—Extension

This information collection supports Agency guidance regarding staff meetings with the Office of Orphan Products Development (OOPD). Each year, the OOPD staff participates in meetings with stakeholders who seek guidance or clarification relating to orphan drug or humanitarian use device (HUD) designation requests, OOPD grant programs, or other rare disease issues. These meetings can be “informal” or “formal” and help build a common understanding on FDA's thoughts on orphan products, which may include drugs, biological products, devices, or medical foods for a rare disease or condition. These meetings may represent critical points in the orphan product development process and may even have an impact on the eventual availability of products for patients with rare diseases and conditions. It is important that these meetings be scheduled within a reasonable time, conducted effectively, and documented where appropriate.

Topics addressed in this guidance include: (1) Clarification of what constitutes an “informal” or “formal” meeting, (2) program areas within OOPD that may be affected by this draft guidance, (3) procedures for requesting and scheduling meetings with OOPD, (4) description of what constitutes a meeting package, and (5) procedures for the conduct and documentation of meetings with OOPD. This guidance provides consistent procedures to promote well-managed meetings between OOPD and stakeholders.

**Burden estimate.** Table 1 provides an estimate of the annual reporting burden associated with the recommendations found in the guidance.

**Request for a meeting.** Based upon information collected from OOPD program areas, approximately 2,332 informal and 51 formal meetings were requested with OOPD in fiscal year (FY) 2016 regarding orphan drug designation requests, HUD designation requests, rare pediatric disease designation requests, funding opportunities through the Orphan Products Grants Program and the Pediatric Device Consortia Grants Program, and orphan product patient-related issues. FDA anticipates that the number of meeting requests and stakeholders will remain the same or will slightly increase and therefore estimates the total number of meeting



requests will be 2,383 annually (2,332 informal and 51 formal meetings). The hours per response, which is the estimated number of hours that a stakeholder would spend preparing the information to be submitted with a meeting request in accordance with the guidance, is estimated to be approximately 3 hours for informal meetings and approximately 10 hours for formal meetings. Based on FDA's experience, the Agency expects that it will take stakeholders this amount of time to gather and copy brief statements about the product and a description of the purpose and details of the meeting. Therefore, the Agency estimates that stakeholders will spend 7,506 hours per year (6,996 hours for informal meetings and 510 hours for formal meetings) preparing meeting requests to OOPD regarding orphan drug designation requests, HUD designation requests, rare pediatric disease designation requests, funding opportunities through the Orphan Products Grants Program and the Pediatric Device Consortia Grants Program, and orphan product patient-related issues.

**Meeting packages.** Based upon information collected from OOPD program areas, OOPD held approximately 51 formal meetings in FY 2016 regarding orphan drug designation requests, HUD designation requests, rare pediatric disease designation requests, funding opportunities through the Orphan Products Grants Program and the Pediatric Device Consortia Grants Program, and orphan product patient-related issues. FDA anticipates that the number of formal meetings, and

therefore meeting packages, will remain the same; thus, the Agency estimates that the total responses will be 51 annually. As stated previously, it is current practice for stakeholders to submit meeting packages to the Agency in advance of any such formal meeting. The hours per response, which is the estimated number of hours that a stakeholder would spend preparing the meeting package in accordance with this guidance, is estimated to be approximately 18 hours. Based on FDA's experience, the Agency expects it will take stakeholders this amount of time to gather and copy brief statements about the product, a description of details for the anticipated meeting, and data and information that generally would already have been compiled for submission to the Agency. Therefore, the Agency estimates that stakeholders will spend 918 hours per year submitting meeting packages to the Agency prior to a formal meeting regarding orphan drug designation requests, HUD designation requests, rare pediatric disease designation requests, funding opportunities through the Orphan Products Grants Program and the Pediatric Device Consortia Grants Program, and orphan product patient-related issues.

**Draft meeting minutes.** Based upon information collected from OOPD program areas, OOPD received approximately 51 draft meeting minutes for formal meetings and 23 draft meeting minutes for informal meetings in FY 2016 regarding orphan drug designation requests, HUD designation requests, rare pediatric disease

designation requests, funding opportunities through the Orphan Products Grants Program and the Pediatric Device Consortia Grants Program, and orphan product patient-related issues. FDA anticipates that the number of stakeholders submitting draft meeting minutes will likely remain the same; thus, the Agency estimates that the total number of respondents will be 74 annually. As stated previously, it is current practice for stakeholders to submit draft meeting minutes to the Agency after all formal meetings and certain informal meetings. The hours per response, which is the estimated number of hours that a stakeholder would spend preparing draft meeting minutes in accordance with the recommendations of the guidance, is estimated to be approximately 8 hours. Based on FDA's experience, the Agency expects it will take stakeholders this amount of time to summarize the meeting discussion points, agreements, disagreements, and action items. Therefore, the Agency estimates that stakeholders will spend 592 hours per year submitting draft meeting minutes to the Agency documenting the meeting outcomes, agreements, disagreements, and action items as followup to all formal and certain informal meetings.

In the **Federal Register** of November 17, 2017 (82 FR 54357), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA therefore estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN <sup>1</sup>

Meeting requests, packages and minutes	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Meeting requests (informal) .....	2,332	1	2,332	3	6,996
Meeting requests (formal) .....	51	1	51	10	510
Meeting packages .....	51	1	51	18	918
Meeting minutes .....	74	1	74	8	592
Total .....	.....	.....	.....	.....	9,016

<sup>1</sup> There are no capital costs or operating and maintenance costs associated with this collection of information.

Since the last OMB approval, we have increased our estimate by 832 hours and 229 respondents in parallel to an increase in overall orphan drug

designation submissions and the corresponding meeting requests to the OOPD.

Dated: February 23, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018–04153 Filed 2–28–18; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2018-D-0719]

#### **E6(R2) Good Clinical Practice: Integrated Addendum to E6(R1); International Council for Harmonisation; Guidance for Industry; Availability**

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing the availability of a guidance entitled “E6(R2) Good Clinical Practice: Integrated Addendum to E6(R1).” The guidance was prepared under the auspices of the International Council for Harmonisation (ICH), formerly the International Conference on Harmonisation. The guidance amends the guidance entitled “E6 Good Clinical Practice: Consolidated Guidance (E6(R1))” to encourage implementation of improved and more efficient approaches to clinical trial design, conduct, oversight, recording, and reporting, and also updates standards regarding electronic records and essential documents. The guidance is intended to improve clinical trial quality and efficiency, while maintaining human subject protection and reliability of trial results.

**DATES:** The announcement of the guidance is published in the **Federal Register** on March 1, 2018.

**ADDRESSES:** You may submit either electronic or written comments on Agency guidances at any time as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your

comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

*Instructions:* All submissions received must include the Docket No. FDA-2018-D-0719 for “E6(R2) Good Clinical Practice: Integrated Addendum to E6(R1).” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80

FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research (CDER), Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002, or the Office of Communication, Outreach and Development, Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 3128, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. The guidance may also be obtained by mail by calling CBER at 1-800-835-4709 or 240-402-8010. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

#### **FOR FURTHER INFORMATION CONTACT:**

*Regarding the guidance:* Dianne Paraoan, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3326, Silver Spring, MD 20993-0002, 301-796-2500; or Stephen Ripley, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 7301, Silver Spring, MD 20993-0002, 240-402-7911.

*Regarding the ICH:* Amanda Roache, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 1176, Silver Spring, MD 20993-0002, 301-796-4548.

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

In recent years, regulatory authorities and industry associations from around the world have participated in many important initiatives to promote international harmonization of regulatory requirements under the ICH. FDA has participated in several ICH

meetings designed to enhance harmonization, and FDA is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was established to provide an opportunity for harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products for human use among regulators around the world. The six founding members of the ICH are the European Commission; the European Federation of Pharmaceutical Industries Associations; FDA; the Japanese Ministry of Health, Labour, and Welfare; the Japanese Pharmaceutical Manufacturers Association; and the Pharmaceutical Research and Manufacturers of America. The Standing Members of the ICH Association include Health Canada and Swissmedic. Any party eligible as a Member in accordance with the ICH Articles of Association can apply for membership in writing to the ICH Secretariat. The ICH Secretariat, which coordinates the preparation of documentation, operates as an international nonprofit organization and is funded by the Members of the ICH Association.

The ICH Assembly is the overarching body of the Association and includes representatives from each of the ICH members and observers. The Assembly is responsible for the endorsement of draft guidelines and adoption of final guidelines. FDA publishes ICH guidelines as FDA guidance.

In the **Federal Register** of September 29, 2015 (80 FR 58492), FDA published a notice announcing the availability of a draft guidance entitled “E6(R2) Good Clinical Practice.” The notice gave interested persons an opportunity to submit comments on the “ADDENDUM” text added to ICH E6(R1) by November 30, 2015.

After consideration of the comments received and revisions to the guidance, a final draft of the guidance was submitted to the ICH Assembly and endorsed by the regulatory agencies in November 2016.

The guidance discusses approaches to clinical trial design, conduct, oversight, recording, and reporting as well as updated standards regarding electronic records and essential documents. This

guidance includes additions to ICH E6(R1) that are identified as “ADDENDUM” and are marked with vertical lines on both sides of the text. The additions to ICH E6(R1) are intended to encourage implementation of the described approaches and processes to improve clinical trial quality and efficiency while maintaining human subject protection and reliability of trial results. Evolutions in technology and risk management processes offer new opportunities to increase clinical trial efficiency, in part by focusing on trial activities essential to ensuring human subject protection and the reliability of trial results. For example, the guidance recommends sponsors implement a system to manage quality throughout clinical trials and recommends sponsors develop a systematic, prioritized, risk-based approach to monitoring clinical trials. The guidance provides additional detail regarding recommendations for use of electronic records and essential documents. The final guidance includes clarifications and additional detail on topics including, for example, validation of computerized systems and centralized monitoring.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “E6(R2) Good Clinical Practice: Integrated Addendum to E6(R1).” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

## II. Paperwork Reduction Act of 1995

This guidance contains information collection provisions that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (21 U.S.C. 3501–3520). The collections of information in this guidance were approved under 0910–0843. This guidance also refers to previously approved collections of information found in FDA regulations. The collections of information found in 21 CFR part 11 have been approved under OMB control number 0910–0303; the collections of information found in 21 CFR part 56 have been approved under OMB control numbers 0910–0755; the collections of information found in 21 CFR part 312 have been approved under OMB control numbers 0910–0014 and 0910–0733; the collections of information found in 21 CFR part 314 have been approved under OMB control number 0910–0001; and the collections of information found in

21 CFR part 601 have been approved under OMB control number 0910–0338.

## III. Electronic Access

Persons with access to the internet may obtain the document at <https://www.regulations.gov>, <https://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>, or <https://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm>.

Dated: February 23, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018–04154 Filed 2–28–18; 8:45 am]

**BILLING CODE 4164–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA–2017–N–5925]

### Susceptibility Test Interpretive Criteria Recognized and Listed on the Susceptibility Test Interpretive Web Page; Reopening of a Public Docket; Request for Comments

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; reopening of a public docket; request for comments.

**SUMMARY:** The Food and Drug Administration (FDA or the Agency) is reopening a docket for public comment on the susceptibility test interpretive criteria for antibacterial and antifungal drugs provided by FDA on its Susceptibility Test Interpretive Criteria web page (Interpretive Criteria web page) established on December 13, 2017. On the Interpretive Criteria web page, FDA recognizes, in whole or in part, susceptibility test interpretive criteria standards established by Standard Development Organizations (SDOs) and lists other susceptibility test interpretive criteria identified by FDA outside of the SDO process.

**DATES:** This notice is published in the **Federal Register** on March 1, 2018.

**ADDRESSES:** You may submit either electronic or written comments and information as follows:

#### *Electronic Submissions*

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to [https://](https://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov) will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

*Instructions:* All submissions received must include the Docket No. FDA-2017-N-5925 for "Susceptibility Test Interpretive Criteria Recognized and Listed on the Susceptibility Test Interpretive web page; Request for Comments." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- **Confidential Submissions**—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information

redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

*Docket:* For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments to the docket at any time.

**FOR FURTHER INFORMATION CONTACT:** Katherine Schumann, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, Rm. 6242, Silver Spring, MD 20993-0002, 301-796-1182, [Katherine.Schumann@fda.hhs.gov](mailto:Katherine.Schumann@fda.hhs.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

On December 13, 2017, FDA established the Interpretive Criteria web page (<https://www.fda.gov/Drugs/DevelopmentApprovalProcess/DevelopmentResources/ucm410971.htm>) that contains a list of FDA-recognized susceptibility test interpretive criteria standards, established by an SDO that fulfills the requirements under section 511A(b)(2)(A) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360a-2(b)(2)(A)); identifies when FDA does not recognize, in whole or in part, susceptibility test interpretive criteria established by an SDO; and lists susceptibility test interpretive criteria identified by FDA outside the SDO process. The susceptibility test interpretive criteria standards recognized by FDA on the Interpretive Criteria web page are deemed to be recognized as a standard under section

514(c)(1) of the FD&C Act (21 U.S.C. 360d(c)(1)).

At least every 6 months after the establishment of the Interpretive Criteria web page, FDA will publish on the Interpretive Criteria web page a notice recognizing new or updated susceptibility test interpretive criteria standards, or parts of standards; withdrawing recognition of susceptibility test interpretive criteria standards, or parts of standards; and making any other necessary updates to the lists published on the Interpretive Criteria web page. Once a year FDA will compile the notices from that year and publish them in the **Federal Register** and provide for public comment. If comments are received, FDA will review those comments and make any updates to the recognized standards or susceptibility test interpretive criteria as needed.

##### **II. Recommendation of New or Updated Susceptibility Test Interpretive Criteria for Listing by FDA**

This **Federal Register** notice is a request for comments by interested third parties on FDA's initial susceptibility test interpretive criteria recognition and listing determinations on the Interpretive Criteria web page. FDA may consider information provided by interested third parties as a basis for updating interpretive criteria standards. This notice allows interested third parties the opportunity to comment on FDA's recognition and listing determinations before the annual compilation of notices of susceptibility test interpretive criteria changes made that year.

Interested third parties or drug sponsors may provide information that FDA could use as a basis for listing new or for updating susceptibility interpretive criteria. This information should be submitted to Docket No. FDA-2017-N-5925. If comments are received, FDA will review those comments and will make, as necessary, updates to the recognized standards or susceptibility test interpretive criteria.

If preferred, application holders may submit data supporting changes to FDA's susceptibility test interpretive criteria recognition or listing determinations through the application holder's annual report under the new drug application. If submitting this data, application holders are encouraged to identify in the cover letter of the annual report that the enclosed submission includes data supporting changes to FDA's susceptibility test interpretive criteria recognition or listing determinations. FDA will review these annual report submissions and

determine whether changes or updates to the currently recognized susceptibility test interpretive criteria are appropriate. FDA will then update the Interpretive Criteria web page to reflect these changes, as needed.

Dated: February 22, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018-04175 Filed 2-28-18; 8:45 am]

BILLING CODE 4164-01-P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2018-N-0627]

#### Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices Advisory Committee. The general function of the committee is to provide advice and recommendations to the Agency on FDA's regulatory issues. The meeting will be open to the public.

**DATES:** The meeting will be held on March 29 and 30, 2018, from 8 a.m. to 6 p.m.

**ADDRESSES:** Hilton Washington DC North/Gaithersburg; Salons A, B, C, and D; 620 Perry Pkwy., Gaithersburg, MD 20877. The hotel's telephone number is 301-977-8900. Answers to commonly asked questions including information regarding special accommodations due to a disability, visitor parking, and transportation may be accessed at: <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm>.

#### FOR FURTHER INFORMATION CONTACT:

Patricio Garcia, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G610, Silver Spring, MD 20993, [patricio.garcia@fda.hhs.gov](mailto:patricio.garcia@fda.hhs.gov); 301-796-6875, or FDA Advisory Committee Information Line, 1-800-741-8138 (301-443-0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly

enough to provide timely notice. Therefore, you should always check the Agency's website at <https://www.fda.gov/AdvisoryCommittees/default.htm> and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

#### SUPPLEMENTARY INFORMATION:

**Agenda:** On March 29, 2018, the committee will discuss, make recommendations, and vote on information regarding a premarket approval application to market a novel continuous glucose monitoring (CGM) device system, the Senseonics, Inc. Eversense CGM System. This device requires minor surgery to implant and remove, and if approved, would provide 90 days of sensor glucose values from each implanted sensor.

The Eversense CGM System measures patients' glucose concentrations from subcutaneous interstitial fluid similar to approved CGM systems. All CGM devices currently or previously marketed used electrochemistry to measure glucose in interstitial fluids, last for 3 to 11 days and are inserted via a small-gauge needle by the end user. The proposed CGM system uses a fluorescence-based measurement technique, requires minor surgery for subcutaneous implantation, and will have a 90-day sensor wear period. The proposed CGM sensor also includes a drug component (dexamethasone acetate) intended to mitigate negative effects on sensor accuracy and sensor life from the foreign body response at the sensor insertion site. The proposed intended use, as stated by the sponsor, is as follows:

The Eversense CGM System continually measures glucose levels in adults (age 18 and older) with diabetes for the operating life of the sensor.

The system is intended to:

- Aid in the management of diabetes.
- Provide real-time glucose readings.
- Provide glucose trend information.
- Provide alerts for the detection and

prediction of episodes of low blood glucose (hypoglycemia) and high blood glucose (hyperglycemia).

The system is a prescription device. Historical data from the system can be interpreted to aid in providing therapy adjustments. These adjustments should be based on patterns seen over time.

On March 30, 2018, the committee will discuss and make recommendations regarding measuring blood glucose using capillary blood with blood glucose meters in all hospital patients, including those

receiving intensive medical intervention/therapy and patients with decreased peripheral blood flow, such as with severe hypotension, shock, hyperosmolar-hyperglycemia and severe dehydration (e.g., patients in intensive care settings). Currently, FDA has cleared one glucose meter for use all over the hospital using venous and arterial blood. FDA understands that being able to make capillary blood measurements in all hospitalized patients using FDA cleared and Clinical Laboratory Improvement Amendments (CLIA) waived (i.e., designated as waived per the standards in the CLIA) glucose meters would be more convenient and timely for hospital staff. FDA would like to present new data from capillary blood measurements on glucose meters in patients receiving intensive medical intervention/therapy to the Clinical Chemistry and Clinical Toxicology Devices Panel. FDA would like to receive feedback from the advisory panel on the benefits and risks of measuring capillary blood using blood glucose meters in this intended use population, and the considerations for CLIA waiver for this use.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at <https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm>. Scroll down to the appropriate advisory committee meeting link.

**Procedure:** Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before March 22, 2018. Oral presentations from the public will be scheduled on March 29 and 30, 2018, between approximately 1 p.m. and 2 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before March 14, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled

open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by March 15, 2018.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact AnnMarie Williams, at [annmarie.williams@fda.hhs.gov](mailto:annmarie.williams@fda.hhs.gov), 301-796-5966 at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at <https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm> for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: February 23, 2018.

**Leslie Kux,**

*Associate Commissioner for Policy.*

[FR Doc. 2018-04167 Filed 2-28-18; 8:45 am]

**BILLING CODE 4164-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Arthritis and Musculoskeletal and Skin Diseases Initial Review Group; Arthritis and Musculoskeletal and Skin Diseases Special Grants Review Committee.

*Date:* March 15-16, 2018.

*Time:* 8:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.

*Contact Person:* Nakia C. Brown, Ph.D., Scientific Review Officer, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health, 6701 Democracy Boulevard, Suite 816, Bethesda, MD 20817, 301-827-4905, [nikia.brown@nih.gov](mailto:nikia.brown@nih.gov).

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: February 23, 2018.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018-04119 Filed 2-28-18; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Epidemiology of Chronic and Infectious Disease.

*Date:* March 5, 2018.

*Time:* 11:00 a.m. to 3:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

*Contact Person:* Kate Fothergill, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive Room 3142, Bethesda, MD 20892, 301-435-2309, [fothergillke@mail.nih.gov](mailto:fothergillke@mail.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; PAR17-029:

Dynamic Interactions between Systemic or Non-Neuronal Systems and the Brain in Aging and in Alzheimer's Disease.

*Date:* March 8, 2018.

*Time:* 11:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Inese Z. Beitins, MD, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7892, Bethesda, MD 20892, 301-435-1034, [beitinsi@csr.nih.gov](mailto:beitinsi@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; Collaborative Minority Health and Health Disparities Research with Tribal Epidemiology Centers.

*Date:* March 8, 2018.

*Time:* 1:00 p.m. to 3:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301-435-0684, [olufokunbisamd@csr.nih.gov](mailto:olufokunbisamd@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 Overflow: Risk, Prevention and Health Behavior.

*Date:* March 9, 2018.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* The Dupont Hotel, 1500 New Hampshire Avenue NW, Washington, DC 20036.

*Contact Person:* Lee S. Mann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3224, MSC 7808, Bethesda, MD 20892, 301-435-0677, [mannl@csr.nih.gov](mailto:mannl@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; Member Conflict: Molecular Sciences and Technology.

*Date:* March 9, 2018.

*Time:* 10:00 a.m. to 1:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

*Contact Person:* Raj K. Krishnaraju, Ph.D., Scientific Review Officer, Center for

Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6190, Bethesda, MD 20892, 301-435-1047, [kkrishna@csr.nih.gov](mailto:kkrishna@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; Radiation Therapy and Biology SBIR/STTR.

**Date:** March 13–14, 2018.

**Time:** 9:00 a.m. to 11:59 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

**Contact Person:** Bo Hong, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6194, MSC 7804, Bethesda, MD 20892, 301-996-6208, [hongb@csr.nih.gov](mailto:hongb@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; Member Conflict: Dental, Microbiology and Oral Biology.

**Date:** March 21, 2018.

**Time:** 11:00 a.m. to 4:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Baljit S. Moonga, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7806, Bethesda, MD 20892, 301-435-1777, [moongabs@mail.nih.gov](mailto:moongabs@mail.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; PAR Panel: U.S. Tobacco Control Policies to Reduce Health Disparities.

**Date:** March 23, 2018.

**Time:** 9:00 a.m. to 6:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

**Contact Person:** Kristen Prentice, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3112, MSC 7808, Bethesda, MD 20892, 301-496-0726, [prenticekj@mail.nih.gov](mailto:prenticekj@mail.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; Member Conflict: AIDS and AIDS-Related Research.

**Date:** March 23, 2018.

**Time:** 11:00 a.m. to 2:00 p.m.

**Agenda:** To review and evaluate grant applications and/or proposals.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Telephone Conference Call).

**Contact Person:** Mark P. Rubert, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5218, MSC 7852, Bethesda, MD 20892, 301-435-1775, [rubertm@csr.nih.gov](mailto:rubertm@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 23, 2018.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018–04118 Filed 2–28–18; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### Center for Scientific Review; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; PAR 16–234: Accelerating the Pace of Drug Abuse Research Using Existing Data.

**Date:** March 1, 2018.

**Time:** 11:00 a.m. to 4:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Place:** National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

**Contact Person:** Delia Olufokunbi Sam, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, MSC 7770, Bethesda, MD 20892, 301-435-0684, [olufokunbisamd@csr.nih.gov](mailto:olufokunbisamd@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.

(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 23, 2018.

**Sylvia L. Neal,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2018–04117 Filed 2–28–18; 8:45 am]

**BILLING CODE 4140–01–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–489 and 731–TA–1201 (Review)]

### Drawn Stainless Steel Sinks From China; Institution of Five-Year Reviews

**AGENCY:** United States International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission hereby gives notice that it has instituted reviews pursuant to the Tariff Act of 1930 (“the Act”), as amended, to determine whether revocation of the antidumping and countervailing duty orders on drawn stainless steel sinks from China would be likely to lead to continuation or recurrence of material injury. Pursuant to the Act, interested parties are requested to respond to this notice by submitting the information specified below to the Commission.

**DATES:** Instituted March 1, 2018. To be assured of consideration, the deadline for responses is April 2, 2018. Comments on the adequacy of responses may be filed with the Commission by May 14, 2018.

#### FOR FURTHER INFORMATION CONTACT:

Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission’s TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (<https://www.usitc.gov>). The public record for this proceeding may be viewed on the Commission’s electronic docket (EDIS) at <https://edis.usitc.gov>.

#### SUPPLEMENTARY INFORMATION:

**Background.**—On April 11, 2013, the Department of Commerce (“Commerce”) issued antidumping and countervailing duty orders on imports of drawn stainless steel sinks from China (78 FR 21592–21594 and 21596–21597). The Commission is conducting reviews pursuant to section 751(c) of the Act, as amended (19 U.S.C. 1675(c)), to determine whether revocation of the orders would be likely to lead to continuation or recurrence of material injury to the domestic industry within a reasonably foreseeable time. Provisions concerning the conduct of this proceeding may be found in the



Commission's Rules of Practice and Procedure at 19 CFR parts 201, Subparts A and B and 19 CFR part 207, subparts A and F. The Commission will assess the adequacy of interested party responses to this notice of institution to determine whether to conduct full or expedited reviews. The Commission's determinations in any expedited reviews will be based on the facts available, which may include information provided in response to this notice.

**Definitions.**—The following definitions apply to these reviews:

(1) *Subject Merchandise* is the class or kind of merchandise that is within the scope of the five-year reviews, as defined by the Department of Commerce.

(2) The *Subject Country* in these reviews is China.

(3) The *Domestic Like Product* is the domestically produced product or products which are like, or in the absence of like, most similar in characteristics and uses with, the *Subject Merchandise*. In its original determinations, the Commission defined the *Domestic Like Product* as drawn stainless steel sinks coextensive with Commerce's scope.

(4) The *Domestic Industry* is the U.S. producers as a whole of the *Domestic Like Product*, or those producers whose collective output of the *Domestic Like Product* constitutes a major proportion of the total domestic production of the product. In its original determinations, the Commission defined the *Domestic Industry* as all U.S. producers of drawn stainless steel sinks.

(5) The *Order Date* is the date that the antidumping and countervailing duty orders under review became effective. In these reviews, the *Order Date* is April 11, 2013.

(6) An *Importer* is any person or firm engaged, either directly or through a parent company or subsidiary, in importing the *Subject Merchandise* into the United States from a foreign manufacturer or through its selling agent.

**Participation in the proceeding and public service list.**—Persons, including industrial users of the *Subject Merchandise* and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the proceeding as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11(b)(4) of the Commission's rules, no later than 21 days after publication of this notice in the **Federal Register**. The Secretary will maintain a public service list containing the names and addresses of all persons,

or their representatives, who are parties to the proceeding.

Former Commission employees who are seeking to appear in Commission five-year reviews are advised that they may appear in a review even if they participated personally and substantially in the corresponding underlying original investigation or an earlier review of the same underlying investigation. The Commission's designated agency ethics official has advised that a five-year review is not the same particular matter as the underlying original investigation, and a five-year review is not the same particular matter as an earlier review of the same underlying investigation for purposes of 18 U.S.C. 207, the post employment statute for Federal employees, and Commission rule 201.15(b) (19 CFR 201.15(b)), 79 FR 3246 (Jan. 17, 2014), 73 FR 24609 (May 5, 2008).

Consequently, former employees are not required to seek Commission approval to appear in a review under Commission rule 19 CFR 201.15, even if the corresponding underlying original investigation or an earlier review of the same underlying investigation was pending when they were Commission employees. For further ethics advice on this matter, contact Heather Gottry, Senior Counsel for Ethics, at 202–205–3440.

**Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and APO service list.**—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI submitted in this proceeding available to authorized applicants under the APO issued in the proceeding, provided that the application is made no later than 21 days after publication of this notice in the **Federal Register**. Authorized applicants must represent interested parties, as defined in 19 U.S.C. 1677(9), who are parties to the proceeding. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

**Certification.**—Pursuant to section 207.3 of the Commission's rules, any person submitting information to the Commission in connection with this proceeding must certify that the information is accurate and complete to the best of the submitter's knowledge. In making the certification, the submitter will acknowledge that information submitted in response to this request for information and throughout this proceeding or other proceeding may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for

developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements.

**Written submissions.**—Pursuant to section 207.61 of the Commission's rules, each interested party response to this notice must provide the information specified below. The deadline for filing such responses is April 2, 2018. Pursuant to section 207.62(b) of the Commission's rules, eligible parties (as specified in Commission rule 207.62(b)(1)) may also file comments concerning the adequacy of responses to the notice of institution and whether the Commission should conduct expedited or full reviews. The deadline for filing such comments is May 14, 2018. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's Handbook on E-Filing, available on the Commission's website at <https://edis.usitc.gov>, elaborates upon the Commission's rules with respect to electronic filing. Also, in accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the proceeding must be served on all other parties to the proceeding (as identified by either the public or APO service list as appropriate), and a certificate of service must accompany the document (if you are not a party to the proceeding you do not need to serve your response).

No response to this request for information is required if a currently valid Office of Management and Budget ("OMB") number is not displayed; the OMB number is 3117 0016/USITC No. 18–5–406, expiration date June 30, 2020. Public reporting burden for the request is estimated to average 15 hours per response. Please send comments regarding the accuracy of this burden estimate to the Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436.

**Inability to provide requested information.**—Pursuant to section 207.61(c) of the Commission's rules, any interested party that cannot furnish the information requested by this notice in the requested form and manner shall notify the Commission at the earliest



possible time, provide a full explanation of why it cannot provide the requested information, and indicate alternative forms in which it can provide equivalent information. If an interested party does not provide this notification (or the Commission finds the explanation provided in the notification inadequate) and fails to provide a complete response to this notice, the Commission may take an adverse inference against the party pursuant to section 776(b) of the Act (19 U.S.C. 1677e(b)) in making its determinations in the reviews.

*Information to be Provided in Response to this Notice of Institution:* As used below, the term “firm” includes any related firms.

(1) The name and address of your firm or entity (including World Wide Web address) and name, telephone number, fax number, and Email address of the certifying official.

(2) A statement indicating whether your firm/entity is an interested party under 19 U.S.C. 1677(9) and if so, how, including whether your firm/entity is a U.S. producer of the *Domestic Like Product*, a U.S. union or worker group, a U.S. importer of the *Subject Merchandise*, a foreign producer or exporter of the *Subject Merchandise*, a U.S. or foreign trade or business association (a majority of whose members are interested parties under the statute), or another interested party (including an explanation). If you are a union/worker group or trade/business association, identify the firms in which your workers are employed or which are members of your association.

(3) A statement indicating whether your firm/entity is willing to participate in this proceeding by providing information requested by the Commission.

(4) A statement of the likely effects of the revocation of the antidumping and countervailing duty orders on the *Domestic Industry* in general and/or your firm/entity specifically. In your response, please discuss the various factors specified in section 752(a) of the Act (19 U.S.C. 1675a(a)) including the likely volume of subject imports, likely price effects of subject imports, and likely impact of imports of *Subject Merchandise* on the *Domestic Industry*.

(5) A list of all known and currently operating U.S. producers of the *Domestic Like Product*. Identify any known related parties and the nature of the relationship as defined in section 771(4)(B) of the Act (19 U.S.C. 1677(4)(B)).

(6) A list of all known and currently operating U.S. importers of the *Subject Merchandise* and producers of the

*Subject Merchandise* in the *Subject Country* that currently export or have exported *Subject Merchandise* to the United States or other countries since the *Order Date*.

(7) A list of 3–5 leading purchasers in the U.S. market for the *Domestic Like Product* and the *Subject Merchandise* (including street address, World Wide Web address, and the name, telephone number, fax number, and Email address of a responsible official at each firm).

(8) A list of known sources of information on national or regional prices for the *Domestic Like Product* or the *Subject Merchandise* in the U.S. or other markets.

(9) If you are a U.S. producer of the *Domestic Like Product*, provide the following information on your firm's operations on that product during calendar year 2017, except as noted (report quantity data in number of sinks and value data in U.S. dollars, f.o.b. plant). If you are a union/worker group or trade/business association, provide the information, on an aggregate basis, for the firms in which your workers are employed/which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total U.S. production of the *Domestic Like Product* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm to produce the *Domestic Like Product* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix);

(c) the quantity and value of U.S. commercial shipments of the *Domestic Like Product* produced in your U.S. plant(s);

(d) the quantity and value of U.S. internal consumption/company transfers of the *Domestic Like Product* produced in your U.S. plant(s); and

(e) the value of (i) net sales, (ii) cost of goods sold (COGS), (iii) gross profit, (iv) selling, general and administrative (SG&A) expenses, and (v) operating income of the *Domestic Like Product* produced in your U.S. plant(s) (include both U.S. and export commercial sales, internal consumption, and company transfers) for your most recently completed fiscal year (identify the date on which your fiscal year ends).

(10) If you are a U.S. importer or a trade/business association of U.S. importers of the *Subject Merchandise*

from the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2017 (report quantity data in number of sinks and value data in U.S. dollars). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) The quantity and value (landed, duty-paid but not including antidumping or countervailing duties) of U.S. imports and, if known, an estimate of the percentage of total U.S. imports of *Subject Merchandise* from the *Subject Country* accounted for by your firm's(s') imports;

(b) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. commercial shipments of *Subject Merchandise* imported from the *Subject Country*; and

(c) the quantity and value (f.o.b. U.S. port, including antidumping and/or countervailing duties) of U.S. internal consumption/company transfers of *Subject Merchandise* imported from the *Subject Country*.

(11) If you are a producer, an exporter, or a trade/business association of producers or exporters of the *Subject Merchandise* in the *Subject Country*, provide the following information on your firm's(s') operations on that product during calendar year 2017 (report quantity data in number of sinks and value data in U.S. dollars, landed and duty-paid at the U.S. port but not including antidumping or countervailing duties). If you are a trade/business association, provide the information, on an aggregate basis, for the firms which are members of your association.

(a) Production (quantity) and, if known, an estimate of the percentage of total production of *Subject Merchandise* in the *Subject Country* accounted for by your firm's(s') production;

(b) Capacity (quantity) of your firm(s) to produce the *Subject Merchandise* in the *Subject Country* (that is, the level of production that your establishment(s) could reasonably have expected to attain during the year, assuming normal operating conditions (using equipment and machinery in place and ready to operate), normal operating levels (hours per week/weeks per year), time for downtime, maintenance, repair, and cleanup, and a typical or representative product mix); and

(c) the quantity and value of your firm's(s') exports to the United States of *Subject Merchandise* and, if known, an estimate of the percentage of total exports to the United States of *Subject*

*Merchandise* from the *Subject Country* accounted for by your firm's(s') exports.

(12) Identify significant changes, if any, in the supply and demand conditions or business cycle for the *Domestic Like Product* that have occurred in the United States or in the market for the *Subject Merchandise* in the *Subject Country* since the *Order Date*, and significant changes, if any, that are likely to occur within a reasonably foreseeable time. Supply conditions to consider include technology; production methods; development efforts; ability to increase production (including the shift of production facilities used for other products and the use, cost, or availability of major inputs into production); and factors related to the ability to shift supply among different national markets (including barriers to importation in foreign markets or changes in market demand abroad). Demand conditions to consider include end uses and applications; the existence and availability of substitute products; and the level of competition among the *Domestic Like Product* produced in the United States, *Subject Merchandise* produced in the *Subject Country*, and such merchandise from other countries.

(13) (OPTIONAL) A statement of whether you agree with the above definitions of the *Domestic Like Product* and *Domestic Industry*; if you disagree with either or both of these definitions, please explain why and provide alternative definitions.

*Authority:* This proceeding is being conducted under authority of Title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.61 of the Commission's rules.

By order of the Commission.

Issued: February 21, 2018.

**Lisa R. Barton,**

*Secretary to the Commission.*

[FR Doc. 2018-03859 Filed 2-28-18; 8:45 am]

**BILLING CODE 7020-02-P**

## DEPARTMENT OF JUSTICE

### Agency Information Collection Activities; Proposed eCollection eComments Requested; New; Correction

**AGENCY:** Civil Division, Department of Justice.

**ACTION:** Notice; correction.

**SUMMARY:** The Department of Justice, Civil Division, published a document in the **Federal Register** of February 23, 2018, concerning request for comments on an information collection request to

the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The document contained the incorrect information listed in the "Primary" section.

#### FOR FURTHER INFORMATION CONTACT:

Talitha Guinn-Shaver, 950 Pennsylvania Ave. NW, Washington, DC 20005, Attn: Civil Communications Office (Attn: Elder Justice Initiative) (Phone: 202-598-0292).

#### Correction

In the **Federal Register** of February 23, 2018, in FR Doc. 2018-03720, on page 8108, in the first column, correct the "Primary" caption to read: 4. Affected public who will be asked or required to respond, as well as a brief abstract: Professionals working on elder abuse and elder justice issues.

**DATES:** Submit comments on the two specifications on or before April 24, 2018.

Dated: February 26, 2018.

**Melody Braswell,**

*Department Clearance Officer.*

[FR Doc. 2018-04187 Filed 2-28-18; 8:45 am]

**BILLING CODE 4410-12-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) ("Act"), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act ("TAA") for workers by (TA-W) number issued during the period of December 1, 2017 through January 26, 2018. (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or "and," "or," or other words are added for clarification.)

#### Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or "such firm") have become totally or partially separated, or are threatened to become totally or partially separated; AND (2)(A) or (2)(B) below.

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

#### (A) Increased Imports Path

(i) the sales or production, or both, of such firm, have decreased absolutely; AND (ii and iii below).

(ii)(I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

#### (B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services From a Foreign Country Path

(i)(I) there has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services

described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

### Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated; AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4))); AND

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

### Section 222(e)—Firms Identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e)) must be met, by following criteria (1), (2), and (3) as follows:

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)); AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the **Federal Register**; AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

### Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (Increased Imports Path) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
92,416 .....	HarbisonWalker International, Inc., HarbisonWalker International Holdings, Inc.	Fulton, MO .....	November 14, 2015.
92,754 .....	Axeon Specialty Products LLC, Axeon Refining LLC .....	Paulsboro, NJ .....	March 24, 2016.
92,820 .....	International Specialty Steel, LLC, The Crowne Automotive OE, LLC .....	Detroit, MI .....	April 12, 2016.
92,986 .....	Conduent Commercial Solutions, LLC, Conduent Incorporated, Comms and Media, Aerotek.	Coos Bay, OR .....	June 30, 2016.
92,987 .....	Frye Electronics, Inc .....	Tigard, OR .....	June 30, 2016.
93,048 .....	StarTek USA, Inc., StarTek, Inc .....	Tell City, IN .....	July 28, 2016.
93,142 .....	GM Nameplate, Inc., Washington Division, Account Temps Robert Half, Accounting Principals, etc.	Seattle, WA .....	September 13, 2016.
93,143 .....	GVL Polymers Inc., LSI Staffing, Aerotek Staffing, ADP TotalSource .....	Hesston, KS .....	September 14, 2016.
93,199 .....	North Pacific Paper Company, LLC, Express Employment Professionals .....	Longview, WA .....	October 2, 2016.
93,238 .....	Appleton Coated LLC, Virtus Holdings LLC, etc .....	Combined Locks, WI .....	October 16, 2016.
93,262 .....	Boyd Coffee Company .....	Portland, OR .....	October 27, 2016.
93,262A .....	Boyd Coffee Company .....	Eugene, OR .....	October 27, 2016.
93,279 .....	INVISTA S.A.R.L., Performance Solutions .....	Athens, GA .....	December 12, 2017.
93,282 .....	Stion Corporation .....	San Jose, CA .....	November 3, 2016.
93,282A .....	Stion Corporation .....	Hattiesburg, MS .....	November 3, 2016.
93,283 .....	Milestone Technologies, Inc., Manpower, Experis, Adecco, Robert Half, Randstad Technologies.	Fremont, CA .....	November 6, 2016.
93,297 .....	Willis NA, Inc., Willis North America, Inc., Information Technologies, etc .....	Nashville, TN .....	November 8, 2016.
93,356 .....	Weyerhaeuser NR Company, Weyerhaeuser Company, Foster Veneer Division.	Sweet Home, OR .....	December 8, 2016.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or

Services to a Foreign Country Path or Acquisition of Articles or Services from

a Foreign Country Path) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
92,381 .....	Seagate Technology LLC .....	Scotts Valley, CA .....	November 1, 2015.
92,384 .....	Mack Trucks, Inc., Powertrain, AB Volvo .....	Hagerstown, MD .....	October 7, 2015.
92,590 .....	MUFG Union Bank, N.A., Operations and Process Excellence Group, Capgemini, EPIP Phase II, etc. ....	Monterey Park, CA .....	January 27, 2016.
92,726 .....	Vonage, Customer Care Support .....	Holmdel, NJ .....	March 13, 2016.
92,755 .....	Flex, Flex Ltd., Flextronics, Aerotek, Pro-Tech, Onin .....	Austin, TX .....	November 26, 2016.
92,833 .....	Jamco America, Inc., Engineer and Planning, Jamco Corporation, Alleman Aviation, etc. ....	Everett, WA .....	April 19, 2016.
92,846 .....	Ericsson, Inc., Regional North America Engagement Practices Consulting & Systems, etc. ....	Plano, TX .....	April 26, 2016.
92,861 .....	Rent-A-Center Texas, L.P., Rent-A-Center, Product Assurance Department, 3Ci, Beacon Hill, etc. ....	Plano, TX .....	May 1, 2016.
92,871 .....	Teradyne, Inc., Nextest, CDI Corporation North America Staffing, California Robotics. ....	San Jose, CA .....	May 4, 2016.
92,976 .....	Vishay Tansitor, Adecco .....	Bennington, VT .....	June 26, 2016.
93,001 .....	Computer Sciences Corporation (CSC), IS&S Software Business—Americas Region in DIV, DXC Technology. ....	Blythewood, SC .....	July 7, 2016.
93,009 .....	Newell Rubbermaid Development, LLC, Graco Children's Products, Baby, Research and Development Group, etc. ....	Exton, PA .....	July 11, 2016.
93,055 .....	Best Buy Stores, L.P., Geek Squad Services, Best Buy Company, Best Buy Enterprise Services. ....	Richfield, MN .....	August 2, 2016.
93,080 .....	Affinity Specialty Apparel, Inc. d/b/a Affinity Apparel .....	Moultrie, GA .....	August 17, 2016.
93,085 .....	Pharmaceutical Systems, BD Medical, Research & Development, Customer Service, The Act 1 Group, etc. ....	Franklin Lakes, NJ .....	August 8, 2016.
93,118 .....	GE Capital US Holdings Inc., General Electric Company, Birlasoft Inc., TCS, Capgemini, etc. ....	Norwalk, CT .....	August 24, 2016.
93,120 .....	Resolute Forest Products-US, Calhoun Division, Resolute Forest Products. ....	Calhoun, TN .....	September 6, 2016.
93,139 .....	CDM Smith Inc., Information Technology .....	Boca Raton, FL .....	September 13, 2016.
93,139A .....	CDM Smith Inc., Information Technology, KForce, AppleOne, TekSystems, Accountemps, etc. ....	Boston, MA .....	September 13, 2016.
93,139B .....	CDM Smith Inc., Information Technology .....	Charleston, SC .....	September 13, 2016.
93,139C .....	CDM Smith Inc., Information Technology .....	Chicago, IL .....	September 13, 2016.
93,139D .....	CDM Smith Inc., Information Technology .....	Columbia, SC .....	September 13, 2016.
93,139E .....	CDM Smith Inc., Information Technology .....	Columbus, OH .....	September 13, 2016.
93,139F .....	CDM Smith Inc., Information Technology .....	Dallas, TX .....	September 13, 2016.
93,139G .....	CDM Smith Inc., Information Technology .....	Denver, CO .....	September 13, 2016.
93,139H .....	CDM Smith Inc., Information Technology .....	Edison, NJ .....	September 13, 2016.
93,139I .....	CDM Smith Inc., Information Technology .....	Fairfax, VA .....	September 13, 2016.
93,139J .....	CDM Smith Inc., Information Technology .....	Houston, TX .....	September 13, 2016.
93,139K .....	CDM Smith Inc., Information Technology .....	Knoxville, TN .....	September 13, 2016.
93,139L .....	CDM Smith Inc., Information Technology .....	Lisle, IL .....	September 13, 2016.
93,139M .....	CDM Smith Inc., Information Technology .....	Maitland, FL .....	September 13, 2016.
93,139N .....	CDM Smith Inc., Information Technology .....	Manchester, NH .....	September 13, 2016.
93,139O .....	CDM Smith Inc., Information Technology .....	New York, NY .....	September 13, 2016.
93,139P .....	CDM Smith Inc., Information Technology .....	Pittsburgh, PA .....	September 13, 2016.
93,139Q .....	CDM Smith Inc., Information Technology .....	Providence, RI .....	September 13, 2016.
93,139R .....	CDM Smith Inc., Information Technology .....	Raleigh, NC .....	September 13, 2016.
93,139S .....	CDM Smith Inc., Information Technology .....	Rancho Cucamonga, CA .....	September 13, 2016.
93,139T .....	CDM Smith Inc., Information Technology .....	Sacramento, CA .....	September 13, 2016.
93,139U .....	CDM Smith Inc., Information Technology .....	Walnut Creek, CA .....	September 13, 2016.
93,153 .....	iQor Global Services LLC, SMX Staffing .....	St. Petersburg, FL .....	September 18, 2016.
93,194 .....	Voya Services Company, Voya Financial, Inc., Voya Retirement Insurance and Annuity Company, etc. ....	Windsor, CT .....	October 2, 2016.
93,201 .....	SCA AfH Tissue North America LLC, SW Region Division, On-Call Staffing. ....	Flagstaff, AZ .....	September 21, 2016.
93,202 .....	Dex Media, Inc., d/b/a Dex YP, Accenture LLP, Accion Labs Data Solutions, etc. ....	DFW Airport, TX .....	October 3, 2016.
93,211 .....	Huntsman P&A Americas LLC, Venator Materials Corporation, Color Pigments, Manpower Agency. ....	St. Louis, MO .....	October 5, 2016.
93,213 .....	Windstream Services, LLC, Transport and Alarm Teams, Earthlink Shared Services, LLC, Apex, etc. ....	Vancouver, WA .....	October 4, 2016.
93,214 .....	Actuation Technologies, Pelham Plant, Emerson Automation Solutions, Dedicated Personnel, etc. ....	Pelham, AL .....	October 9, 2016.
93,234 .....	Knight LLC, Fluid Management, Inc., Select Staffing, Peak Technical Staffing. ....	Irvine, CA .....	October 16, 2016.
93,235 .....	Gruma Corporation, Mission Foods, Azteca Milling L.P., Gruma Corporation S.A.B. DE C.V. ....	Irving, TX .....	October 17, 2016.
93,244 .....	Cone Denim, LLC, White Oak Plant, Textile Group, Inc. ....	Greensboro, NC .....	October 20, 2016.
93,245 .....	Gerresheimer Glass Inc., Moulded Glass Division .....	Millville, NJ .....	October 10, 2016.
93,263 .....	Echo Bay Minerals Company, Kinross Gold Corporation, Spring Clean, Golder Associates Corporation, etc. ....	Republic, WA .....	November 5, 2017.
93,263A .....	On-Site Leased Workers from Alaska Aggregate and Aspect Consulting, Echo Bay Minerals Company, Kinross Gold Corporation. ....	Republic, WA .....	October 24, 2016.

TA-W No.	Subject firm	Location	Impact date
93,274 .....	Quad Graphics, Inc., Imaging Department, Saratoga Springs Plant .....	Saratoga Springs, NY .....	November 2, 2016.
93,278 .....	Bush Industries of Pennsylvania, Inc., Erie Facility, Kelly Services .....	Erie, PA .....	November 14, 2017.
93,278A .....	Career Concepts, Express Employment Professional, U.S. Security Associates, Bush Industries of Pennsylvania, Inc., Erie Facility.	Erie, PA .....	November 5, 2016.
93,280 .....	News America Marketing In-Store LLC, Digital IT Communications Department.	Wilton, CT .....	October 10, 2016.
93,285 .....	TrueBlue, Inc. and StaffManagement, Inc., TrueBlue, Inc., Matrix Finance & Accounting, PeopleReady, Inc.	Tacoma, WA .....	November 6, 2016.
93,285A .....	StaffManagement, Inc., TrueBlue, Inc .....	Chicago, IL .....	November 6, 2016.
93,288 .....	Zhongding USA (Hannibal) Inc., Buckhorn Rubber, Zhongding USA, Inc., ADP TotalSource, Missouri Staffing.	Hannibal, MO .....	November 8, 2016.
93,293 .....	Masimo, Marquee Staffing .....	Irvine, CA .....	November 8, 2016.
93,295 .....	RR Donnelley, Digital Solutions Group, 24/7 Staffing Agency .....	Lancaster, PA .....	November 8, 2016.
93,304 .....	Venator Materials Corporation, Color Pigments Division .....	Easton, PA .....	November 9, 2016.
93,309 .....	Smart & Final Stores LLC, Smart & Final Stores, Inc .....	Commerce, CA .....	November 13, 2016.
93,315 .....	Astro Apparel, Inc., Express Employment .....	Scranton, PA .....	November 16, 2016.
93,323 .....	Payless ShoeSource, Inc., Customer Support Center, Cognizant Technology Solutions.	Topeka, KS .....	November 22, 2016.
93,340 .....	Breg, Inc., Breg Topco Holdings, Accounting Principals, Aerotek, etc .....	Carlsbad, CA .....	December 1, 2016.
93,351 .....	Sunlight Supply Inc .....	Vancouver, WA .....	December 6, 2016.
93,353 .....	Alexion Pharmaceuticals, Inc., Alexion Rhode Island Manufacturing Facility, ADPI, Aerotek Scientific, etc.	Smithfield, RI .....	December 7, 2016.
93,354 .....	Yuhshin USA Limited, Ortech .....	Kirksville, MO .....	December 7, 2016.
93,365 .....	Beiersdorf Inc., Finance Division, Robert Half .....	Wilton, CT .....	December 12, 2016.
93,382 .....	Honeywell International, Inc., Flourine Products, Turner Industries Group, Triangle Enterprises, etc.	Metropolis, IL .....	December 20, 2016.
93,415 .....	Allied Ring Corporation, Mahle Engine Components USA, Inc., Riken Corporation of America, Adecco.	St. Johns, MI .....	January 9, 2017.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
92,629 .....	Lone Star Tubular Service Inc .....	Lone Star, TX .....	January 8, 2016.
92,882 .....	Triumph Aerostructures, Triumph Aerospace Structure Division, Triumph Group.	Red Oak, TX .....	May 10, 2016.
92,944 .....	Alliance Interiors, Detroit Technologies, Conform Automotive, EG Workforce Solutions, etc.	Lansing, MI .....	June 12, 2016.
92,993 .....	Zodiac Aerospace, Health Tecna, Zodiac Aerospace USA, Zodiac Aerospace, Manpower, etc.	Bellingham, WA .....	July 3, 2016.
93,075 .....	Yanfeng Global Automotive Interiors, Elwood, Manpower .....	Lansing, MI .....	August 11, 2016.
93,090 .....	Baxter Healthcare Corporation, Baxter International Inc., Aerotek, Apex Systems, Evanston Group, etc.	Englewood, CO .....	August 21, 2016.

The following certifications have been issued. The requirements of Section 222(e) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA-W No.	Subject firm	Location	Impact date
93,292 .....	J.R. Simplot Company, AgriBusiness, Mining & Manufacturing—Lathrop Plant.	Lathrop, CA .....	March 7, 2016.
93,307 .....	Archer-Daniels-Midland Company (ADM), Corn Processing, Express Employment Professionals, Aerotek, etc.	Decatur, IL .....	March 7, 2016.
93,317 .....	Auxin Solar, Inc .....	San Jose, CA .....	November 21, 2016.
93,318 .....	Beamreach Solar, Inc .....	Milpitas, CA .....	November 21, 2016.
93,321 .....	Kyocera Solar, Inc., Kyocera International, Inc .....	San Diego, CA .....	November 21, 2016.
93,336 .....	Suniva, Inc .....	Norcross, GA .....	November 21, 2016.
93,375 .....	SolarTech Universal, LLC .....	Riviera Beach, FL .....	November 21, 2016.

#### Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility

criteria for TAA have not been met for the reasons specified.

The investigation revealed that the requirements of Trade Act section 222(a)(1) and (b)(1) (significant worker

total/partial separation or threat of total/partial separation), or (e) (firms identified by the International Trade Commission), have not been met.

TA-W No.	Subject firm	Location	Impact date
92,026A .....	Daimler Trucks North America, LLC, Service Literature Department .....	Portland, OR.	
92,368 .....	J. Kinderman and Sons, Britestar Manufacturing .....	Philadelphia, PA.	
93,183 .....	North Star BlueScope Steel, LLC, BlueScope .....	Delta, OH.	
93,185 .....	EVRAZ Oregon Steel, EVRAZ Oregon Steel Tubular, EVRAZ Inc. NA, Aerotek.	Portland, OR.	
93,228 .....	Brooks Automation, Inc .....	Poway, CA.	
93,372 .....	Blue Chip Energy, LLC .....	Lake Mary, FL.	

The investigation revealed that the criteria under paragraphs(a)(2)(A) (increased imports), (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or

services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply

for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA-W No.	Subject firm	Location	Impact date
91,953 .....	Mercer Lime Company, Star Group .....	Slippery Rock, PA.	
92,026 .....	Daimler Trucks North America, LLC, Western Star Truck Plant, Daimler AG, Accountemps, Aerotek, Elwood, etc.	Portland, OR.	
92,381A .....	Seagate Technology LLC, Global Technical Talent .....	Cupertino, CA.	
92,614 .....	Oregon Metallurgical Corporation, ATI Specialty Alloys and Components, Albany Operations, etc.	Albany, OR.	
92,762 .....	John Deere & Company, Waterloo Works, Ag & Turf Division, SPO .....	Waterloo, IA.	
92,762A .....	John Deere & Company, Waterloo Works, Ag & Turf Division, Engine Works.	Waterloo, IA.	
92,762B .....	John Deere & Company, Waterloo Works, Ag & Turf Division, Drive Train Operations.	Waterloo, IA.	
92,762C .....	John Deere & Company, Waterloo Works, Ag & Turf Division, Tractor and Cab Assembly.	Waterloo, IA.	
92,773 .....	Electrical-Mechanical Solutions Group, LLC .....	Broussard, LA.	
92,798 .....	Jessop Steel, LLC, ATI Flat Rolled Products, Allegheny Technologies Incorporated, etc.	Washington, PA.	
92,859 .....	Ericsson, Inc., Business Unit Information Technology & Cloud Services (BICS).	Plano, TX.	
92,937 .....	Caterpillar Ridgeway, Global Power Solutions, Caterpillar, Inc., Phillips Staffing.	Ridgeway, SC.	
92,986A .....	Conduent Business Services, Transaction Processing, Conduent Incorporated.	Wilsonville, OR.	
92,986B .....	Conduent Business Services, Image Solutions, Conduent Incorporated ..	Wilsonville, OR.	
93,068 .....	Noble Energy, Inc., Noble Energy Services, Inc .....	Houston, TX.	
93,070 .....	Symmetry Medical Manufacturing, Inc., New Bedford, Tecomet, Inc .....	New Bedford, MA.	
93,122 .....	Arconic Inc., AFE, Alcoa Inc., Massena Operations, Headway, Stefanini, WCMS.	Massena, NY.	
93,165 .....	Rideout Health Group, Fremont Rideout Health Group, Trustaff, Maxim, etc.	Marysville, CA.	
93,167 .....	Davita Medical Management, LLC, HealthCare Partners, TRC Total Renal Care, Davita Kidney Care, Davita, Inc.	Denver, CO.	
93,168 .....	IBM Entitlement, Manpower .....	Boulder, CO.	
93,190 .....	Rossville Eggo Plant, The Eggo Company, Nesco Staffing, Securitas USA.	Rossville, TN.	
93,191 .....	Kellogg Sales Company, Memphis Distribution Center, Keebler Company, The Kellogg Company.	Memphis, TN.	
93,203 .....	EMCORE Corporation .....	Alhambra, CA.	
93,225 .....	ADP, LLC, Added Value Services, Global Enterprise Services, etc .....	Lynwood, WA.	
93,242 .....	Kellogg Sales Company, Kellogg Company, Inconma, ProKatchers, LLC	Hagerstown, MD.	
93,265 .....	Kellogg Sales Company, Keebler Division, Kellogg Company .....	Springfield, MO.	
93,268 .....	Gentex Corporation, Manpower, Express Staffing, OnSource Staffing, ERG Staffing, etc.	Carbondale, PA.	
93,270 .....	Hazelnut Grower of Oregon, Wilco Farmers, Flex Force Personnel .....	Cornelius, OR.	
93,310 .....	GBG USA Inc., Wytheville, VA Distribution Center, GBG North America Holdings, etc.	Wytheville, VA.	

#### Determinations Terminating Investigations of Petitions for Trade Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and

on the Department's website, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA-W No.	Subject firm	Location	Impact date
92,587 .....	Weatherford .....	Woodward, OK.	
92,782 .....	Swift Spinning, Inc .....	Columbus, GA.	
93,010 .....	Trico Converting, Inc .....	Fullerton, CA.	
93,121 .....	Suniva, Inc .....	Norcross, GA.	

The following determinations terminating investigations were issued in cases where the petition regarding the investigation has been deemed invalid.

TA-W No.	Subject firm	Location	Impact date
93,376 .....	CenturyLink (formerly Embarq) .....	Carlisle, PA.	

The following determinations terminating investigations were issued because the worker group on whose behalf the petition was filed is covered under an existing certification.

TA-W No.	Subject firm	Location	Impact date
92,690 .....	Crown Casting LLC .....	Hodges, SC.	
92,929 .....	Intel Corporation, Sales and Marketing Group, Technology and Manufacturing Group.	Rio Rancho, NM.	
93,253 .....	Total Facility Solutions, Inc., M+W Americas, Inc .....	Plano, TX.	
93,343 .....	Harman, Professional, Harman International, Inc., Pro Resources Staffing, Wipro.	Elkhart, IN.	

The following determinations terminating investigations were issued because the petitioning group of workers is covered by an earlier petition that is the subject of an ongoing investigation for which a determination has not yet been issued.

TA-W No.	Subject firm	Location	Impact date
93,362 .....	Adecco, Oak-Mitsui .....	Hoosick Falls, NY.	

I hereby certify that the aforementioned determinations were issued during the period of *December 1, 2017 through January 26, 2018*. These determinations are available on the Department's website [https://www.doleta.gov/tradeact/taa/taa\\_search\\_form.cfm](https://www.doleta.gov/tradeact/taa/taa_search_form.cfm) under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888-365-6822.

Signed at Washington, DC, January 26, 2018.

**Hope D. Kinglock,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

[FR Doc. 2018-04161 Filed 2-28-18; 8:45 am]

**BILLING CODE 4510-FN-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, no later than March 12, 2018.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than March 12, 2018.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N-5428, 200 Constitution Avenue NW, Washington, DC 20210.

Signed at Washington, DC, on January 26, 2018.

**Hope D. Kinglock,**

*Certifying Officer, Office of Trade Adjustment Assistance.*

## APPENDIX

[121 TAA petitions instituted between 12/1/17 and 1/26/18]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
93337	Affinion Group dba Webloyalty.com, Inc and Trilegiant Retail Services, Inc. (State/One-Stop)	Trumbull, CT	12/01/17	12/01/17
93338	Data Display Products (State/One-Stop)	El Segundo, CA	12/01/17	11/30/17
93339	Ventus Global Network (State/One-Stop)	Norwalk, CT	12/01/17	11/17/17
93340	Breg, Inc. (State/One-Stop)	Carlsbad, CA	12/04/17	12/01/17
93341	Nypro, a Jubril Company (Company)	Porterville, CA	12/04/17	11/30/17
93342	BFNA (State/One-Stop)	Normal, IL	12/05/17	11/15/17
93343	Harman (Company)	Elkhart, IN	12/05/17	12/04/17
93344	Hewlett Packard Enterprise (State/One-Stop)	Houston, TX	12/05/17	12/04/17
93345	YP Holdings LLC (State/One-Stop)	Maryland Heights, MO	12/05/17	12/04/17
93346	Alstom Signaling LLC. (Union)	West Henrietta, NY	12/06/17	12/05/17
93347	Kellogg Company (State/One-Stop)	Sumner, WA	12/06/17	12/05/17
93348	MTorres America (State/One-Stop)	Everett, WA	12/06/17	12/05/17
93349	TLC Companies/Assigned to SFK (State/One-Stop)	Seneca, KS	12/06/17	12/05/17
93350	HM Dunn Company Inc. (State/One-Stop)	St. Louis, MO	12/07/17	12/06/17
93351	Sunlight Supply Inc. (State/One-Stop)	Vancouver, WA	12/07/17	12/06/17
93352	Tek-Motive, Inc. (State/One-Stop)	East Haven, CT	12/07/17	12/07/17
93353	Alexion Pharmaceuticals, Inc. (State/One-Stop)	Smithfield, RI	12/08/17	12/07/17
93354	Yuhshin USA Limited (State/One-Stop)	Kirksville, MO	12/08/17	12/07/17
93355	Philips Medical Systems (Cleveland) Inc. (Company)	Aurora, IL	12/11/17	12/08/17
93356	Weyerhaeuser NR Company (Union)	Sweet Home, OR	12/11/17	12/08/17
93357	Kellogg Sales Company (Workers)	La Palma, CA	12/11/17	12/04/17
93358	HSBC Bank Technology and Services, Inc. (State/One-Stop).	New York, NY	12/11/17	12/08/17
93359	Western Union (State/One-Stop)	Montvale, NJ	12/11/17	12/08/17
93360	5 Point Enterprises (Workers)	Austin, TX	12/11/17	12/08/17
93361	General Motors (Union)	Spring Hill, TN	12/11/17	12/08/17
93362	Adecco (State/One-Stop)	Hoosick Falls, NY	12/11/17	12/08/17
93363	CHS, Inc. (State/One-Stop)	Hutchinson, KS	12/12/17	12/07/17
93364	Tokusen U.S.A., Inc. (Workers)	Scottsburg, IN	12/12/17	12/06/17
93365	Beiersdorf Inc. (State/One-Stop)	Wilton, CT	12/13/17	12/12/17
93366	Belden (Company)	Monticello, KY	12/13/17	12/12/17
93367	Pacific Crest Transformers (Union)	White City, OR	12/13/17	12/05/17
93368	Avanade Inc. (State/One-Stop)	Seattle, WA	12/14/17	12/13/17
93369	Meggitt Aircraft Braking Systems Corporation (Company)	Akron, OH	12/14/17	12/13/17
93370	Pittsburgh Glass Works LLC (Union)	Craighton, PA	12/14/17	12/13/17
93371	R L Fisher Inc. (State/One-Stop)	Hartford, CT	12/14/17	12/13/17
93372	Blue Chip Energy, LLC (State/One-Stop)	Lake Mary, FL	12/15/17	12/11/17
93373	HBW Leads (State/One-Stop)	Salem, OR	12/15/17	12/08/17
93374	Schawk USA Inc. (State/One-Stop)	Kalamazoo, MI	12/15/17	12/14/17
93375	SolarTech Universal, LLC (State/One-Stop)	Riviera Beach, FL	12/15/17	12/11/17
93376	CenturyLink (formerly Embarq) (Workers)	Carlisle, PA	12/18/17	12/15/17
93377	Convergys (State/One-Stop)	Cedar City, UT	12/19/17	12/18/17
93378	Crown Optical Company (Workers)	Smithfield, RI	12/19/17	12/18/17
93379	Suddenlink Communications (Workers)	Parkersburg, WV	12/19/17	12/15/17
93380	GE Inspection Technologies (State/One-Stop)	Lewiston, PA	12/20/17	12/19/17
93381	The Boeing Company (State/One-Stop)	Everett, WA	12/21/17	12/15/17
93382	Honeywell International, Inc. (Union)	Metropolis, IL	12/21/17	12/20/17
93383	Ryder Logistics (Union)	Spring Hill, TN	12/21/17	12/20/17
93384	Torpedo Specialty Wire, Inc. (Company)	Pittsfield, PA	12/21/17	11/15/17
93385	Xerox Corporation (Workers)	Rochester, NY	12/21/17	11/11/17
93386	Futuris Automotive (Company)	Milan, TN	12/22/17	12/12/17
93387	Valley Processing (State/One-Stop)	Bedford, VA	12/22/17	12/20/17
93388	AccuTec Blades Inc. (Union)	Verona, VA	12/26/17	12/11/17
93389	Print Media, LLC (now DexYP) (State/One-Stop)	Maryland Heights, MO	12/26/17	12/21/17
93390	UTAS Landing Systems (Union)	Tullahoma, TN	12/26/17	12/21/17
93391	DJO Global (State/One-Stop)	Vista, CA	12/28/17	12/27/17
93392	Honeywell Metropolis (Workers)	Metropolis, IL	12/28/17	12/28/17
93393	3M Purification (State/One-Stop)	Enfield, CT	12/29/17	12/22/17
93394	ISM—Industrial Sales and Manufacturing (State/One-Stop)	Erie, PA	12/29/17	12/28/17
93395	ITW EAE-Despatch Industries (State/One-Stop)	Lakeville, MN	12/29/17	12/18/17
93396	Thomson Reuters (State/One-Stop)	New York, NY	12/29/17	12/27/17
93397	United Health Group/Optum Healthcare (State/One-Stop)	Santa Ana, CA	12/29/17	12/07/17
93398	Willis Towers Watson (State/One-Stop)	Stamford, CT	12/29/17	12/28/17
93399	Atlas Copco Secoroc LLC (State/One-Stop)	Grand Prairie, TX	01/02/18	12/29/17
93400	Eaton Crouse Hinds Division (Workers)	Houston, TX	01/03/18	01/02/18
93401	Philips Healthcare (Company)	San Jose, CA	01/03/18	01/02/18
93402	Allcare Plus Pharmacy, Call Center Staff (State/One-Stop)	Northborough, MA	01/03/18	12/29/17
93403	Ametek Instrumentation Systems (Company)	Grand Junction, CO	01/04/18	12/28/17
93404	Shaw Industries Group, Inc. (Company)	Stuart, VA	01/04/18	12/13/17



## APPENDIX—Continued

[121 TAA petitions instituted between 12/1/17 and 1/26/18]

TA-W	Subject firm (petitioners)	Location	Date of institution	Date of petition
93405	Westcon Group, Inc. (State/One-Stop)	Louisville, CO	01/04/18	01/03/18
93406	Armstrong World Industries, Inc. (State/One-Stop)	St. Helens, OR	01/08/18	01/05/18
93407	Ledvance Distribution Center (Company)	Bethlehem, PA	01/08/18	01/05/18
93408	Sanmina (State/One-Stop)	Owego, NY	01/08/18	01/05/17
93409	Staber Industries (State/One-Stop)	Groveport, OH	01/08/18	01/05/18
93410	Sutherland Global Services (State/One-Stop)	Syracuse, NY	01/08/18	12/27/17
93411	World Ventures dba Rovia (State/One-Stop)	Plano, TX	01/08/18	01/05/17
93412	AT&T Mobility and Consumer Acquisition (State/One-Stop)	Wichita, KS	01/09/18	01/09/18
93413	GE Power—formerly Alstrom Power (State/One-Stop)	Windsor, CT	01/09/18	01/08/18
93414	Parker Hannifin (Workers)	Tell City, IN	01/09/18	01/08/18
93415	Allied Ring Corporation (Company)	St. Johns, MI	01/10/18	01/09/18
93416	Ledvance, LLC (Company)	Exeter, NH	01/10/18	01/10/18
93417	Triumph Aerostructures, Vought Aircraft Division (State/One-Stop).	Red Oak, TX	01/10/18	01/09/18
93418	Capital One Services LLC (State/One-Stop)	Glen Allen, VA	01/11/18	01/11/18
93419	Dole Berry Farms (State/One-Stop)	Watsonville, CA	01/11/18	01/10/18
93420	First American Title Insurance Company (State/One-Stop)	Lakeport, CA	01/11/18	01/11/18
93421	Titan Tire Corporation (State/One-Stop)	Bryan, OH	01/11/18	01/10/18
93422	Crescent Bank & Trust (State/One-Stop)	Baton Rouge, LA	01/12/18	01/11/18
93423	GE MDS (State/One-Stop)	Rochester, NY	01/16/18	01/12/18
93424	AK Steel Corporation (State/One-Stop)	West Chester, OH	01/16/18	01/16/18
93425	American Express TRS Co., Inc. (Workers)	Phoenix, AZ	01/17/18	01/16/18
93426	AMG Vanadium LLC (State/One-Stop)	Cambridge, OH	01/17/18	01/16/18
93427	Fremont Plastic Products dba The Plastics Group (State/One-Stop).	Freemont, OH	01/17/18	01/16/18
93428	Parker Hannifin Corporation (State/One-Stop)	Gothenburg, NE	01/17/18	01/16/18
93429	ALW (Company)	Redwood City, CA	01/18/18	01/17/18
93430	Ericsson (Workers)	Waltham, MA	01/18/18	01/10/18
93431	Optum Services Inc. United HealthGroup (State/One-Stop)	Hartford, CT	01/18/18	01/17/18
93432	Monofrax LLC (State/One-Stop)	Falconer, NY	01/19/18	01/16/18
93433	Seagate Technology (Workers)	Oklahoma City, OK	01/19/18	01/09/18
93434	Bridgestone Firestone North America (BFNA) (State/One-Stop).	Des Moines, IA	01/23/18	01/08/18
93435	CHS Oilseed Processing and Food Products (State/One-Stop).	Creston, IA	01/23/18	12/18/17
93436	Link Snacks, Inc. (State/One-Stop)	Laurens, IA	01/23/18	12/19/17
93437	RR Donnelley (State/One-Stop)	Lancaster, PA	01/23/18	01/19/18
93438	Titan Tire Corporation (State/One-Stop)	Des Moines, IA	01/23/18	01/08/18
93439	Trelleborg-Midas Tires North America, Inc. (State/One-Stop).	Charles City, IA	01/23/18	01/08/18
93440	Zimmer Dental (State/One-Stop)	Carlsbad, CA	01/23/18	01/19/18
93441	Allstate Investments, LLC (State/One-Stop)	Northbrook, IL	01/24/18	01/23/18
93442	Blackpoint IT Services (State/One-Stop)	Portland, OR	01/24/18	01/23/18
93443	Kobayashi Healthcare (State/One-Stop)	North Lima, OH	01/24/18	01/23/18
93444	Bucks County Courier Times (Workers)	Levittown, PA	01/25/18	01/09/18
93445	CB&I (State/One-Stop)	El Dorado, AR	01/25/18	01/24/18
93446	GenOn Maintenance Services (Union)	New Florence, PA	01/25/18	01/17/18
93447	Glencore Ltd. (State/One-Stop)	New York, NY	01/25/18	01/19/18
93448	ManpowerGroup, US (Workers)	Milwaukee, WI	01/25/18	12/23/17
93449	Metallurgical Products (State/One-Stop)	West Chester, PA	01/25/18	01/24/18
93450	Nike, Inc. (State/One-Stop)	Beaverton, OR	01/25/18	01/23/18
93451	Vishay Siliconix (State/One-Stop)	Santa Clara, CA	01/25/18	01/24/18
93452	Air Products (Union)	Hanover, PA	01/26/18	01/23/18
93453	Evergreen Metallurgical Company dba Bear Metallurgical Company (State/One-Stop).	Butler, PA	01/26/18	01/18/18
93454	Kloeckner (State/One-Stop)	Tulare, CA	01/26/18	01/25/18
93455	MACOM Technology Solutions (State/One-Stop)	Long Beach, CA	01/26/18	01/25/18
93456	Ryerson (State/One-Stop)	Vernon, CA	01/26/18	01/25/18
93457	Staples (State/One-Stop)	Framingham, MA	01/26/18	01/25/18

[FR Doc. 2018-04162 Filed 2-28-18; 8:45 am]

BILLING CODE 4510-FN-P

**DEPARTMENT OF LABOR****Office of the Secretary****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Requirements of a Bona Fide Thrift or Savings Plan and Requirements of a Bona Fide Profit-Sharing Plan or Trust****AGENCY:** Office of the Secretary, DOL.**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting the Wage and Hour Division (WHD) sponsored information collection request (ICR) titled, "Requirements of a Bona Fide Thrift or Savings Plan and Requirements of a Bona Fide Profit-Sharing Plan or Trust," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before April 2, 2018.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201705-1235-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201705-1235-001) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-WHD, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:**

Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not

toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Requirements of a Bona Fide Thrift or Savings Plan and Requirements of a Bona Fide Profit-Sharing Plan or Trust information collection. The information collection requirements apply to employers claiming the overtime exemption available under Fair Labor Standards Act section 7(e)(3)(b), 29 U.S.C. 207(e)(3)(b). Specifically, in calculating an employee's regular rate of pay, an employer need not include contributions made to a bona fide thrift or savings plan or a bona fide profit-sharing plan or trust—as defined in regulations 29 CFR parts 547 and 549. An employer is required to communicate, or to make available to its employees, the terms of the bona fide thrift, savings, or profit-sharing plan or trust and to retain certain records. Fair Labor Standards Act section 11(c) authorizes this information collection. See 29 U.S.C. 211(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1235-0013. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on May 23, 2017 (82 FR 23613).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1235-0013. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-WHD.

*Title of Collection:* Requirements of a Bona Fide Thrift or Savings Plan and Requirements of a Bona Fide Profit-Sharing Plan or Trust.

*OMB Control Number:* 1235-0013.

*Affected Public:* Private Sector—businesses or other for-profits, farms, and not-for-profit institutions.

*Total Estimated Number of Respondents:* 985,807.

*Total Estimated Number of Responses:* 985,807.

*Total Estimated Annual Time Burden:* 548 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018-04203 Filed 2-28-18; 8:45 am]

**BILLING CODE 4510-27-P**

**DEPARTMENT OF LABOR****Office of the Secretary****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Powered Industrial Trucks Standard**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, "Powered Industrial Trucks Standard," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before April 2, 2018.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation;

including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201712-1218-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201712-1218-001) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Powered Industrial Trucks Standard information collection. The Standard contains several information collection requirements addressing truck design, construction, and modification, as well as certification of training and evaluation for truck operators. Occupational Safety and Health Act of 1970 sections 2(b)(9), 6(b)(7), and 8(c) authorize this information collection. See 29 U.S.C. 651(b)(9), 655(b)(7), 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218-0242. For additional

substantive information about this ICR, see the related notice published in the **Federal Register** on September 28, 2017 (82 FR 45317).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218-0242.

The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-OSHA.

*Title of Collection:* Powered Industrial Trucks Standard.

*OMB Control Number:* 1218-0242.

*Affected Public:* Private Sector—businesses or other for-profits.

*Total Estimated Number of Respondents:* 1,210,679.

*Total Estimated Number of Responses:* 2,397,144.

*Total Estimated Annual Time Burden:* 427,866 hours.

*Total Estimated Annual Other Costs Burden:* \$256,626.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2018-04200 Filed 2-28-18; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Survey of Employer Policies on the Employment of People With Disabilities

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting the Office of Disability Employment Policy (ODEP) sponsored information collection request (ICR) proposal titled, "Survey of Employer Policies on the Employment of People with Disabilities," to the Office of Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before April 2, 2018.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201709-1230-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201709-1230-001) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL-ODEP, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202-693-4129 (this is not a toll-free number) or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks PRA authority for the Survey of Employer Policies on the Employment

of People with Disabilities information collection to examine employer perceptions of their efforts to employ individuals with disabilities. Knowing this information will enhance the ability of the ODEP to engage employers on how to hire, retain, and promote individuals with disabilities. The ODEP has the ability to reach out to employers through its public education campaigns and technical assistance centers, as well as engage the business community directly. Assessing employer attitudes towards hiring and retaining individuals with disabilities will increase the ODEP's understanding of employer successes and concerns, as well as more effectively to share best practices in hiring, retaining, and promoting individuals with disabilities. This study will answer research questions with regard to current employer practices and attitudes towards employment of people with disabilities (disability employment); barriers and facilitators of disability employment; the impact of accommodations and technology on employer perceptions and attitudes towards disability employment; and sources of disability employment-related information for employers. Consolidated Appropriations Act of 2001 section Appendix A—HR 5656 authorizes this information collection. See Public Law 106–554.

This proposed information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information if the collection of information does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6. For additional information, see the related notice published in the **Federal Register** on May 23, 2017 (82 FR 23607).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB ICR Reference Number 201709–1230–001. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the

functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL–ODEP.

*Title of Collection:* Survey of Employer Policies on the Employment of People with Disabilities.

*OMB ICR Reference Number:* 201709–1230–001.

*Affected Public:* Private Sector—businesses or other for-profits and not-for-profit institutions.

*Total Estimated Number of Respondents:* 12,240.

*Total Estimated Number of Responses:* 17,250.

*Total Estimated Annual Time Burden:* 2,136 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

Dated: February 26, 2018.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2018–04196 Filed 2–28–18; 8:45 am]

**BILLING CODE 4510–HX–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### **Agency Information Collection Activities; Submission for OMB Review; Comment Request; Representative Payee Report, Representative Payee Report Short Form, and Physician's/Medical Officer's Statement**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting the Office of Workers' Compensation Programs (OWCP) sponsored information collection request (ICR) revision titled, "Representative Payee Report, Representative Payee Report Short Form, and Physician's/Medical Officer's Statement," to the Office of

Management and Budget (OMB) for review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before April 2, 2018.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201710-1240-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201710-1240-001) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OWCP, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor–OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

#### **FOR FURTHER INFORMATION CONTACT:**

Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks approval under the PRA for revisions to the Representative Payee Report, Representative Payee Report Short Form, and Physician's/Medical Officer's Statement. Benefits due to a DOL black lung beneficiary are paid to a representative payee on behalf of the beneficiary when he or she is unable to manage the benefits due to incapability or incompetence or because the beneficiary is a minor. The Representative Payee Report (Form CM–623) and Representative Payee Report Short Form (Form CM–623S) are used to ensure that benefits paid to a representative payee are used for the beneficiary's well-being. The Physician's/Medical Officer's Statement (Form CM–787) is used to determine the beneficiary's capability to manage monthly black lung benefits. This

information collection has been classified as a revision, because the agency is clarifying questions and disclosures. The Black Lung Benefits Act authorizes this information collection. *See* 30 U.S.C. 922.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1240-0020. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 13, 2017 (82 FR 47772).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1240-0020. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Agency: DOL—OWCP.

*Title of Collection:* Representative Payee Report, Representative Payee Report Short Form, and Physician's/Medical Officer's Statement.

*OMB Control Number:* 1240-0020.

*Affected Public:* Individuals or Households.

*Total Estimated Number of Respondents:* 1,325.

*Total Estimated Number of Responses:* 1,325.

*Total Estimated Annual Time Burden:* 679 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018-04202 Filed 2-28-18; 8:45 am]

BILLING CODE 4510-CK-P

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Telephone Point of Purchase Survey

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) titled, "Telephone Point of Purchase Survey," to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act (PRA) of 1995. Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that agency receives on or before April 2, 2018.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at [http://www.reginfo.gov/public/do/PRAViewICR?ref\\_nbr=201710-1220-001](http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201710-1220-001) (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL—BLS, Office of

Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202-395-5806 (this is not a toll-free number); or by email: [OIRA\\_submission@omb.eop.gov](mailto:OIRA_submission@omb.eop.gov). Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor—OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

#### FOR FURTHER INFORMATION CONTACT:

Michel Smyth by telephone at 202-693-4129, TTY 202-693-8064, (these are not toll-free numbers) or sending an email to [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** This ICR seeks to extend PRA authority for the Telephone Point of Purchase Survey (TPOPS) information collection. The BLS administers the survey quarterly via a computer-assisted-telephone-interview. This survey is flexible and creates the possibility of introducing new products into the CPI in a timely manner. The data collected in this survey are necessary for the continuing construction of a current outlet universe from which locations are selected for the price collection needed for calculating the CPI. Furthermore, the TPOPS provides the weights used in selecting the items that are priced at these establishments. This sample design produces an overall CPI market basket that is more reflective of the prices faced and the establishments visited by urban consumers. The BLS Authorizing Statute authorizes this information collection. *See* 29 U.S.C. 2.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1220-0044. The current approval is scheduled to expire on March 31, 2018; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review.

For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August, 31, 2017 (82 FR 41431).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220-0044. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Agency:* DOL-BLS.

*Title of Collection:* Telephone Point of Purchase Survey.

*OMB Control Number:* 1220-0044.

*Affected Public:* Individuals or Households.

*Total Estimated Number of Respondents:* 10,183.

*Total Estimated Number of Responses:* 29,938.

*Total Estimated Annual Time Burden:* 6,312 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

*Authority:* 44 U.S.C. 3507(a)(1)(D).

Dated: February 26, 2018.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2018-04201 Filed 2-28-18; 8:45 am]

**BILLING CODE 4510-24-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 “Five Year State Plan Guidelines”

**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 “Five Year State Plan Guidelines” instructions. Each SLAA must submit a plan that details library services goals for a five-year period to receive funding.

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 “Five Year State Plan Guidelines” for the next three years.

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.

*Agency:* Institute of Museum and Library Services.

*Title:* 2019–2021 IMLS Grants to States Program “State Program Reporting System”.

*OMB Number:* 3137–0029.

*Frequency:* 1 time every five years.

*Affected Public:* State Library Administrative Agencies (SLAAs).

*Number of Respondents:* 56.

*Estimated Average Burden per Response:* 90 hours.

*Estimated Total Annual Burden:* 5,040 hours.

*Total Annualized Capital/Startup Costs:* n/a.

*Total Annual Costs:* \$139,457.

*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. 2018–04114 Filed 2–28–18; 8:45 am]

**BILLING CODE 7036–01–P**

## NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

### 60-Day Notice for the “NEA Panelist Profile Data”

**AGENCY:** National Endowment for the Arts, National Foundation on the Arts and the Humanities.

**ACTION:** Notice of proposed collection; comment request.

**SUMMARY:** The National Endowment for the Arts (NEA), as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance 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 of 1995. This program helps to ensure that requested data is 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 is properly assessed. Currently, the NEA is soliciting comments concerning the proposed information collection of NEA panelist profile data. A copy of the current information collection request can be obtained by contacting the office listed below in the address section of this notice.

**DATES:** Written comments must be submitted to the office listed in the address section below within 60 days from the date of this publication in the **Federal Register**. The NEA is particularly interested in comments that:

- 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
- Can help the agency minimize the burden of the collection of information on those who are to respond, including through the electronic submission of responses.

**ADDRESSES:** Email comments to Jillian Miller, Director, Office of Guidelines and Panel Operations, National Endowment for the Arts, at: [millerj@arts.gov](mailto:millerj@arts.gov).

**FOR FURTHER INFORMATION CONTACT:** Jillian Miller, Director of Guidelines and Panel Operations, National Endowment for the Arts, at [millerj@arts.gov](mailto:millerj@arts.gov), or 202–682–5504.

Dated: February 26, 2018.

**Jillian Miller,**

*Director, Office of Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.*

[FR Doc. 2018–04163 Filed 2–28–18; 8:45 am]

**BILLING CODE 7537–01–P**

## NATIONAL SCIENCE FOUNDATION

### Privacy Act of 1974; System of Records

**AGENCY:** Office of the Inspector General, National Science Foundation.

**ACTION:** Notice of a modified system of records; correction.

**SUMMARY:** The National Science Foundation (NSF) published a document in the **Federal Register** of February 15, 2018, concerning revisions to an existing system, NSF–52, “Office of the Inspector General—Investigative Files.”

### Correction

In the **Federal Register** of February 15, 2018, in FR Doc. 2018–03147, on page 6883, in the third column, please correct the following:

Delete in entirety the following:  
11. Disclosure may be made to a congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

Renumber the previously numbered paragraphs 12, 13, and 14 to 11, 12, and 13 respectively.

On page 6882, in the third column please correct the following:

Insert the words “the outcomes of” into routine use 14 so that it reads “This use not only advances overall transparency, but, by keeping complainants and victims informed about the outcomes of cases in which they are involved, it will encourage individuals to come forward and to cooperate in future investigations.”

**FOR FURTHER INFORMATION CONTACT:** Dorothy Aronson, Acting Senior Agency Official for Privacy, Office of the Director, 2415 Eisenhower Ave., Alexandria, VA 22314, or [daronson@nsf.gov](mailto:daronson@nsf.gov) or via telephone at 703–292–8000.

Dated: February 26, 2018.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2018–04159 Filed 2–28–18; 8:45 am]

**BILLING CODE 7555–01–P**



## NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272 and 50–311; NRC–2018–0039]

### PSEG Nuclear, LLC; Exelon Generation Company, LLC; Salem Nuclear Generating Station, Unit Nos. 1 and 2; Rod Position Indicators

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** License amendment application; opportunity to comment, request a hearing, and petition for leave to intervene.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of amendments to Renewed Facility Operating License Nos. DPR–70 and DPR–75, issued to PSEG Nuclear, LLC, for operation of the Salem Nuclear Generating Station, Unit Nos. 1 and 2, respectively. The proposed amendments would revise Technical Specification (TS) actions for rod position indicators. **DATES:** Submit comments by April 2, 2018. Requests for a hearing or petition for leave to intervene must be filed by April 30, 2018.

**ADDRESSES:** You may submit comments by any of the following methods:

- *Federal Rulemaking Website:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2018–0039. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: [Jennifer.Borges@nrc.gov](mailto:Jennifer.Borges@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* May Ma, Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

Carleen J. Parker, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–1603; email: [Carleen.Parker@nrc.gov](mailto:Carleen.Parker@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

### I. Obtaining Information and Submitting Comments

#### A. Obtaining Information

Please refer to Docket ID NRC–2018–0039 when contacting the NRC about the availability of information for this

action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to <http://www.regulations.gov> and search for Docket ID NRC–2018–0039.
- *NRC’s Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at <http://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “ADAMS Public Documents” and then select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to [pdr.resource@nrc.gov](mailto:pdr.resource@nrc.gov). The February 8, 2018, license amendment request is available in ADAMS under Accession No. ML18040A301.

- *NRC’s PDR:* You may examine and purchase copies of public documents at the NRC’s PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

#### B. Submitting Comments

Please include Docket ID NRC–2018–0039 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <http://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

### II. Introduction

The NRC is considering issuance of amendments to Renewed Facility Operating License Nos. DPR–70 and DPR–75, issued to PSEG Nuclear LLC, for operation of the Salem Nuclear Generating Station, Unit Nos. 1 and 2, located in Salem County, New Jersey.

The proposed amendments would revise TS actions for rod position indicators. The proposed amendments would modify the TS-allowed outage

time for more than one inoperable analog rod position indicator from 1 hour to 24 hours and change the basis for entry into the TS actions for inoperable rod position indicators from “per bank” to “per group.” The proposed amendments would also separate existing TS 3.1.3.2.1 Action a.1 into two separate actions and would remove the duplicative Action b (Unit No. 1 only).

Before any issuance of the proposed license amendments, the NRC will need to make the findings required by the Atomic Energy Act of 1954, as amended (the Act), and NRC’s regulations.

The NRC has made a proposed determination that the license amendment request involves no significant hazards consideration. Under the NRC’s regulations in title 10 of the *Code of Federal Regulations* (10 CFR) section 50.92, this means that operation of the facility in accordance with the proposed amendments would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, or (3) involve a significant reduction in a margin of safety. As required by 10 CFR 50.91(a), the licensee has provided its analysis of the issue of no significant hazards consideration, which is presented below:

1. Does the proposed change involve a significant increase in the probability or consequences of an accident previously evaluated?

*Response:* No.

Rod position indication instrumentation is not an accident initiator, providing indication only of the control and shutdown rods positions. Normal operation, abnormal occurrences and accident analyses assume the rods are at certain positions within the reactor core. The proposed changes modify the time that rod position indication may be inoperable and provide appropriate actions to compensate for that inoperability. Thus, these changes do not involve a significant increase in the probability of an accident.

Extending the allowed outage time to restore inoperable rod position indicators does not affect the operability of the shutdown or control rods. With rod position indicators inoperable, the position of non-indicating rods is required to be verified using the movable incore detectors or the power distribution monitoring system. Thus, inoperable rod position indication instrumentation does not involve an increase in the consequences of an accident.

Therefore, these proposed changes do not represent a significant increase in the probability or consequences of an accident previously evaluated.

2. Does the proposed change create the possibility of a new or different kind of



accident from any accident previously evaluated?

*Response:* No.

The proposed change does not alter the design, function, or operation of any plant component and does not install any new or different equipment. The proposed changes will not impose any new or different requirement or introduce a new accident initiator, accident precursor, or malfunction mechanism.

Therefore, the proposed changes do not create the possibility of a new or different kind of accident from any accident previously evaluated.

3. Do the proposed changes involve a significant reduction in a margin of safety?

*Response:* No.

Loss of rod position indication does not cause a rod to be misaligned. With rod position indicators inoperable, the position of non-indicating rods is required to be verified using the movable incore detectors or the power distribution monitoring system. The proposed changes will not affect the ability of the shutdown or control rods to perform their required function.

The proposed amendment will not result in a design basis or safety limit being exceeded or altered. Therefore, since the proposed changes do not impact the response of the plant to a design basis accident, the proposed changes do not involve a significant reduction in a margin of safety.

The NRC staff has reviewed the licensee's analysis and, based on this review, it appears that the three standards of 10 CFR 50.92(c) are satisfied. Therefore, the NRC staff proposes to determine that the license amendment request involves a no significant hazards consideration.

The NRC is seeking public comments on this proposed determination that the license amendment request involves no significant hazards consideration. Any comments received within 30 days after the date of publication of this notice will be considered in making any final determination.

Normally, the Commission will not issue the amendments until the expiration of 60 days after the date of publication of this notice. The Commission may issue the license amendments before expiration of the 60-day notice period if the Commission concludes the amendments involve no significant hazards consideration. In addition, the Commission may issue the amendments prior to the expiration of the 30-day comment period if circumstances change during the 30-day comment period such that failure to act in a timely way would result, for example, in derating or shutdown of the facility. If the Commission takes action prior to the expiration of either the comment period or the notice period, it will publish in the **Federal Register** a notice of issuance. If the Commission makes a final no significant hazards

consideration determination, any hearing will take place after issuance. The Commission expects that the need to take this action will occur very infrequently.

### III. Opportunity To Request a Hearing and Petition for Leave To Intervene

Within 60 days after the date of publication of this notice, any persons (petitioner) whose interest may be affected by this action may file a request for a hearing and petition for leave to intervene (petition) with respect to the action. Petitions shall be filed in accordance with the Commission's "Agency Rules of Practice and Procedure" in 10 CFR part 2. Interested persons should consult a current copy of 10 CFR 2.309. The NRC's regulations are accessible electronically from the NRC Library on the NRC's website at <http://www.nrc.gov/reading-rm/doc-collections/cfr/>. Alternatively, a copy of the regulations is available at the NRC's Public Document Room, located at One White Flint North, Room O1-F21, 11555 Rockville Pike (first floor), Rockville, Maryland 20852. If a petition is filed, the Commission or a presiding officer will rule on the petition and, if appropriate, a notice of a hearing will be issued.

As required by 10 CFR 2.309(d) the petition should specifically explain the reasons why intervention should be permitted with particular reference to the following general requirements for standing: (1) The name, address, and telephone number of the petitioner, (2) the nature of the petitioner's right under the Act to be made a party to the proceeding, (3) the nature and extent of the petitioner's property, financial, or other interest in the proceeding, and (4) the possible effect of any decision or order which may be entered in the proceeding on the petitioner's interest.

In accordance with 10 CFR 2.309(f), the petition must also set forth the specific contentions that the petitioner seeks to have litigated in the proceeding. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner must provide a brief explanation of the bases for the contention and a concise statement of the alleged facts or expert opinion that supports the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petition must also provide references to the specific sources and documents on which the petitioner intends to rely to support its position on the issue. The petition must include sufficient information to show that a genuine dispute exists with the

applicant or licensee on a material issue of law or fact. Contentions must be limited to matters within the scope of the proceeding. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to satisfy the requirements of 10 CFR 2.309(f) with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene. Parties have the opportunity to participate fully in the conduct of the hearing with respect to resolution of that party's admitted contentions, including the opportunity to present evidence, consistent with the NRC's regulations, policies, and procedures.

Petitions must be filed no later than 60 days from the date of publication of this notice. Petitions and motions for leave to file new or amended contentions that are filed after the deadline will not be entertained, absent a determination by the presiding officer that the filing demonstrates good cause by satisfying the three factors in 10 CFR 2.309(c)(1)(i) through (iii). The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document.

If a hearing is requested, and the Commission has not made a final determination on the issue of no significant hazards consideration, the Commission will make a final determination on the issue of no significant hazards consideration. The final determination will serve to establish when the hearing is held. If the final determination is that the amendment request involves no significant hazards consideration, the Commission may issue the amendments and make them immediately effective, notwithstanding the request for a hearing. Any hearing would take place after issuance of the amendments. If the final determination is that the amendment request involves a significant hazards consideration, then any hearing held would take place before the issuance of the amendments unless the Commission finds an imminent danger to the health or safety of the public, in which case it will issue an appropriate order or rule under 10 CFR part 2.

A State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may submit a petition to the Commission to participate as a party under 10 CFR 2.309(h)(1). The petition should state the nature and extent of the petitioner's interest in the proceeding. The petition should be submitted to the

Commission no later than 60 days from the date of publication of this notice. The petition must be filed in accordance with the filing instructions in the "Electronic Submissions (E-Filing)" section of this document, and should meet the requirements for petitions set forth in this section, except that under 10 CFR 2.309(h)(2), a State, local governmental body, or Federally-recognized Indian Tribe, or agency thereof, does not need to address the standing requirements in 10 CFR 2.309(d) if the facility is located within its boundaries. Alternatively, a State, local governmental body, Federally-recognized Indian Tribe, or agency thereof, may participate as a non-party under 10 CFR 2.315(c).

If a hearing is granted, any person who is not a party to the proceeding and is not affiliated with or represented by a party may, at the discretion of the presiding officer, be permitted to make a limited appearance pursuant to the provisions of 10 CFR 2.315(a). A person making a limited appearance may make an oral or written statement of his or her position on the issues but may not otherwise participate in the proceeding. A limited appearance may be made at any session of the hearing or at any prehearing conference, subject to the limits and conditions as may be imposed by the presiding officer. Details regarding the opportunity to make a limited appearance will be provided by the presiding officer if such sessions are scheduled.

#### IV. Electronic Submissions (E-Filing)

All documents filed in NRC adjudicatory proceedings, including a request for hearing and petition for leave to intervene (petition), any motion or other document filed in the proceeding prior to the submission of a request for hearing or petition to intervene, and documents filed by interested governmental entities that request to participate under 10 CFR 2.315(c), must be filed in accordance with the NRC's E-Filing rule (72 FR 49139; August 28, 2007, as amended at 77 FR 46562, August 3, 2012). The E-Filing process requires participants to submit and serve all adjudicatory documents over the internet, or in some cases to mail copies on electronic storage media. Detailed guidance on making electronic submissions may be found in the Guidance for Electronic Submissions to the NRC and on the NRC website at <http://www.nrc.gov/site-help/e-submittals.html>. Participants may not submit paper copies of their filings unless they seek an exemption in accordance with the procedures described below.

To comply with the procedural requirements of E-Filing, at least 10 days prior to the filing deadline, the participant should contact the Office of the Secretary by email at [hearing.docket@nrc.gov](mailto:hearing.docket@nrc.gov), or by telephone at 301-415-1677, to (1) request a digital identification (ID) certificate, which allows the participant (or its counsel or representative) to digitally sign submissions and access the E-Filing system for any proceeding in which it is participating; and (2) advise the Secretary that the participant will be submitting a petition or other adjudicatory document (even in instances in which the participant, or its counsel or representative, already holds an NRC-issued digital ID certificate). Based upon this information, the Secretary will establish an electronic docket for the hearing in this proceeding if the Secretary has not already established an electronic docket.

Information about applying for a digital ID certificate is available on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals/getting-started.html>. Once a participant has obtained a digital ID certificate and a docket has been created, the participant can then submit adjudicatory documents. Submissions must be in Portable Document Format (PDF). Additional guidance on PDF submissions is available on the NRC's public website at <http://www.nrc.gov/site-help/electronic-sub-ref-mat.html>. A filing is considered complete at the time the document is submitted through the NRC's E-Filing system. To be timely, an electronic filing must be submitted to the E-Filing system no later than 11:59 p.m. Eastern Time on the due date. Upon receipt of a transmission, the E-Filing system time-stamps the document and sends the submitter an email notice confirming receipt of the document. The E-Filing system also distributes an email notice that provides access to the document to the NRC's Office of the General Counsel and any others who have advised the Office of the Secretary that they wish to participate in the proceeding, so that the filer need not serve the document on those participants separately. Therefore, applicants and other participants (or their counsel or representative) must apply for and receive a digital ID certificate before adjudicatory documents are filed so that they can obtain access to the documents via the E-Filing system.

A person filing electronically using the NRC's adjudicatory E-Filing system may seek assistance by contacting the NRC's Electronic Filing Help Desk through the "Contact Us" link located

on the NRC's public website at <http://www.nrc.gov/site-help/e-submittals.html>, by email to [MSHD.Resource@nrc.gov](mailto:MSHD.Resource@nrc.gov), or by a toll-free call at 1-866-672-7640. The NRC Electronic Filing Help Desk is available between 9 a.m. and 6 p.m. Eastern Time, Monday through Friday, excluding government holidays.

Participants who believe that they have a good cause for not submitting documents electronically must file an exemption request, in accordance with 10 CFR 2.302(g), with their initial paper filing stating why there is good cause for not filing electronically and requesting authorization to continue to submit documents in paper format. Such filings must be submitted by: (1) First class mail addressed to the Office of the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, Attention: Rulemaking and Adjudications Staff; or (2) courier, express mail, or expedited delivery service to the Office of the Secretary, 11555 Rockville Pike, Rockville, Maryland 20852, Attention: Rulemaking and Adjudications Staff. Participants filing adjudicatory documents in this manner are responsible for serving the document on all other participants. Filing is considered complete by first-class mail as of the time of deposit in the mail, or by courier, express mail, or expedited delivery service upon depositing the document with the provider of the service. A presiding officer, having granted an exemption request from using E-Filing, may require a participant or party to use E-Filing if the presiding officer subsequently determines that the reason for granting the exemption from use of E-Filing no longer exists.

Documents submitted in adjudicatory proceedings will appear in the NRC's electronic hearing docket which is available to the public at <https://adams.nrc.gov/ehd>, unless excluded pursuant to an order of the Commission or the presiding officer. If you do not have an NRC-issued digital ID certificate as described above, click cancel when the link requests certificates and you will be automatically directed to the NRC's electronic hearing dockets where you will be able to access any publicly available documents in a particular hearing docket. Participants are requested not to include personal privacy information, such as social security numbers, home addresses, or personal phone numbers in their filings, unless an NRC regulation or other law requires submission of such information. For example, in some instances, individuals provide home addresses in order to demonstrate

proximity to a facility or site. With respect to copyrighted works, except for limited excerpts that serve the purpose of the adjudicatory filings and would constitute a Fair Use application, participants are requested not to include copyrighted materials in their submission.

For further details with respect to this action, see the application for license amendment dated February 8, 2018.

*Attorney for licensee:* Jeffrie J. Keenan, PSEG Nuclear LLC–N21, P.O. Box 236, Hancocks Bridge, NJ 08038.

*NRC Branch Chief:* James G. Danna.

Dated at Rockville, Maryland, on February 26, 2018.

For the Nuclear Regulatory Commission.

**James G. Danna,**

*Chief, Plant Licensing Branch I, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.*

[FR Doc. 2018–04182 Filed 2–28–18; 8:45 am]

**BILLING CODE 7590–01–P**

## POSTAL REGULATORY COMMISSION

[Docket Nos. CP2018–171; MC2018–126 and CP2018–172]

### New Postal Products

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing for the Commission’s consideration concerning negotiated service agreements. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* March 5, 2018.

**ADDRESSES:** Submit comments electronically via the Commission’s Filing Online system at <http://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

### SUPPLEMENTARY INFORMATION:

#### Table of Contents

- I. Introduction
- II. Docketed Proceeding(s)

#### I. Introduction

The Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to negotiated service agreement(s). The

request(s) may propose the addition or removal of a negotiated service agreement from the market dominant or the competitive product list, or the modification of an existing product currently appearing on the market dominant or the competitive product list.

Section II identifies the docket number(s) associated with each Postal Service request, the title of each Postal Service request, the request’s acceptance date, and the authority cited by the Postal Service for each request. For each request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 (Public Representative). Section II also establishes comment deadline(s) pertaining to each request.

The public portions of the Postal Service’s request(s) can be accessed via the Commission’s website (<http://www.prc.gov>). Non-public portions of the Postal Service’s request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3007.40.

The Commission invites comments on whether the Postal Service’s request(s) in the captioned docket(s) are consistent with the policies of title 39. For request(s) that the Postal Service states concern market dominant product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3622, 39 U.S.C. 3642, 39 CFR part 3010, and 39 CFR part 3020, subpart B. For request(s) that the Postal Service states concern competitive product(s), applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3015, and 39 CFR part 3020, subpart B. Comment deadline(s) for each request appear in section II.

#### II. Docketed Proceeding(s)

1. *Docket No(s):* CP2018–171; *Filing Title:* Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 9 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal; *Filing Acceptance Date:* February 23, 2018; *Filing Authority:* 39 CFR 3015.5; *Public Representative:* Timothy J. Schwuchow; *Comments Due:* March 5, 2018.

2. *Docket No(s):* MC2018–126 and CP2018–172; *Filing Title:* USPS Request to Add Priority Mail Contract 422 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 23, 2018; *Filing Authority:* 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.*; *Public*

*Representative:* Timothy J. Schwuchow; *Comments Due:* March 5, 2018.

This Notice will be published in the **Federal Register**.

**Stacy L. Ruble,**

*Secretary.*

[FR Doc. 2018–04168 Filed 2–28–18; 8:45 am]

**BILLING CODE 7710–FW–P**

## POSTAL SERVICE

### Product Change—Priority Mail Negotiated Service Agreement

**AGENCY:** Postal Service™.

**ACTION:** Notice.

**SUMMARY:** The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule’s Competitive Products List.

**DATES:** *Date of required notice:* March 1, 2018.

#### FOR FURTHER INFORMATION CONTACT:

Elizabeth A. Reed, 202–268–3179.

**SUPPLEMENTARY INFORMATION:** The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on February 23, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Contract 422 to Competitive Product List*. Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2018–126, CP2018–172.

**Elizabeth A. Reed,**

*Attorney, Corporate and Postal Business Law.*

[FR Doc. 2018–04120 Filed 2–28–18; 8:45 am]

**BILLING CODE 7710–12–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82770; File No. SR–CBOE–2017–057]

**Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Amend Interpretation and Policy .07 of Exchange Rule 4.11, Position Limits, To Increase the Position Limits for Options on Certain Exchange Traded Products**

February 23, 2018.

#### I. Introduction

On August 15, 2017, Cboe Exchange, Inc. (“Exchange” or “Cboe”) 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 amend Interpretation and Policy .07 of Exchange Rule 4.11, Position Limits, to increase the position limits for options on the following exchange traded funds (“ETFs”) and exchange traded note (“ETN”): iShares China Large-Cap ETF (“FXI”), iShares MSCI EAFE ETF (“EFA”), iShares MSCI Emerging Markets ETF (“EEM”), iShares Russell 2000 ETF (“IWM”), iShares MSCI Brazil Capped ETF (“EWZ”), iShares 20+ Year Treasury Bond Fund ETF (“TLT”), iPath S&P 500 VIX Short-Term Futures ETN (“VXX”),<sup>3</sup> PowerShares QQQ Trust (“QQQQ”), and iShares MSCI Japan ETF (“EWJ”). The proposed rule change was published for comment in the **Federal Register** on August 31, 2017.<sup>4</sup> On October 11, 2017, pursuant to Section 19(b)(2) of the Act,<sup>5</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.<sup>6</sup> The Commission received no comments on the original proposal.

On November 22, 2017, the Exchange submitted Amendment No. 1 to the proposed rule change.<sup>7</sup> On November 29, 2017, the Commission published notice of Amendment No. 1 and instituted proceedings under Section 19(b)(2)(B) of the Act<sup>8</sup> to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.<sup>9</sup> The Commission received one comment letter on the proposed rule change in response to the

Order Instituting Proceedings.<sup>10</sup> On February 21, 2018, the Exchange filed Amendment No. 2 to the proposed rule change.<sup>11</sup> The Commission is publishing this notice to solicit comment on Amendment No. 2, and is approving the proposed rule change, as modified by Amendment Nos. 1 and 2, on an accelerated basis.

## II. Description of the Proposal, as Modified by Amendment Nos. 1 and 2

Currently, position limits for options on ETFs such as those subject to the proposal, as amended,<sup>12</sup> are determined pursuant to Exchange Rule 4.11, and, with certain exceptions, vary by tier according to the number of outstanding shares and past six-month trading volume of the underlying security.<sup>13</sup> Options in the highest tier—*i.e.*, options that overlie securities with the largest numbers of outstanding shares and trading volume—have a standard option position limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market.<sup>14</sup> In addition, Interpretation and Policy .07 of Exchange Rule 4.11 currently sets forth separate position limits for options on certain ETFs, including 500,000 contracts for options on EEM and IWM, and 900,000 contracts for options on QQQQ.

In the proposal, as amended, the Exchange proposes to revise Interpretation and Policy .07 to Exchange Rule 4.11 to increase the position limits for options on certain ETFs, as described more fully below. The Exchange states its belief that increasing the position limits for these options will lead to a more liquid and

competitive market environment for these options that will benefit customers interested in these products.<sup>15</sup>

First, the Exchange proposes to increase the position limits for options on FXI, EFA, EWZ, TLT, and EWJ, each of which fall into the highest standard tier set forth in Rule 4.11. The Exchange proposes to increase the current position limit of 250,000 contracts for options on these securities to 500,000 contracts.<sup>16</sup> In support of this change, the Exchange compares certain trading characteristics of FXI, EFA, EWZ, TLT, and EWJ (the average daily trading volume of the security and of the overlying option), as well as the number of outstanding shares and market capitalization of each of these securities, to the same figures for EEM and IWM, both of which currently have a position limit of 500,000 contracts.<sup>17</sup> Referencing this data, the Exchange maintains that the trading characteristics of FXI, EFA, EWZ, TLT, and EWJ are either similar to that of EEM and IWM or reflect trading activity sufficient to assure that the proposed position limit would continue to address potential manipulation.<sup>18</sup>

In addition, the Exchange proposes to increase the position limits for options on EEM and IWM from 500,000 contracts to 1,000,000 contracts.<sup>19</sup> In support of this change, the Exchange compares the trading characteristics of

<sup>15</sup> See Notice, *supra* note 4, at 41459.

<sup>16</sup> In connection with this change, the exercise limits for these options would rise to 500,000 contracts. See *supra* note 13.

<sup>17</sup> See Notice, *supra* note 4, at 41459. With respect to trading characteristics, specifically, the Exchange states that the average daily trading volumes of FXI, EFA, EWZ, TLT, and EWJ for the periods analyzed were 15.08 million shares, 19.42 million shares, 17.08 million shares, 8.53 million shares, and 6.06 million shares, respectively. The figures for EEM and IWM were 52.12 million shares and 27.46 million shares. With regard to the overlying options, trading volumes for the first group were 71,944 contracts, 98,844 contracts, 95,152 contracts, 80,476 contracts, and 4,715 contracts, while trading volumes for EEM options and IWM options were 287,357 and 490,070, respectively. The Exchange further states that the total shares outstanding for FXI was 78.6 million, EFA was 1178.4 million, EWZ was 159.4 million, TLT was 60 million, and EWJ was 303.6 million compared to 797.4 million for EEM and 253.1 million for IWM. Finally, the Exchange states that the fund market cap for FXI was \$3,343.6 million, EFA was \$78,870.3 million, EWZ was \$6,023.4 million, TLT was \$7,442.4 million, and EWJ was \$16,625.1 million compared to \$34,926.1 million for EEM and \$35,809.1 million for IWM.

<sup>18</sup> See *id.* With respect to FXI, EWZ, and TLT, the Exchange acknowledges that these securities are not as actively traded as EEM and IWM, but notes that each is based on a broad basket of underlying securities and maintains that trading of each is sufficiently active so as to alleviate concerns about potential manipulative activity. *Id.*

<sup>19</sup> In connection with this change, the exercise limits for these options would rise to 1,000,000 contracts. See *supra* note 13.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> As noted below, the Exchange subsequently amended its proposal to remove the proposed increase in position limits for options on the VXX ETN. See *infra* note 11.

<sup>4</sup> See Securities Exchange Act Release No. 81483 (August 25, 2017), 82 FR 41457 (“Notice”).

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> See Securities Exchange Act Release No. 81853, 82 FR 48300 (October 17, 2017). The Commission designated November 29, 2017 as the deadline for the Commission to approve or disapprove, or institute proceedings to determine whether to approve or disapprove, the proposed rule change.

<sup>7</sup> In Amendment No. 1, the Exchange provided additional justification and analysis in support of the proposal, which is summarized below. The full text of Amendment No. 1 has been placed in the public comment file for SR-CBOE-2017-57 and is available at: <https://www.sec.gov/comments/sr-cboe-2017-057/cboe2017057-2715774-161526.pdf>.

<sup>8</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>9</sup> See Securities Exchange Act Release No. 82168, 82 FR 57501 (December 5, 2017) (“Order Instituting Proceedings”).

<sup>10</sup> See Letter to Brent J. Fields, Secretary, Commission, from Ellen Greene, Managing Director, Securities Industry and Financial Markets Association, dated December 19, 2017 (“SIFMA Letter”).

<sup>11</sup> In Amendment No. 2, the Exchange revised its proposal to eliminate the proposed increase to position limits for options on VXX. The full text of Amendment No. 2 has been placed in the comment file for SR-CBOE-2017-57 and is available at: <https://www.sec.gov/comments/sr-cboe-2017-057/cboe2017057-3120566-161917.pdf>.

<sup>12</sup> See Notice, *supra* note 4, at 41458, for descriptions provided by the Exchange regarding the composition and design of the underlying securities of each of the options subject to this proposal.

<sup>13</sup> Pursuant to Exchange Rule 4.12, Interpretation and Policy .02, which provides that the exercise limits for ETF options are equivalent to their position limits, the exercise limits for each of these options would be increased to the level of the new position limits.

<sup>14</sup> To be eligible for this tier, the recent six-month trading volume of the underlying security must have totaled at least 100,000,000 shares; or the most recent six-month trading volume of the underlying security must have totaled at least 75,000,000 shares and the underlying security must have at least 300,000,000 shares currently outstanding.

EEM and IWM to that of QQQQ, which currently has a position limit of 900,000 contracts, and states its belief that, given the respective trading behaviors of EEM and IWM, the proposed position limits would continue to address potential manipulative schemes and adverse market impact on trading in the options and their underlying shares.<sup>20</sup>

Finally, the Exchange proposes to increase the position limits for options on QQQQ from 900,000 contracts to 1,800,000 contracts.<sup>21</sup> In support of this change, the Exchange compares the trading and other characteristics of QQQQ to that of the SPDR S&P 500 ETF (“SPY”), which currently has no position limits, and states its belief that the proposed position limit and QQQQ’s trading behavior would continue to address potential manipulative schemes and adverse market impact surrounding the use of options and trading in its underlying shares.<sup>22</sup>

The Exchange states that the current position limits for the options subject to the proposal have inhibited the ability of Market Makers to make markets on the Exchange.<sup>23</sup> Specifically, the

Exchange avers, the proposal is designed to encourage Market Makers to shift liquidity from over-the-counter markets onto the Exchange, which, it believes, will enhance the process of price discovery conducted on the Exchange through increased order flow.<sup>24</sup> The proposal will also benefit institutional investors, retail traders, and public customers, the Exchange maintains, by providing them with a more effective trading and hedging vehicle.<sup>25</sup>

With regard to the concerns that position limits generally are meant to address, the Exchange represents that “the structure of the [ETFs] subject to this proposal and the considerable liquidity of the market for options on those [ETFs] diminishes the opportunity to manipulate [these] product[s] and disrupt the underlying market[s] that a lower position limit may protect against.”<sup>26</sup> In Amendment No. 1, the Exchange elaborates further and describes at length: (i) The creation and redemption process for ETFs (and a similar process for the ETN that was originally subject to the proposal<sup>27</sup>); (ii) the arbitrage activity that ensues when such instruments are overpriced or are trading at a discount to the securities on which they are based and which, the Exchange maintains, helps to keep the instrument’s price in line with the value of its underlying portfolio; and (iii) how these processes, in the Exchange’s view, serve to mitigate the potential price impact of the ETF shares (or the ETN that was originally subject to the proposal) that might otherwise result from increased position limits.<sup>28</sup>

In addition, in Amendment No. 1 the Exchange states that (i) some of the subject ETFs (and the ETN that was originally subject to the proposal) are based on broad-based indices that

underlie cash-settled options that are economically equivalent to the relevant ETF and have no position limits; and (ii) others are based on broad-based indices that underlie cash-settled options with position limits reflecting a notional value that is larger than the current position limit for their ETF analogue.<sup>29</sup> According to the Exchange, if certain position limits are appropriate for the options overlying the same index or an analogue to the basket of securities that the ETF tracks, then those same economically equivalent position limits should be appropriate for the option overlying the ETF.<sup>30</sup> The Exchange believes that options on QQQ, IWM, EEM, and EFA meet the criterion of economic equivalence to cash-settled options.<sup>31</sup> For the other ETFs in the proposal where this does not apply (because there is currently no index analogue approved for options trading), the Exchange argues that, based on the liquidity, breadth, and depth of the underlying market, the index referenced by the ETF would be considered a broad-based index under the Exchange’s rules.<sup>32</sup> The Exchange also cites data in support of its argument that the market capitalization of the underlying index or reference asset of each of the ETFs (and the ETN that was originally subject to the proposal) is large enough to absorb any price movements that may be caused by an oversized trade, and thus justifies increasing position limits for the options on these products.<sup>33</sup>

As noted, in Amendment No. 2, the Exchange withdrew options on VXX from the subject of the proposal, stating that, “doing so will allow the Exchange to provide the Commission with additional support for increasing the options on the VXX’s position limits, which it expects to do through a separate proposed rule change to be submitted at a later date.”<sup>34</sup> Accordingly, this Order does not address position limits on options on VXX.

The Exchange also refers to other provisions in its rules, noting, for example, that the options reporting requirements of Exchange Rule 4.13 would continue to be applicable to the options subject to the proposal.<sup>35</sup> As set

<sup>20</sup> See Notice, *supra* note 4, at 41458–59. Specifically, the Exchange states that the average daily trading volumes for EEM and IWM, respectively, were 52.12 million shares and 27.46 million shares, compared to 26.25 million shares for QQQQ. With regard to the overlying options, the average daily volumes for EEM and IWM options were 287,357 contracts and 490,070 contracts, respectively, as compared to 579,404 for QQQQ. The Exchange further states that the total shares outstanding for EEM were 797.4 million and for IWM were 253.1 million compared to 351.6 million for QQQQ. Finally, the Exchange states that the fund market cap for EEM was \$34,926.1 million and IWM was \$35,809.1 million compared to \$50,359.7 million for QQQQ.

<sup>21</sup> In connection with this change, the exercise limits for these options would rise to 1.8 million contracts. See *supra* note 13.

<sup>22</sup> See Notice, *supra* note 4, at 41458. Specifically, the Exchange states that the average daily trading volume for QQQQ was 26.25 million shares compared to 64.63 million shares for SPY, while the average daily volume for options contracts overlying QQQQ was 579,404, as compared to 2,575,153 for SPY. The Exchange further states that the total shares outstanding for QQQQ were 351.6 million compared to 976.23 million for SPY. Finally, the Exchange states that the fund market cap for QQQQ was \$50,359.7 million compared to \$240,540 million for SPY.

The Commission notes that the lack of position limits for SPY is currently subject to a pilot program. See Securities Exchange Act Release Nos. 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR-CBOE-2012-091) (eliminating position and exercise limits for SPY options on a pilot basis); and 81017 (June 26, 2017), 82 FR 29960 (June 30, 2017) (SR-CBOE-2017-050) (extending the SPY pilot program to July 12, 2018).

<sup>23</sup> See Notice, *supra* note 4, at 41460. See also Amendment No. 1, in which the Exchange states that it submitted the proposal at the request of market participants whose on-exchange activity has been “hindered by existing position limits, causing them to be unable to provide additional liquidity not just on the Exchange, but also on other options exchanges on which they participate.”

<sup>24</sup> See Notice, *supra* note 4, at 41460. See also Amendment No. 1, in which the Exchange reiterates its understanding that certain market participants are opting to execute trades involving large numbers of options contracts in the symbols subject to the proposal in the over-the-counter market, and argues that these large trades do not contribute to the price discovery process performed on a lit market.

<sup>25</sup> See Notice, *supra* note 4, at 41460.

<sup>26</sup> See *id.*

<sup>27</sup> With regard to the ETN option originally included in the proposal—VXX—the Exchange acknowledged that there is no direct analogue to ETF “creation,” but observed that the ETN issuer may sell additional VXX shares from its inventory. Regardless of whether VXX shares are redeemed or new VXX shares are issued, the Exchange stated, an issuer may transact in VIX futures in order to hedge its exposure, resulting in an arbitrage process similar to the one that exists for ETFs, as described above, thereby helping to keep an ETN’s price in line with the value of its underlying index. See Amendment No. 1.

<sup>28</sup> See *id.*

<sup>29</sup> See *id.*

<sup>30</sup> See *id.*

<sup>31</sup> See *id.* The Exchange similarly included VXX in this discussion, but subsequently withdrew the increase in position limits for options on VXX from the proposal in Amendment No. 2, as previously noted. See *supra* note 11.

<sup>32</sup> See Amendment No. 1.

<sup>33</sup> See *id.*

<sup>34</sup> See Amendment No. 2.

<sup>35</sup> See Notice, *supra* note 4, at 41460.

forth in Exchange Rule 4.13(a), each Trading Permit Holder (“TPH”) must report to the Exchange certain information in relation to any customer who, acting alone, or in concert with others, on the previous business day maintained aggregate long or short positions on the same side of the market of 200 or more contracts in any single class of option contracts dealt in on the Exchange.<sup>36</sup> Further, Exchange Rule 4.13(b) requires each TPH (other than an Exchange market-maker or Designated Primary Market-Maker)<sup>37</sup> that maintains a position in excess of 10,000 non-FLEX equity option contracts on the same side of the market, on behalf of its own account or for the account of a customer, to report to the Exchange information as to whether such positions are hedged, and provide documentation as to how such contracts are hedged.<sup>38</sup>

The Exchange also represents that the existing surveillance procedures and reporting requirements at the Exchange, other options exchanges, and at the several clearing firms are capable of properly identifying unusual and/or illegal trading activity.<sup>39</sup> According to the Exchange, its surveillance procedures utilize daily monitoring of market movements via automated surveillance techniques to identify unusual activity in both options and underlying stocks.<sup>40</sup> In addition, the Exchange states that its surveillance procedures have been effective for the surveillance of trading in the options subject to this proposal, and will continue to be employed.<sup>41</sup>

The Exchange also argues that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns that a TPH or its customer may try to maintain an inordinately large unhedged position in the options subject to this proposal.<sup>42</sup> Current margin and risk-based haircut methodologies, the Exchange states,

<sup>36</sup> The report must include, for each such class of options, the number of option contracts comprising each such position and, in the case of short positions, whether covered or uncovered. See Exchange Rule 4.13(a).

<sup>37</sup> According to the Exchange, market-makers (including Designated Primary Market-Makers) are exempt from the referenced reporting requirement because market-maker information can be accessed through the Exchange’s market surveillance systems. See Notice, *supra* note 4, at 41459.

<sup>38</sup> According to the Exchange, this information would include, but would not be limited to, the option position, whether such position is hedged and, if so, a description of the hedge, and the collateral used to carry the position, if applicable. See *id.*

<sup>39</sup> See *id.*

<sup>40</sup> See *id.*

<sup>41</sup> See *id.* at 41459 n.23.

<sup>42</sup> See *id.* at 41459.

serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a TPH must maintain for a large position held by itself or by its customer.<sup>43</sup> In addition, the Exchange notes that the Commission’s net capital rule, Rule 15c3–1 under the Act,<sup>44</sup> imposes a capital charge on TPHs to the extent of any margin deficiency resulting from the higher margin requirement.<sup>45</sup>

### III. Comment Received in Response to Order Instituting Proceedings

As noted above, the Commission published an Order Instituting Proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.<sup>46</sup> In the Order Instituting Proceedings, the Commission sought comment on the sufficiency and merit of the Exchange’s statements in support of the proposal, as modified by Amendment No. 1, including, in particular, whether the position and exercise limit for each option as proposed could impact markets adversely.<sup>47</sup>

The Commission received one comment letter in response to the Order Instituting Proceedings.<sup>48</sup> The commenter expressed support for the proposal, as then modified by Amendment No. 1.<sup>49</sup> The commenter stated that the markets underlying the ETFs subject to the proposal (and the ETN that was originally subject to the proposal), as modified by Amendment No. 1, are sufficiently large to justify an increase in position limits for the associated options.<sup>50</sup> The commenter further stated that the creation and redemption process for the underlying products will absorb price volatility caused by large trades in the underlying ETFs (or the ETN that was originally subject to the proposal).<sup>51</sup> The commenter also noted that the proposed increases in position limits may encourage existing trading activity in the over-the-counter markets to move to the Exchange.<sup>52</sup> The commenter added that even if it were assumed that the options positions established following a position limit increase represented only new market entrants (and not a migration of pre-existing over-the-

counter positions), a position limit increase alone would not necessarily result in added volatility in the underlying instruments.<sup>53</sup>

### IV. Discussion and Commission Findings

The Commission finds that the proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>54</sup> In particular, the Commission finds that the proposed rule change, as modified by Amendment Nos. 1 and 2, is consistent with Section 6(b)(5) of the Act,<sup>55</sup> which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

Position and exercise limits serve as a regulatory tool designed to address manipulative schemes and adverse market impact surrounding the use of options. Since the inception of standardized options trading, the options exchanges have had rules limiting the aggregate number of options contracts that a member or customer may hold or exercise.<sup>56</sup> These position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate the underlying market so as to benefit the options positions.<sup>57</sup> In particular, position and exercise limits are designed to minimize the potential for mini-manipulations and for corners or squeezes of the underlying market.<sup>58</sup> In addition, such limits serve to reduce the possibility for disruption of the options market itself, especially in illiquid classes.<sup>59</sup>

Over the years, the Commission has taken a gradual, evolutionary approach toward expansion of position and exercise limits for option products

<sup>53</sup> See *id.*

<sup>54</sup> In approving this proposed rule change, the Commission has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>55</sup> 15 U.S.C. 78f(b)(5).

<sup>56</sup> See, e.g., Securities Exchange Act Release No. 45236 (January 4, 2002), 67 FR 1378 (January 10, 2002) (SR-Amex–2001–42).

<sup>57</sup> See, e.g., Securities Exchange Act Release No. 47346 (February 11, 2003), 68 FR 8316 (February 20, 2003) (SR-CBOE–2002–26).

<sup>58</sup> See *id.*

<sup>59</sup> See *id.*

<sup>43</sup> See *id.* at 41459–60.

<sup>44</sup> 17 CFR 240.15c3–1.

<sup>45</sup> See Notice, *supra* note 4, at 41460.

<sup>46</sup> See Order Instituting Proceedings, *supra* note 9.

<sup>47</sup> See *id.* at 57504.

<sup>48</sup> See *supra* note 10.

<sup>49</sup> See SIFMA Letter at 1–2.

<sup>50</sup> See *id.* at 2.

<sup>51</sup> See *id.*

<sup>52</sup> See *id.*

overlying certain ETFs where there is considerable liquidity in both the underlying cash markets and the options markets, and, in the case of certain broad-based index options, toward elimination of such limits altogether.<sup>60</sup> The Commission has been careful to balance two competing concerns when considering proposals by self-regulatory organizations to change position and exercise limits. The Commission has recognized that the limits can be useful to prevent investors from disrupting the market in securities underlying the options.<sup>61</sup> At the same time, the Commission has determined that limits should not be established in a manner that will unnecessarily discourage participation in the options market by institutions and other investors with substantial hedging needs or to prevent specialists and market makers from adequately meeting their obligations to maintain a fair and orderly market.<sup>62</sup>

After careful consideration of the proposal, as modified by Amendment Nos. 1 and 2, and the comment received, the Commission believes that it is reasonable for the Exchange to increase the position and exercise limits for options on FXI, EFA, EWZ, TLT, and EWJ to 500,000 contracts, for options on EEM and IWM to 1,000,000 contracts, and for options on QQQQ to 1,800,000 contracts. As noted above, the markets for standardized options on these securities and for the underlying products themselves have substantial trading volume and liquidity. The Commission believes that this liquidity would reduce the possibility of manipulating these products and the disruption in the underlying markets that lower position limits may protect against.

The Commission also has considered the creation and redemption process for the ETFs subject to the modified proposal; the existence of an issuer arbitrage mechanism that helps keep the ETF's price in line with the value of its underlying portfolio when overpriced or trading at a discount to the securities on which it is based; and how these

processes serve to mitigate the potential price impact of the ETF shares that might otherwise result from increased position limits.<sup>63</sup>

In addition, as discussed above, the Exchange believes that current margin and net capital requirements serve to limit the size of positions maintained by any one account.<sup>64</sup> The Commission agrees that these financial requirements should help to address concerns that a member or its customer may try to maintain an inordinately large unhedged position in the options subject to this proposal and will help to reduce risks if such a position is established.

The Commission further agrees with the Exchange that the reporting requirements imposed by Exchange Rule 4.13,<sup>65</sup> as well as the Exchange's surveillance procedures, together with those of other exchanges and clearing firms,<sup>66</sup> should help protect against potential manipulation. The Commission expects that the Exchange will continue to monitor trading in the options subject to this proposal for the purpose of discovering and sanctioning manipulative acts and practices, and to reassess the position and exercise limits, if and when appropriate, in light of its findings.

In sum, given the measure of liquidity for the options subject to this proposal and the underlying products, the creation and redemption process and issuer arbitrage mechanisms that exist relating to the underlying instruments, the margin and capital requirements cited above, the Exchange's options reporting requirements, and the Exchange's surveillance procedures and agreements with other markets, the Commission believes that increasing the position and exercise limits for FXI, EFA, EWZ, TLT, and EWJ options to 500,000 contracts, EEM and IWM options to 1,000,000 contracts, and QQQQ options to 1,800,000 contracts is consistent with the Act.

## V. Solicitation of Comments on Amendment No. 2 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 2 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-CBOE-2017-057 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-CBOE-2017-057. 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-CBOE-2017-057, and should be submitted on or before March 22, 2018.

## VI. Accelerated Approval of Proposed Rule Change, as Modified by Amendment Nos. 1 and 2

The Commission finds good cause to approve the proposed rule change, as modified by Amendment Nos. 1 and 2, prior to the thirtieth day after the date of publication of notice of the filing of Amendment No. 2 in the **Federal Register**. As discussed above, in Amendment No. 2, the Exchange revised its proposal to eliminate the proposed increase to position limits for

<sup>60</sup> The Commission's incremental approach to approving changes in position and exercise limits for option products overlying certain ETFs is well-established. See, e.g., Securities Exchange Act Release Nos. 67672 (August 15, 2012), 77 FR 50750, 50752 & n.42 (August 22, 2012) (SR-NYSEAmex-2012-29) (approving proposed rule change to eliminate position limits for SPY options on a pilot basis); 64695 (June 17, 2011), 76 FR 36942, 36943 & n.19 (June 23, 2011) (SR-Phlx-2011-58) (approving increase of SPY options position limit to 900,000 contracts).

<sup>61</sup> See Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR-CBOE-97-11).

<sup>62</sup> See *id.*

<sup>63</sup> See *supra* notes 27-28 and accompanying text.

<sup>64</sup> See *supra* notes 42-45 and accompanying text.

<sup>65</sup> See *supra* notes 35-38 and accompanying text.

<sup>66</sup> See *supra* notes 39-41 and accompanying text.



options on VXX. The Commission notes that Amendment No. 2 does not otherwise modify the proposed rule change, as modified by Amendment No. 1, which was subject to a full notice-and-comment period. Rather, Amendment No. 2 serves to narrow the scope of the original proposal by maintaining the existing position limit of 250,000 contracts for options on VXX. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,<sup>67</sup> to approve the proposed rule change, as modified by Amendment Nos. 1 and 2, on an accelerated basis.

## VII. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>68</sup> that the proposed rule change, as modified by Amendment Nos. 1 and 2 (SR-CBOE-2017-057), be, and hereby is, approved on an accelerated basis.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>69</sup>

**Robert W. Errett,**  
Deputy Secretary.

[FR Doc. 2018-04128 Filed 2-28-18; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-82769; File No. SR-CboeEDGX-2018-006]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend EDGX Rule 21.1(c) To Further Align the Exchange's Rules With That of Cboe BZX Exchange, Inc. as They Relate to the Equity Options Platform

February 23, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on February 13, 2018, Cboe EDGX Exchange, Inc. (the "Exchange" or "EDGX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange has designated this proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>3</sup> and Rule

19b-4(f)(6)(iii) thereunder,<sup>4</sup> which renders it effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange filed a proposal to amend Exchange Rule 21.1(c) to further align the Exchange's rules with the Rule 21.1(c) of Cboe BZX Exchange, Inc. ("BZX Options"), an options platform affiliated with the Exchange.

(additions are *italicized*; deletions are [bracketed])

\* \* \* \* \*

### Rules of Cboe EDGX Exchange, Inc.

\* \* \* \* \*

#### Rule 21.1. Definitions

The following definitions apply to Chapter XXI for the trading of options listed on EDGX Options.

(a)–(b) (No change).

(c) The term "Order" shall mean a single order submitted to the System by a User and shall include both Attributable and Non-Attributable Orders, as defined below. The System shall treat all Orders as *Non-Attributable* Orders unless a User has entered instructions to treat such Orders as [Non-]Attributable Orders.

(1)–(2) (No change).

(d)–(i) (No change).

\* \* \* \* \*

The text of the proposed rule change is available at the Exchange's website at [www.markets.cboe.com](http://www.markets.cboe.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant parts of such statements.

#### A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

##### 1. Purpose

The Exchange proposes to amend Exchange Rule 21.1(c) to further align the Exchange's rules with the Rule 21.1(c) of Cboe BZX Exchange, Inc. ("BZX Options"), an options platform affiliated with the Exchange.

Pursuant to EDGX Options Rule 21.1(c) the default treatment on EDGX Options is that an order is an Attributable Order unless a User directs otherwise. This is the opposite of BZX Options, which provides that the default treatment is that an order is a Non-Attributable Order unless a User directs otherwise. In order to align the Exchange's rules with BZX Options rules the Exchange seeks to amend EDGX Options Rule 21.1(c) to provide that an order is a Non-Attributable Order unless a User directs otherwise.

##### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act<sup>5</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>6</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, to remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, to protect investors and the public interest.

The proposed rule change does not propose to implement new or unique functionality that has not been previously filed with the Commission. The Exchange notes that the proposed rule text is based on BZX Options Rule 21.1(c). The proposed rule change is intended to further align BZX Options Rule 21.1(c) with the rules of BZX Options in order to provide consistent functionality across the Exchange and its affiliate. More consistent functionality between the Exchange and BZX Options will reduce complexity and may help to avoid potential confusion by Users of the Exchange that are also participants on BZX Options. As such, the proposed rule change will foster cooperation and coordination with persons engaged in facilitating transactions in securities and will remove impediments to and perfect the mechanism of a free and open market and national market system.

<sup>67</sup> 15 U.S.C. 78s(b)(2).

<sup>68</sup> 15 U.S.C. 78s(b)(2).

<sup>69</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>5</sup> 15 U.S.C. 78f(b).

<sup>6</sup> 15 U.S.C. 78f(b)(5).



### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that the proposal will provide consistent functionality between EDGX Options and BZX Options, thereby potentially reducing complexity and providing improvements to rules to avoid potential confusion by Users of the Exchange that are also participants on BZX Options. As noted elsewhere in the proposal, the Exchange is not proposing any new or unique functionality that has not been previously filed with the Commission. Thus, the Exchange does not believe the proposal creates any significant impact on competition.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No comments were solicited or received on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (A) Significantly affect the protection of investors or the public interest; (B) impose any significant burden on competition; and (C) by its terms, become operative for 30 days from the date on which it was filed or such shorter time as the Commission may designate it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>7</sup> and paragraph (f)(6) of Rule 19b-4 thereunder,<sup>8</sup> the Exchange has designated this rule filing as non-controversial. The Exchange has given the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (1) Necessary or appropriate in the public interest; (2) for the protection of investors; or (3) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings

to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-CboeEDGX-2018-006 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to File Number SR-CboeEDGX-2018-006. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<http://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-CboeEDGX-2018-006, and should be submitted on or before March 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2018-04127 Filed 2-28-18; 8:45 am]

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## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-82765; File No. SR-Phlx-2018-16]

### **Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Rule 1082 and Eliminate Obsolete Language Referring to Legacy Phlx XL System**

February 23, 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 13, 2018, Nasdaq PHLX LLC ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend Rule 1082, as described below.

The text of the proposed rule change is available on the Exchange's website at <http://nasdaqphlx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for 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.

<sup>9</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>8</sup> 17 CFR 240.19b-4.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The purpose of the proposal is to update Rule 1082. Specifically, the Exchange proposes to delete Rule 1082(a)(ii)(B)(2), which is obsolete, because the Phlx XL system no longer operates. It was replaced by Phlx XL II.<sup>3</sup> The Exchange no longer automatically provides two-sided quotes with a size of one contract that comply with the Exchange's rules concerning quote spread parameters on behalf of the specialist until such time as the specialist revises the quotation. The rule text of Rule 1082(a)(ii)(B)(2) is clear that this functionality only applied to Phlx XL.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>4</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>5</sup> in particular, in that it is designed to promote just and equitable principles of trade and to protect investors and the public interest by eliminating from the Exchange's Rules a provision that has become obsolete. Updating Rule 1082 will protect investors and the public interest by ensuring that the Rule is accurate and reflective of the operation of the current trading system that the Exchange employs.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposal will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The proposal to delete an obsolete provision of Rule 1082 will not impact competition because the proposal is not designed to address competitive issues, but rather to render the Exchange's Rulebook accurate and current.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A)(iii) of the Act<sup>6</sup> and subparagraph (f)(6) of Rule 19b-4 thereunder.<sup>7</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include File Number SR-Phlx-2018-16 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-Phlx-2018-16. 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

<sup>6</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>7</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

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 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-Phlx-2018-16 and should be submitted on or before March 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>8</sup>

**Robert W. Errett,**

*Deputy Secretary.*

[FR Doc. 2018-04125 Filed 2-28-18; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 34-82766; File No. SR-Phlx-2018-14]**

**Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, To Adopt New Order Type Protections, Butterfly and Box Spread Protections for Complex Order Strategy Trades**

February 23, 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, Nasdaq PHLX LLC ("Phlx" or the "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been

<sup>8</sup> 17 CFR 200.30-3(a)(12).

<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. 59995 (May 28, 2009), 74 FR 26750 (June 3, 2009) (SR-Phlx-2009-32).

<sup>4</sup> 15 U.S.C. 78f(b).

<sup>5</sup> 15 U.S.C. 78f(b)(5).

prepared by the Exchange. On February 21, 2018, the Exchange filed Amendment No. 1 to the proposal. Amendment No. 1 replaces and supersedes the original filing in its entirety. The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1, from interested persons.

### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to adopt new order type protections, Butterfly and Box Spread protections, for Complex Order<sup>3</sup> strategy trades. This rule change replaces and supersedes SR-Phlx-2018-14.

The text of the proposed rule change is available on the Exchange's website at <http://nasdaqphlx.cchwallstreet.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for 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 purpose of the proposed rule change is to adopt Complex Order protections for butterfly and box spreads, which are Complex Order strategies. Today, Phlx members may submit butterfly and box spreads into the Phlx System. Phlx proposes to define a butterfly spread as a three legged Complex Order with certain characteristics.<sup>4</sup> The Exchange is

proposing to reject butterfly spreads which are outside of certain parameters to avoid potential executions at prices that exceed the minimum and maximum possible intrinsic value of the spread by a specified amount. Additionally, Phlx proposes to define a box spread as a four legged Complex Order with certain characteristics.<sup>5</sup> The Exchange is proposing to reject box spreads which are outside of certain parameters to avoid potential executions at prices that exceed the minimum and maximum possible intrinsic value of the spread by a specified amount. Today, the Exchange offers similar order protection features for Complex Orders such as Strategy Price Protection<sup>6</sup> and Acceptable Complex Execution<sup>7</sup> to avoid erroneous trades. Each protection will be discussed in more detail below.

##### **Butterfly Spread Protection**

As noted above, the Exchange proposes to adopt a Butterfly Spread Protection. A butterfly spread is a three legged Complex Order with the following: (1) Two legs to buy (sell) the same number of calls (puts); (2) one leg to sell (buy) twice the number of calls (puts) with a strike price at mid-point of the two legs to buy (sell); (3) all legs have the same expiration; and (4) each leg strike price is equidistant from the next sequential strike price. With this protection, a Complex Order, including auction and auction responses, that is priced higher than the Maximum Value (defined below) or lower than the Minimum Value (defined below) will be cancelled. A Complex Market Order will be accepted, but will be restricted from trading at a price higher than the Maximum Value or lower than the Minimum Value.

The Initial Maximum Value shall be the distance between the leg with the mid-point strike price and either of the outer leg strike prices. The Maximum Value Buffer is the lesser of a configurable absolute dollar value or percentage of the Initial Maximum Value set by the Exchange and announced via a notice to members. The Exchange intends to set the Maximum Value Buffer at zero initially. The Maximum Value is calculated by adding the Initial Maximum Value and Maximum Value Buffer.

The Initial Minimum Value shall be zero. The Minimum Value Buffer is a configurable absolute dollar value set by the Exchange and announced via a

notice to members. The Exchange intends to set the Minimum Value Buffer at zero initially. The Exchange would monitor the zero value, including feedback from market participants, in determining whether the value is set at the appropriate level. The concern would set [sic] from market participants who are unable to close out positions. The Minimum Value is calculated by subtracting the Minimum Value Buffer from the Initial Minimum Value of zero. There are circumstances where [sic] the Minimum Value Buffer [sic] may be less than zero. For example, market participants who desire to trade out of positions at intrinsic value may not find a contra-side willing to trade without a premium. A small incremental allowance outside of the minimum/maximum value allows for a small premium to offset commissions associated with trading and may incentivize participants to take the other side of spreads trading at intrinsic value. For the participant looking to close out their position, it may be financially beneficial to pay a small premium and close out the position rather than carry such position to expiration and take delivery. The Butterfly Spread Protection would apply throughout the trading day, including pre-market, during the Opening Process and during Halts. Below is an example of the application of this protection.

##### **Example 1**

Assume the following Complex Order legs for a butterfly spread:

1. Buy 1 NDX 6960 Jan 26 Call (33.70 × 34.60)
2. Sell 2 NDX 6970 Jan 26 Calls (27.00 × 27.90)
3. Buy 1 NDX 6980 Jan 26 Call (28.40 × 29.50)

The derived net Phlx complex market ("cPBBO") is  $6.30 \times 10.10$

Assume both the Maximum Value Buffer and Minimum Value Buffer are 0

Minimum Value = 0

- Initial Minimum Value: 0.00
- Minimum Value Buffer: 0.00
- Minimum Value:  $0.00 - 0.00 = 0.00$

Maximum Value = 10

- Initial Maximum Value: 6970 (middle leg strike price) - 6960 (outer leg strike price) = 10.00
- Maximum Value Buffer: 0.00
- Maximum Value:  $10.00 \text{ (Initial Maximum Value)} + 0.00 \text{ (Maximum Value Buffer)} = 10.00$

An incoming order to buy the spread defined above for 10.10 will be cancelled because the purchase price of 10.10 is greater than the Maximum Value of 10.00.

<sup>3</sup> A Complex Order is an order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced as a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy. See Phlx Rule 1098(a)(i).

<sup>4</sup> This strategy utilizes a combination of either all calls or all puts of the same expiration date in the same underlying to limit risk.

<sup>5</sup> This strategy utilizes a combination of put/call pairs of options with the same expiration date in the same underlying to limit risk.

<sup>6</sup> See Phlx Rule 1098(g).

<sup>7</sup> See Phlx Rule 1098(h)(i).

## Example 2

Assume the following Complex Order legs for a butterfly spread:

1. Buy 1 NDX 6960 Jan 26 Call (33.70 × 34.60)
2. Sell 2 NDX 6970 Jan 26 Calls (27.00 × 27.90)
3. Buy 1 NDX 6980 Jan 26 Call (28.40 × 29.45)

The derived net Phlx complex market ("cPBBO") is  $6.30 \times 10.05$

Assume both the Maximum Value Buffer and Minimum Value Buffer are 0.05

Minimum Value = -0.05

- Initial Minimum Value: 0.00
- Minimum Value Buffer: 0.05
- Minimum Value:  $0.00 - 0.05 = -0.05$
- Maximum Value = 10.05
- Initial Maximum Value: 6970 (middle leg strike price) - 6960 (outer leg strike price) = 10.00
- Maximum Value Buffer: 0.05
- Maximum Value:  $10.00$  (Initial Maximum Value) + 0.05 (Maximum Value Buffer) = 10.05

An incoming order to buy the spread defined above for 10.05 will be accepted and executed against the simple market because the purchase price of 10.05 is equal to the Maximum Value 10.05.

## Box Spread Protection

As noted above, the Exchange proposes to adopt a Box Spread Protection. A box spread is a four legged Complex Order with the following: (1) One pair of legs with the same strike price with one leg to buy a call (put) and one leg to sell a put (call); (2) a second pair of legs with a different strike price from the pair described in (1) with one leg to sell a call (put) and one leg to buy a put (call); (3) all legs have the same expiration; and (4) all legs have equal volume. With this protection, Complex Orders, including auction and auction responses that are priced higher than the Maximum Value or lower than the Minimum Value, will be cancelled. A Complex Market Order will be accepted but will be restricted from trading at a price higher than the Maximum Value or lower than the Minimum Value.

The Initial Maximum Value shall be the distance between the strike prices of each pair of leg strike prices. The Maximum Value Buffer is the lesser of a configurable absolute dollar value or percentage of the Initial Maximum Value set by the Exchange and announced via a notice to members. The Exchange intends to set the Maximum Value Buffer at zero initially. The Maximum Value is calculated by adding the Initial Maximum Value and Maximum Value Buffer.

The Initial Minimum Value shall be zero. The Initial Minimum Value Buffer

is a configurable absolute dollar value set by the Exchange and announced via a notice to members. The Exchange intends to set the Minimum Value Buffer at zero initially. The Minimum Value is calculated by subtracting the Minimum Value Buffer from the Initial Minimum Value of zero.

The Box Spread Protection would apply throughout the trading day, including pre-market, during the Opening Process and during Halts. Below is an example of the application of this protection.

## Example 1

Assume the following Complex Order pairs for a box spread:

1. Pair A:
  - a. Buy 1 NDX 6960 Jan 26 Call (30.80 × 34.05)
  - b. Sell 1 NDX 6960 Jan 26 Put (33.50 × 36.00)
2. Pair B:
  - a. Sell 1 NDX 6970 Jan 26 Call (27.50 × 29.00)
  - b. Buy 1 NDX 6970 Jan 26 Put (36.40 × 37.05)

The derived net Phlx complex market ("cPBBO") is  $2.20 \times 10.10$

Assume both Maximum Value Buffer and Minimum Value Buffer are 0.00

- Initial Minimum Value: 0.00
- Minimum Value Buffer: 0.00
- Minimum Value:  $0.00 - 0.00 = 0.00$
- Maximum Value = 10.00
- Initial Maximum Value: 6970 (Pair A strike price) - 6960 (Pair B strike price) = 10.00
- Maximum Value Buffer: 0.00
- Maximum Value:  $10.00$  (Initial Maximum Value) + 0.00 (Maximum Value Buffer) = 10.00

An incoming order to buy the spread defined above for 10.10 will be cancelled because the purchase price of 10.10 is greater than the Maximum Value of 10.00.

## Example 2

Assume the following Complex Order pairs for a box spread:

1. Pair A:
  - a. Buy 1 NDX 6960 Jan 26 Call (30.80 × 34.05)
  - b. Sell 1 NDX 6960 Jan 26 Put (33.50 × 36.50)
2. Pair B:
  - a. Sell 1 NDX 6970 Jan 26 Call (27.50 × 30.75)
  - b. Buy 1 NDX 6970 Jan 26 Put (36.40 × 37.05)

The derived net Phlx complex market ("cPBBO") is  $-0.05 \times 10.10$

Assume both Maximum Value Buffer and Minimum Value Buffer are 0.05

- Initial Minimum Value: 0.00
- Minimum Value Buffer: 0.05
- Minimum Value:  $0.00 - 0.05 = -0.05$
- Maximum Value = 10.05
- Initial Maximum Value: 6970 (Pair A strike price) - 6960 (Pair B strike price) = 10.00
- Maximum Value Buffer: 0.05
- Maximum Value:  $10.00$  (Initial Maximum Value) + 0.05 (Maximum Value Buffer) = 10.05

An incoming order to sell the spread defined above for -0.05 will be accepted and executed against the simple market because the purchase price of -0.05 is equal to the Minimum Value of -0.05.

## Implementation

The Exchange would implement these new protections no later than August 30, 2018. The Exchange would notify members of the exact implementation date by issuing a notice to members.

## 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>8</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>9</sup> in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest, by offering protections for certain Complex Orders which restrict executions that exceed the intrinsic value of the spread by a specified (or configurable) amount. Further, the Exchange believes that its proposal will mitigate risks to market participants. Specifically, Phlx believes that the change, which is responsive to member input, will facilitate transactions in securities and perfect the mechanism of a free and open market by providing its members with additional functionality that will assist them with managing their risk by checking each Complex Order that is either a butterfly or box spread against certain parameters described within the filing before accepting the Complex Orders into the order book.

The Exchange believes that the parameters described herein, including parameters which will be configured by the Exchange, will protect members from executing orders too far outside the Minimum Value and Maximum Value which considers the intrinsic value of the strategy, thereby promoting fair and orderly markets and the protection of investors. The Exchange intends to offer

<sup>8</sup> 15 U.S.C. 78f(b).

<sup>9</sup> 15 U.S.C. 78f(b)(5).

a buffer allowance from the minimum/maximum values permitted for the execution of these strategy orders to allow market participants flexibility to manage their business and accommodate executions outside of this range. The Exchange would monitor the zero value, including feedback from market participants, in determining whether the value is set at the appropriate level. The concern would set [sic] from market participants who are unable to close out positions. There are circumstances where [sic] the Minimum Value Buffer [sic] may be less than zero. For example, market participants who desire to trade out of positions at intrinsic value may not find a contra-side willing to trade without a premium. A small incremental allowance outside of the minimum/maximum value allows for a small premium to offset commissions associated with trading and may incentivize participants to take the other side of spreads trading at intrinsic value. For the participant looking to close out their position, it may be financially beneficial to pay a small premium and close out the position rather than carry such position to expiration and take delivery. The purpose of this rule change is not to impede current order handling but to ensure execution prices are within a reasonable range of minimum and maximum values. These parameters are consistent with order protection features for Strategy Price Protection in that Strategy Price Protection offers a buffer allowance from the permitted values.<sup>10</sup>

#### *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. Specifically, the proposal does not impose an intra-market burden on competition, because it will apply to all Complex Orders which are either butterfly or box spreads entered by any Phlx member. Further, the proposal will not impose an undue burden on inter-market competition, rather the proposal will assist the Exchange in remaining competitive in light of protections offered by other options exchanges.<sup>11</sup> The Exchange competes with many other options exchanges which offer Complex Orders. In this highly competitive market, market participants can easily and

readily direct order flow to competing venues.

#### *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 (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (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-Phlx-2018-14 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-Phlx-2018-14. 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 such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR-Phlx-2018-14, and should be submitted on or before March 22, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>12</sup>

**Robert W. Errett,**  
*Deputy Secretary.*

[FR Doc. 2018-04126 Filed 2-28-18; 8:45 am]

**BILLING CODE 8011-01-P**

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## **DEPARTMENT OF STATE**

**[Public Notice: 10337]**

### **Culturally Significant Objects Imported for Exhibition Determinations: "Dead Sea Scrolls: The Exhibition" Exhibition**

**ACTION:** Notice; correction.

**SUMMARY:** On February 23, 2018, notice was published on page 8146 of the **Federal Register** (volume 83, number 37) of determinations pertaining to certain objects to be included in an exhibition entitled "Dead Sea Scrolls: The Exhibition." The referenced notice is hereby corrected to state that the determinations set forth therein were made by Alyson Grunder, Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State, pursuant to the authorities listed in the Supplementary Information section of the referenced notice.

**DATES:** Applicable February 23, 2018.

**FOR FURTHER INFORMATION CONTACT:** Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: [section2459@state.gov](mailto:section2459@state.gov)). The mailing address is U.S. Department of State, L/

<sup>10</sup> See Phlx Rule 1098(g).

<sup>11</sup> See CBOE Rule 6.53C, *Interpretations and Policies*.08.

<sup>12</sup> 17 CFR 200.30-3(a)(12).

PD, SA-5, Suite 5H03, Washington, DC 20522-0505.

**Alyson Grunder,**

*Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.*

[FR Doc. 2018-04188 Filed 2-28-18; 8:45 am]

BILLING CODE 4710-05-P

## DEPARTMENT OF STATE

[Public Notice: 10338]

**E.O. 13224 Designation of Jund al-Khilafah in Tunisia, aka ISIS-Tunisia, aka ISIS-Tunisia Province, aka Soldiers of the Caliphate, aka Jund al-Khilafa, aka Jund al-Khilafah, aka Jund al-Khilafah fi Tunis, aka Soldiers of the Caliphate in Tunisia, aka Tala I Jund al-Khilafah, aka Vanguard of the Soldiers of the Caliphate, aka Daesh Tunisia, aka Ajnad, 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 Jund al-Khilafah in Tunisia, also known as ISIS-Tunisia, also known as ISIS-Tunisia Province, also known as Soldiers of the Caliphate, also known as Jund al-Khilafa, also known as Jund al-Khilafah, also known as Jund al-Khilafah fi Tunis, also known as Soldiers of the Caliphate in Tunisia, also known as Tala I Jund al-Khilafah, also known as Vanguard of the Soldiers of the Caliphate, also known as Daesh Tunisia, also known as Ajnad, 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: February 23, 2018.

**Rex Tillerson,**

*Secretary of State.*

[FR Doc. 2018-04157 Filed 2-28-18; 8:45 am]

BILLING CODE 4710-AD-P

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of Continuation and Request for Nominations for the Intergovernmental Policy Advisory Committee on Trade

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice and request for applications.

**SUMMARY:** The Office of the United States Trade Representative (USTR) is establishing a new four-year charter term and accepting applications from qualified individuals interested in serving as a member of the Intergovernmental Policy Advisory Committee on Trade (IGPAC). The IGPAC is a trade advisory committee that provides general policy advice and guidance to the United States Trade Representative on issues involving trade and development that have a significant relationship to the affairs of U.S. state and local governments.

**DATES:** USTR will accept nominations on a rolling basis for membership on the IGPAC for the four-year charter term beginning in April 2018. To ensure consideration before the new charter term, you should submit your application by March 28, 2018.

**FOR FURTHER INFORMATION CONTACT:** Cameron Seward, Director for Intergovernmental Affairs and Public Engagement, *Cameron.T.Seward@ustr.eop.gov* or 202-395-2210.

#### SUPPLEMENTARY INFORMATION:

#### I. Background

Section 135(c)(1) of the Trade Act of 1974, as amended (19 U.S.C. 2155(c)(1)), authorizes the President to establish individual general trade policy advisory committees for industry, labor, agriculture, services, investment, defense, small business, and other interests, as appropriate, to provide general policy advice. The President delegated that authority to the United States Trade Representative in Executive Order 11846, section 4(d), issued on March 27, 1975. Advisory committees established by the Trade Representative are subject to the provisions of the Federal Advisory Committee Act. See 19 U.S.C. 2155(f); 5 U.S.C. App. II.

Pursuant to these authorities, the United States Trade Representative

intends to establish a new four-year charter term for the IGPAC, which will begin on April 4, 2018 and end on April 3, 2022.

The IGPAC is a discretionary trade advisory committee established to provide general policy advice to the United States Trade Representative on issues involving trade and development that have a significant relationship to the affairs of U.S. state and local governments. More specifically, the IGPAC provides general policy advice on issues that may affect U.S. state and local governments including: (1) Negotiating objectives and bargaining positions before entering into trade agreements; (2) the impact of the implementation of trade agreements; (3) matters concerning the operation of any trade agreement once entered into; and (4) other matters arising in connection with the development, implementation, and administration of the trade policy of the United States.

The IGPAC meets as needed, at the call of the United States Trade Representative or his/her designee, or two-thirds of the IGPAC members, depending on various factors such as the level of activity of trade negotiations and the needs of the United States Trade Representative.

#### II. Membership

The IGPAC is composed of not more than 35 members who have expertise in general trade, investment and development issues and are appointed from U.S. states and localities, and other non-Federal governmental entities. Members represent the executive and legislative branches of state, county, and municipal governments and may hold elective or appointive office.

The United States Trade Representative appoints all IGPAC members for a term of four-years or until the IGPAC charter expires, and they serve at his/her discretion. Individuals can be reappointed for any number of terms. The United States Trade Representative makes appointments without regard to political affiliation and with an interest in fostering geographical diversity.

IGPAC members serve without either compensation or reimbursement of expenses. Members are responsible for all expenses they incur to attend meetings or otherwise participate in IGPAC activities.

The United States Trade Representative appoints IGPAC members to represent the executive and legislative branches of state, county, and municipal governments. USTR anticipates that virtually all members will serve in a representative capacity

with a very limited number serving in an individual capacity as subject matter experts. These members, known as special government employees or SGEs, are subject to conflict of interest rules and will have to complete a financial disclosure report.

### III. Request for Nominations

USTR is soliciting nominations for membership on the IGPAC. To apply for membership, an applicant must meet the following eligibility criteria:

1. The applicant must be a U.S. citizen.
2. The applicant cannot be a full-time employee of a U.S. governmental entity.
3. The applicant cannot be registered with the U.S. Department of Justice under the Foreign Agents Registration Act.
4. The applicant must be able to obtain and maintain a security clearance.
5. For representative members, who will comprise the overwhelming majority of the IGPAC, the applicant must represent the executive and legislative branches of state, county, and municipal governments.
6. For members who will serve in an individual capacity, the applicant must possess subject matter expertise on issues involving trade and development that have a significant relationship to the affairs of U.S. state and local governments. If serving in an individual capacity, the applicant cannot be a federally registered lobbyist.

In order to be considered for IGPAC membership, interested persons should submit the following to Cameron Seward at [Cameron.T.Seward@ustr.eop.gov](mailto:Cameron.T.Seward@ustr.eop.gov):

- Name, title, affiliation, and contact information of the individual requesting consideration.
- If applicable, a letter on the organization's letterhead from the sponsoring executive or legislative branch of a state, county, or municipal government, containing a brief description of the manner in which international trade affects the state, county, or municipality and why USTR should consider the applicant for membership.
- The applicant's personal resume or comprehensive biography.
- An affirmative statement that the applicant and the organization he or she represents meet all eligibility requirements.

USTR will consider applicants who meet the eligibility criteria based on the following factors: Ability to represent the sponsoring executive or legislative branch of a state, county, or municipal government; knowledge of and

experience in trade matters relevant to the work of the IGPAC and USTR; and fostering balanced in terms of points of view and geography.

**Gregory Walters,**

*Assistant U.S. Trade Representative for Intergovernmental Affairs and Public Engagement, Office of the United States Trade Representative.*

[FR Doc. 2018-04169 Filed 2-28-18; 8:45 am]

**BILLING CODE 3290-F8-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2018-0016]

#### Public Meeting Regarding NHTSA's Research Portfolio

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

**ACTION:** Notice of public meeting.

**SUMMARY:** NHTSA is announcing a public meeting where the agency's Vehicle Safety Research and Behavioral Safety Research offices will present information on activities related to priority research programs in vehicle and behavioral safety, including a focused overview session on NHTSA's research in Automated Driving Systems (ADSs). Representatives from multiple research offices will present the research program area activities, near-term expected deliverables, and accept questions from the audience at the end.

**DATES:** NHTSA will hold the public meeting on March 16, 2018 from 8:30 a.m. to 4:30 p.m., Eastern Standard Time. Check-in (through security) will begin at 7:30 a.m. Attendees should arrive early enough to enable them to go through security by 8:30 a.m. The public docket will remain open until April 2, 2018.

**ADDRESSES:** The public meeting will be held at the DOT headquarters building located at 1200 New Jersey Avenue SE, Washington, DC 20590 (Green Line Metro Station at Navy Yard) in the [West Building Atrium]. This facility is accessible to individuals with disabilities. The meeting will also be webcast live, and a link to the webcast will be made available to registrants prior to the event.

**FOR FURTHER INFORMATION CONTACT:** If you have questions about the public meeting, please contact Lisa Floyd at 202-366-4697, by email at [Lisa.Floyd@dot.gov](mailto:Lisa.Floyd@dot.gov), or by U.S. Mail at U.S. Department of Transportation, 1200

New Jersey Avenue SE, Washington, DC 20590.

#### SUPPLEMENTARY INFORMATION:

*Registration is necessary for all attendees.* Attendees should register at <https://www.surveymonkey.com/r/NHTSAPUBLICMEETING> by March 9, 2018. Please provide name, affiliation, email, and indicate whether you will be attending in person and whether you require special accommodations. Space is limited, so advanced registration is highly encouraged.

NHTSA DOT is committed to providing equal access to this meeting for all participants. If you need an accommodation because of a disability, please contact Lisa Floyd at 202-366-4697, or via email at [Lisa.Floyd@dot.gov](mailto:Lisa.Floyd@dot.gov), with your request by close of business March 9, 2018. Should it be necessary to cancel or reschedule the meeting due to inclement weather or other emergency, NHTSA will take all available measures to notify registered participants.

NHTSA will conduct the public meeting informally, and technical rules of evidence will not apply. We will arrange for a written transcript of the meeting and keep the official record open for 30 days after the meeting to allow submission of supplemental information. You may make arrangements to obtain copies of the transcript directly with the court reporter, and the transcript will also be posted in the docket when it becomes available.

**Written Comments:** Written comments on the presented information can be submitted during the 30-day comment period. Please submit all written comments no later than April 2, 2018 by any of the following methods:

- **Federal Rulemaking 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:** 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12-140, Washington, DC 20590-0001, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- **Fax:** 202-366-1767.

**Instructions:** All submissions must include the agency name and docket number. 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 discussion below.



**Docket:** For access to the docket, go to <http://www.regulations.gov> at any time, or to 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12-140, Washington, DC 20590 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. Telephone: 202-366-9826.

**Privacy Act:** Anyone can search the electronic form for comments published in the docket 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 (Volume 65, Number 70; pages 19477-78) or you may visit <https://www.regulations.gov/privacyNotice>.

**Confidential Business Information:** If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information to the Chief Counsel, NHTSA, at 1200 New Jersey Avenue SE, Washington, DC 20590. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should submit a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

**Background:** Each year, NHTSA executes a broad array of research programs in support of agency priorities. The agency's research portfolio covers program areas pertaining to vehicle safety, including safety countermeasures implemented through the vehicle, components, operation and use, among others, and behavioral safety, which includes safety countermeasures that pertain to the behavior and actions of the driver, occupant, and other road users.

The public meeting is intended to provide public outreach regarding the priority research activities at NHTSA for both vehicle and behavioral safety, including expected near-term deliverables. One of the key priority program areas for NHTSA's Vehicle Safety Research is Automated Driving Systems; thus, the public meeting will allocate dedicated time to discuss research in this program area.

For each of the areas of discussion at this public meeting, NHTSA will briefly discuss the work underway and allow

time to answer questions from participants.

The agency invites comments on the information presented regarding research priorities, research goals, and additional research gaps/needs the public may believe NHTSA should be addressing. Slides presented at the public meeting will be posted to the docket subsequently. The webcast will also be made available for off-line viewing after the public meeting.

### Draft Agenda

*Friday, March 16, 2018*

7:30 a.m.–8:45 p.m. Arrival/Check-In  
 8:45 a.m.–9 a.m. Housekeeping  
 9 a.m.–9:30 a.m. Overview  
 9:30 a.m.–10:45 a.m. Public Meeting Session—Crash Avoidance and Electronic Systems Safety Research  
 10:45 a.m.–11 a.m. Break  
 11 a.m.–12:15 p.m. Public Meeting Session—Biomechanics and Crashworthiness  
 12:15 p.m.–1:15 p.m. Lunch Break  
 1:15 p.m.–2:15 p.m. Automated Driving Systems Research  
 2:15 p.m.–2:30 p.m. Break  
 2:30 p.m.–4 p.m. Behavioral Safety Research  
 Closing

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

**Nathaniel Beuse,**

*Associate Administrator for Vehicle Safety Research.*

[FR Doc. 2018-04122 Filed 2-28-18; 8:45 am]

**BILLING CODE 4910-59-P**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[Docket No. NHTSA-2018-0025]

### Drugged Driving Call to Action Meeting

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

**ACTION:** Notice of public meeting.

**SUMMARY:** NHTSA is announcing a public meeting as part of the Agency's initiative to combat drug-impaired driving on U.S. roads. NHTSA is holding this public meeting to facilitate a national dialogue on best practices, lessons learned, and to develop a call-to-action with short-, mid-, and long-term plans to address drug-impaired driving in the U.S. NHTSA is bringing together key stakeholders—including safety partners; state and local officials; data and policy experts; law enforcement and criminal justice

professionals; toxicologists; drug recognition experts; and others—to join the DOT in setting a course of action and taking measurable steps to address drug-impaired driving. Registration information for this event will be available at [www.nhtsa.gov](http://www.nhtsa.gov) on March 1, 2018. Attendance at the meeting is limited because of space limitations of the DOT Conference Center; however, the meeting will be available for live public viewing on the NHTSA website ([www.nhtsa.gov](http://www.nhtsa.gov)).

**DATES:** The meeting will be held on March 15, 2018, in Washington, DC. The meeting will start at 9:00 a.m. and continue until 4:00 p.m., EST. Check-in (through security) will begin at 8:30 a.m. Attendees should arrive early enough to enable them to go through security by no later than 8:50 a.m. to allow sufficient time to enter the building.

**ADDRESSES:** The meeting will be held in the Atrium of the West Building of the U.S. Department of Transportation, located at 1200 New Jersey Avenue SE, Washington, DC 20590 (Green Line Metro Station at Navy Yard). This facility is accessible to individuals with disabilities. The meeting will also be webcast live, and a link to the actual webcast will be available on [www.NHTSA.gov](http://www.NHTSA.gov). NHTSA is committed to providing equal access to this event for all participants. Accessibility requests should be submitted to Caroline Cash at [Caroline.Cash@dot.gov](mailto:Caroline.Cash@dot.gov) or 202-366-9712 by close of business on March 2, 2018.

### FOR FURTHER INFORMATION CONTACT:

Caroline Cash at [caroline.cash@dot.gov](mailto:caroline.cash@dot.gov) or 202-366-9712.

**SUPPLEMENTARY INFORMATION:** Driving under the influence of drugs (DUID) is against the law in all 50 States. Early data and anecdotal reports indicate that drug-impaired driving is on the rise, potentially responsible for thousands of driving-related fatalities. As a result, NHTSA and its partners are prioritizing the elimination of drug-impaired driving to ensure U.S. roads, communities, and families are safe. The event is open to the public. The invited speakers include representatives with backgrounds in traffic and highway safety, public health, and representatives from diverse organizations including state government, and other Federal Agencies. Written statements may be submitted to the public docket.

NHTSA will use this meeting to launch a call to action to develop plans to combat the growing problem of drug impaired driving. Saving lives by preventing traffic deaths is NHTSA's top priority. Please go to the NHTSA



website ([www.NHTSA.gov](http://www.NHTSA.gov)) on March 1st for an updated agenda.

Should it be necessary to cancel the meeting due to inclement weather or other emergency, NHTSA will take all available measures to notify registered participants.

NHTSA will conduct the meeting informally. Thus, technical rules of evidence will not apply. The meeting will consist of presentations and panels. Each panel will have two or three short presentations, a discussion among the panel members, and questions from the other participants to be discussed by the meeting participants.

**Authority:** 49 U.S.C. 30182.

**Heidi R. King,**

*Deputy Administrator.*

[FR Doc. 2018-04158 Filed 2-28-18; 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 IRS Customer Satisfaction Surveys**

**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 IRS Customer Satisfaction Surveys.

**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:* IRS Customer Satisfaction Surveys.

*OMB Number:* 1545-2250.

*Form Number:* N/A.

*Abstract:* Surveys conducted under this clearance are used by the Internal Revenue Service to determine levels of customer satisfaction as well as determining issues that contribute to customer burden. This information will be used to make quality improvements to products and services. Collecting, analyzing, and using customer opinion data is a vital component of IRS's Balanced Measures Approach, as mandated by Internal Revenue Service Reform and Restructuring Act of 1998 and Executive Order 12862.

*Current Actions:* This is no change in the paperwork burden previously approved by OMB.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* The information collected from taxpayers, practitioners, and a few small entities, will help ensure that users of IRS programs and services have an effective, efficient, and satisfying experience. In regard to online services, this feedback will provide insights into customer preferences for online information and services on [IRS.gov](http://IRS.gov) that will meet their needs to resolve inquiries and their accounts on their own. This collection

of feedback will contribute directly to the improvement of content and services provided online.

*Estimated Number of Respondents:* 570,000.

*Estimated Time per Respondent:* 3.5 min.

*Estimated Total Annual Burden Hours:* 35,550.

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. 2018-04100 Filed 2-28-18; 8:45 am]

**BILLING CODE 4830-01-P**

# Reader Aids

## Federal Register

Vol. 83, No. 41

Thursday, March 1, 2018

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### CFR PARTS AFFECTED DURING MARCH

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.

### FEDERAL REGISTER PAGES AND DATE, MARCH

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**LIST OF PUBLIC LAWS**

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**Note:** No public bills which have become law were received by the Office of the Federal Register for inclusion

in today's **List of Public Laws**.

Last List February 28, 2018

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This table is used by the Office of the Federal Register to compute certain dates, such as effective dates and comment deadlines, which appear in agency documents. In computing these

dates, the day after publication is counted as the first day.

When a date falls on a weekend or holiday, the next Federal business day is used. (See 1 CFR 18.17)

A new table will be published in the first issue of each month.

DATE OF FR PUBLICATION	15 DAYS AFTER PUBLICATION	21 DAYS AFTER PUBLICATION	30 DAYS AFTER PUBLICATION	35 DAYS AFTER PUBLICATION	45 DAYS AFTER PUBLICATION	60 DAYS AFTER PUBLICATION	90 DAYS AFTER PUBLICATION
March 1	Mar 16	Mar 22	Apr 2	Apr 5	Apr 16	Apr 30	May 30
March 2	Mar 19	Mar 23	Apr 2	Apr 6	Apr 16	May 1	May 31
March 5	Mar 20	Mar 26	Apr 4	Apr 9	Apr 19	May 4	Jun 4
March 6	Mar 21	Mar 27	Apr 5	Apr 10	Apr 20	May 7	Jun 4
March 7	Mar 22	Mar 28	Apr 6	Apr 11	Apr 23	May 7	Jun 5
March 8	Mar 23	Mar 29	Apr 9	Apr 12	Apr 23	May 7	Jun 6
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March 12	Mar 27	Apr 2	Apr 11	Apr 16	Apr 26	May 11	Jun 11
March 13	Mar 28	Apr 3	Apr 12	Apr 17	Apr 27	May 14	Jun 11
March 14	Mar 29	Apr 4	Apr 13	Apr 18	Apr 30	May 14	Jun 12
March 15	Mar 30	Apr 5	Apr 16	Apr 19	Apr 30	May 14	Jun 13
March 16	Apr 2	Apr 6	Apr 16	Apr 20	Apr 30	May 15	Jun 14
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March 20	Apr 4	Apr 10	Apr 19	Apr 24	May 4	May 21	Jun 18
March 21	Apr 5	Apr 11	Apr 20	Apr 25	May 7	May 21	Jun 19
March 22	Apr 6	Apr 12	Apr 23	Apr 26	May 7	May 21	Jun 20
March 23	Apr 9	Apr 13	Apr 23	Apr 27	May 7	May 22	Jun 21
March 26	Apr 10	Apr 16	Apr 25	Apr 30	May 10	May 25	Jun 25
March 27	Apr 11	Apr 17	Apr 26	May 1	May 11	May 28	Jun 25
March 28	Apr 12	Apr 18	Apr 27	May 2	May 14	May 28	Jun 26
March 29	Apr 13	Apr 19	Apr 30	May 3	May 14	May 28	Jun 27
March 30	Apr 16	Apr 20	Apr 30	May 4	May 14	May 30	Jun 28