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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

[Docket No. CFPB–2017–0030]

RIN 3170–AA75

Mortgage Servicing Rules Under the Truth in Lending Act (Regulation Z)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is issuing this final rule amending certain Regulation Z mortgage servicing rules issued in 2016 relating to the timing for servicers to transition to providing modified or unmodified periodic statements and coupon books in connection with a consumer's bankruptcy case.

DATES: This rule is effective April 19, 2018.

FOR FURTHER INFORMATION CONTACT: Adam C. Mayle or Joel L. Singerman, Counsels; or Amanda Quester, Senior Counsel, Office of Regulations, at 202–435–7700 or *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary of the Final Rule

On August 4, 2016, the Bureau issued the Amendments to the 2013 Mortgage Rules Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z) (2016 Mortgage Servicing Final Rule) amending certain of the Bureau's mortgage servicing rules.[1] The Bureau learned, through its outreach in support of industry's implementation of the 2016 Mortgage Servicing Final Rule, that certain technical aspects of the rule relating to the timing for servicers to transition to providing modified or unmodified periodic statements and coupon books in connection with a consumer's bankruptcy case may create unintended challenges in implementation. To alleviate any unintended challenges, the Bureau issued a proposed rule on October 4, 2017, to address the timing provisions.[2] The Bureau is now finalizing the proposed amendments without revision.

Among other things, the 2016 Mortgage Servicing Final Rule addresses Regulation Z's periodic statement and coupon book requirements when a person is a debtor in bankruptcy.[3] It includes a single-billing-cycle exemption from the requirement to provide a periodic statement or coupon book in certain circumstances after one of several specific triggering events occurs resulting in a servicer needing to transition to or from providing bankruptcy-specific disclosures. The single-billing-cycle exemption applies only if the payment due date for that billing cycle is no more than 14 days after the triggering event. The 2016 Mortgage Servicing Final Rule also includes specific timing requirements for servicers to provide the next modified or unmodified statement or coupon book after the single-billing-cycle exemption has ended.

Based on feedback received regarding implementation of the 2016 Mortgage Servicing Final Rule, the Bureau understands that certain aspects of the single-billing-cycle exemption and timing requirements may be more complex and operationally challenging than the Bureau realized, and that the relevant provisions may be subject to different interpretations, as discussed more below. The Bureau is therefore issuing this final rule revising § 1026.41(e)(5)(iv)(B) and (C) and related commentary to replace the single-billing-cycle exemption with a single-statement exemption. This final rule provides a single-statement exemption for the next periodic statement or coupon book that a servicer would otherwise have to provide, regardless of when in the billing cycle the triggering event occurs. The Bureau is adding new comments 41(e)(5)(iv)(B)–1 through –3 to clarify the operation of the single-statement exemption. The Bureau is also removing § 1026.41(e)(5)(iv)(C) and its related commentary, as they are no longer necessary in light of the changes to § 1026.41(e)(5)(iv)(B) and its related commentary.

The Bureau believes this final rule provides a clearer and more straightforward standard than the timing requirement adopted in the 2016 Mortgage Servicing Final Rule, offering greater certainty for implementation and compliance, without unnecessarily disadvantaging consumers.

II. Background

In August 2016, the Bureau issued the 2016 Mortgage Servicing Final Rule, which amends certain of the Bureau's mortgage servicing rules in Regulations X and Z.[4] Most of these amendments became effective October 19, 2017. Provisions relating to bankruptcy periodic statements and successors in interest become effective April 19, 2018.[5]

Under existing § 1026.41(a)(2) in Regulation Z, a servicer generally must provide a consumer, for each billing cycle, a periodic statement meeting certain requirements. Existing § 1026.41(e)(5) provides a blanket

[1] 81 FR 72160 (Oct. 19, 2016).

[2] 82 FR 48463 (Oct. 18, 2017).

[3] The provisions of Regulation Z discussed herein were amended by the 2016 Mortgage Servicing Final Rule but are not effective until April 19, 2018. To simplify review of this document and differentiate between those amendments and this final rule, this document generally refers to the 2016 amendments as though they already are in effect.

[4] 81 FR 72160 (Oct. 19, 2016). The amendments cover nine major topics and focus primarily on clarifying, revising, or amending provisions regarding force-placed insurance notices, policies and procedures, early intervention, and loss mitigation requirements under Regulation X's servicing provisions; and prompt crediting and periodic statement requirements under Regulation Z's servicing provisions. The amendments also address proper compliance regarding certain servicing requirements when a person is a potential or confirmed successor in interest, is a debtor in bankruptcy, or sends a cease communication request under the Fair Debt Collection Practices Act.

[5] In June 2017, the Bureau issued policy guidance on its supervisory and enforcement priorities regarding early compliance with the 2016 Mortgage Servicing Final Rule. Policy Guidance on Supervisory and Enforcement Priorities Regarding Early Compliance With the 2016 Amendments to the 2013 Mortgage Rules Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z), 82 FR 29713 (June 30, 2017). The Bureau indicated in the guidance that it does not intend to take supervisory or enforcement action for violations of Regulation X or Regulation Z resulting from a servicer's compliance with the 2016 Mortgage Servicing Final Rule occurring up to three days before the applicable effective dates. *Id.* at 29713.

exemption from § 1026.41 for a mortgage loan while a consumer is a debtor in bankruptcy under title 11 of the United States Code. The 2016 Mortgage Servicing Final Rule, however, generally limits this exemption to only certain consumers in bankruptcy.[6] When a consumer either is a debtor in bankruptcy under title 11 of the United States Code or has discharged personal liability for the mortgage loan pursuant to 11 U.S.C. 727, 1141, 1228, or 1328, so long as an exemption under § 1026.41(e) does not otherwise apply, the 2016 Mortgage Servicing Final Rule requires a servicer to provide a periodic statement or coupon book with certain bankruptcy-specific modifications. In these circumstances, once a consumer enters bankruptcy, a servicer must transition from providing unmodified periodic statements or coupon books to providing periodic statements or coupon books with bankruptcy modifications. Similarly, when a consumer exits bankruptcy, a servicer generally must transition back to providing unmodified periodic statements or coupon books.

To allow servicers time to make this transition in their systems, the Bureau finalized a single-billing-cycle exemption in the 2016 Mortgage Servicing Final Rule.[7] Section 1026.41(e)(5)(iv)(B) in the 2016 Mortgage Servicing Final Rule provides that a servicer is exempt from the requirements of § 1026.41 with respect to a single billing cycle when the payment due date for that billing cycle is no more than 14 days after the date on which one of the three triggering events listed under § 1026.41(e)(5)(iv)(A) occurs: (1) A mortgage loan becomes subject to the requirement to provide a modified periodic statement; (2) a mortgage loan ceases to be subject to the requirement to provide a modified periodic statement; or (3) the servicer ceases to qualify for an exemption pursuant to § 1026.41(e)(5)(i). Section 1026.41(e)(5)(iv)(C) sets forth the timeframe within which a servicer must provide the next periodic statement after an event listed in § 1026.41(e)(5)(iv)(A) occurs.[8]

Since issuing the 2016 Mortgage Servicing Final Rule, the Bureau received questions indicating that the single-billing-cycle exemption may be more complex and operationally challenging than the Bureau realized, and that the provisions setting forth the exemption and transition timing requirements may be subject to different interpretations. The Bureau therefore proposed to replace the single-billing-cycle exemption with a single-statement exemption, which the Bureau believed would be a clearer and more straightforward standard.

III. Summary of the Rulemaking Process

The Bureau has supported implementation of the 2016 Mortgage Servicing Final Rule by providing an updated compliance guide, other implementation aids, a technical corrections final rule,[9] an interim final rule related to timing for certain early intervention notices,[10] policy guidance regarding early compliance,[11] and informal guidance in response to regulatory inquiries. Information regarding the Bureau's implementation support initiative and available implementation resources can be found on the Bureau's regulatory implementation website at *https://www.consumerfinance.gov/policy-compliance/guidance/implementation-guidance/mortserv/*. The Bureau continues to facilitate industry's implementation progress, including by responding to informal guidance inquiries and publishing additional implementation materials, as appropriate. Based on its ongoing outreach, the Bureau believes that industry has made substantial implementation progress regarding the 2016 Mortgage Servicing Final Rule.

The Bureau also learned, through its outreach in support of industry's implementation of the 2016 Mortgage Servicing Final Rule, that certain technical aspects of the rule relating to the timing for servicers to transition to providing modified or unmodified periodic statements and coupon books in connection with a consumer's bankruptcy case may create unintended challenges in implementation. As a result, and to alleviate any unintended challenges, the Bureau issued a proposed rule on October 4, 2017, published in the **Federal Register** on October 18, 2017, to address the timing provisions.[12] The comment period on the proposed rule ended on November 17, 2017. The Bureau received ten comments, including seven from industry trade associations, two from individual consumers, and one from consumer advocacy groups. As discussed in more detail below, the Bureau has considered these comments in adopting this final rule.

IV. Legal Authority

The Bureau is finalizing this rule pursuant to its authority under the Truth in Lending Act (TILA)[13] and the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act),[14] including the authorities discussed below. In general, the provisions in this final rule amend certain provisions previously adopted by the Bureau in the 2016 Mortgage Servicing Final Rule. In doing so, the Bureau relied on one or more of the authorities discussed below, as well as other authority. The Bureau is issuing this final rule in reliance on the same authority and for the same reasons relied on in adopting the relevant provisions of the 2016 Mortgage Servicing Final Rule, as discussed in detail in the Legal Authority and Section-by-Section Analysis parts of the 2016 Mortgage Servicing Final Rule.

A. TILA

Section 105(a) of TILA, 15 U.S.C. 1604(a), authorizes the Bureau to prescribe regulations to carry out the purposes of TILA. Under section 105(a), such regulations may contain such additional requirements, classifications, differentiations, or other provisions, and may provide for such adjustments and exceptions for all or any class of transactions, as in the judgment of the Bureau are necessary or proper to effectuate the purposes of TILA, to prevent circumvention or evasion thereof, or to facilitate compliance therewith. Under section 102(a), 15 U.S.C. 1601(a), the purposes of TILA are to assure a meaningful disclosure of credit terms so that the consumer will be able to compare more readily the various available credit terms and avoid the uninformed use of credit and to protect the consumer against inaccurate and unfair credit billing practices. For the reasons discussed in this document, the Bureau is adopting these amendments to Regulation Z to carry out TILA's purposes and such additional requirements, adjustments, and exceptions as, in the Bureau's

[6] *See* § 1026.41(e)(5)(i) (81 FR 72388–89, Oct. 19, 2016).

[7] *See generally* 81 FR 72160, 72324–26 (Oct. 19, 2016).

[8] *See* § 1026.41(e)(5)(iv)(C) (81 FR 72389, Oct. 19, 2016).

[9] Amendments to the 2013 Mortgage Rules Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z); Correction, 82 FR 30947 (July 5, 2017).

[10] 82 FR 47953 (Oct. 16, 2017).

[11] Policy Guidance on Supervisory and Enforcement Priorities Regarding Early Compliance With the 2016 Amendments to the 2013 Mortgage Rules Under the Real Estate Settlement Procedures Act (Regulation X) and the Truth in Lending Act (Regulation Z), 82 FR 29713 (June 30, 2017).

[12] 82 FR 48463 (Oct. 18, 2017).

[13] 15 U.S.C. 1601 *et seq.*

[14] Public Law 111–203, 124 Stat. 1376 (2010).

judgment, are necessary and proper to carry out the purposes of TILA, prevent circumvention or evasion thereof, or to facilitate compliance therewith.

Section 105(f) of TILA, 15 U.S.C. 1604(f), authorizes the Bureau to exempt from all or part of TILA any class of transactions if the Bureau determines that TILA coverage does not provide a meaningful benefit to consumers in the form of useful information or protection. For the reasons discussed herein, the Bureau is finalizing the amendments relating to exemptions for certain transactions from the requirements of TILA pursuant to its authority under section 105(f) of TILA.

This final rule also includes amendments to the official Bureau commentary in Regulation Z. Good faith compliance with the interpretations would afford protection from liability under section 130(f) of TILA.

B. The Dodd-Frank Act

Section 1022(b)(1) of the Dodd-Frank Act, 12 U.S.C. 5512(b)(1), authorizes the Bureau to prescribe rules ''as may be necessary or appropriate to enable the Bureau to administer and carry out the purposes and objectives of the Federal consumer financial laws, and to prevent evasions thereof.'' TILA and title X of the Dodd-Frank Act are Federal consumer financial laws.

Section 1032(a) of the Dodd-Frank Act, 12 U.S.C. 5532(a), provides that the Bureau ''may prescribe rules to ensure that the features of any consumer financial product or service, both initially and over the term of the product or service, are fully, accurately, and effectively disclosed to consumers in a manner that permits consumers to understand the costs, benefits, and risks associated with the product or service, in light of the facts and circumstances.'' The authority granted to the Bureau in section 1032(a) of the Dodd-Frank Act is broad and empowers the Bureau to prescribe rules regarding the disclosure of the ''features'' of consumer financial products and services generally. Accordingly, the Bureau may prescribe rules containing disclosure requirements even if other Federal consumer financial laws do not specifically require disclosure of such features.

Section 1032(c) of the Dodd-Frank Act, 12 U.S.C. 5532(c), provides that, in prescribing rules pursuant to section 1032 of the Dodd-Frank Act, the Bureau ''shall consider available evidence about consumer awareness, understanding of, and responses to disclosures or communications about the risks, costs, and benefits of consumer financial products or services.'' Accordingly, in proposing to amend provisions authorized under section 1032(a) of the Dodd-Frank Act, the Bureau has considered available studies, reports, and other evidence about consumer awareness, understanding of, and responses to disclosures or communications about the risks, costs, and benefits of consumer financial products or services.

V. Section-by-Section Analysis

Section 1026.41 Periodic Statements for Residential Mortgage Loans

41(e) Exemptions

41(e)(5) Certain Consumers in Bankruptcy

41(e)(5)(iv) Timing of Compliance Following Transition

As finalized in the 2016 Mortgage Servicing Final Rule, § 1026.41(e)(5)(iv)(B) set forth a single-billing-cycle exemption from the requirement to provide a periodic statement or coupon book in certain circumstances after one of several specific triggering events occurs; and § 1026.41(e)(5)(iv)(C) established timing requirements for resuming compliance after that exemption. The Bureau proposed to revise § 1026.41(e)(5)(iv)(B) and related commentary, and to remove § 1026.41(e)(5)(iv)(C) and related commentary. Instead of a single-billing-cycle exemption, proposed § 1026.41(e)(5)(iv)(B) would have provided a single-statement exemption for the next periodic statement or coupon book that a servicer would otherwise have to provide following a triggering event, regardless of when in the billing cycle the triggering event occurs. Proposed comments 41(e)(5)(iv)(B)–1 through –3 would have clarified how the single-statement exemption would operate in specific circumstances. For the reasons discussed below, the Bureau is finalizing § 1026.41(e)(5)(iv)(B) and related commentary as proposed, and is removing § 1026.41(e)(5)(iv)(C) and related commentary, as proposed.

The Bureau received ten comments on the proposal, including seven from industry trade associations, two from individual consumers, and one from consumer advocacy groups. All comments addressing the substance of the proposal supported replacing the single-billing-cycle exemption with the proposed single-statement exemption. Several industry trade association commenters stated that the proposed changes would simplify implementation or improve compliance. They stated, for example, that the proposed single-statement exemption was clearer and more straightforward than the single-billing-cycle exemption, or that the proposed single-statement exemption would vastly reduce the complexity of compliance. The consumer advocacy groups and two consumer commenters also expressed general support for the proposal. One industry trade association supporting the proposal also suggested that the Bureau clarify in commentary that a servicer would not violate proposed § 1026.41(e)(5)(iv)(B) by providing a periodic statement or coupon book while the single-statement exemption applies, and that the servicer would not be required to correct such a statement. The Bureau also received several comments from industry trade associations that requested amendments to aspects of the periodic statement requirements other than the timing requirements addressed in the proposal, as discussed further below.

The Bureau is adopting § 1026.41(e)(5)(iv)(B) and related commentary as proposed. As finalized, § 1026.41(e)(5)(iv)(B) provides that, as of the date on which one of the triggering events listed in § 1026.41(e)(5)(iv)(A) occurs, a servicer is exempt from the requirements of § 1026.41 with respect to the next periodic statement or coupon book that would otherwise be required but thereafter must provide modified or unmodified periodic statements or coupon books that comply with the requirements of this section. Comments 41(e)(5)(iv)(B)–1 through –3 describe how the single-statement exemption operates in specific circumstances. Comment 41(e)(5)(iv)(B)–1 explains that the exemption applies with respect to a single periodic statement or coupon book following an event listed in § 1026.41(e)(5)(iv)(A) and provides two examples illustrating the timing. Both examples assume that a mortgage loan has a monthly billing cycle, each payment due date is on the first day of the month following its respective billing cycle, and each payment due date has a 15-day courtesy period.

Comment 41(e)(5)(iv)(B)–1.i explains that, if an event listed in § 1026.41(e)(5)(iv)(A) occurs on October 6, before the end of the 15-day courtesy period provided for the October 1 payment due date, and the servicer has not yet provided a periodic statement or coupon book for the billing cycle with a November 1 payment due date, the servicer is exempt from providing a periodic statement or coupon book for that billing cycle. The servicer is required thereafter to resume providing periodic statements or coupon books that comply with the requirements of § 1026.41 by providing a modified or unmodified periodic statement or

coupon book for the billing cycle with a December 1 payment due date within a reasonably prompt time after November 1 or the end of the 15-day courtesy period provided for the November 1 payment due date.

Comment 41(e)(5)(iv)(B)–1.ii provides an example for when a servicer already timely provided a periodic statement or coupon book for a billing cycle in which an event listed in § 1026.41(e)(5)(iv)(A) occurs. It provides that, if an event listed in § 1026.41(e)(5)(iv)(A) occurs on October 20, after the end of the 15-day courtesy period provided for the October 1 payment due date, and the servicer timely provided a periodic statement or coupon book for the billing cycle with a November 1 payment due date, the servicer is not required to correct the periodic statement or coupon book already provided and is exempt from providing the next periodic statement or coupon book, which is the one that would otherwise be required for the billing cycle with a December 1 payment due date. The servicer is required thereafter to resume providing periodic statements or coupon books that comply with the requirements of § 1026.41 by providing a modified or unmodified periodic statement or coupon book for the billing cycle with a January 1 payment due date within a reasonably prompt time after December 1 or the end of the 15-day courtesy period provided for the December 1 payment due date.

Because comments 41(e)(5)(iv)(B)–1.i and –1.ii describe when a servicer must provide periodic statements or coupon books following the exemption, § 1026.41(e)(5)(iv)(C) and related commentary are unnecessary. The Bureau is removing § 1026.41(e)(5)(iv)(C) and related commentary.

The Bureau is also adopting as proposed comments 41(e)(5)(iv)(B)–2 and –3 to clarify how the single-statement exemption would operate in additional specific circumstances. Comment 41(e)(5)(iv)(B)–2 states that, if a servicer provides a coupon book instead of a periodic statement under § 1026.41(e)(3), § 1026.41 requires the servicer to provide a new coupon book after one of the events listed in § 1026.41(e)(5)(iv)(A) occurs only to the extent the servicer has not previously provided the consumer with a coupon book that covers the upcoming billing cycle. Comment 41(e)(5)(iv)(B)–3 clarifies that the single-statement exemption in § 1026.41(e)(5)(iv)(B) might apply more than once over the life of a loan. For example, assume the exemption applies beginning on April 14 because the consumer files for bankruptcy on that date and the bankruptcy plan provides that the consumer will surrender the dwelling, such that the mortgage loan becomes subject to the requirements of § 1026.41(f). If the consumer later exits bankruptcy on November 2 and has not discharged personal liability for the mortgage loan pursuant to 11 U.S.C. 727, 1141, 1228, or 1328, such that the mortgage loan ceases to be subject to the requirements of § 1026.41(f), the single-statement exemption would apply again beginning on November 2.

The Bureau believes that these amendments will provide a clearer and more straightforward standard than the timing requirement finalized in the 2016 Mortgage Servicing Final Rule. The Bureau anticipates that the amendments will offer greater certainty for implementation and compliance, without unnecessarily disadvantaging consumers.

The Bureau declines to adopt one commenter's recommendation to clarify in commentary that a servicer does not violate § 1026.41(e)(5)(iv)(B) by providing a periodic statement or coupon book while the single-statement exemption applies. This clarification is unnecessary because Regulation Z does not prohibit a servicer from providing a periodic statement or coupon book while the single-statement exemption applies. The Bureau notes, however, that servicers choosing to provide a periodic statement or coupon book while an exemption applies should provide accurate disclosures and comply with other applicable laws. The Bureau also notes that § 1026.41 does not prohibit servicers from adding language to a periodic statement or coupon book that may be helpful in limiting any potential liability.

As stated above, the Bureau also received several comments from industry trade associations that requested amendments to aspects of the periodic statement requirements other than the timing requirements addressed in the proposal. For example, one industry trade association recommended expanding the small servicer exemption set forth in § 1024.41(e)(4). Another suggested that, when a consumer files a chapter 12 or 13 bankruptcy case, the servicer should be exempt from providing bankruptcy-specific periodic statements or coupon books under § 1026.41(f) until the consumer's bankruptcy plan is confirmed. The Bureau's proposal did not address the small servicer exemption, nor did it raise the question whether the periodic-statement requirement should apply only after a plan is confirmed in chapter 12 or 13 bankruptcies. Because these comments are beyond the scope of the proposal, the Bureau declines to adopt their recommendations.

One industry trade association also requested that the Bureau include language in the final rule that could help insulate a servicer that is unable to suppress a periodic statement when an exemption applies. The commenter stated that events triggering an exemption sometimes occur near-in-time to when a servicer is scheduled to provide the periodic statement. The commenter indicated that, because servicers sometimes do not learn of the triggering events in real-time, a servicer might provide a periodic statement containing inaccurate information. The commenter stated that this could be particularly problematic if the servicer provides a standard periodic statement to a consumer who has recently filed for bankruptcy, instead of a periodic statement containing bankruptcy-specific disclosures and disclaimers under § 1026.41.

This recommendation broaches issues beyond the narrow timing requirements addressed in the proposal, and the Bureau is not adopting it. To the extent servicers are concerned about exposure to liability for providing a periodic statement that becomes inaccurate before it reaches the consumer, the Bureau notes that Regulation Z does not prohibit a servicer from adding language that may be helpful in limiting any potential liability. Further, the Bureau learned during outreach before issuing the 2016 Mortgage Servicing Rule that servicers often learn of new bankruptcy filings, important case activity, and case closings quickly, usually within approximately a day.[15] Although some servicers may manually review bankruptcy filings,[16] which may take longer, the Bureau believes that a servicer would typically learn of a consumer's bankruptcy filing with enough time to suppress periodic statements and make use of the single-statement exemption.

VI. Effective Date

Regulation Z § 1026.41(e)(5), as amended by the 2016 Mortgage Servicing Final Rule, becomes effective April 19, 2018, along with the rest of the Regulation Z bankruptcy-specific periodic statement requirements. Thus, the Bureau proposed an April 19, 2018, effective date for the proposed revisions to § 1024.41(e)(5)(iv).

One commenter requested that the Bureau postpone the effective date of all

[15] *See* 81 FR 72160, 72317.

[16] *See id.*

the provisions relating to bankruptcy periodic statements in both the 2016 Mortgage Servicing Final Rule and this final rule.[17] This comment is beyond the scope of the proposal, and the Bureau did not receive any comments requesting that the Bureau extend the effective date of only the proposed revisions to § 1024.41(e)(5)(iv).

The Bureau is adopting, as proposed, an April 19, 2018, effective date for this final rule and believes that there is no need to delay the effective date of this final rule. The Bureau believes that the revisions to § 1026.41(e)(5)(iv) would not require substantial reprogramming of systems by industry. The Bureau also believes it is issuing this final rule with sufficient time before the April 19, 2018, effective date to enable servicers to meet the requirements of the final rule.

VII. Dodd-Frank Act Section 1022(b) Analysis

In developing this final rule, the Bureau considered the potential benefits, costs, and impacts as required by section 1022(b)(2) of the Dodd-Frank Act. Specifically, section 1022(b)(2) calls for the Bureau to consider the potential benefits and costs of a regulation to consumers and covered persons, including the potential reduction of consumer access to consumer financial products or services, the impact on depository institutions and credit unions with $10 billion or less in total assets as described in section 1026 of the Dodd-Frank Act, and the impact on consumers in rural areas. In addition, 12 U.S.C. 5512(b)(2)(B) directs the Bureau to consult, before and during the rulemaking, with appropriate prudential regulators or other Federal agencies, regarding consistency with the objectives those agencies administer. The Bureau consulted, or offered to consult with, the prudential regulators, the Securities and Exchange Commission, the Department of Housing and Urban Development (HUD), the HUD Office of Inspector General, the Federal Housing Finance Agency, the Federal Trade Commission, the Department of the Treasury, the Department of Agriculture, and the Department of Veterans Affairs, including regarding consistency with any prudential, market, or systemic objectives administered by these agencies.

The Bureau previously considered the benefits, costs, and impacts of the 2016 Mortgage Servicing Final Rule's major provisions.[18] The baseline [19] for this discussion is the mortgage servicing market as it would exist ''but for'' this final rule; that is, the Bureau considered the benefits, costs, and impacts of this final rule on consumers and covered persons relative to the baseline established by the 2016 Mortgage Servicing Final Rule.

In considering the relevant potential benefits, costs, and impacts of this final rule, the Bureau reviewed the comments received and has applied its knowledge and expertise concerning consumer financial markets. The discussion below of these potential costs, benefits, and impacts is qualitative, reflecting both the specialized nature of the final amendments and the fact that the 2016 Mortgage Servicing Final Rule, which establishes the baseline for the Bureau's analysis, is not yet in effect.

The Bureau requested comment on the discussion of costs, benefits, and impacts in the preamble to the proposed rule as well as the submission of data or other information that could inform the Bureau's consideration of the potential benefits, costs, and impacts of this final rule. The Bureau did not receive any such comments, data, or other information.

This final rule seeks to decrease burden incurred by industry participants by clarifying the timing requirements for certain disclosures required under the 2016 Mortgage Servicing Final Rule. As is described in more detail below, the Bureau does not believe that these changes will have a significant enough impact on consumers or covered persons to affect consumer access to consumer financial products and services.

A mortgage servicer generally must provide a consumer, for each billing cycle, a periodic statement or coupon book meeting certain requirements. Under the 2016 Mortgage Servicing Final Rule, servicers generally must provide a modified periodic statement or coupon book to certain consumers who are debtors in bankruptcy or who have discharged personal liability for the mortgage loan. The Bureau is amending § 1026.41(e)(5)(iv), as proposed, to provide that, when a servicer must transition to sending either modified periodic statements or to sending unmodified periodic statements, the servicer is exempt from the requirements of § 1026.41 with respect to the next periodic statement or coupon book that would otherwise be required but thereafter must provide modified or unmodified periodic statements or coupon books that comply with the requirements of § 1026.41. This single-statement exemption replaces the single-billing-cycle exemption in the 2016 Mortgage Servicing Final Rule.

The Bureau expects that these changes will reduce the cost to servicers of providing periodic statements. The Bureau understands, based on comments received in response to the proposed rule and through other industry outreach that implementing the single-billing-cycle exemption provided under the 2016 Mortgage Servicing Rule might have proved more complex and operationally challenging for servicers than the Bureau realized and believes that a single-statement exemption will be clearer and operationally easier to implement. In addition, the single-billing-cycle exemption would have applied only when the payment due date falls no more than 14 days after the event that triggers the transition to or from modified periodic statements, whereas the final single-statement exemption will apply to these transitions regardless of when during the billing cycle the triggering event occurs. The Bureau believes that servicers will benefit from the more straightforward single-statement exemption standard and from the additional time afforded for some transitions.

Relative to the baseline established by the 2016 Mortgage Servicing Final Rule, the final rule could sometimes afford servicers a longer exemption than the standard provided in the 2016 Mortgage Servicing Final Rule. As a result, the final rule might extend the period of time some consumers go without receiving any periodic statement or coupon book, which could disadvantage those consumers. However, any such delay would generally be at most one billing cycle, and servicers generally are required to provide consumers the information in periodic statements on request. Thus, the Bureau does not expect that the overall effect on consumers will be significant, and there is no basis to believe that these changes will have a significant enough impact on consumers or covered persons to affect consumer access to consumer financial products and services.

Potential specific impacts of the final rule. The Bureau believes that a large fraction of depository institutions and credit unions with $10 billion or less in total assets that are engaged in servicing mortgage loans qualify as ''small servicers'' for purposes of the mortgage

[17] After the close of the comment period, the Bureau received additional feedback related to the effective date of all the provisions relating to bankruptcy periodic statements in the 2016 Mortgage Servicing Final Rule. As noted above, this feedback is beyond the scope of the proposal.

[18] 81 FR 72160, 72351 (Oct. 19, 2016).

[19] The Bureau has discretion in any rulemaking to choose an appropriate scope of analysis with respect to potential benefits, costs, and impacts and an appropriate baseline.

servicing rules because they service 5,000 or fewer loans, all of which they or an affiliate own or originated. The Bureau has estimated that 96 percent of insured depositories and credit unions with $10 billion or less in total assets service 5,000 mortgage loans or fewer.[20] Small servicers are not subject to Regulation Z § 1026.41, and so are not affected by the amendments in this final rule.

With respect to servicers that are not small servicers as defined in § 1026.41(e)(4), the Bureau believes that the consideration of benefits and costs of covered persons presented above provides an accurate analysis of the impacts of the final rule on depository institutions and credit unions with $10 billion or less in total assets that are engaged in servicing mortgage loans.

The Bureau requested comment regarding the impact of the proposed provisions in rural areas and how those impacts may differ from those experienced by consumers generally. After careful consideration of the comments received and based on the Bureau's knowledge and expertise concerning consumer financial markets, the Bureau has no reason to believe that the additional timing flexibility offered to covered persons by this final rule will differentially impact consumers in rural areas.

VIII. Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act,[21] as amended by the Small Business Regulatory Enforcement Fairness Act of 1996,[22] (RFA) requires each agency to consider the potential impact of its regulations on small entities, including small businesses, small governmental units, and small not-for-profit organizations.[23] The RFA defines a ''small business'' as a business that meets the size standard developed by the Small Business Administration (SBA) pursuant to the Small Business Act.[24]

The RFA generally requires an agency to conduct an initial regulatory flexibility analysis (IRFA) and a final regulatory flexibility analysis (FRFA) of any rule subject to notice-and- comment rulemaking requirements, unless the agency certifies that the rule would not have a significant economic impact on a substantial number of small entities.[25] The Bureau also is subject to certain additional procedures under the RFA involving the convening of a panel to consult with small entity representatives prior to proposing a rule for which an IRFA is required.[26]

As discussed above, the final rule amends certain Regulation Z mortgage servicing rules issued in 2016 relating to the timing for servicers to transition to providing modified or unmodified periodic statements and coupon books under Regulation Z in connection with a consumer's bankruptcy case.

When the Bureau issued the proposed rule that was finalized as the 2016 Mortgage Servicing Final Rule, it concluded that those provisions would not have a significant economic impact on a substantial number of small entities and that an IRFA was therefore not required.[27] That conclusion remained unchanged for the 2016 Mortgage Servicing Final Rule.[28]

Similarly, when the Bureau issued the proposed rule in this rulemaking, it concluded that the proposal would not have a significant economic impact on a substantial number of small entities and that an IRFA was therefore not required.[29] For the same reasons, the Bureau concludes that this final rule, as adopted, will not have a significant economic impact on a substantial number of small entities, and therefore a FRFA is not required. As discussed above, the Bureau expects that this final rule will reduce costs to servicers, including small entities, of providing periodic statements. In addition, the final amendments do not affect servicers that are ''small servicers'' for purposes of the mortgage servicing rules. Small servicers are exempt from the requirements that the final rule would amend, and the Bureau believes that a large fraction of small entities that are engaged in servicing mortgage loans qualify as small servicers because they service 5,000 or fewer loans, all of which they or an affiliate own or originated. Therefore, a FRFA is not required for this final rule.

Accordingly, the undersigned certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

IX. Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA),[30] Federal agencies are generally required to seek Office of Management and Budget (OMB) approval for information collection requirements prior to implementation. Further, the Bureau may not conduct or sponsor an information collection unless the OMB approves the collection under the PRA and the information collection displays a currently valid OMB control number. Notwithstanding any other provision of law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently valid OMB control number. The collections of information related to the 2016 Mortgage Servicing Final Rule have been reviewed and approved by OMB previously in accordance with the PRA and assigned OMB Control Numbers 3170–0016 (Regulation X) and 3170–0015 (Regulation Z).

The Bureau has determined that this final rule will provide firms with additional flexibility and clarity with respect to what must be disclosed under the 2016 Mortgage Servicing Final Rule. It does not materially change the underlying information collections in terms of who is responding or when they must provide the disclosures. Additionally the Bureau believes this will have *de minimis* impact on the reported PRA burden for this collection.

X. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Bureau 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 the rule's published effective date. The Office of Information and Regulatory Affairs has designated this rule as not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 12 CFR Part 1026

Advertising, Appraisal, Appraiser, Banking, Banks, Consumer protection, Credit, Credit unions, Mortgages, National banks, Reporting and recordkeeping requirements, Savings associations, Truth in lending.

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[20] Based on an analysis of December 2015 Call Report data as compiled by SNL Financial.

[21] Public Law 96–354, 94 Stat. 1164 (1980).

[22] Public Law 104–21, section 241, 110 Stat. 847, 864–65 (1996).

[23] 5 U.S.C. 601 through 612. The term '' 'small organization' means any not-for-profit enterprise which is independently owned and operated and is not dominant in its field, unless an agency establishes [an alternative definition under notice and comment].'' 5 U.S.C. 601(4). The term '' 'small governmental jurisdiction' means governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand, unless an agency establishes [an alternative definition after notice and comment].'' 5 U.S.C. 601(5).

[24] 5 U.S.C. 601(3). The Bureau may establish an alternative definition after consulting with the SBA and providing an opportunity for public comment. *Id.*

[25] 5 U.S.C. 601 *et seq.*

[26] 5 U.S.C. 609.

[27] 79 FR 74176, 74279 (Dec. 15, 2014).

[28] 81 FR 72160, 72364 (Oct. 19, 2016).

[29] 82 FR 48463, 48468 (Oct. 18, 2017).

[30] 44 U.S.C. 3501 *et seq.*

Authority and Issuance

For the reasons set forth in the preamble, the Bureau amends 12 CFR part 1026 as follows:

PART 1026—TRUTH IN LENDING (REGULATION Z)

■ 1. The authority citation for part 1026 continues to read as follows:

Authority: 12 U.S.C. 2601, 2603–2605, 2607, 2609, 2617, 3353, 5511, 5512, 5532, 5581; 15 U.S.C. 1601 *et seq.*

Subpart E—Special Rules for Certain Home Mortgage Transactions

■ 2. Amend § 1026.41 by:
■ a. Revising paragraph (e)(5)(iv)(B); and
■ b. Removing paragraph (e)(5)(iv)(C).

The revision reads as follows:

§ 1026.41 Periodic statements for residential mortgage loans.

* * * * *

(e) * * *
(5) * * *
(iv) * * *

(B) *Single-statement exemption.* As of the date on which one of the events listed in paragraph (e)(5)(iv)(A) of this section occurs, a servicer is exempt from the requirements of this section with respect to the next periodic statement or coupon book that would otherwise be required but thereafter must provide modified or unmodified periodic statements or coupon books that comply with the requirements of this section.

* * * * *

■ 3. Amend Supplement I to Part 1026 as follows:
■ a. Under *Section 1026.41—Periodic Statements for Residential Mortgage Loans:*
■ i. *41(e)(5)(iv)(B) Transitional single-billing-cycle exemption* is revised; and
■ ii. *41(e)(5)(iv)(C) Timing of first modified or unmodified statement or coupon book after transition* is removed.

The revision reads as follows:

Supplement I to Part 1026—Official Interpretations

* * * * *

Section 1026.41 Periodic Statements for Residential Mortgage Loans

* * * * *

41(e)(5)(iv)(B) Single-Statement Exemption.

1. *Timing.* The exemption in § 1026.41(e)(5)(iv)(B) applies with respect to a single periodic statement or coupon book following an event listed in § 1026.41(e)(5)(iv)(A). For example, assume that a mortgage loan has a monthly billing cycle, each payment due date is on the first day of the month following its respective billing cycle, and each payment due date has a 15-day courtesy period. In this scenario:

i. If an event listed in § 1026.41(e)(5)(iv)(A) occurs on October 6, before the end of the 15-day courtesy period provided for the October 1 payment due date, and the servicer has not yet provided a periodic statement or coupon book for the billing cycle with a November 1 payment due date, the servicer is exempt from providing a periodic statement or coupon book for that billing cycle. The servicer is required thereafter to resume providing periodic statements or coupon books that comply with the requirements of § 1026.41 by providing a modified or unmodified periodic statement or coupon book for the billing cycle with a December 1 payment due date within a reasonably prompt time after November 1 or the end of the 15-day courtesy period provided for the November 1 payment due date. *See* § 1026.41(b).

ii. If an event listed in § 1026.41(e)(5)(iv)(A) occurs on October 20, after the end of the 15-day courtesy period provided for the October 1 payment due date, and the servicer timely provided a periodic statement or coupon book for the billing cycle with the November 1 payment due date, the servicer is not required to correct the periodic statement or coupon book already provided and is exempt from providing the next periodic statement or coupon book, which is the one that would otherwise be required for the billing cycle with a December 1 payment due date. The servicer is required thereafter to resume providing periodic statements or coupon books that comply with the requirements of § 1026.41 by providing a modified or unmodified periodic statement or coupon book for the billing cycle with a January 1 payment due date within a reasonably prompt time after December 1 or the end of the 15-day courtesy period provided for the December 1 payment due date. *See* § 1026.41(b).

2. *Duplicate coupon books not required.* If a servicer provides a coupon book instead of a periodic statement under § 1026.41(e)(3), § 1026.41 requires the servicer to provide a new coupon book after one of the events listed in § 1026.41(e)(5)(iv)(A) occurs only to the extent the servicer has not previously provided the consumer with a coupon book that covers the upcoming billing cycle.

3. *Subsequent triggering events.* The single-statement exemption in § 1026.41(e)(5)(iv)(B) might apply more than once over the life of a loan. For example, assume the exemption applies beginning on April 14 because the consumer files for bankruptcy on that date and the bankruptcy plan provides that the consumer will surrender the dwelling, such that the mortgage loan becomes subject to the requirements of § 1026.41(f). *See* § 1026.41(e)(5)(iv)(A)(*1*). If the consumer later exits bankruptcy on November 2 and has not discharged personal liability for the mortgage loan pursuant to 11 U.S.C. 727, 1141, 1228, or 1328, such that the mortgage loan ceases to be subject to the requirements of § 1026.41(f), the single-statement exemption would apply again beginning on November 2. *See* § 1026.41(e)(5)(iv)(A)(*2*).

* * * * *

Dated: March 6, 2018.

Mick Mulvaney,

Acting Director, Bureau of Consumer Financial Protection.

[FR Doc. 2018–04823 Filed 3–9–18; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2017–1006; Special Conditions No. 25–716–SC]

Special Conditions: Mitsubishi Aircraft Corporation Model MRJ–200 Airplane; Interaction of Systems and Structures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions; request for comments.

SUMMARY: These special conditions are issued for the Mitsubishi Aircraft Corporation (Mitsubishi) Model MRJ–200 airplane. This airplane will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. These design features are electronic flight-control systems and stability-augmentation systems that may affect the structural performance of the airplane. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: This action is effective on Mitsubishi on March 12, 2018. Send your comments by April 26, 2018.

ADDRESSES: Send comments identified by docket number FAA–2017–1006 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/*and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Todd Martin, FAA, Airframe and Cabin Safety Section, AIR–675, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service, 1601 Lind Avenue SW, Renton, Washington 98057–3356; telephone 425–227–1178; facsimile 425–227–1320.

SUPPLEMENTARY INFORMATION: The substance of these special conditions previously has been published in the **Federal Register** for public comment. These special conditions have been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary, and finds that, for the same reason, good cause exists for adopting these special conditions upon publication in the **Federal Register**.

Comments Invited

The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above. We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by the closing date for comments. We may change these special conditions based on the comments we receive.

Background

On August 19, 2009, Mitsubishi applied for a type certificate for their new Model MRJ–200 airplane. The Model MRJ–200 airplane is a low-wing, conventional-tail design with two wing-mounted turbofan engines. The airplane is equipped with an electronic flight-control system, has seating for 96 passengers and a maximum takeoff weight of 98,800 lbs.

Type Certification Basis

Under the provisions of title 14, Code of Federal Regulations (14 CFR) 21.17, Mitsubishi must show that the Model MRJ–200 airplane meets the applicable provisions of part 25, as amended by Amendments 25–1 through 25–141; part 36, as amended by Amendments 36–1 through 36–30; and part 34, as amended by Amendments 34–1 through the amendment effective at the time of design approval.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model MRJ–200 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Model MRJ–200 airplane must comply with the fuel-vent and exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type certification basis under § 21.17.

Novel or Unusual Design Features

The Model MRJ–200 airplane will incorporate the following novel or unusual design feature:

Electronic flight-control systems and stability-augmentation systems that may affect the structural performance of the airplane.

Discussion

The MRJ–200 airplane is equipped with systems that directly or as a result of failure or malfunction, affect its structural performance. Current regulations do not take into account the effects of systems on structural performance including normal operation and failure conditions. Special conditions are needed to account for these features. These special conditions define criteria to be used in the assessment of the effects of these systems on structures. The general approach of accounting for the effect of system failures on structural performance is extended to include any system in which partial or complete failure, alone or in combination with other system partial or complete failures, would affect structural performance.

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

These special conditions are similar to those previously applied to other airplane models.

Applicability

As discussed above, these special conditions are applicable to Model MRJ–200 airplanes. Should Mitsubishi apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on one model

of airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Mitsubishi Model MRJ–200 airplanes.

For airplanes equipped with systems that affect structural performance, either directly or as a result of a failure or malfunction, the influence of these systems and their failure conditions must be taken into account when showing compliance with the requirements of 14 CFR part 25, subparts C and D.

The following criteria must be used for showing compliance with these special conditions for airplanes equipped with flight-control systems, autopilots, stability-augmentation systems, load-alleviation systems, flutter-control systems, fuel-management systems, and other systems that either directly, or as a result of failure or malfunction, affect structural performance. If these special conditions are used for other systems, it may be necessary to adapt the criteria to the specific system.

1. The criteria defined herein only address the direct structural consequences of the system responses and performance. They cannot be considered in isolation, but should be included in the overall safety evaluation of the airplane. These criteria may, in some instances, duplicate standards already established for this evaluation. These criteria are only applicable to structure the failure of which could prevent continued safe flight and landing. Specific criteria that define acceptable limits on handling characteristics or stability requirements, when operating in the system degraded or inoperative mode, are not provided in these special conditions.

2. Depending upon the specific characteristics of the airplane, additional studies that go beyond the criteria provided in these special conditions may be required to demonstrate the airplane's capability to meet other realistic conditions, such as alternative gust or maneuver descriptions for an airplane equipped with a load-alleviation system.

3. The following definitions are applicable to these special conditions.

a. *Structural performance:* Capability of the airplane to meet the structural requirements of 14 CFR part 25.

b. *Flight limitations:* Limitations that can be applied to the airplane flight conditions following an in-flight occurrence, and that are included in the airplane flight manual (*e.g.,* speed limitations, avoidance of severe weather conditions, etc.).

c. *Operational limitations:* Limitations, including flight limitations, that can be applied to the airplane operating conditions before dispatch (*e.g.,* fuel, payload and master minimum-equipment list limitations).

d. *Probabilistic terms:* Terms such as probable, improbable, and extremely improbable, as used in these special conditions, are the same as those used in § 25.1309.

e. *Failure condition:* This term is the same as that used in § 25.1309. However, these special conditions apply only to system-failure conditions that affect the structural performance of the airplane (*e.g.,* system-failure conditions that induce loads, change the response of the airplane to inputs such as gusts or pilot actions, or lower flutter margins).

Effects of Systems on Structures

The following criteria will be used in determining the influence of a system and its failure conditions on the airplane structure.

1. *System fully operative.* With the system fully operative, the following apply:

a. Limit loads must be derived in all normal operating configurations of the system from all the limit conditions specified in 14 CFR part 25, subpart C (or defined by special conditions or equivalent level of safety in lieu of those specified in subpart C), taking into account any special behavior of such a system or associated functions, or any effect on the structural performance of the airplane that may occur up to the limit loads. In particular, any significant nonlinearity (rate of displacement of control surface, thresholds, or any other system nonlinearities) must be accounted for in a realistic or conservative way when deriving limit loads from limit conditions.

b. The airplane must meet the strength requirements of 14 CFR part 25 (static strength, residual strength), using the specified factors to derive ultimate loads from the limit loads defined above. The effect of nonlinearities must be investigated beyond limit conditions to ensure that the behavior of the system presents no anomaly compared to the behavior below limit conditions. However, conditions beyond limit conditions need not be considered when it can be shown that the airplane has design features that will not allow it to exceed those limit conditions.

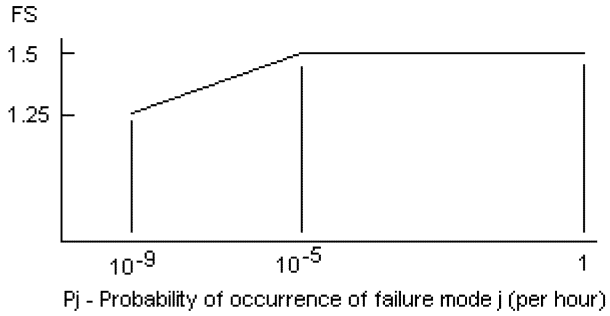
c. The airplane must meet the aeroelastic stability requirements of § 25.629.

2. *System in the failure condition.* For any system-failure condition not shown to be extremely improbable, the following apply:

a. At the time of occurrence. Starting from 1g level flight conditions, a realistic scenario, including pilot corrective actions, must be established to determine the loads occurring at the time of failure and immediately after the failure.

i. For static-strength substantiation, these loads, multiplied by an appropriate factor of safety that is related to the probability of occurrence of the failure, are ultimate loads to be considered for design. The factor of safety is defined in Figure 1, below.

Figure 1: Factor of safety (FS) at the time of occurrence



ii. For residual-strength substantiation, the airplane must be able to withstand two-thirds of the ultimate loads defined in special condition 2.a.i. For pressurized cabins, these loads must be combined with the normal operating differential pressure.

iii. Freedom from aeroelastic instability must be shown up to the speeds defined in § 25.629(b)(2). For failure conditions that result in speeds beyond V_C/M_C, freedom from aeroelastic instability must be shown to increased speeds, so that the margins intended by § 25.629(b)(2) are maintained.

iv. Failures of the system that result in forced structural vibrations (oscillatory failures) must not produce loads that could result in detrimental deformation of primary structure.

b. For the continuation of the flight. For the airplane in the system-failed state, and considering any appropriate reconfiguration and flight limitations, the following apply:

i. The loads derived from the following conditions (or used in lieu of the following conditions) at speeds up to V_C/M_C (or the speed limitation prescribed for the remainder of the flight) must be determined:

1. The limit symmetrical maneuvering conditions specified in §§ 25.331 and 25.345.

2. the limit gust and turbulence conditions specified in §§ 25.341 and 25.345.

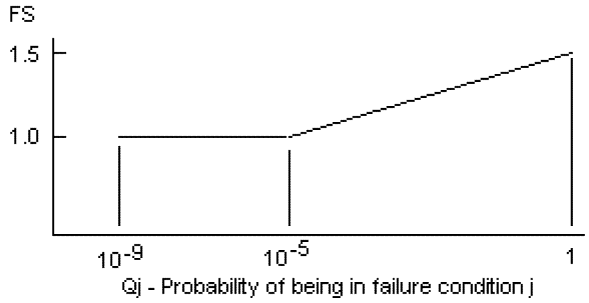
3. the limit rolling conditions specified in § 25.349, and the limit unsymmetrical conditions specified in §§ 25.367, and 25.427(b) and (c).

4. the limit yaw-maneuvering conditions specified in § 25.351.

5. the limit ground-loading conditions specified in §§ 25.473 and 25.491.

ii. For static-strength substantiation, each part of the structure must be able to withstand the loads in special condition 2.b.i., multiplied by a factor of safety depending on the probability of being in this failure state. The factor of safety is defined in Figure 2, below.

Figure 2: Factor of safety (FS) for continuation of flight



Where:

$Q_j = (T_j)(P_j)$

Q_j = Probability of being in failure mode j

T_j = Average time spent in failure mode j (in hours)

P_j = Probability of occurrence of failure mode j (per hour)

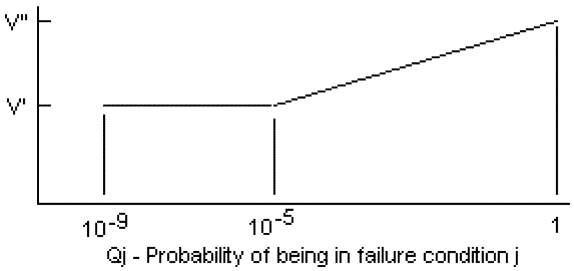
Note: If P_j is greater than 10^{-3} per flight hour, then a 1.5 factor of safety must be applied to all limit load conditions specified in 14 CFR part 25, subpart C.

iii. For residual-strength substantiation, the airplane must be able to withstand two-thirds of the ultimate loads defined in special condition 2.b.ii. For pressurized cabins, these loads must be combined with the normal operating differential pressure.

iv. If the loads induced by the failure condition have a significant effect on fatigue or damage tolerance, then their effects must be taken into account.

v. Freedom from aeroelastic instability must be shown up to a speed determined from Figure 3, below. Flutter clearance speeds V′ and V″ may be based on the speed limitation specified for the remainder of the flight using the margins defined by § 25.629(b).

Figure 3: Clearance speed



Where:

V′ = Clearance speed as defined by § 25.629(b)(2)
V″ = Clearance speed as defined by § 25.629(b)(1)
$Q_j = (T_j)(P_j)$
Q_j = Probability of being in failure mode j
T_j = Average time spent in failure mode j (in hours)
P_j = Probability of occurrence of failure mode j (per hour)

Note: If P_j is greater than 10^{-3} per flight hour, then the flutter clearance speed must not be less than V″.

vi. Freedom from aeroelastic instability must also be shown up to V′ in Figure 3, above, for any probable system-failure condition, combined with any damage required or selected for investigation by § 25.571(b).

c. Consideration of certain failure conditions may be required by other sections of 14 CFR part 25 regardless of calculated system reliability. Where analysis shows the probability of these failure conditions to be less than 10^{-9} per flight hour, criteria other than those specified in this paragraph may be used for structural substantiation to show continued safe flight and landing.

3. *Failure indications.* For system-failure detection and indication, the following apply:

a. The system must be checked for failure conditions, not extremely improbable, that degrade the structural capability below the level required by part 25, or that significantly reduce the reliability of the remaining system. As far as reasonably practicable, the flightcrew must be made aware of these failures before flight. Certain elements of the control system, such as mechanical and hydraulic components, may use special periodic inspections, and electronic components may use daily checks, in lieu of detection and indication systems, to achieve the objective of this requirement. These certification-maintenance requirements must be limited to components that are not readily detectable by normal detection-and-indication systems, and where service history shows that inspections will provide an adequate level of safety.

b. The existence of any failure condition, not extremely improbable, during flight, that could significantly affect the structural capability of the airplane, and for which the associated reduction in airworthiness can be minimized by suitable flight limitations, must be signaled to the flightcrew. For example, failure conditions that result in a factor of safety between the airplane strength and the loads of part 25, subpart C, below 1.25, or flutter margins below V″, must be signaled to the crew during flight.

4. *Dispatch with known failure conditions.* If the airplane is to be dispatched in a known system-failure condition that affects structural performance, or that affects the reliability of the remaining system to maintain structural performance, then the provisions of these special conditions must be met, including the provisions of special condition 1, ''System Fully Operative'' for the dispatched condition, and special condition 2, ''System in the Failure Condition'' for subsequent failures. Expected operational limitations may be taken into account in establishing P_j as the probability of failure occurrence for determining the safety margin in Figure 1. Flight limitations and expected operational limitations may be taken into account in establishing Q_j as the combined probability of being in the dispatched failure condition and the subsequent failure condition for the safety margins in Figures 2 and 3. These limitations must be such that the probability of being in this combined failure state, and then subsequently encountering limit load conditions, is extremely improbable. No reduction in these safety margins is allowed if the subsequent system-failure rate is greater than 10^{-3} per flight hour.

Issued in Renton, Washington, on February 22, 2018.

Victor Wicklund,

Manager, Transport Standards Branch, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2018–04850 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2018–0181; Product Identifier 2017–SW–085–AD; Amendment 39–19219; AD 2018–05–10]

RIN 2120–AA64

Airworthiness Directives; Agusta S.p.A. Helicopters

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

ACTION: Final rule; request for comments.

SUMMARY: We are adopting a new airworthiness directive (AD) for Agusta S.p.A. (Agusta) Model AB412 and AB412 EP helicopters. This AD requires removing each shoulder harness seat belt comfort clip (comfort clip) and inspecting the seat belt shoulder harness. This AD is prompted by a report of a comfort clip interfering with the seat belt inertia reel. The actions of this AD are intended to prevent an unsafe condition on these helicopters.

DATES: This AD becomes effective March 27, 2018.

We must receive comments on this AD by May 11, 2018.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.

• *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

• *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2018–0181; 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 comments received, and other information. The street address for Docket Operations (telephone 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

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.*

SUPPLEMENTARY INFORMATION:

Comments Invited

This AD is a final rule that involves requirements affecting flight safety, and we did not provide you with notice and an opportunity to provide your comments prior to it becoming effective. However, we invite you to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that resulted from adopting this AD. The most helpful comments reference a specific portion of the AD, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should send only one copy of written comments, or if comments are filed electronically, commenters should submit them only one time. We will file in the docket all comments that we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this rulemaking during the comment period. We will consider all the comments we receive and may conduct additional rulemaking based on those comments.

Discussion

EASA, which is the Technical Agent for the Member States of the European Union, has issued AD No. 2016–0054, dated March 14, 2016, to correct an unsafe condition for Finmeccanica S.p.A. (previously Agusta) Model AB412 and AB412 EP helicopters. EASA advises that a design review resulted in the determination that some passenger seat installations allow the use of comfort clips on flight crew and passenger shoulder harness seat belts to increase comfort to the occupant by locking the seat belt position. These comfort clips could prevent the seat belt inertia reel from retracting the shoulder harness during an emergency landing. The EASA AD further advises that this could result in injury to the seat occupant. To prevent this unsafe condition, the EASA AD requires removal of all comfort clips from service and inspecting the seat belt for wear from the comfort clip.

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

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.

Related Service Information

Finmeccanica has issued Bollettino Tecnico No. 412–145, dated March 8, 2016, which specifies procedures for removing each comfort clip from the crew and passenger shoulder harness seat belts and for inspecting the seat belts for wear.

AD Requirements

This AD requires, within 50 hours time-in-service, removing from service any comfort clip installed on a crew or passenger shoulder harness seat belt and inspecting the shoulder harness seat belt for rips or abrasions. If there is a rip or any abrasion, the AD requires replacing the seat belt. This AD also prohibits installing a comfort clip on any shoulder harness seat belt.

Costs of Compliance

There are no costs of compliance with this AD because there are no helicopters with this type certificate on the U.S. Registry.

FAA's Justification and Determination of the Effective Date

There are no helicopters with this type certificate on the U.S. Registry. Therefore, we find good cause that notice and opportunity for prior public comment are unnecessary. In addition, for the reason stated above, we find that good cause exists for making this amendment effective in less than 30 days.

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.

Regulatory Findings

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

For the reasons discussed, 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.

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):

2018–05–10 Agusta S.p.A.: Amendment 39–19219; Docket No. FAA–2018–0181; Product Identifier 2017–SW–085–AD.

(a) Applicability

This AD applies to Agusta S.p.A. Model AB412 and AB412 EP helicopters with a seat belt comfort clip installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a shoulder harness seat belt comfort clip interfering with the seat belt inertia reel, which could prevent the seatbelt from locking and result in injury to the occupant during an emergency landing.

(c) Effective Date

This AD becomes effective March 27, 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) Within 50 hours time-in-service:

(i) Remove from service each seat belt comfort clip.

(ii) Inspect each shoulder harness seat belt for a rip and abrasion. If there is a rip or any abrasion, before further flight, replace the shoulder harness seat belt.

(2) After the effective date of this AD, do not install a shoulder harness seat belt comfort clip on any helicopter.

(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: 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; 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

(1) Finmeccanica Bollettino Tecnico No. 412–145, dated March 8, 2016, which is not incorporated by reference, contains additional information about the subject of this AD. For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Matteo Ragazzi, Head of Airworthiness, Viale G. Agusta 520, 21017 C. Costa di Samarate (Va) Italy; telephone +39–0331–711756; fax +39–0331–229046; or at *http://www.leonardocompany.com/-/bulletins.* You may review a copy of the service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016–0054, dated March 14, 2016. You may view the EASA AD on the internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2018–0181.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 2500 Cabin Equipment/Furnishings.

Issued in Fort Worth, Texas, on March 2, 2018.

Lance T. Gant,

Director, Compliance & Airworthiness Division, Aircraft Certification Service.

[FR Doc. 2018–04872 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1010; Product Identifier 2016–SW–089–AD; Amendment 39–19191; AD 2018–03–18]

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. (Agusta) Model AW189 helicopters. This AD requires inspecting and altering the emergency flotation system (EFS). This AD is prompted by a report of punctured EFS kits. The actions of this AD are intended to prevent an unsafe condition on these helicopters.

DATES: This AD is effective April 16, 2018.

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

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1010; 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, the economic evaluation, any comments received, and other information. The street address for Docket Operations (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

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

SUPPLEMENTARY INFORMATION:

Discussion

On November 2, 2017, at 82 FR 50849, 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 Model AW189 helicopters with certain part-numbered and serial-numbered EFS float assemblies installed. The NPRM proposed to require inspecting each float bag for punctures, replacing the pressure relief/topping (PRT) valve O-ring part number

(P/N) P–G10025 with a PRT valve gasket P/N 316683A, and replacing the inflate/deflate protection P/N 304694A with inflate/deflate protection P/N 304694B. The NPRM also proposed to require repairing the float bag if there are any cuts, tears, punctures, or abrasion on a float bag. The proposed requirements were intended to prevent a punctured EFS float bag, which could result in loss of buoyancy of an EFS float bag while being used in an emergency water ditching and subsequent injury to helicopter occupants.

The NPRM was prompted by AD No. 2016–0263–E, dated December 22, 2016 (AD 2016–0263–E), 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. Helicopters (previously Agusta) Model AW189 helicopters. EASA advises that during the first scheduled maintenance of an EFS kit, float bags were found punctured due to protruding parts of the pressure relief/topping valves that were not adequately protected. EASA further states that this condition could result in a partial loss of buoyancy of the EFS float bags, possibly resulting in injury to the helicopter's occupants in a ditching event. To prevent this unsafe condition, EASA AD 2016–0263–E requires a one-time inspection of the EFS, repair of any discrepancies found, replacing the pressure relief/topping valve O-ring with a gasket, and replacing the inflate/deflate protection with a new design inflate/deflate protection.

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

Comments

We gave the public the opportunity to participate in developing this AD, but we did not receive any 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 the same type design 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 15 hours time-in-service (TIS) or 10 days for helicopters flying overwater above sea state 4 or within 120 hours or 60 days for helicopters operating overwater up to sea state 4. This AD requires compliance within 120 hours TIS regardless of sea state conditions.

Related Service Information

We reviewed Leonardo Helicopters Bollettino Tecnico No. 189–135, dated December 20, 2016 (BT 189–135), and Aero Sekur Service Bulletin No. SB–189–25–003, dated November 30, 2016 (SB–189–25–003), which is attached to BT 189–135 as Annex A. BT 189–135 specifies following the procedures in SB–189–25–003 to inspect and modify certain EFS kits installed on Model AW189 helicopters.

Costs of Compliance

We estimate that this AD affects two helicopters of U.S. Registry. We estimate that operators will incur the following costs in order to comply with this AD. Labor costs are estimated at $85 per work-hour. Inspecting each float bag, replacing the PRT valve gasket, and replacing the inflate/deflate protection require about 40 work-hours, and required parts cost about $500, for a cost per helicopter of $3,900 and a cost of $7,800 for the U.S. fleet. If required, repairing a float bag will require about 2 work-hours, and required parts cost about $90, for a cost per float bag of $260.

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):

2018–03–18 Agusta S.p.A.: Amendment 39–19191; Docket No. FAA–2017–1010; Product Identifier 2016–SW–089–AD.

(a) Applicability

This AD applies to Agusta S.p.A. (Agusta) Model AW189 helicopters, certificated in any category, with an emergency float system (EFS) float assembly part number (P/N) 8G9560V00131, serial number (S/N) 066 or lower; P/N 8G9560V00231, S/N 068 or lower; P/N 8G9560V00331, S/N 068 or lower; or P/N 8G9560V00431, S/N 067 or lower, installed.

(b) Unsafe Condition

This AD defines the unsafe condition as a punctured EFS float bag. This condition could result in loss of buoyancy of an EFS

float bag being used in an emergency water ditching and subsequent injury to helicopter occupants.

(c) Effective Date

This AD becomes effective April 16, 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) Within 120 hours time-in-service:

(i) Unfold and inspect each float bag assembly for any cuts, tears, punctures, or abrasion. If there is a cut, tear, puncture, or any abrasion, before further flight, repair the float bag assembly.

(ii) Replace each O-ring P/N S–B10104 with a pressure relief/topping (PRT) valve gasket P/N 316683A.

(iii) Install each PRT valve P/N P–G10025 and apply a torque of 4.5 to 5.5 Nm (39.8 to 48.6 inch-pounds).

(iv) Replace each inflate/deflate protection P/N 304694A with a PRT valve protection P/N 304694B.

(v) Install a piece of tape approximately 220 millimeters long over each PRT valve protection P/N 304694B.

(2) After the effective date of this AD, do not install an EFS float assembly P/N 8G9560V00131, S/N 066 or lower; P/N 8G9560V00231, S/N 068 or lower; P/N 8G9560V00331, S/N 068 or lower; or P/N 8G9560V00431, S/N 067 or lower on any helicopter unless you have complied with the actions in paragraph (e)(1) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

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

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

(g) Additional Information

(1) Leonardo Helicopters Bollettino Tecnico No. 189–135, dated December 20, 2016, and Aero Sekur Service Bulletin No. SB–189–25–003, dated November 30, 2016, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Leonardo S.p.A. Helicopters, Matteo Ragazzi, Head of Airworthiness, Viale G.Agusta 520, 21017 C.Costa di Samarate (Va) Italy; telephone +39–0331–711756; fax +39–0331–229046; or at *http://www.leonardocompany.com/-/bulletins.* You may review the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Pkwy., Room 6N–321, Fort Worth, TX 76177.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2016–0263–E, dated December 22, 2016. You may view the EASA AD on the internet at *http://www.regulations.gov* in Docket No. FAA–2017–1010.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 3212 Emergency Flotation Section.

Issued in Fort Worth, Texas, on March 2, 2018.

Scott A. Horn,

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

[FR Doc. 2018–04861 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No.: FAA–2013–0485; Amdt. No. 91–345B]

RIN 2120–AJ94

Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems; Correcting Amendment

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correction; correcting amendment.

SUMMARY: The FAA is correcting a final rule published on December 13, 2016. In that rule, the FAA amended its regulations to allow operators to use an enhanced flight vision system (EFVS) in lieu of natural vision to continue descending from 100 feet above the touchdown zone elevation (TDZE) to the runway and to land on certain straight-in instrument approach procedures (IAPs) under instrument flight rules (IFR). As part of the final rule, the FAA inadvertently removed some regulatory text. This document corrects that error. Additionally, this document corrects the same error in an amendatory instruction of the EFVS final rule to ensure the correction to the regulation is retained when the regulation is subsequently amended on March 13, 2018.

DATES: The correcting amendment (amendatory instruction 2) is effective March 12, 2018. The correction to the final rule published at 81 FR 90126 (December 13, 2016), and delayed at 82 FR 9677 (February 8, 2017) is effective March 13, 2018.

FOR FURTHER INFORMATION CONTACT: Terry King, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–8790; email *Terry.King@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On December 13, 2016, the FAA published a final rule entitled, ''Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems.'' [1] Prior to that final rule, the operating rules for EFVS operations to 100 feet above the TDZE were contained in § 91.175(l) and (m). In the EFVS final rule, which became effective, in part, on March 13, 2017, the FAA created new 14 CFR 91.176 to contain the operating rules for EFVS operations to touchdown and rollout and for EFVS operations to 100 feet above the TDZE.

As explained in the preamble to the final rule, the FAA provided an adequate transition period for operators and pilots conducting EFVS operations to 100 feet above the touchdown zone elevation.[2] During this transition period, which concludes on March 13, 2018, a pilot may comply with either § 91.175(l) and (m) or § 91.176(b). Beginning on March 13, 2018, persons conducting EFVS operations to 100 feet above the TDZE must comply with § 91.176(b).

Section 91.175(e)(1) included a cross-reference to § 91.175(l) prior to the final rule. To accommodate the transition period, the FAA made a conforming amendment to § 91.175(e)(1), effective March 13, 2017, by adding a cross-reference to § 91.176. Additionally, to conform with the conclusion of the transition period, the FAA included instructions to amend § 91.175(e)(1), effective March 13, 2018, by removing the cross-reference to § 91.175(l).

Prior to the EFVS final rule, § 91.175(e)(1) allowed a pilot operating an aircraft, except a military aircraft of the United States, to immediately execute an appropriate missed approach procedure whenever operating under § 91.175(c) or (l) and the requirements of that paragraph are not met at either of the following times: (i) When the

[1] 81 FR 90126; corrected at 82 FR 2193, January 9, 2017; delayed at 82 FR 9677, February 8, 2017; corrected at 83 FR 1186, January 10, 2018; corrected at 83 FR 4420, January 31, 2018.

[2] 81 FR at 90154.

aircraft is being operated below MDA; or (ii) upon arrival at the missed approach point, including a DA/DH where a DA/DH is specified and its use is required, and at any time after that until touchdown.

In amending § 91.175(e)(1), the FAA did not intend to remove paragraphs (e)(1)(i) and (ii), which identify the following times referred to in paragraph (e)(1). However, the amendatory instruction advised the Office of the Federal Register to revise § 91.175(e)(1) and the regulatory text that accompanied the amendatory instruction failed to include paragraphs (e)(1)(i) and (ii). As a result, paragraphs (e)(1)(i) and (ii) were inadvertently removed from § 91.175. This error also occurs in amendatory instruction 18, which will amend § 91.175(e)(1) effective March 13, 2018.

The FAA intended only to update the cross references in § 91.175(e)(1) to coincide with the transition period and did not intend to remove paragraphs (e)(1)(i) and (ii). The FAA is therefore revising § 91.175(e)(1) by reinstating paragraphs (e)(1)(i) and (ii) accordingly. Additionally, in amendatory instruction 18 of the EFVS final rule,[3] the FAA corrects the revisions to § 91.175(e)(1) by including the text of paragraphs (e)(1)(i) and (ii). These corrections ensure the paragraphs are retained when the cross-reference to § 91.175(l) is removed on March 13, 2018.

Because this amendment results in no substantive change, the FAA finds that the notice and public procedures under 5 U.S.C. 553(b) are unnecessary. For the same reason, the FAA finds good cause exists under 5 U.S.C. 553(d)(3) to make the amendments effective in less than 30 days.

Federal Register Correction

Effective March 13, 2018, in rule document 2016–28714 at 81 FR 90126 in the issue of December 13, 2016, on page 90172, in the third column, in amendatory instruction 18, paragraph (e)(1) is corrected to read as follows:

§ 91.175 [Corrected]

(e) * * *

(1) Whenever operating an aircraft pursuant to paragraph (c) of this section or § 91.176 of this part, and the requirements of that paragraph or section are not met at either of the following times:

(i) When the aircraft is being operated below MDA; or

(ii) Upon arrival at the missed approach point, including a DA/DH where a DA/DH is specified and its use is required, and at any time after that until touchdown.

List of Subjects in 14 CFR Part 91

Air carrier, Air taxis, Aircraft, Airmen, Aviation safety, Transportation.

Correcting Amendment

For the reasons stated in the preamble, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 1155, 40101, 40103, 40105, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, 47534, Pub. L. 114–190, 130 Stat. 615 (49 U.S.C. 44703 note); articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180), (126 Stat. 11).

■ 2. In § 91.175, revise paragraph (e)(1) to read as follows:

§ 91.175 Takeoff and landing under IFR.

* * * * *

(e) * * *

(1) Whenever operating an aircraft pursuant to paragraph (c) or (l) of this section or § 91.176 of this chapter, and the requirements of that paragraph or section are not met at either of the following times:

(i) When the aircraft is being operated below MDA; or

(ii) Upon arrival at the missed approach point, including a DA/DH where a DA/DH is specified and its use is required, and at any time after that until touchdown.

* * * * *

Issued under the authority of 49 U.S.C. 106(f) and (g) and 44701(a) in Washington, DC, on March 6, 2018.

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2018–04888 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

[3] 81 FR at 90172.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 11

[Docket No. RM11–6–000]

Annual Update to Fee Schedule for the Use of Government Lands by Hydropower Licensees

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; annual update to fee schedule.

SUMMARY: In accordance with the Commission's regulations, the Commission, by its designee, the Executive Director, issues this annual update to the fee schedule in the appendix to the part, which lists per-acre rental fees by county (or other geographic area) for use of government lands by hydropower licensees.

DATES: This rule is effective March 12, 2018. Updates appendix A to part 11 with the fee schedule of per-acre rental fees by county (or other geographic area) are applicable from October 1, 2017, through September 30, 2018 (Fiscal Year 2018).

FOR FURTHER INFORMATION CONTACT: Norman Richardson, Financial Management Division, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502–6219, *Norman.Richardson@ferc.gov.*

SUPPLEMENTARY INFORMATION:

Annual Update to Fee Schedule

(Issued March 6, 2018)

Section 11.2 of the Commission's regulations provides a method for computing reasonable annual charges for recompensing the United States for the use, occupancy, and enjoyment of its lands by hydropower licensees.[1] Annual charges for the use of government lands are payable in advance, and are based on an annual schedule of per-acre rental fees published in Appendix A to Part 11 of the Commission's regulations.[2] This notice updates the fee schedule in Appendix A to Part 11 for fiscal year 2018 (October 1, 2017, through September 30, 2018).

Effective Date

This Final Rule is effective March 12, 2018. The provisions of 5 U.S.C. 804,

[1] *Annual Charges for the Use of Government Lands,* Order No. 774, FERC Stats. & Regs. ¶ 31,341 (2013).

[2] 18 CFR part 11 (2018).

regarding Congressional review of final rules, do not apply to this Final Rule because the rule concerns agency procedure and practice and will not substantially affect the rights or obligations of non-agency parties. This Final Rule merely updates the fee schedule published in the Code of Federal Regulations to reflect scheduled adjustments, as provided for in section 11.2 of the Commission's regulations.

List of Subjects in 18 CFR Part 11

Public lands.

By the Executive Director.

Anton C. Porter,

Executive Director, Office of the Executive Director.

In consideration of the foregoing, the Commission amends part 11, chapter I, title 18, Code of Federal Regulations, as follows.

PART 11—[AMENDED]

■ 1. The authority citation for part 11 continues to read as follows:

Authority: 16 U.S.C. 792–828c; 42 U.S.C. 7101–7352.

■ 2. Appendix A to part 11 is revised to read as follows:

Appendix A to Part 11—Fee Schedule for FY 2018

State	County	Fee/acre/yr
Alabama	Autauga	$62.99
	Baldwin	109.71
	Barbour	62.33
	Bibb	57.82
	Blount	100.13
	Bullock	60.03
	Butler	66.95
	Calhoun	83.97
	Chambers	71.74
	Cherokee	94.24
	Chilton	80.84
	Choctaw	51.62
	Clarke	56.37
	Clay	68.19
	Cleburne	75.67
	Coffee	72.67
	Colbert	77.74
	Conecuh	54.89
	Coosa	57.13
	Covington	62.16
	Crenshaw	55.92
	Cullman	115.12
	Dale	69.19
	Dallas	50.58
	DeKalb	104.48
	Elmore	87.52
	Escambia	62.61
	Etowah	98.10
	Fayette	58.54
	Franklin	57.99
	Geneva	59.58
	Greene	55.96
	Hale	57.65
	Henry	61.61
	Houston	71.78
	Jackson	72.02
	Jefferson	124.25
	Lamar	40.73
	Lauderdale	81.87
	Lawrence	84.32
	Lee	104.06
	Limestone	112.13
	Lowndes	47.59
	Macon	67.74
	Madison	102.41
	Marengo	49.14
	Marion	61.23
	Marshall	104.51
	Mobile	111.99
	Monroe	54.24
	Montgomery	72.33
	Morgan	102.89
	Perry	48.38
	Pickens	56.99
	Pike	62.78
	Randolph	77.46
	Russell	62.33
	Shelby	115.74
	St. Clair	105.82
	Sumter	39.21

State	County	Fee/acre/yr
	Talladega	80.18
	Tallapoosa	66.54
	Tuscaloosa	81.73
	Walker	71.05
	Washington	46.55
	Wilcox	46.38
	Winston	71.71
Alaska	Aleutian Islands	1.04
	Statewide	37.30
Arizona	Cochise	22.64
	Coconino	3.37
	Gila	5.29
	Graham	9.33
	Greenlee	25.22
	La Paz	20.76
	Maricopa	91.48
	Mohave	7.80
	Navajo	4.18
	Pima	8.42
	Pinal	38.43
	Santa Cruz	24.68
	Yavapai	25.47
	Yuma	116.65
Arkansas	Arkansas	58.19
	Ashley	63.73
	Baxter	58.52
	Benton	97.30
	Boone	56.44
	Bradley	76.62
	Calhoun	53.94
	Carroll	55.78
	Chicot	58.47
	Clark	40.53
	Clay	70.15
	Cleburne	60.06
	Cleveland	85.45
	Columbia	47.33
	Conway	56.77
	Craighead	70.37
	Crawford	65.85
	Crittenden	60.94
	Cross	55.78
	Dallas	35.10
	Desha	61.18
	Drew	55.29
	Faulkner	71.93
	Franklin	49.97
	Fulton	35.13
	Garland	80.90
	Grant	49.42
	Greene	74.98
	Hempstead	44.92
	Hot Spring	56.33
	Howard	51.72
	Independence	45.94
	Izard	38.75
	Jackson	55.20
	Jefferson	63.62
	Johnson	52.76
	Lafayette	44.37
	Lawrence	58.63
	Lee	61.35
	Lincoln	61.32
	Little River	36.89
	Logan	49.28
	Lonoke	61.02
	Madison	59.62
	Marion	44.18
	Miller	43.58
	Mississippi	62.50
	Monroe	52.74
	Montgomery	54.99
	Nevada	41.63
	Newton	48.40

State	County	Fee/acre/yr
	Ouachita	48.87
	Perry	53.48
	Phillips	57.26
	Pike	46.79
	Poinsett	67.33
	Polk	58.17
	Pope	60.22
	Prairie	54.88
	Pulaski	75.42
	Randolph	44.21
	Saline	77.20
	Scott	48.21
	Searcy	36.58
	Sebastian	58.41
	Sevier	51.23
	Sharp	39.87
	St. Francis	51.91
	Stone	42.81
	Union	55.59
	Van Buren	54.44
	Washington	90.20
	White	56.41
	Woodruff	54.74
	Yell	49.83
California	Alameda	45.67
	Alpine	35.50
	Amador	32.56
	Butte	62.89
	Calaveras	27.00
	Colusa	44.95
	Contra Costa	69.73
	Del Norte	72.14
	El Dorado	68.09
	Fresno	68.58
	Glenn	38.01
	Humboldt	21.38
	Imperial	57.96
	Inyo	6.45
	Kern	36.71
	Kings	49.92
	Lake	50.39
	Lassen	15.95
	Los Angeles	103.11
	Madera	63.02
	Marin	51.55
	Mariposa	17.41
	Mendocino	33.21
	Merced	64.04
	Modoc	14.25
	Mono	23.32
	Monterey	40.49
	Napa	180.44
	Nevada	89.67
	Orange	180.87
	Placer	88.26
	Plumas	14.70
	Riverside	84.52
	Sacramento	59.05
	San Benito	23.54
	San Bernardino	111.36
	San Diego	148.68
	San Francisco	1,043.76
	San Joaquin	83.51
	San Luis Obispo	34.86
	San Mateo	93.51
	Santa Barbara	60.96
	Santa Clara	55.56
	Santa Cruz	102.55
	Shasta	23.18
	Sierra	12.45
	Siskiyou	16.87
	Solano	46.00
	Sonoma	121.00
	Stanislaus	79.75

State	County	Fee/acre/yr
	Sutter	54.78
	Tehama	24.64
	Trinity	9.44
	Tulare	62.36
	Tuolumne	38.33
	Ventura	129.29
	Yolo	46.70
	Yuba	47.94
Colorado	Adams	26.21
	Alamosa	26.59
	Arapahoe	30.74
	Archuleta	39.18
	Baca	10.15
	Bent	8.48
	Boulder	104.28
	Broomfield	35.76
	Chaffee	55.17
	Cheyenne	14.19
	Clear Creek	50.06
	Conejos	27.69
	Costilla	20.05
	Crowley	6.25
	Custer	27.78
	Delta	60.55
	Denver	989.44
	Dolores	26.32
	Douglas	91.64
	Eagle	71.87
	El Paso	22.03
	Elbert	20.46
	Fremont	42.67
	Garfield	50.68
	Gilpin	51.68
	Grand	41.72
	Gunnison	51.41
	Hinsdale	96.57
	Huerfano	15.76
	Jackson	19.02
	Jefferson	100.22
	Kiowa	12.45
	Kit Carson	20.66
	La Plata	33.89
	Lake	53.21
	Larimer	56.24
	Las Animas	7.39
	Lincoln	8.71
	Logan	15.85
	Mesa	61.44
	Mineral	79.23
	Moffat	13.32
	Montezuma	20.21
	Montrose	52.39
	Morgan	26.02
	Otero	11.91
	Ouray	51.82
	Park	24.29
	Phillips	33.03
	Pitkin	102.13
	Prowers	12.54
	Pueblo	13.39
	Rio Blanco	24.24
	Rio Grande	43.13
	Routt	40.46
	Saguache	27.12
	San Juan	23.36
	San Miguel	26.59
	Sedgwick	23.20
	Summit	60.65
	Teller	36.61
	Washington	17.84
	Weld	36.10
	Yuma	25.00
Connecticut	Fairfield	320.04
	Hartford	333.21

State	County	Fee/acre/yr
	Litchfield	300.37
	Middlesex	370.86
	New Haven	331.00
	New London	272.24
	Tolland	261.57
	Windham	200.99
Delaware	Kent	219.29
	New Castle	272.38
	Sussex	215.28
Florida	Alachua	104.77
	Baker	126.18
	Bay	101.07
	Bradford	81.38
	Brevard	105.37
	Broward	446.05
	Calhoun	41.34
	Charlotte	98.63
	Citrus	128.88
	Clay	68.51
	Collier	87.25
	Columbia	88.29
	Dade	494.83
	DeSoto	91.41
	Dixie	76.74
	Duval	134.98
	Escambia	94.99
	Flagler	82.50
	Franklin	37.81
	Gadsden	86.23
	Gilchrist	64.86
	Glades	59.49
	Gulf	81.43
	Hamilton	56.18
	Hardee	80.29
	Hendry	78.98
	Hernando	163.38
	Highlands	57.18
	Hillsborough	176.20
	Holmes	54.94
	Indian River	75.06
	Jackson	65.55
	Jefferson	81.99
	Lafayette	80.27
	Lake	146.74
	Lee	184.62
	Leon	107.08
	Levy	116.25
	Liberty	52.65
	Madison	65.55
	Manatee	108.80
	Marion	182.04
	Martin	128.10
	Monroe	369.38
	Nassau	93.16
	Okaloosa	70.61
	Okeechobee	89.39
	Orange	162.82
	Osceola	76.83
	Palm Beach	138.00
	Pasco	131.63
	Pinellas	586.70
	Polk	106.66
	Putnam	107.61
	Santa Rosa	153.23
	Sarasota	127.61
	Seminole	92.60
	St. Johns	68.88
	St. Lucie	93.70
	Sumter	104.13
	Suwannee	78.12
	Taylor	74.06
	Union	69.56
	Volusia	119.46
	Wakulla	68.17

State	County	Fee/acre/yr
Georgia	Walton	55.98
	Washington	55.94
	Appling	61.77
	Atkinson	70.41
	Bacon	76.41
	Baker	72.42
	Baldwin	64.57
	Banks	144.93
	Barrow	144.90
	Bartow	116.87
	Ben Hill	66.91
	Berrien	69.98
	Bibb	86.20
	Bleckley	61.40
	Brantley	76.31
	Brooks	87.12
	Bryan	77.36
	Bulloch	63.88
	Burke	59.42
	Butts	91.91
	Calhoun	57.81
	Camden	57.51
	Candler	62.85
	Carroll	117.00
	Catoosa	149.55
	Charlton	53.82
	Chatham	136.19
	Chattahoochee	54.87
	Chattooga	81.22
	Cherokee	250.26
	Clarke	148.99
	Clay	43.63
	Clayton	147.01
	Clinch	71.49
	Cobb	322.78
	Coffee	69.45
	Colquitt	77.50
	Columbia	129.53
	Cook	72.58
	Coweta	130.39
	Crawford	81.35
	Crisp	55.14
	Dade	83.43
	Dawson	205.31
	Decatur	75.38
	DeKalb	73.34
	Dodge	58.10
	Dooly	61.86
	Dougherty	86.46
	Douglas	173.89
	Early	56.65
	Echols	69.61
	Effingham	73.31
	Elbert	93.32
	Emanuel	56.26
	Evans	68.26
	Fannin	171.61
	Fayette	161.19
	Floyd	102.82
	Forsyth	290.06
	Franklin	142.79
	Fulton	178.87
	Gilmer	162.01
	Glascock	48.74
	Glynn	103.48
	Gordon	126.56
	Grady	81.19
	Greene	85.11
	Gwinnett	272.65
	Habersham	151.59
	Hall	216.66
	Hancock	90.32
	Haralson	111.13
	Harris	126.70

State	County	Fee/acre/yr
	Hart	136.69
	Heard	91.61
	Henry	151.30
	Houston	81.72
	Irwin	67.07
	Jackson	146.12
	Jasper	91.35
	Jeff Davis	87.62
	Jefferson	52.70
	Jenkins	49.56
	Johnson	47.39
	Jones	83.79
	Lamar	101.24
	Lanier	89.89
	Laurens	54.11
	Lee	75.91
	Liberty	55.73
	Lincoln	73.14
	Long	64.96
	Lowndes	93.32
	Lumpkin	237.27
	Macon	59.26
	Madison	75.62
	Marion	68.10
	McDuffie	67.60
	McIntosh	148.16
	Meriwether	83.66
	Miller	65.03
	Mitchell	75.45
	Monroe	89.96
	Montgomery	45.57
	Morgan	115.32
	Murray	113.11
	Muscogee	135.53
	Newton	111.43
	Oconee	190.54
	Oglethorpe	85.44
	Paulding	172.63
	Peach	105.49
	Pickens	177.15
	Pierce	62.82
	Pike	96.29
	Polk	95.14
	Pulaski	69.05
	Putnam	100.31
	Quitman	56.26
	Rabun	186.71
	Randolph	51.05
	Richmond	69.91
	Rockdale	184.21
	Schley	59.95
	Screven	56.29
	Seminole	71.30
	Spalding	137.94
	Stephens	139.10
	Stewart	51.77
	Sumter	59.72
	Talbot	54.97
	Taliaferro	58.10
	Tattnall	73.27
	Taylor	53.42
	Telfair	50.19
	Terrell	62.36
	Thomas	88.21
	Tift	83.79
	Toombs	62.56
	Towns	155.98
	Treutlen	47.32
	Troup	105.03
	Turner	62.89
	Twiggs	65.99
	Union	158.68
	Upson	83.36
	Walker	103.08

State	County	Fee/acre/yr
	Walton	141.60
	Ware	65.10
	Warren	53.26
	Washington	54.54
	Wayne	72.45
	Webster	46.76
	Wheeler	39.37
	White	181.14
	Whitfield	127.85
	Wilcox	64.34
	Wilkes	73.27
	Wilkinson	56.29
	Worth	68.16
Hawaii	Hawaii	169.66
	Honolulu	428.59
	Kauai	161.48
	Maui	209.00
Idaho	Ada	62.93
	Adams	18.14
	Bannock	21.55
	Bear Lake	16.95
	Benewah	18.93
	Bingham	26.65
	Blaine	34.07
	Boise	16.92
	Bonner	52.07
	Bonneville	27.64
	Boundary	40.78
	Butte	18.36
	Camas	17.69
	Canyon	63.59
	Caribou	16.71
	Cassia	27.93
	Clark	17.37
	Clearwater	22.45
	Custer	27.46
	Elmore	24.40
	Franklin	23.94
	Fremont	26.62
	Gem	32.93
	Gooding	45.67
	Idaho	16.63
	Jefferson	31.24
	Jerome	45.79
	Kootenai	49.35
	Latah	21.49
	Lemhi	26.50
	Lewis	16.72
	Lincoln	31.30
	Madison	39.51
	Minidoka	41.35
	Nez Perce	20.06
	Oneida	14.16
	Owyhee	14.64
	Payette	36.03
	Power	18.04
	Shoshone	71.31
	Teton	39.26
	Twin Falls	36.85
	Valley	29.48
	Washington	11.91
Illinois	Adams	137.89
	Alexander	92.28
	Bond	180.59
	Boone	191.16
	Brown	111.30
	Bureau	204.67
	Calhoun	106.10
	Carroll	190.85
	Cass	156.10
	Champaign	222.21
	Christian	211.47
	Clark	137.12
	Clay	132.97

State	County	Fee/acre/yr
	Clinton	163.22
	Coles	196.78
	Cook	292.27
	Crawford	139.49
	Cumberland	151.84
	De Witt	200.62
	DeKalb	219.18
	Douglas	212.38
	DuPage	193.92
	Edgar	183.31
	Edwards	112.31
	Effingham	161.79
	Fayette	124.38
	Ford	211.61
	Franklin	103.52
	Fulton	146.50
	Gallatin	122.64
	Greene	157.35
	Grundy	212.62
	Hamilton	101.04
	Hancock	159.83
	Hardin	98.70
	Henderson	172.78
	Henry	190.67
	Iroquois	189.84
	Jackson	109.90
	Jasper	141.41
	Jefferson	100.59
	Jersey	164.58
	Jo Daviess	135.51
	Johnson	84.36
	Kane	247.68
	Kankakee	184.57
	Kendall	242.35
	Knox	191.69
	La Salle	220.23
	Lake	290.18
	Lawrence	136.70
	Lee	211.22
	Livingston	200.62
	Logan	200.48
	Macon	218.62
	Macoupin	173.54
	Madison	178.11
	Marion	117.27
	Marshall	193.26
	Mason	163.18
	Massac	99.86
	McDonough	196.15
	McHenry	225.25
	McLean	228.32
	Menard	176.51
	Mercer	169.50
	Monroe	144.55
	Montgomery	166.25
	Morgan	186.52
	Moultrie	214.57
	Ogle	193.50
	Peoria	193.15
	Perry	113.64
	Piatt	241.54
	Pike	137.22
	Pope	72.71
	Pulaski	112.28
	Putnam	175.67
	Randolph	124.45
	Richland	122.67
	Rock Island	174.03
	Saline	117.72
	Sangamon	205.64
	Schuyler	122.19
	Scott	162.48
	Shelby	168.52
	St. Clair	176.23

State	County	Fee/acre/yr
	Stark	207.60
	Stephenson	189.84
	Tazewell	207.63
	Union	98.95
	Vermilion	196.57
	Wabash	148.25
	Warren	193.19
	Washington	144.58
	Wayne	124.77
	White	125.12
	Whiteside	190.95
	Will	218.62
	Williamson	123.02
	Winnebago	176.65
	Woodford	216.32
Indiana	Adams	161.61
	Allen	172.21
	Bartholomew	163.95
	Benton	180.13
	Blackford	117.92
	Boone	172.14
	Brown	111.65
	Carroll	190.41
	Cass	150.98
	Clark	117.92
	Clay	121.55
	Clinton	186.12
	Crawford	71.44
	Daviess	180.72
	Dearborn	113.56
	Decatur	148.43
	DeKalb	123.54
	Delaware	147.84
	Dubois	124.76
	Elkhart	225.04
	Fayette	129.64
	Floyd	148.71
	Fountain	133.82
	Franklin	127.68
	Fulton	140.13
	Gibson	148.64
	Grant	155.61
	Greene	109.97
	Hamilton	179.29
	Hancock	159.48
	Harrison	102.68
	Hendricks	162.73
	Henry	138.15
	Howard	177.20
	Huntington	152.09
	Jackson	127.82
	Jasper	171.06
	Jay	183.12
	Jefferson	98.74
	Jennings	108.68
	Johnson	169.91
	Knox	157.50
	Kosciusko	163.63
	LaGrange	207.74
	Lake	158.23
	LaPorte	169.70
	Lawrence	88.49
	Madison	168.13
	Marion	179.15
	Marshall	145.12
	Martin	112.62
	Miami	141.39
	Monroe	134.76
	Montgomery	155.79
	Morgan	137.31
	Newton	158.26
	Noble	134.83
	Ohio	99.30
	Orange	97.28

State	County	Fee/acre/yr
	Owen	94.74
	Parke	116.28
	Perry	83.65
	Pike	119.14
	Porter	167.15
	Posey	133.82
	Pulaski	143.72
	Putnam	117.09
	Randolph	141.91
	Ripley	113.77
	Rush	169.84
	Scott	100.17
	Shelby	170.85
	Spencer	107.95
	St. Joseph	171.27
	Starke	122.25
	Steuben	125.14
	Sullivan	116.53
	Switzerland	98.40
	Tippecanoe	187.76
	Tipton	203.73
	Union	138.21
	Vanderburgh	118.03
	Vermillion	132.53
	Vigo	108.12
	Wabash	144.14
	Warren	164.30
	Warrick	135.46
	Washington	92.64
	Wayne	144.42
	Wells	176.57
	White	190.73
	Whitley	143.31
Iowa	Adair	130.78
	Adams	119.98
	Allamakee	118.93
	Appanoose	82.98
	Audubon	186.22
	Benton	201.77
	Black Hawk	222.74
	Boone	210.93
	Bremer	215.57
	Buchanan	204.95
	Buena Vista	204.08
	Butler	190.87
	Calhoun	214.80
	Carroll	210.30
	Cass	152.72
	Cedar	200.44
	Cerro Gordo	185.35
	Cherokee	207.47
	Chickasaw	200.06
	Clarke	94.41
	Clay	206.42
	Clayton	133.78
	Clinton	198.52
	Crawford	193.35
	Dallas	188.04
	Davis	82.25
	Decatur	83.50
	Delaware	201.42
	Des Moines	155.79
	Dickinson	197.37
	Dubuque	170.29
	Emmet	203.48
	Fayette	192.27
	Floyd	178.92
	Franklin	185.77
	Fremont	171.66
	Greene	194.61
	Grundy	224.48
	Guthrie	162.05
	Hamilton	227.00
	Hancock	194.47

State	County	Fee/acre/yr
	Hardin	206.42
	Harrison	162.78
	Henry	137.76
	Howard	184.27
	Humboldt	213.20
	Ida	189.68
	Iowa	169.17
	Jackson	149.01
	Jasper	173.79
	Jefferson	128.33
	Johnson	191.95
	Jones	187.24
	Keokuk	139.30
	Kossuth	212.64
	Lee	119.28
	Linn	187.90
	Louisa	160.51
	Lucas	80.32
	Lyon	230.46
	Madison	137.03
	Mahaska	157.16
	Marion	124.73
	Marshall	185.11
	Mills	176.55
	Mitchell	206.07
	Monona	153.49
	Monroe	88.64
	Montgomery	156.81
	Muscatine	175.78
	O'Brien	238.63
	Osceola	196.74
	Page	140.63
	Palo Alto	210.26
	Plymouth	205.51
	Pocahontas	213.41
	Polk	197.13
	Pottawattamie	196.57
	Poweshiek	169.94
	Ringgold	95.59
	Sac	207.40
	Scott	226.89
	Shelby	189.30
	Sioux	254.50
	Story	219.07
	Tama	181.75
	Taylor	106.98
	Union	96.19
	Van Buren	97.13
	Wapello	115.30
	Warren	142.94
	Washington	170.71
	Wayne	90.35
	Webster	205.51
	Winnebago	188.60
	Winneshiek	166.55
	Woodbury	166.97
	Worth	171.76
	Wright	201.49
Kansas	Allen	38.37
	Anderson	42.80
	Atchison	59.18
	Barber	33.39
	Barton	43.07
	Bourbon	39.78
	Brown	89.89
	Butler	48.36
	Chase	37.27
	Chautauqua	31.74
	Cherokee	51.18
	Cheyenne	43.52
	Clark	25.01
	Clay	58.02
	Cloud	54.72
	Coffey	41.94

State	County	Fee/acre/yr
	Comanche	25.32
	Cowley	39.36
	Crawford	46.03
	Decatur	41.91
	Dickinson	55.44
	Doniphan	98.89
	Douglas	78.42
	Edwards	58.63
	Elk	34.86
	Ellis	36.62
	Ellsworth	36.44
	Finney	39.54
	Ford	33.46
	Franklin	63.79
	Geary	53.27
	Gove	35.34
	Graham	36.24
	Grant	36.62
	Gray	36.68
	Greeley	40.88
	Greenwood	38.71
	Hamilton	27.79
	Harper	41.70
	Harvey	70.62
	Haskell	37.85
	Hodgeman	29.54
	Jackson	48.36
	Jefferson	61.48
	Jewell	53.03
	Johnson	119.26
	Kearny	35.65
	Kingman	39.26
	Kiowa	33.87
	Labette	40.84
	Lane	35.34
	Leavenworth	88.89
	Lincoln	41.05
	Linn	48.36
	Logan	32.43
	Lyon	42.87
	Marion	57.95
	Marshall	73.99
	McPherson	62.03
	Meade	33.52
	Miami	86.04
	Mitchell	61.55
	Montgomery	42.52
	Morris	40.36
	Morton	23.25
	Nemaha	77.56
	Neosho	41.15
	Ness	28.61
	Norton	36.41
	Osage	44.69
	Osborne	37.65
	Ottawa	51.73
	Pawnee	50.08
	Phillips	34.38
	Pottawatomie	52.42
	Pratt	43.97
	Rawlins	47.92
	Reno	49.36
	Republic	72.85
	Rice	43.90
	Riley	50.25
	Rooks	36.07
	Rush	35.65
	Russell	31.39
	Saline	54.31
	Scott	41.70
	Sedgwick	65.30
	Seward	31.64
	Shawnee	68.39
	Sheridan	52.73

State	County	Fee/acre/yr
	Sherman	46.92
	Smith	44.58
	Stafford	48.57
	Stanton	30.43
	Stevens	37.68
	Sumner	49.26
	Thomas	58.60
	Trego	36.07
	Wabaunsee	40.39
	Wallace	34.66
	Washington	64.13
	Wichita	37.30
	Wilson	39.50
	Woodson	37.82
	Wyandotte	132.14
Kentucky	Adair	71.19
	Allen	82.17
	Anderson	86.65
	Ballard	94.61
	Barren	81.89
	Bath	54.26
	Bell	54.08
	Boone	171.57
	Bourbon	118.35
	Boyd	64.86
	Boyle	94.68
	Bracken	58.26
	Breathitt	39.76
	Breckinridge	66.70
	Bullitt	101.36
	Butler	56.24
	Caldwell	76.05
	Calloway	82.52
	Campbell	122.14
	Carlisle	78.66
	Carroll	73.34
	Carter	48.87
	Casey	56.48
	Christian	96.04
	Clark	91.28
	Clay	44.28
	Clinton	72.12
	Crittenden	59.85
	Cumberland	47.48
	Daviess	107.99
	Edmonson	66.15
	Elliott	37.75
	Estill	51.37
	Fayette	253.39
	Fleming	58.29
	Floyd	40.95
	Franklin	102.43
	Fulton	97.05
	Gallatin	84.15
	Garrard	68.72
	Grant	85.09
	Graves	90.16
	Grayson	63.12
	Green	62.98
	Greenup	49.22
	Hancock	78.21
	Hardin	97.46
	Harlan	36.77
	Harrison	75.91
	Hart	61.70
	Henderson	101.53
	Henry	92.94
	Hickman	96.77
	Hopkins	80.71
	Jackson	50.54
	Jefferson	240.04
	Jessamine	152.17
	Johnson	48.66
	Kenton	121.24

State	County	Fee/acre/yr
	Knott	37.61
	Knox	48.63
	Larue	95.17
	Laurel	95.90
	Lawrence	39.38
	Lee	52.90
	Leslie	120.86
	Letcher	64.30
	Lewis	40.84
	Lincoln	69.20
	Livingston	59.16
	Logan	93.12
	Lyon	56.31
	Madison	83.91
	Magoffin	41.22
	Marion	74.87
	Marshall	85.02
	Martin	139.97
	Mason	71.67
	McCracken	85.58
	McCreary	49.77
	McLean	104.55
	Meade	90.20
	Menifee	49.70
	Mercer	93.95
	Metcalfe	62.74
	Monroe	65.59
	Montgomery	76.26
	Morgan	35.49
	Muhlenberg	64.62
	Nelson	93.50
	Nicholas	60.03
	Ohio	68.06
	Oldham	173.72
	Owen	64.13
	Owsley	37.50
	Pendleton	65.83
	Perry	33.54
	Pike	37.09
	Powell	44.21
	Pulaski	80.54
	Robertson	50.26
	Rockcastle	56.52
	Rowan	59.30
	Russell	85.64
	Scott	127.15
	Shelby	135.73
	Simpson	115.75
	Spencer	87.14
	Taylor	77.37
	Todd	102.61
	Trigg	82.31
	Trimble	87.77
	Union	114.11
	Warren	100.28
	Washington	71.19
	Wayne	63.23
	Webster	88.81
	Whitley	60.27
	Wolfe	41.36
	Woodford	226.76
Louisiana	Acadia	58.49
	Allen	55.40
	Ascension	92.77
	Assumption	80.34
	Avoyelles	59.81
	Beauregard	65.84
	Bienville	62.71
	Bossier	88.65
	Caddo	71.77
	Calcasieu	67.65
	Caldwell	65.28
	Cameron	46.37
	Catahoula	64.00

State	County	Fee/acre/yr
	Claiborne	66.37
	Concordia	60.83
	De Soto	71.41
	East Baton Rouge	151.49
	East Carroll	72.20
	East Feliciana	78.60
	Evangeline	55.92
	Franklin	60.11
	Grant	56.25
	Iberia	82.65
	Iberville	47.52
	Jackson	74.61
	Jefferson	100.28
	Jefferson Davis	59.91
	La Salle	67.62
	Lafayette	125.75
	Lafourche	56.62
	Lincoln	87.72
	Livingston	151.52
	Madison	65.05
	Morehouse	62.41
	Natchitoches	64.00
	Orleans	408.33
	Ouachita	76.88
	Plaquemines	33.28
	Pointe Coupee	72.33
	Rapides	67.03
	Red River	51.51
	Richland	60.54
	Sabine	83.84
	St. Bernard	43.83
	St. Charles	57.11
	St. Helena	88.22
	St. James	92.80
	St. John the Baptist	76.72
	St. Landry	63.40
	St. Martin	65.18
	St. Mary	66.11
	St. Tammany	192.85
	Tangipahoa	108.55
	Tensas	57.93
	Terrebonne	59.12
	Union	76.68
	Vermilion	68.51
	Vernon	83.31
	Washington	93.46
	Webster	91.81
	West Baton Rouge	98.86
	West Carroll	56.29
	West Feliciana	69.57
	Winn	63.73
Maine	Androscoggin	67.50
	Aroostook	37.59
	Cumberland	129.22
	Franklin	57.20
	Hancock	88.70
	Kennebec	75.47
	Knox	99.99
	Lincoln	91.86
	Oxford	66.94
	Penobscot	53.06
	Piscataquis	45.16
	Sagadahoc	99.50
	Somerset	55.79
	Waldo	49.11
	Washington	41.17
	York	128.19
Maryland	Allegany	95.77
	Anne Arundel	317.51
	Baltimore	258.86
	Calvert	206.66
	Caroline	167.51
	Carroll	223.32
	Cecil	198.95

State	County	Fee/acre/yr
	Charles	176.94
	Dorchester	142.90
	Frederick	208.27
	Garrett	115.38
	Harford	226.61
	Howard	300.58
	Kent	186.81
	Montgomery	278.91
	Prince George's	216.32
	Queen Anne's	204.12
	Somerset	150.03
	St. Mary's	181.05
	Talbot	181.33
	Washington	164.02
	Wicomico	172.31
	Worcester	163.74
Massachusetts	Barnstable	856.94
	Berkshire	168.80
	Bristol	350.48
	Dukes	235.52
	Essex	500.39
	Franklin	146.18
	Hampden	176.46
	Hampshire	193.97
	Middlesex	459.86
	Nantucket	640.68
	Norfolk	583.45
	Plymouth	276.61
	Suffolk	4,926.45
	Worcester	224.40
Michigan	Alcona	66.02
	Alger	56.07
	Allegan	129.75
	Alpena	65.89
	Antrim	97.08
	Arenac	75.37
	Baraga	50.05
	Barry	107.81
	Bay	108.83
	Benzie	112.92
	Berrien	151.46
	Branch	96.26
	Calhoun	99.58
	Cass	107.27
	Charlevoix	99.79
	Cheboygan	67.25
	Chippewa	43.95
	Clare	76.79
	Clinton	117.70
	Crawford	89.59
	Delta	52.86
	Dickinson	59.90
	Eaton	100.84
	Emmet	85.63
	Genesee	104.76
	Gladwin	76.39
	Gogebic	71.07
	Grand Traverse	144.45
	Gratiot	122.17
	Hillsdale	93.28
	Houghton	48.01
	Huron	140.93
	Ingham	110.49
	Ionia	112.96
	Iosco	72.39
	Iron	53.87
	Isabella	103.10
	Jackson	103.54
	Kalamazoo	126.03
	Kalkaska	82.45
	Kent	158.67
	Keweenaw	68.16
	Lake	70.36
	Lapeer	123.86

State	County	Fee/acre/yr
	Leelanau	182.34
	Lenawee	109.91
	Livingston	131.34
	Luce	62.17
	Mackinac	56.28
	Macomb	149.59
	Manistee	77.88
	Marquette	55.19
	Mason	77.34
	Mecosta	80.93
	Menominee	54.35
	Midland	97.52
	Missaukee	81.94
	Monroe	123.32
	Montcalm	90.37
	Montmorency	61.56
	Muskegon	138.96
	Newaygo	96.37
	Oakland	232.21
	Oceana	87.26
	Ogemaw	71.78
	Ontonagon	45.88
	Osceola	68.70
	Oscoda	71.21
	Otsego	68.43
	Ottawa	174.92
	Presque Isle	58.10
	Roscommon	71.14
	Saginaw	103.37
	Sanilac	118.81
	Schoolcraft	43.98
	Shiawassee	96.91
	St. Clair	101.21
	St. Joseph	128.77
	Tuscola	123.05
	Van Buren	120.41
	Washtenaw	138.01
	Wayne	201.60
	Wexford	77.13
Minnesota	Aitkin	49.13
	Anoka	168.14
	Becker	75.71
	Beltrami	47.35
	Benton	95.74
	Big Stone	108.74
	Blue Earth	178.74
	Brown	153.79
	Carlton	52.19
	Carver	161.45
	Cass	53.24
	Chippewa	144.03
	Chisago	121.35
	Clay	98.08
	Clearwater	46.79
	Cook	132.22
	Cottonwood	153.13
	Crow Wing	72.12
	Dakota	158.18
	Dodge	171.35
	Douglas	85.78
	Faribault	156.75
	Fillmore	127.87
	Freeborn	152.01
	Goodhue	151.00
	Grant	100.80
	Hennepin	229.53
	Houston	96.23
	Hubbard	62.82
	Isanti	103.79
	Itasca	52.51
	Jackson	170.30
	Kanabec	63.97
	Kandiyohi	133.96
	Kittson	48.88

State	County	Fee/acre/yr
	Koochiching	32.79
	Lac qui Parle	122.26
	Lake	91.56
	Lake of the Woods	41.53
	Le Sueur	154.63
	Lincoln	108.08
	Lyon	144.87
	Mahnomen	56.72
	Marshall	58.78
	Martin	170.97
	McLeod	150.10
	Meeker	115.95
	Mille Lacs	76.72
	Morrison	77.31
	Mower	166.89
	Murray	157.31
	Nicollet	180.86
	Nobles	164.94
	Norman	83.41
	Olmsted	152.53
	Otter Tail	69.82
	Pennington	50.62
	Pine	56.23
	Pipestone	146.33
	Polk	80.90
	Pope	102.19
	Ramsey	255.73
	Red Lake	48.78
	Redwood	176.30
	Renville	168.77
	Rice	159.75
	Rock	195.95
	Roseau	33.10
	Scott	173.58
	Sherburne	119.89
	Sibley	167.06
	St. Louis	52.40
	Stearns	108.74
	Steele	167.20
	Stevens	124.52
	Swift	142.61
	Todd	65.88
	Traverse	123.97
	Wabasha	130.93
	Wadena	49.72
	Waseca	163.93
	Washington	229.60
	Watonwan	170.34
	Wilkin	108.77
	Winona	130.62
	Wright	149.43
	Yellow Medicine	127.59
Mississippi	Adams	58.54
	Alcorn	50.35
	Amite	90.78
	Attala	48.59
	Benton	43.06
	Bolivar	65.25
	Calhoun	49.74
	Carroll	50.68
	Chickasaw	49.84
	Choctaw	53.21
	Claiborne	54.26
	Clarke	63.60
	Clay	44.21
	Coahoma	68.05
	Copiah	61.68
	Covington	79.35
	DeSoto	71.25
	Forrest	92.16
	Franklin	69.13
	George	90.68
	Greene	58.67
	Grenada	49.30

State	County	Fee/acre/yr
	Hancock	106.93
	Harrison	167.22
	Hinds	61.84
	Holmes	56.58
	Humphreys	59.58
	Issaquena	51.73
	Itawamba	54.16
	Jackson	101.90
	Jasper	53.89
	Jefferson	57.16
	Jefferson Davis	53.55
	Jones	86.02
	Kemper	46.87
	Lafayette	60.50
	Lamar	97.18
	Lauderdale	64.41
	Lawrence	72.53
	Leake	72.23
	Lee	51.59
	Leflore	54.43
	Lincoln	80.86
	Lowndes	57.26
	Madison	70.65
	Marion	80.02
	Marshall	53.21
	Monroe	47.18
	Montgomery	47.98
	Neshoba	83.12
	Newton	56.18
	Noxubee	58.30
	Oktibbeha	59.42
	Panola	51.90
	Pearl River	86.33
	Perry	77.22
	Pike	95.83
	Pontotoc	49.06
	Prentiss	42.32
	Quitman	54.32
	Rankin	80.66
	Scott	68.18
	Sharkey	61.84
	Simpson	73.88
	Smith	79.75
	Stone	98.60
	Sunflower	52.64
	Tallahatchie	60.66
	Tate	54.16
	Tippah	43.90
	Tishomingo	49.97
	Tunica	72.87
	Union	55.91
	Walthall	80.73
	Warren	50.65
	Washington	57.36
	Wayne	78.60
	Webster	48.73
	Wilkinson	60.63
	Winston	58.61
	Yalobusha	49.10
	Yazoo	56.65
Missouri	Adair	67.31
	Andrew	97.64
	Atchison	133.46
	Audrain	104.91
	Barry	69.64
	Barton	57.77
	Bates	62.23
	Benton	57.36
	Bollinger	55.27
	Boone	100.01
	Buchanan	94.72
	Butler	87.38
	Caldwell	62.44
	Callaway	89.68

State	County	Fee/acre/yr
	Camden	59.73
	Cape Girardeau	85.97
	Carroll	86.01
	Carter	45.63
	Cass	91.05
	Cedar	50.02
	Chariton	81.58
	Christian	85.73
	Clark	72.83
	Clay	117.54
	Clinton	94.07
	Cole	79.94
	Cooper	77.98
	Crawford	57.09
	Dade	60.18
	Dallas	63.85
	Daviess	76.40
	DeKalb	77.33
	Dent	43.98
	Douglas	44.57
	Dunklin	103.47
	Franklin	102.17
	Gasconade	67.28
	Gentry	72.35
	Greene	101.07
	Grundy	63.19
	Harrison	68.44
	Henry	58.29
	Hickory	53.28
	Holt	104.26
	Howard	69.64
	Howell	51.67
	Iron	44.19
	Jackson	110.81
	Jasper	64.15
	Jefferson	93.52
	Johnson	72.59
	Knox	81.82
	Laclede	60.38
	Lafayette	115.96
	Lawrence	70.33
	Lewis	79.42
	Lincoln	107.04
	Linn	66.32
	Livingston	80.04
	Macon	68.00
	Madison	50.50
	Maries	53.55
	Marion	97.74
	McDonald	63.50
	Mercer	60.90
	Miller	60.96
	Mississippi	113.97
	Moniteau	74.04
	Monroe	85.77
	Montgomery	94.76
	Morgan	72.63
	New Madrid	121.72
	Newton	70.74
	Nodaway	89.23
	Oregon	42.71
	Osage	56.20
	Ozark	44.57
	Pemiscot	99.29
	Perry	73.35
	Pettis	75.10
	Phelps	63.16
	Pike	95.00
	Platte	106.70
	Polk	56.71
	Pulaski	53.45
	Putnam	56.61
	Ralls	88.10
	Randolph	72.18

State	County	Fee/acre/yr
	Ray	74.93
	Reynolds	40.14
	Ripley	49.23
	Saline	110.40
	Schuyler	61.10
	Scotland	80.59
	Scott	111.91
	Shannon	45.83
	Shelby	97.50
	St Louis	113.28
	St. Charles	116.37
	St. Clair	45.46
	St. Francois	68.96
	Ste. Genevieve	63.26
	Stoddard	120.56
	Stone	65.01
	Sullivan	50.98
	Taney	53.83
	Texas	45.05
	Vernon	59.18
	Warren	106.49
	Washington	52.66
	Wayne	41.92
	Webster	71.70
	Worth	61.86
	Wright	49.33
Montana	Beaverhead	24.48
	Big Horn	9.69
	Blaine	13.12
	Broadwater	25.11
	Carbon	25.85
	Carter	11.80
	Cascade	23.16
	Chouteau	17.62
	Custer	8.84
	Daniels	11.34
	Dawson	9.83
	Deer Lodge	35.41
	Fallon	9.63
	Fergus	18.99
	Flathead	109.65
	Gallatin	58.02
	Garfield	10.84
	Glacier	14.99
	Golden Valley	12.38
	Granite	28.02
	Hill	14.22
	Jefferson	24.89
	Judith Basin	19.60
	Lake	35.08
	Lewis and Clark	33.27
	Liberty	13.34
	Lincoln	82.39
	Madison	27.50
	McCone	10.54
	Meagher	21.11
	Mineral	97.66
	Missoula	60.79
	Musselshell	10.84
	Park	56.05
	Petroleum	9.63
	Phillips	12.63
	Pondera	17.81
	Powder River	12.10
	Powell	20.78
	Prairie	12.38
	Ravalli	106.63
	Richland	13.12
	Roosevelt	13.89
	Rosebud	9.06
	Sanders	26.07
	Sheridan	13.01
	Silver Bow	34.45
	Stillwater	30.66

State	County	Fee/acre/yr
	Sweet Grass	23.60
	Teton	23.08
	Toole	15.75
	Treasure	11.03
	Valley	10.90
	Wheatland	11.25
	Wibaux	10.27
	Yellowstone	16.77
Nebraska	Adams	134.40
	Antelope	108.33
	Arthur	10.76
	Banner	19.61
	Blaine	13.05
	Boone	112.25
	Box Butte	27.19
	Boyd	35.02
	Brown	18.24
	Buffalo	95.18
	Burt	132.84
	Butler	126.00
	Cass	147.52
	Cedar	112.25
	Chase	50.07
	Cherry	13.53
	Cheyenne	22.73
	Clay	130.71
	Colfax	134.75
	Cuming	136.60
	Custer	48.32
	Dakota	122.21
	Dawes	18.94
	Dawson	79.11
	Deuel	25.44
	Dixon	105.62
	Dodge	142.90
	Douglas	158.34
	Dundy	34.60
	Fillmore	140.39
	Franklin	75.61
	Frontier	37.37
	Furnas	59.62
	Gage	88.91
	Garden	15.57
	Garfield	25.24
	Gosper	80.60
	Grant	14.07
	Greeley	82.23
	Hall	113.84
	Hamilton	164.17
	Harlan	78.50
	Hayes	32.95
	Hitchcock	32.85
	Holt	53.29
	Hooker	11.27
	Howard	75.10
	Jefferson	100.02
	Johnson	64.81
	Kearney	134.53
	Keith	47.34
	Keya Paha	19.74
	Kimball	22.09
	Knox	70.64
	Lancaster	116.64
	Lincoln	36.58
	Logan	28.94
	Loup	18.88
	Madison	122.69
	McPherson	11.40
	Merrick	97.73
	Morrill	23.49
	Nance	87.03
	Nemaha	103.59
	Nuckolls	96.07
	Otoe	109.38

State	County	Fee/acre/yr
	Pawnee	65.90
	Perkins	57.84
	Phelps	114.70
	Pierce	110.11
	Platte	129.56
	Polk	151.34
	Red Willow	40.59
	Richardson	97.09
	Rock	27.44
	Saline	122.69
	Sarpy	151.75
	Saunders	134.15
	Scotts Bluff	47.56
	Seward	128.13
	Sheridan	17.64
	Sherman	60.33
	Sioux	14.58
	Stanton	111.42
	Thayer	104.99
	Thomas	12.80
	Thurston	128.58
	Valley	56.25
	Washington	153.41
	Wayne	111.35
	Webster	72.07
	Wheeler	31.20
	York	143.41
Nevada	Carson City	53.84
	Churchill	19.52
	Clark	45.04
	Douglas	23.15
	Elko	3.97
	Esmeralda	14.38
	Eureka	5.19
	Humboldt	7.96
	Lander	5.96
	Lincoln	23.33
	Lyon	17.61
	Mineral	3.44
	Nye	17.17
	Pershing	7.49
	Storey	308.06
	Washoe	6.53
	White Pine	6.56
New Hampshire	Belknap	143.30
	Carroll	124.64
	Cheshire	76.80
	Coos	62.60
	Grafton	78.01
	Hillsborough	170.39
	Merrimack	104.25
	Rockingham	194.85
	Strafford	128.64
	Sullivan	103.30
New Jersey	Atlantic	307.49
	Bergen	1,051.95
	Burlington	241.76
	Camden	314.04
	Cape May	287.87
	Cumberland	200.54
	Essex	1,584.16
	Gloucester	297.23
	Hudson	319.28
	Hunterdon	409.35
	Mercer	506.91
	Middlesex	491.34
	Monmouth	538.64
	Morris	577.73
	Ocean	385.52
	Passaic	778.78
	Salem	197.05
	Somerset	511.59
	Sussex	266.37
	Union	3,146.99

State	County	Fee/acre/yr
	Warren	255.33
New Mexico	Bernalillo	22.08
	Catron	8.32
	Chaves	7.01
	Cibola	6.09
	Colfax	7.72
	Curry	11.27
	De Baca	4.82
	Dona Ana	34.86
	Eddy	8.71
	Grant	7.30
	Guadalupe	5.18
	Harding	5.50
	Hidalgo	4.82
	Lea	6.60
	Lincoln	6.89
	Los Alamos	297.31
	Luna	8.25
	McKinley	6.13
	Mora	10.81
	Otero	8.18
	Quay	6.52
	Rio Arriba	14.09
	Roosevelt	9.49
	San Juan	6.77
	San Miguel	7.35
	Sandoval	10.17
	Santa Fe	16.48
	Sierra	5.57
	Socorro	9.59
	Taos	22.83
	Torrance	7.08
	Union	7.16
	Valencia	18.35
New York	Albany	84.13
	Allegany	47.51
	Bronx	70.59
	Broome	71.20
	Cattaraugus	51.34
	Cayuga	87.28
	Chautauqua	56.06
	Chemung	65.36
	Chenango	49.82
	Clinton	54.98
	Columbia	141.78
	Cortland	51.75
	Delaware	67.67
	Dutchess	140.83
	Erie	80.32
	Essex	57.28
	Franklin	45.61
	Fulton	58.30
	Genesee	71.47
	Greene	101.43
	Hamilton	49.48
	Herkimer	52.33
	Jefferson	44.52
	Kings	21,514.93
	Lewis	45.34
	Livingston	78.66
	Madison	55.45
	Monroe	96.41
	Montgomery	62.41
	Nassau	497.69
	New York	70.59
	Niagara	62.24
	Oneida	54.06
	Onondaga	85.65
	Ontario	87.49
	Orange	150.33
	Orleans	70.52
	Oswego	54.91
	Otsego	60.95
	Putnam	148.43

State	County	Fee/acre/yr
	Queens	139.20
	Rensselaer	93.29
	Richmond	4,786.53
	Rockland	2,351.47
	Saratoga	130.07
	Schenectady	93.76
	Schoharie	61.86
	Schuyler	77.58
	Seneca	79.95
	St. Lawrence	38.48
	Steuben	49.78
	Suffolk	317.57
	Sullivan	99.97
	Tioga	53.41
	Tompkins	74.86
	Ulster	136.89
	Warren	108.52
	Washington	65.87
	Wayne	67.29
	Westchester	437.15
	Wyoming	71.06
	Yates	107.40
North Carolina	Alamance	128.17
	Alexander	161.71
	Alleghany	130.55
	Anson	101.26
	Ashe	154.61
	Avery	189.41
	Beaufort	83.08
	Bertie	73.47
	Bladen	89.47
	Brunswick	116.96
	Buncombe	233.82
	Burke	144.55
	Cabarrus	199.12
	Caldwell	150.09
	Camden	77.24
	Carteret	89.37
	Caswell	78.22
	Catawba	146.80
	Chatham	134.87
	Cherokee	156.21
	Chowan	86.14
	Clay	135.65
	Cleveland	111.90
	Columbus	82.44
	Craven	84.10
	Cumberland	84.85
	Currituck	111.12
	Dare	104.86
	Davidson	166.84
	Davie	167.93
	Duplin	110.81
	Durham	233.17
	Edgecombe	71.60
	Forsyth	225.87
	Franklin	116.11
	Gaston	164.80
	Gates	94.60
	Graham	163.82
	Granville	111.66
	Greene	106.02
	Guilford	168.13
	Halifax	64.46
	Harnett	145.40
	Haywood	172.18
	Henderson	212.24
	Hertford	65.04
	Hoke	87.09
	Hyde	66.87
	Iredell	163.48
	Jackson	262.50
	Johnston	132.73
	Jones	72.51

State	County	Fee/acre/yr
	Lee	113.63
	Lenoir	91.75
	Lincoln	151.45
	Macon	207.45
	Madison	147.17
	Martin	76.63
	McDowell	156.82
	Mecklenburg	559.76
	Mitchell	143.30
	Montgomery	111.42
	Moore	144.76
	Nash	103.64
	New Hanover	386.87
	Northampton	71.15
	Onslow	103.81
	Orange	181.93
	Pamlico	78.22
	Pasquotank	85.87
	Pender	114.96
	Perquimans	88.21
	Person	103.23
	Pitt	86.48
	Polk	199.33
	Randolph	130.28
	Richmond	111.97
	Robeson	79.85
	Rockingham	109.96
	Rowan	153.80
	Rutherford	109.69
	Sampson	108.06
	Scotland	97.86
	Stanly	139.76
	Stokes	104.59
	Surry	124.71
	Swain	171.02
	Transylvania	240.24
	Tyrrell	69.18
	Union	153.52
	Vance	94.06
	Wake	260.29
	Warren	69.66
	Washington	82.03
	Watauga	203.17
	Wayne	112.10
	Wilkes	131.64
	Wilson	103.78
	Yadkin	143.19
	Yancey	176.22
North Dakota	Adams	22.49
	Barnes	62.34
	Benson	36.05
	Billings	21.96
	Bottineau	37.69
	Bowman	20.99
	Burke	23.39
	Burleigh	39.26
	Cass	79.91
	Cavalier	53.06
	Dickey	62.86
	Divide	18.02
	Dunn	25.45
	Eddy	37.30
	Emmons	32.84
	Foster	52.09
	Golden Valley	23.50
	Grand Forks	58.61
	Grant	25.73
	Griggs	50.87
	Hettinger	31.27
	Kidder	25.80
	LaMoure	60.31
	Logan	28.52
	McHenry	25.07
	McIntosh	32.81

State	County	Fee/acre/yr
	McKenzie	20.57
	McLean	36.61
	Mercer	26.57
	Morton	28.52
	Mountrail	25.38
	Nelson	32.77
	Oliver	28.48
	Pembina	71.89
	Pierce	28.66
	Ramsey	38.84
	Ransom	50.97
	Renville	45.11
	Richland	82.84
	Rolette	31.34
	Sargent	66.17
	Sheridan	26.08
	Sioux	24.93
	Slope	23.78
	Stark	37.86
	Steele	51.60
	Stutsman	48.70
	Towner	35.77
	Traill	80.92
	Walsh	66.31
	Ward	42.88
	Wells	45.11
	Williams	20.78
Ohio	Adams	79.70
	Allen	147.11
	Ashland	127.45
	Ashtabula	91.19
	Athens	77.44
	Auglaize	168.28
	Belmont	93.10
	Brown	100.30
	Butler	162.74
	Carroll	103.51
	Champaign	149.20
	Clark	143.04
	Clermont	142.17
	Clinton	138.17
	Columbiana	135.35
	Coshocton	95.50
	Crawford	130.34
	Cuyahoga	476.46
	Darke	197.61
	Defiance	124.81
	Delaware	165.32
	Erie	131.07
	Fairfield	132.88
	Fayette	152.37
	Franklin	171.27
	Fulton	154.70
	Gallia	90.59
	Geauga	197.51
	Greene	167.41
	Guernsey	79.94
	Hamilton	202.77
	Hancock	131.73
	Hardin	136.08
	Harrison	83.74
	Henry	157.17
	Highland	100.76
	Hocking	99.82
	Holmes	162.12
	Huron	124.88
	Jackson	65.78
	Jefferson	76.71
	Knox	133.05
	Lake	210.21
	Lawrence	67.97
	Licking	136.26
	Logan	138.62
	Lorain	130.79

State	County	Fee/acre/yr
	Lucas	160.86
	Madison	141.79
	Mahoning	138.31
	Marion	132.88
	Medina	177.15
	Meigs	67.59
	Mercer	218.67
	Miami	158.77
	Monroe	64.25
	Montgomery	163.09
	Morgan	66.89
	Morrow	130.37
	Muskingum	90.84
	Noble	70.93
	Ottawa	132.32
	Paulding	134.97
	Perry	100.93
	Pickaway	133.44
	Pike	88.44
	Portage	144.64
	Preble	146.35
	Putnam	140.01
	Richland	138.17
	Ross	100.44
	Sandusky	131.11
	Scioto	78.31
	Seneca	135.66
	Shelby	165.73
	Stark	153.52
	Summit	235.31
	Trumbull	111.58
	Tuscarawas	106.67
	Union	143.01
	Van Wert	174.75
	Vinton	67.59
	Warren	199.08
	Washington	74.51
	Wayne	173.67
	Williams	106.57
	Wood	162.08
	Wyandot	140.01
Oklahoma	Adair	54.58
	Alfalfa	39.20
	Atoka	38.51
	Beaver	18.41
	Beckham	30.48
	Blaine	32.83
	Bryan	48.86
	Caddo	36.89
	Canadian	53.13
	Carter	43.55
	Cherokee	65.37
	Choctaw	40.58
	Cimarron	13.93
	Cleveland	86.20
	Coal	34.76
	Comanche	38.10
	Cotton	31.07
	Craig	43.93
	Creek	49.31
	Custer	36.96
	Delaware	63.96
	Dewey	27.93
	Ellis	22.00
	Garfield	39.55
	Garvin	43.58
	Grady	44.41
	Grant	37.65
	Greer	23.62
	Harmon	26.27
	Harper	21.00
	Haskell	41.76
	Hughes	34.41
	Jackson	27.62

State	County	Fee/acre/yr
	Jefferson	27.89
	Johnston	37.07
	Kay	37.31
	Kingfisher	37.58
	Kiowa	26.52
	Latimer	36.76
	Le Flore	54.75
	Lincoln	47.55
	Logan	51.96
	Love	47.72
	Major	30.96
	Marshall	46.13
	Mayes	58.27
	McClain	56.34
	McCurtain	48.07
	McIntosh	42.51
	Murray	38.24
	Muskogee	48.69
	Noble	39.31
	Nowata	45.72
	Okfuskee	35.20
	Oklahoma	85.48
	Okmulgee	49.69
	Osage	29.10
	Ottawa	63.62
	Pawnee	36.72
	Payne	52.17
	Pittsburg	37.55
	Pontotoc	48.51
	Pottawatomie	48.44
	Pushmataha	31.38
	Roger Mills	28.45
	Rogers	67.96
	Seminole	38.93
	Sequoyah	55.24
	Stephens	34.96
	Texas	22.07
	Tillman	27.69
	Tulsa	100.27
	Wagoner	66.96
	Washington	46.13
	Washita	33.07
	Woods	29.93
	Woodward	30.55
Oregon	Baker	19.91
	Benton	116.51
	Clackamas	264.85
	Clatsop	108.95
	Columbia	107.87
	Coos	63.33
	Crook	17.85
	Curry	66.92
	Deschutes	137.76
	Douglas	60.56
	Gilliam	9.77
	Grant	15.81
	Harney	10.75
	Hood River	373.13
	Jackson	91.96
	Jefferson	12.59
	Josephine	197.42
	Klamath	28.97
	Lake	19.98
	Lane	134.01
	Lincoln	94.17
	Linn	95.05
	Malheur	23.05
	Marion	155.98
	Morrow	18.68
	Multnomah	234.24
	Polk	120.61
	Sherman	11.71
	Tillamook	122.91
	Umatilla	32.06

State	County	Fee/acre/yr
	Union	30.39
	Wallowa	24.79
	Wasco	14.78
	Washington	184.04
	Wheeler	12.72
	Yamhill	179.94
Pennsylvania	Adams	171.11
	Allegheny	144.65
	Armstrong	78.93
	Beaver	132.02
	Bedford	101.38
	Berks	243.22
	Blair	125.33
	Bradford	101.69
	Bucks	337.15
	Butler	130.34
	Cambria	89.98
	Cameron	53.67
	Carbon	179.76
	Centre	148.70
	Chester	358.84
	Clarion	81.03
	Clearfield	72.72
	Clinton	148.63
	Columbia	128.83
	Crawford	77.49
	Cumberland	213.94
	Dauphin	124.68
	Delaware	378.81
	Elk	93.90
	Erie	94.38
	Fayette	91.18
	Forest	66.10
	Franklin	182.47
	Fulton	99.90
	Greene	82.57
	Huntingdon	105.22
	Indiana	76.84
	Jefferson	71.28
	Juniata	138.34
	Lackawanna	134.36
	Lancaster	343.98
	Lawrence	112.70
	Lebanon	289.99
	Lehigh	228.67
	Luzerne	123.24
	Lycoming	117.10
	McKean	56.63
	Mercer	93.90
	Mifflin	134.74
	Monroe	215.80
	Montgomery	385.78
	Montour	150.52
	Northampton	225.61
	Northumberland	134.46
	Perry	138.68
	Philadelphia	1,244.74
	Pike	50.38
	Potter	75.47
	Schuylkill	176.71
	Snyder	159.79
	Somerset	72.24
	Sullivan	84.66
	Susquehanna	111.98
	Tioga	94.38
	Union	148.02
	Venango	84.90
	Warren	64.42
	Washington	125.13
	Wayne	102.41
	Westmoreland	130.62
	Wyoming	110.13
	York	207.22
Puerto Rico	All Areas	177.77

State	County	Fee/acre/yr
Rhode Island	Bristol	605.22
	Kent	204.20
	Newport	526.63
	Providence	343.71
	Washington	280.98
South Carolina	Abbeville	75.33
	Aiken	103.15
	Allendale	60.02
	Anderson	118.56
	Bamberg	60.13
	Barnwell	66.17
	Beaufort	91.82
	Berkeley	96.84
	Calhoun	75.84
	Charleston	169.22
	Cherokee	82.32
	Chester	76.55
	Chesterfield	74.34
	Clarendon	49.95
	Colleton	73.22
	Darlington	66.91
	Dillon	70.65
	Dorchester	93.38
	Edgefield	80.25
	Fairfield	75.77
	Florence	60.13
	Georgetown	63.89
	Greenville	176.38
	Greenwood	65.35
	Hampton	65.08
	Horry	81.88
	Jasper	73.77
	Kershaw	83.00
	Lancaster	106.85
	Laurens	91.99
	Lee	61.48
	Lexington	108.14
	Marion	63.18
	Marlboro	58.87
	McCormick	47.98
	Newberry	73.60
	Oconee	144.07
	Orangeburg	68.61
	Pickens	151.33
	Richland	95.31
	Saluda	77.43
	Spartanburg	134.74
	Sumter	62.98
	Union	59.79
	Williamsburg	56.63
	York	136.57
South Dakota	Aurora	65.71
	Beadle	79.69
	Bennett	15.72
	Bon Homme	81.26
	Brookings	118.58
	Brown	81.19
	Brule	63.38
	Buffalo	32.91
	Butte	17.22
	Campbell	35.48
	Charles Mix	65.47
	Clark	70.51
	Clay	123.07
	Codington	74.68
	Corson	18.19
	Custer	31.90
	Davison	94.41
	Day	53.19
	Deuel	82.13
	Dewey	15.93
	Douglas	79.41
	Edmunds	61.01
	Fall River	14.33

State	County	Fee/acre/yr
	Faulk	54.13
	Grant	83.27
	Gregory	33.98
	Haakon	16.73
	Hamlin	99.42
	Hand	53.08
	Hanson	104.22
	Harding	11.69
	Hughes	54.61
	Hutchinson	91.48
	Hyde	38.68
	Jackson	22.12
	Jerauld	54.75
	Jones	20.24
	Kingsbury	92.35
	Lake	113.57
	Lawrence	39.48
	Lincoln	151.38
	Lyman	27.90
	Marshall	62.20
	McCook	118.20
	McPherson	42.58
	Meade	18.75
	Mellette	19.90
	Miner	89.40
	Minnehaha	143.21
	Moody	141.75
	Pennington	19.44
	Perkins	14.96
	Potter	55.62
	Roberts	70.44
	Sanborn	66.16
	Shannon	12.80
	Spink	82.82
	Stanley	25.53
	Sully	43.41
	Todd	14.23
	Tripp	31.10
	Turner	120.11
	Union	139.49
	Walworth	41.22
	Yankton	115.28
	Ziebach	13.22
Tennessee	Anderson	162.76
	Bedford	106.20
	Benton	62.29
	Bledsoe	97.44
	Blount	189.30
	Bradley	151.15
	Campbell	103.84
	Cannon	86.09
	Carroll	68.09
	Carter	145.56
	Cheatham	118.67
	Chester	53.57
	Claiborne	85.22
	Clay	77.23
	Cocke	101.93
	Coffee	98.38
	Crockett	78.82
	Cumberland	105.82
	Davidson	172.90
	Decatur	59.75
	DeKalb	89.18
	Dickson	92.51
	Dyer	69.69
	Fayette	87.30
	Fentress	89.14
	Franklin	108.32
	Gibson	85.88
	Giles	81.64
	Grainger	105.68
	Greene	112.63
	Grundy	79.59

State	County	Fee/acre/yr
	Hamblen	130.13
	Hamilton	157.13
	Hancock	63.85
	Hardeman	70.97
	Hardin	70.35
	Hawkins	97.90
	Haywood	100.26
	Henderson	61.35
	Henry	77.23
	Hickman	66.53
	Houston	63.05
	Humphreys	79.03
	Jackson	80.42
	Jefferson	150.08
	Johnson	132.39
	Knox	213.16
	Lake	91.47
	Lauderdale	86.92
	Lawrence	73.61
	Lewis	72.33
	Lincoln	93.69
	Loudon	150.70
	Macon	95.15
	Madison	70.04
	Marion	81.78
	Marshall	83.86
	Maury	101.41
	McMinn	113.88
	McNairy	59.96
	Meigs	97.83
	Monroe	125.27
	Montgomery	119.78
	Moore	98.04
	Morgan	95.26
	Obion	88.55
	Overton	90.32
	Perry	55.06
	Pickett	80.74
	Polk	124.23
	Putnam	120.30
	Rhea	97.24
	Roane	141.32
	Robertson	135.31
	Rutherford	135.55
	Scott	78.48
	Sequatchie	89.94
	Sevier	164.70
	Shelby	127.46
	Smith	73.86
	Stewart	73.06
	Sullivan	153.58
	Sumner	135.17
	Tipton	82.47
	Trousdale	107.10
	Unicoi	153.17
	Union	80.25
	Van Buren	103.42
	Warren	99.18
	Washington	178.35
	Wayne	55.97
	Weakley	82.72
	White	104.67
	Williamson	205.00
	Wilson	123.19
Texas	Anderson	64.80
	Andrews	8.68
	Angelina	83.64
	Aransas	45.13
	Archer	26.06
	Armstrong	27.85
	Atascosa	51.89
	Austin	108.24
	Bailey	21.32
	Bandera	71.36

State	County	Fee/acre/yr
	Bastrop	99.00
	Baylor	27.52
	Bee	49.44
	Bell	81.12
	Bexar	113.41
	Blanco	125.23
	Borden	15.50
	Bosque	64.10
	Bowie	60.10
	Brazoria	80.43
	Brazos	99.90
	Brewster	12.42
	Briscoe	22.09
	Brooks	28.15
	Brown	54.20
	Burleson	76.09
	Burnet	88.04
	Caldwell	87.58
	Calhoun	46.49
	Callahan	40.00
	Cameron	77.81
	Camp	68.94
	Carson	24.37
	Cass	54.57
	Castro	29.07
	Chambers	52.88
	Cherokee	65.43
	Childress	20.36
	Clay	41.79
	Cochran	17.81
	Coke	27.68
	Coleman	40.07
	Collin	140.46
	Collingsworth	22.05
	Colorado	87.65
	Comal	139.00
	Comanche	63.61
	Concho	41.92
	Cooke	86.55
	Coryell	64.44
	Cottle	16.39
	Crane	15.63
	Crockett	16.69
	Crosby	22.65
	Culberson	9.07
	Dallam	24.97
	Dallas	122.15
	Dawson	20.89
	Deaf Smith	26.19
	Delta	48.38
	Denton	161.88
	DeWitt	69.20
	Dickens	19.40
	Dimmit	41.29
	Donley	28.54
	Duval	34.57
	Eastland	52.65
	Ector	12.81
	Edwards	33.28
	El Paso	51.32
	Ellis	84.27
	Erath	85.16
	Falls	51.59
	Fannin	67.85
	Fayette	112.18
	Fisher	28.67
	Floyd	30.33
	Foard	19.57
	Fort Bend	108.47
	Franklin	75.99
	Freestone	55.63
	Frio	54.10
	Gaines	25.69
	Galveston	95.46

State	County	Fee/acre/yr
	Garza	18.38
	Gillespie	112.85
	Glasscock	23.71
	Goliad	54.77
	Gonzales	85.59
	Gray	23.51
	Grayson	99.53
	Gregg	102.81
	Grimes	102.38
	Guadalupe	95.23
	Hale	31.39
	Hall	20.43
	Hamilton	65.76
	Hansford	24.50
	Hardeman	23.18
	Hardin	81.92
	Harris	141.52
	Harrison	75.36
	Hartley	26.62
	Haskell	19.60
	Hays	164.24
	Hemphill	19.60
	Henderson	78.91
	Hidalgo	80.46
	Hill	59.67
	Hockley	27.48
	Hood	108.21
	Hopkins	58.64
	Houston	59.44
	Howard	20.10
	Hudspeth	14.90
	Hunt	80.96
	Hutchinson	20.20
	Irion	24.87
	Jack	51.82
	Jackson	55.99
	Jasper	83.41
	Jeff Davis	12.71
	Jefferson	43.91
	Jim Hogg	35.36
	Jim Wells	48.41
	Johnson	108.01
	Jones	29.47
	Karnes	68.81
	Kaufman	90.03
	Kendall	126.82
	Kenedy	17.42
	Kent	22.62
	Kerr	69.77
	Kimble	46.95
	King	16.09
	Kinney	31.85
	Kleberg	49.90
	Knox	20.46
	La Salle	51.72
	Lamar	57.28
	Lamb	30.66
	Lampasas	66.52
	Lavaca	77.65
	Lee	84.73
	Leon	66.39
	Liberty	66.36
	Limestone	50.10
	Lipscomb	21.39
	Live Oak	50.76
	Llano	71.65
	Loving	5.26
	Lubbock	49.07
	Lynn	23.84
	Madison	74.14
	Marion	58.91
	Martin	27.35
	Mason	62.71
	Matagorda	52.52

State	County	Fee/acre/yr
	Maverick	31.22
	McCulloch	49.07
	McLennan	68.64
	McMullen	37.22
	Medina	68.81
	Menard	38.64
	Midland	37.95
	Milam	94.87
	Mills	58.87
	Mitchell	20.89
	Montague	66.22
	Montgomery	156.42
	Moore	24.87
	Morris	55.63
	Motley	19.54
	Nacogdoches	66.79
	Navarro	54.37
	Newton	53.08
	Nolan	29.77
	Nueces	41.03
	Ochiltree	26.52
	Oldham	15.63
	Orange	88.01
	Palo Pinto	63.77
	Panola	55.66
	Parker	132.78
	Parmer	27.55
	Pecos	13.44
	Polk	72.38
	Potter	14.50
	Presidio	12.22
	Rains	66.82
	Randall	26.59
	Reagan	12.88
	Real	39.14
	Red River	44.04
	Reeves	7.12
	Refugio	24.17
	Roberts	17.42
	Robertson	63.41
	Rockwall	154.60
	Runnels	34.27
	Rusk	57.91
	Sabine	71.99
	San Augustine	61.19
	San Jacinto	75.10
	San Patricio	42.32
	San Saba	64.57
	Schleicher	24.54
	Scurry	22.52
	Shackelford	28.94
	Shelby	77.55
	Sherman	28.54
	Smith	100.30
	Somervell	103.14
	Starr	46.89
	Stephens	37.05
	Sterling	13.97
	Stonewall	19.04
	Sutton	25.00
	Swisher	24.40
	Tarrant	167.91
	Taylor	30.00
	Terrell	10.30
	Terry	30.16
	Throckmorton	31.75
	Titus	68.21
	Tom Green	30.20
	Travis	101.65
	Trinity	61.39
	Tyler	77.45
	Upshur	75.83
	Upton	15.56
	Uvalde	52.95

State	County	Fee/acre/yr
	Val Verde	15.10
	Van Zandt	84.53
	Victoria	60.73
	Walker	88.18
	Waller	165.43
	Ward	9.80
	Washington	146.98
	Webb	28.67
	Wharton	67.32
	Wheeler	21.75
	Wichita	31.59
	Wilbarger	26.49
	Willacy	48.41
	Williamson	102.91
	Wilson	79.14
	Winkler	9.60
	Wise	101.06
	Wood	75.56
	Yoakum	21.42
	Young	36.65
	Zapata	30.96
	Zavala	40.66
Utah	Beaver	21.68
	Box Elder	13.05
	Cache	38.30
	Carbon	13.21
	Daggett	23.19
	Davis	70.37
	Duchesne	9.04
	Emery	18.45
	Garfield	24.68
	Grand	6.28
	Iron	20.47
	Juab	13.02
	Kane	15.30
	Millard	15.25
	Morgan	17.09
	Piute	31.82
	Rich	10.92
	Salt Lake	51.35
	San Juan	4.06
	Sanpete	23.36
	Sevier	32.77
	Summit	24.76
	Tooele	12.96
	Uintah	6.87
	Utah	57.86
	Wasatch	41.43
	Washington	39.68
	Wayne	43.82
	Weber	63.20
Vermont	Addison	83.29
	Bennington	114.28
	Caledonia	87.09
	Chittenden	117.60
	Essex	50.97
	Franklin	76.66
	Grand Isle	104.16
	Lamoille	99.74
	Orange	84.76
	Orleans	66.56
	Rutland	74.36
	Washington	109.80
	Windham	109.39
	Windsor	103.85
Virginia	Accomack	101.16
	Albemarle	241.69
	Alleghany	85.77
	Amelia	84.60
	Amherst	100.64
	Appomattox	78.60
	Arlington	1,484.00
	Augusta	172.69
	Bath	115.00

State	County	Fee/acre/yr
	Bedford	122.28
	Bland	89.02
	Botetourt	120.62
	Brunswick	57.62
	Buchanan	72.94
	Buckingham	84.95
	Campbell	82.39
	Caroline	113.93
	Carroll	94.02
	Charles City	103.68
	Charlotte	62.69
	Chesapeake City	120.21
	Chesterfield	147.09
	Clarke	217.51
	Craig	87.50
	Culpeper	178.03
	Cumberland	99.02
	Dickenson	81.91
	Dinwiddie	82.88
	Essex	84.05
	Fairfax	418.35
	Fauquier	219.02
	Floyd	99.99
	Fluvanna	140.70
	Franklin	97.82
	Frederick	162.92
	Giles	72.94
	Gloucester	138.77
	Goochland	150.64
	Grayson	115.79
	Greene	189.90
	Greensville	56.00
	Halifax	63.42
	Hanover	153.64
	Henrico	181.55
	Henry	74.53
	Highland	93.30
	Isle of Wight	98.16
	James City	241.97
	King and Queen	85.26
	King George	138.91
	King William	103.06
	Lancaster	126.38
	Lee	60.79
	Loudoun	330.61
	Louisa	157.95
	Lunenburg	65.69
	Madison	174.34
	Mathews	170.93
	Mecklenburg	71.08
	Middlesex	106.41
	Montgomery	134.63
	Nelson	126.45
	New Kent	152.50
	Northampton	119.21
	Northumberland	82.84
	Nottoway	86.12
	Orange	186.21
	Page	162.34
	Patrick	92.09
	Pittsylvania	67.07
	Powhatan	158.13
	Prince Edward	88.40
	Prince George	116.00
	Prince William	243.66
	Pulaski	84.84
	Rappahannock	233.03
	Richmond	79.56
	Roanoke	118.00
	Rockbridge	118.59
	Rockingham	194.73
	Russell	59.93
	Scott	57.31
	Shenandoah	154.02

State	County	Fee/acre/yr
	Smyth	76.98
	Southampton	73.63
	Spotsylvania	169.20
	Stafford	253.04
	Suffolk	124.80
	Surry	98.85
	Sussex	62.86
	Tazewell	61.14
	Virginia Beach City	146.78
	Warren	197.01
	Washington	108.65
	Westmoreland	98.71
	Wise	76.08
	Wythe	93.47
	York	137.77
Washington	Adams	20.86
	Asotin	14.42
	Benton	46.38
	Chelan	148.43
	Clallam	211.18
	Clark	214.38
	Columbia	18.24
	Cowlitz	147.29
	Douglas	17.26
	Ferry	7.20
	Franklin	49.60
	Garfield	16.05
	Grant	58.08
	Grays Harbor	35.62
	Island	241.22
	Jefferson	154.80
	King	363.15
	Kitsap	448.10
	Kittitas	74.91
	Klickitat	24.15
	Lewis	106.64
	Lincoln	18.85
	Mason	140.55
	Okanogan	22.47
	Pacific	58.56
	Pend Oreille	51.74
	Pierce	240.99
	San Juan	224.13
	Skagit	128.52
	Skamania	172.26
	Snohomish	272.01
	Spokane	48.18
	Stevens	26.64
	Thurston	147.22
	Wahkiakum	79.51
	Walla Walla	35.35
	Whatcom	195.77
	Whitman	23.68
	Yakima	30.54
West Virginia	Barbour	54.34
	Berkeley	160.05
	Boone	48.26
	Braxton	45.45
	Brooke	54.14
	Cabell	83.32
	Calhoun	42.29
	Clay	52.05
	Doddridge	52.33
	Fayette	68.31
	Gilmer	40.93
	Grant	66.09
	Greenbrier	78.88
	Hampshire	100.11
	Hancock	81.52
	Hardy	78.88
	Harrison	58.90
	Jackson	61.36
	Jefferson	191.04
	Kanawha	60.18

State	County	Fee/acre/yr
	Lewis	54.73
	Lincoln	56.19
	Logan	54.17
	Marion	59.90
	Marshall	61.12
	Mason	58.76
	McDowell	66.68
	Mercer	61.78
	Mineral	83.57
	Mingo	39.40
	Monongalia	85.90
	Monroe	63.45
	Morgan	124.26
	Nicholas	70.95
	Ohio	64.28
	Pendleton	64.66
	Pleasants	53.72
	Pocahontas	61.19
	Preston	68.59
	Putnam	71.06
	Raleigh	69.15
	Randolph	50.45
	Ritchie	44.44
	Roane	47.71
	Summers	61.09
	Taylor	68.97
	Tucker	85.03
	Tyler	51.04
	Upshur	64.49
	Wayne	52.26
	Webster	60.98
	Wetzel	50.77
	Wirt	45.66
	Wood	64.84
	Wyoming	57.61
Wisconsin	Adams	105.88
	Ashland	50.26
	Barron	76.40
	Bayfield	55.45
	Brown	148.09
	Buffalo	91.86
	Burnett	67.12
	Calumet	150.69
	Chippewa	74.46
	Clark	85.34
	Columbia	137.65
	Crawford	73.88
	Dane	165.36
	Dodge	146.18
	Door	111.11
	Douglas	47.43
	Dunn	90.53
	Eau Claire	81.96
	Florence	85.03
	Fond du Lac	136.53
	Forest	56.20
	Grant	113.63
	Green	119.43
	Green Lake	124.04
	Iowa	108.96
	Iron	62.99
	Jackson	84.42
	Jefferson	141.51
	Juneau	84.05
	Kenosha	137.52
	Kewaunee	118.78
	La Crosse	91.31
	Lafayette	133.63
	Langlade	75.58
	Lincoln	67.46
	Manitowoc	144.10
	Marathon	79.61
	Marinette	82.85
	Marquette	93.60

State	County	Fee/acre/yr
	Menominee	35.08
	Milwaukee	258.21
	Monroe	87.53
	Oconto	89.33
	Oneida	114.38
	Outagamie	143.90
	Ozaukee	153.08
	Pepin	89.71
	Pierce	108.03
	Polk	77.84
	Portage	89.88
	Price	51.90
	Racine	148.78
	Richland	82.20
	Rock	150.76
	Rusk	55.59
	Sauk	105.95
	Sawyer	62.58
	Shawano	98.07
	Sheboygan	143.11
	St. Croix	114.72
	Taylor	59.75
	Trempealeau	87.29
	Vernon	90.12
	Vilas	146.12
	Walworth	167.44
	Washburn	67.77
	Washington	159.22
	Waukesha	178.19
	Waupaca	104.86
	Waushara	94.42
	Winnebago	114.76
	Wood	85.92
Wyoming	Albany	9.82
	Big Horn	26.66
	Campbell	10.10
	Carbon	9.82
	Converse	6.59
	Crook	15.49
	Fremont	15.18
	Goshen	13.57
	Hot Springs	12.19
	Johnson	10.60
	Laramie	12.54
	Lincoln	31.41
	Natrona	10.89
	Niobrara	9.36
	Park	24.45
	Platte	12.54
	Sheridan	14.38
	Sublette	23.47
	Sweetwater	3.53
	Teton	55.52
	Uinta	12.83
	Washakie	15.49
	Weston	8.16

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Parts 723, 724, 845, and 846

RIN 1029–AC75

[Docket ID: OSM–2017–0012; S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A00 18XS501520]

Civil Monetary Penalty Inflation Adjustments

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Final rule.

SUMMARY: Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (2015 Act), which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (1990 Act), and Office of Management and Budget (OMB) guidance, this rule adjusts for inflation the level of civil monetary penalties assessed under the Surface Mining Control and Reclamation Act of 1977 (SMCRA).

DATES: This rule is effective on March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Michael Kuhns, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Mail Stop 4550, Washington, DC 20240; Telephone (202) 208–2860. Email: *mkuhns@osmre.gov.*

SUPPLEMENTARY INFORMATION:

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I. Background

A. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015

Section 518 of SMCRA, 30 U.S.C. 1268, authorizes the Secretary of the Interior to assess civil monetary penalties (CMPs) for violations of SMCRA. The Office of Surface Mining Reclamation and Enforcement's (OSMRE) regulations implementing the CMP provisions of section 518 are located in 30 CFR parts 723, 724, 845, and 846. We are adjusting CMPs in four sections—30 CFR 723.14, 724.14, 845.14, and 846.14.

On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Sec. 701 of Pub. L. 114–74) (2015 Act) became law. The 2015 Act, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 (codified as amended at 28 U.S.C. 2461 note), requires Federal agencies to promulgate rules to adjust the level of CMPs to account for inflation. The 2015 Act required an initial ''catch-up'' adjustment. OSMRE published the initial adjustment in the **Federal Register** on July 8, 2016 (81 FR 44535), and the adjustment took effect on August 1, 2016. The 2015 Act also requires agencies to publish annual inflation adjustments in the **Federal Register** no later than January 15 of each year. These adjustments are aimed at maintaining the deterrent effect of civil penalties and furthering the policy goals of the statutes that authorize the penalties. Further, the 2015 Act provides that agencies must adjust civil monetary penalties ''notwithstanding Section 553 of the Administrative Procedure Act.'' Therefore, the public procedure that the APA generally requires for rulemaking—notice, an opportunity for comment, and a delay in the effective date—is not required for agencies to issue regulations implementing the annual CMP adjustments. *See* December 15, 2017, Memorandum for the Heads of Executive Departments and Agencies (M–18–03), from Mick Mulvaney, Director, Office of Management and Budget, *Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (OMB Memorandum).

Pursuant to SMCRA and the 2015 Act, this final rule reflects the statutorily required CMP adjustments as follows:

CFR citation	Points (where applicable)	Current penalty dollar amounts	Adjusted penalty dollar amounts
30 CFR 723.14	1	$64	$65
	2	129	132
	3	193	197
	4	257	262
	5	321	328
	6	386	394
	7	450	459
	8	514	524
	9	578	590
	10	643	656
	11	707	721
	12	771	787
	13	835	852
	14	900	918
	15	965	985
	16	1,029	1,050
	17	1,093	1,115
	18	1,158	1,182
	19	1,222	1,247

CFR citation	Points (where applicable)	Current penalty dollar amounts	Adjusted penalty dollar amounts
	20	1,286	1,312
	21	1,350	1,378
	22	1,415	1,444
	23	1,479	1,509
	24	1,543	1,574
	25	1,607	1,640
	26	1,929	1,968
	27	2,250	2,296
	28	2,571	2,623
	29	2,770	2,827
	30	3,215	3,281
	31	3,536	3,608
	32	3,857	3,936
	33	4,179	4,264
	34	4,500	4,592
	35	4,822	4,920
	36	5,143	5,248
	37	5,465	5,577
	38	5,786	5,904
	39	6,107	6,232
	40	6,428	6,559
	41	6,751	6,889
	42	7,072	7,216
	43	7,393	7,544
	44	7,715	7,872
	45	8,036	8,200
	46	8,358	8,529
	47	8,679	8,856
	48	9,001	9,185
	49	9,322	9,512
	50	9,643	9,840
	51	9,964	10,167
	52	10,287	10,497
	53	10,608	10,825
	54	10,929	11,152
	55	11,251	11,481
	56	11,572	11,808
	57	11,893	12,136
	58	12,215	12,464
	59	12,537	12,793
	60	12,858	13,120
	61	13,179	13,448
	62	13,501	13,777
	63	13,823	14,105
	64	14,144	14,433
	65	14,465	14,760
	66	14,787	15,089
	67	15,108	15,416
	68	15,429	15,744
	69	15,751	16,072
	70	16,073	16,401
30 CFR 723.15(b) (Assessment of separate violations for each day)	.....	2,411	2,460
30 CFR 724.14(b) (Individual civil penalties)	.....	16,073	16,401
30 CFR 845.14	1	64	65
	2	129	132
	3	193	197
	4	257	262
	5	321	328
	6	386	394
	7	450	459
	8	514	524
	9	578	590
	10	643	656
	11	707	721
	12	771	787
	13	835	852
	14	900	918
	15	965	985
	16	1,029	1,050
	17	1,093	1,115
	18	1,158	1,182

CFR citation	Points (where applicable)	Current penalty dollar amounts	Adjusted penalty dollar amounts
	19	1,222	1,247
	20	1,286	1,312
	21	1,350	1,378
	22	1,415	1,444
	23	1,479	1,509
	24	1,543	1,574
	25	1,607	1,640
	26	1,929	1,968
	27	2,250	2,296
	28	2,571	2,623
	29	2,770	2,827
	30	3,215	3,281
	31	3,536	3,608
	32	3,857	3,936
	33	4,179	4,264
	34	4,500	4,592
	35	4,822	4,920
	36	5,143	5,248
	37	5,465	5,577
	38	5,786	5,904
	39	6,107	6,232
	40	6,428	6,559
	41	6,751	6,889
	42	7,072	7,216
	43	7,393	7,544
	44	7,715	7,872
	45	8,036	8,200
	46	8,358	8,529
	47	8,679	8,856
	48	9,001	9,185
	49	9,322	9,512
	50	9,643	9,840
	51	9,964	10,167
	52	10,287	10,497
	53	10,608	10,825
	54	10,929	11,152
	55	11,251	11,481
	56	11,572	11,808
	57	11,893	12,136
	58	12,215	12,464
	59	12,537	12,793
	60	12,858	13,120
	61	13,179	13,448
	62	13,501	13,777
	63	13,823	14,105
	64	14,144	14,433
	65	14,465	14,760
	66	14,787	15,089
	67	15,108	15,416
	68	15,429	15,744
	69	15,751	16,072
	70	16,073	16,401
30 CFR 845.15(b) (Assessment of separate violations for each day)	.....	2,411	2,460
30 CFR 846.14(b) (Individual civil penalties)	.....	16,073	16,401

In the chart above, there are no numbers listed in the ''Points'' column relative to 30 CFR 723.15(b), 30 CFR 724.14(b), 30 CFR 845.15(b), and 30 CFR 846.14(b) because those regulatory provisions do not set forth numbers of points. For those provisions, the current regulations only set forth the dollar amounts shown in the chart in the ''Current Penalty Dollar Amounts'' column; the adjusted amounts, which we are adopting in this rule, are shown in the ''Adjusted Penalty Dollar Amounts'' column.

B. Calculation of Adjustments

OMB issued guidance on the 2018 annual adjustments for inflation. *See* OMB Memorandum (December 15, 2017). The OMB Memorandum notes that the 1990 Act defines ''civil monetary penalty'' as ''any penalty, fine, or other sanction that . . . is for a specific monetary amount as provided by Federal law; *or* . . . has a maximum amount provided for by Federal law; *and* . . . is assessed or enforced by an agency pursuant to Federal law; *and* . . . is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts . . . .'' It further instructs that agencies ''are to adjust 'the maximum civil monetary penalty or the range of minimum and maximum civil monetary penalties, as applicable, for each civil monetary penalty by the cost-of-living adjustment.' '' *See* December 15, 2017

OMB Memorandum. The 1990 Act and the OMB Memorandum specify that the annual inflation adjustments are based on the percent change between the Consumer Price Index for all Urban Consumers (the CPI–U) published by the Department of Labor for the month of October in the year of the previous adjustment, and the October CPI–U for the preceding year. The recent OMB Memorandum specified that the cost-of-living adjustment multiplier for 2018, not seasonally adjusted, is 1.02041 (the October 2017 CPI–U (246.663) divided by the October 2016 CPI–U (241.729) = 1.02041). OSMRE used this guidance to identify applicable CMPs and calculate the required inflation adjustments. The 1990 Act specifies that any resulting increases in CMPs must be rounded according to a stated rounding formula and that the increased CMPs apply only to violations that occur after the date the increase takes effect.

Generally, OSMRE assigns points to a violation as described in 30 CFR 723.13 and 845.13. The CMP owed is based on the number of points received, ranging from one point to seventy points. For example, under our existing regulations in 30 CFR 845.14, a violation totaling 70 points would amount to a $16,073 CMP. To adjust this amount, we multiply $16,073 by the 2018 inflation factor of 1.02041, resulting in a raw adjusted amount of $16,401.05. Because the 2015 Act requires us to round any increase in the CMP amount to the nearest dollar, in this case a violation of 70 points would amount to a new CMP of $16,401. Pursuant to the 2015 Act, the increases in this Final Rule apply to CMPs assessed after the date the increases take effect, even if the associated violation predates the applicable increase.

C. Effect of Rule in Federal Program States and on Indian Lands

OSMRE directly regulates surface coal mining and reclamation operations within a State or on tribal lands if the State or tribe does not obtain its own approved program pursuant to section 503 of SMCRA, 30 U.S.C. 1253. The increases in CMPs contained in this rule will apply to the following Federal program states: Arizona, California, Georgia, Idaho, Massachusetts, Michigan, North Carolina, Oregon, Rhode Island, South Dakota, Tennessee, and Washington. The Federal programs for those States appear at 30 CFR parts 903, 905, 910, 912, 921, 922, 933, 937, 939, 941, 942, and 947, respectively. Under 30 CFR 750.18, the increase in CMPs also applies to Indian lands under the Federal program for Indian lands.

D. Effect of the Rule on Approved State Programs

As a result of litigation, *see In re Permanent Surface Mining Regulation Litigation,* No. 79–1144, Mem. Op. (D.D.C. May 16, 1980), 19 Env't. Rep. Cas. (BNA) 1477, state regulatory programs are not required to mirror all of the penalty provisions of our regulations. Thus, this rule has no effect on CMPs in states with SMCRA primacy.

II. Procedural Matters and Required Determinations

A. Regulatory Planning and Review (Executive Orders 12866, 13563, and 13771)

Executive Order (E.O.) 12866 provides that the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget will review all significant rules. OIRA has determined that agency regulations exclusively implementing the annual inflation adjustments are not significant, provided they are consistent with the OMB Memorandum.

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

E.O. 13771 of January 30, 2017, directs Federal agencies to reduce the regulatory burden on regulated entities and control regulatory costs. E.O. 13771, however, applies only to significant regulatory actions, as defined in Section 3(f) of E.O. 12866. As mentioned above, OIRA has determined that agency regulations exclusively implementing the annual adjustment are not significant regulatory actions under E.O. 12866, provided they are consistent with the OMB Memorandum (*see* OMB Memorandum, M–18–03, at 3). Thus, E.O. 13771 does not apply to this rulemaking.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. *See* 5 U.S.C. 603(a) and 604(a). The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to adjust civil penalties annually for inflation ''. . . notwithstanding Section 553 [of the Administrative Procedure Act].'' Thus, no proposed rule will be published, and the RFA does not apply to this rulemaking.

C. Small Business Regulatory Enforcement Fairness Act

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

(a) Will not have an annual effect on the economy of $100 million or more.

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

(c) Will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

D. Unfunded Mandates Reform Act

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

E. Takings (E.O. 12630)

This rule does not effect a taking of private property or otherwise have takings implications under Executive Order 12630. A takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria in section 1 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism summary impact statement is not required.

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

This rule complies with the requirements of Executive Order 12988. Specifically, this rule:

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

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

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

The Department of the Interior strives to strengthen its government-to-government relationship with Indian tribes through a commitment to consultation with Indian tribes and recognition of their right to self-governance and tribal sovereignty. We have evaluated this rule under the Department's consultation policy, under Departmental Manual Part 512, Chapters 4 and 5, and under the criteria in Executive Order 13175 and have determined that it has no substantial direct effects on Federally-recognized Indian tribes or Alaska Native Claims Settlement Act (ANCSA) Corporations, and that consultation under the Department's tribal consultation policy is not required.

I. Paperwork Reduction Act

This rule does not contain information collection requirements, and a submission to the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) is not required. We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number.

J. National Environmental Policy Act

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

K. Effects on Energy Supply, Distribution, and Use (E.O. 13211)

This rule is not a significant energy action under the definition in Executive Order 13211. A Statement of Energy Effects is not required.

L. Clarity of This Regulation

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

(a) Be logically organized;

(b) Use the active voice to address readers directly;

(c) Use common, everyday words and clear language rather than jargon;

(d) Be divided into short sections and sentences; and

(e) Use lists and tables wherever possible.

If you believe that we have not met these requirements in issuing this final rule, please contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section. Your comments should be as specific as possible in order to help us determine whether any future revisions to the rule are necessary. For example, you should tell us the numbers of the sections or paragraphs that you find unclear, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

M. Data Quality Act

In developing this rule, we did not conduct or use a study, experiment, or survey requiring peer review under the Data Quality Act (Pub. L. 106–554).

N. Administrative Procedure Act

We are issuing this final rule without prior public notice or opportunity for public comment. As discussed above, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 requires agencies to publish adjusted penalties annually. Under the 2015 Act, the public procedure that the Administrative Procedure Act generally requires—notice, an opportunity for comment, and a delay in the effective date—is not required for agencies to issue regulations implementing the annual adjustments required by the 2015 Act. *See* OMB Memorandum, M–18–03, at 4.

List of Subjects

30 CFR Part 723

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 724

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

30 CFR Part 845

Administrative practice and procedure, Law enforcement, Penalties, Reporting and recordkeeping requirements, Surface mining, Underground mining.

30 CFR Part 846

Administrative practice and procedure, Penalties, Surface mining, Underground mining.

Dated: February 21, 2018.

Joseph R. Balash,

Assistant Secretary, Land and Minerals Management.

For the reasons given in the preamble, the Department of the Interior amends 30 CFR parts 723, 724, 845, and 846 as set forth below.

PART 723—CIVIL PENALTIES

■ 1. The authority citation for part 723 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* and 31 U.S.C. 3701.

■ 2. In § 723.14, revise the table to read as follows:

§ 723.14 Determination of amount of penalty.

* * * * *

Points	Dollars
1	65
2	132
3	197
4	262
5	328
6	394
7	459
8	524
9	590
10	656
11	721
12	787
13	852
14	918
15	985
16	1,050
17	1,115
18	1,182
19	1,247
20	1,312
21	1,378
22	1,444
23	1,509
24	1,574
25	1,640
26	1,968
27	2,296
28	2,623
29	2,827
30	3,281
31	3,608

Points	Dollars
32	3,936
33	4,264
34	4,592
35	4,920
36	5,248
37	5,577
38	5,904
39	6,232
40	6,559
41	6,889
42	7,216
43	7,544
44	7,872
45	8,200
46	8,529
47	8,856
48	9,185
49	9,512
50	9,840
51	10,167
52	10,497
53	10,825
54	11,152
55	11,481
56	11,808
57	12,136
58	12,464
59	12,793
60	13,120
61	13,448
62	13,777
63	14,105
64	14,433
65	14,760
66	15,089
67	15,416
68	15,744
69	16,072
70	16,401

■ 3. In § 723.15, revise paragraph (b) introductory text to read as follows:

§ 723.15 Assessment of separate violations for each day.

* * * * *

(b) In addition to the civil penalty provided for in paragraph (a) of this section, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to section 521(a) of the Act, 30 U.S.C. 1271(a), a civil penalty of not less than $2,460 will be assessed for each day during which such failure to abate continues, except that:

* * * * *

PART 724—INDIVIDUAL CIVIL PENALTIES

■ 4. The authority citation for part 724 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* and 31 U.S.C. 3701.

■ 5. In § 724.14, revise the first sentence of paragraph (b) to read as follows:

§ 724.14 Amount of individual civil penalty.

* * * * *

(b) The penalty will not exceed $16,401 for each violation. * * *

PART 845—CIVIL PENALTIES

■ 6. The authority citation for part 845 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* 31 U.S.C. 3701, Pub. L. 100–202, and Pub. L. 100–446.

■ 7. In § 845.14, revise the table to read as follows:

§ 845.14 Determination of amount of penalty.

* * * * *

Points	Dollars
1	65
2	132
3	197
4	262
5	328
6	394
7	459
8	524
9	590
10	656
11	721
12	787
13	852
14	918
15	985
16	1,050
17	1,115
18	1,182
19	1,247
20	1,312
21	1,378
22	1,444
23	1,509
24	1,574
25	1,640
26	1,968
27	2,296
28	2,623
29	2,827
30	3,281
31	3,608
32	3,936
33	4,264
34	4,592
35	4,920
36	5,248
37	5,577
38	5,904
39	6,232
40	6,559
41	6,889
42	7,216
43	7,544
44	7,872
45	8,200
46	8,529
47	8,856
48	9,185
49	9,512
50	9,840
51	10,167
52	10,497
53	10,825
54	11,152
55	11,481
56	11,808
57	12,136
58	12,464
59	12,793
60	13,120
61	13,448
62	13,777
63	14,105
64	14,433
65	14,760
66	15,089
67	15,416
68	15,744
69	16,072
70	16,401

■ 8. In § 845.15, revise paragraph (b) introductory text to read as follows:

§ 845.15 Assessment of separate violations for each day.

* * * * *

(b) In addition to the civil penalty provided for in paragraph (a) of this section, whenever a violation contained in a notice of violation or cessation order has not been abated within the abatement period set in the notice or order or as subsequently extended pursuant to section 521(a) of the Act, 30 U.S.C. 1271(a), a civil penalty of not less than $2,460 will be assessed for each day during which such failure to abate continues, except that:

* * * * *

PART 846—INDIVIDUAL CIVIL PENALTIES

■ 9. The authority citation for part 846 continues to read as follows:

Authority: 28 U.S.C. 2461, 30 U.S.C. 1201 *et seq.,* and 31 U.S.C. 3701.

■ 10. In § 846.14, revise the first sentence of paragraph (b) to read as follows:

§ 846.14 Amount of individual civil penalty.

* * * * *

(b) The penalty will not exceed $16,401 for each violation. * * *

[FR Doc. 2018–04909 Filed 3–9–18; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–1047]

RIN 1625–AA09

Drawbridge Operation Regulation; Black River, Port Huron, MI

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is modifying the operating schedule that governs the Military Street Bridge, mile 0.33, the Seventh Street Bridge, mile 0.50, the Tenth Street Bridge, mile 0.94, and the Canadian National Railroad Bridge, mile 1.56, across the Black River at Port Huron, MI. This rule will modify the operating schedules of the bridges by expanding winter hours, and also modifies the operating schedule of all City of Port Huron drawbridges.

DATES: This rule is effective April 11, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov.* Type USCG–2017–1047 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Mr. Lee D. Soule, Bridge Management Specialist, Ninth Coast Guard District; telephone 216–902–6085, email *Lee.D.Soule@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
IGLD85 International Great Lakes Datum of 1985
LWD Low Water Datum based on IGLD85
OMB Office of Management and Budget
NPRM Notice of Proposed Rulemaking (Advance, Supplemental)
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On December 11, 2017, we published a notice of proposed rulemaking entitled Drawbridge Operation Regulation; Black River, Port Huron, MI in the **Federal Register** (82 FR 58145). We did not receive any comments on this proposed rule.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority 33 U.S.C. 499.

The Black River flows southwest through the City of Port Huron, MI and empties into the St. Clair River just below the south end of Lake Huron. Large commercial freighters once traveled up the Black River to facilities past the Canadian National Railroad Bridge, but currently the river is mostly used by recreational vessels with a few small commercial vessels operating in the river. Large commercial vessels do not currently trade in the Black River.

The Military Street Bridge provides a horizontal clearance of 73 feet and a vertical clearance of 13 feet above LWD in the closed position.

The Seventh Street Bridge provides a horizontal clearance of 83 feet and a vertical clearance of 12 feet above LWD in the closed position.

The Tenth Street Bridge provides a horizontal clearance of 90 feet and a vertical clearance of 18 feet above LWD in the closed position.

The Canadian National Railroad Bridge provides a horizontal clearance of 80 feet and a vertical clearance of 14 feet above LWD in the closed position.

The CSX Railroad Bridge, mile 0.09, is out of service and locked in the fully open position.

All five drawbridges provide an unlimited vertical clearance in the open position.

The CSX Railroad Bridge and Canadian National Railroad Bridge are not included in the existing regulation.

The current regulation allows the Military Street Bridge and the Seventh Street Bridge to operate on the hour and half-hour between May 1 and October 31, from 9 a.m. to 5:30 p.m., Monday through Saturday, except Federal Holidays. In April and November, between the hours of 4 p.m. and 8 a.m., both bridges require a 3-hour advance notice for openings.

The Tenth Street Bridge is currently required to open on signal from May 1 through October 31, except from 11 p.m. to 8 a.m. a 1-hour advance notice is required for openings. In April and November the bridge requires a 3-hour advance notice for openings at all times.

From December 1 through March 31 all three highway bridges requires at least 24 hours notice for openings.

As noted above, both the CSX Railroad and Canadian National Railroad bridges are not included in the existing regulation.

IV. Discussion of Comments, Changes and the Final Rule

The Coast Guard provided a comment period of 30 days and no comments were received. The City of Port Huron operates the three highway bridges and requested the winter operating dates to be expanded due to a lack of openings, use of the waterway has substantially changed, and early development of ice in the river that prevents most recreational vessels from transiting the waterway between November 1 and April 30. They requested the winter operating schedules (with 12-hours advance notice from vessels) to apply November 1 through April 30 each year.

In addition to reviewing winter operating dates we have reviewed the current operating schedules for all drawbridges on the waterway. During our coordination with the City of Port Huron and stakeholders, concerns were also received regarding vehicle congestion and predictable bridge openings when the Military Street and Seventh Street Bridges are opened simultaneously for vessels. Both bridges currently open on the hour and half-hour.

This rule alternates, or staggers, openings of the three highway bridges with Military Street and Tenth Street opening on the hour and half-hour, and Seventh Street (the middle highway bridge), on the quarter and three-quarter-hour, thereby providing predictable bridge openings and avoiding all of the highway bridges opening simultaneously, and allowing continuous vessel movements through the highway bridges. To prevent congestion at the bridges, the drawbridges will open at any time five or more vessels are waiting for an opening. This rule is expected to reduce vehicular traffic congestion and delays, and reduce the chance vessels will be stuck between the highway bridges and waiting for extended times for bridge openings.

The Tenth Street Bridge is the furthest upriver highway bridge and provides a higher vertical clearance than the Military Street or the Seventh Street drawbridges, allowing most vessels to pass under the bridge without an opening. The volume of marine traffic and upriver marine facilities that require Tenth Street Bridge openings is significantly lower than Military and Seventh Street Bridges but the vehicular traffic is considerably higher than the other highway bridges. Between May 1 and October 31 this rule will allow the Tenth Street Bridge to open on the hour and half-hour from 8 a.m. to 11 p.m. From 11 p.m. to 8 a.m. the bridge will require a 1-hour advance notice for openings. This schedule will provide predictable bridge openings for vehicles to cross the river at any time while still providing for the reasonable needs of

navigation. Between November 1 and April 30 the bridge will require a 12-hours advance notice to open.

The Canadian National Railroad Bridge normally remains in the open to navigation position and only closes to navigation to accommodate the passage of trains. This rule will add the Canadian National Bridge to the current regulation. The bridge will open on signal at all times between May 1 and October 31, and will open if 12-hours advance notice is provided between November 1 and April 30, matching the winter schedules of the highway bridges.

This rule was coordinated with the City of Port Huron, MI, local marine facilities, local emergency responders (including Coast Guard units), and local marine stakeholders. It is expected to reflect the current usage of the waterway by marine entities during the navigation season and winter periods, improve both marine and vehicular traffic mobility by reducing congestion and delays, simplify the schedules and language in the existing regulation, and provide for the reasonable needs of navigation.

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 protesters.

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. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Executive order 13771 directs agencies to control regulatory costs through a budgeting process. Accordingly, it 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 ability that vessels can still transit the bridge given advanced notice.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 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 did not receive any comments from the Small Business Administration on this rule. 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 bridge may be small entities, for the reasons stated in section IV above this final 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**, above.

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 calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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.

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.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This rule simply promulgates the operating regulations or procedures for drawbridges. This action is categorically excluded from further review, under figure 2–1, paragraph (32)(e), of the Instruction.

A Record of Environmental Consideration and a Memorandum for the Record are not required for this rule.

G. Protest Activities

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

List of Subjects in 33 CFR Part 117 Bridges

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Revise § 117.625 to read as follows:

§ 117.625 Black River (Port Huron).

(a) The draw of the Military Street Bridge, mile 0.33, shall open on signal; except that, from May 1 through October 31, from 8 a.m. to 11 p.m., seven days a week, the draw need open only on the hour and half-hour for recreational vessels, or at any time when there are more than five vessels waiting for an opening, and from November 1 through April 30 if at least 12-hours advance notice is given.

(b) The draw of the Seventh Street Bridge, mile 0.50, shall open on signal; except that, from May 1 through October 31, from 8 a.m. to 11 p.m., seven days a week, the draw need open only on the quarter-hour and three-quarter-hour for recreational vessels, or at any time when there are more than five vessels waiting for an opening, and from November 1 through April 30 if at least 12-hours advance notice is given.

(c) The draw of the Tenth Street Bridge, mile 0.94, shall open on signal; except that, from May 1 through October 31, from 8 a.m. to 11 p.m., seven days a week, the draw need open only on the hour and half-hour for recreational vessels, or at any time when there are more than five vessels waiting for an opening, and from 11 p.m. to 8 a.m. if at least 1-hour advance notice is provided, and from November 1 through April 30 if at least 12-hours notice is given.

(d) The draw of the Canadian National Railroad Bridge, mile 1.56, shall open on signal; except from November 1 through April 30 if at least 12-hours advance notice is given.

Dated: Febuary 23, 2018.

J.M. Nunan

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

[FR Doc. 2018–04914 Filed 3–9–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Chapter VI

Federal Preemption and State Regulation of the Department of Education's Federal Student Loan Programs and Federal Student Loan Servicers

AGENCY: Office of the Secretary, Department of Education.

ACTION: Interpretation.

SUMMARY: Recently, several States have enacted regulatory regimes that impose new regulatory requirements on servicers of loans under the William D. Ford Federal Direct Loan Program (Direct Loan Program). States also impose disclosure requirements on loan servicers with respect to loans made under title IV of the Higher Education Act of 1965, as amended (HEA). Finally, State regulations impact Federal Family Education Loan (FFEL) Program servicing. The Department believes such regulation is preempted by Federal law. The Department issues this notice to clarify further the Federal interests in this area.

DATES: March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Kathleen Smith, Deputy Chief Operating Officer, U.S. Department of Education, Federal Student Aid, 830 First Street NE, Union Center Plaza, Washington, DC 20202–5453. Telephone: (202) 377–4533 or via email: *ED.NoticeResponse@ed.gov.*

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service, toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: Congress created and expanded the Direct Loan Program with the goal of simplifying the delivery of student loans to borrowers, eliminating borrower confusion, avoiding unnecessary costs to taxpayers, and creating a more streamlined student loan program that could be managed more effectively at the Federal level.

Recently, several States have enacted regulatory regimes or applied existing State consumer protection statutes that undermine these goals by imposing new regulatory requirements on the Department's Direct Loan servicers, including State licensure to service Federal student loans. State servicing laws are purportedly aimed only at student loan servicers, but such regulation affects the ''[o]bligations and rights of the United States under its contracts'' with servicers and with student loan borrowers, the ''relationship between a Federal agency and the entity it regulates,'' and the rights of the Federal government related to federally held debt. (*Boyle* v. *United Technologies Corp.,* 487 U.S. 500, 504–05 (1988); *Buckman Co.* v. *Plaintiffs' Legal Comm.,* 531 U.S. 341, 347 (2001); *United States* v. *Victory Highway Vill., Inc.,* 662 F.2d 488, 497 (8th Cir. 1981).) Accordingly, the servicing of Direct Loans is an area ''involving uniquely Federal interests'' that must be ''governed exclusively by Federal law.'' (*Boyle,* 487 U.S. at 504.)

A. Interest of the United States

Recently, the United States filed a Statement of Interest in a lawsuit brought by the Commonwealth of Massachusetts against a Department loan servicer alleging violations of Massachusetts State law for allegedly unfair or deceptive acts related to the servicing of Federal student loans and administration of programs under the HEA. (Statement of Interest by the United States, *Massachusetts* v. *Pennsylvania Higher Education Assistance Agency, d/b/a FedLoan Servicing,* No. 1784–CV–02682 (Mass. Super. Ct., filed Jan. 8, 2018).) The United States explained that Massachusetts is improperly seeking to impose requirements on the Department's servicers that conflict with the HEA, Federal regulations, and Federal contracts that govern the Federal loan programs. Accordingly, Massachusetts' claims are preempted because the State has sought to proscribe conduct Federal law requires and to require conduct Federal law prohibits. We believe that attempts by other States to impose similar requirements will create additional conflicts with Federal law.

This is not a new position. The United States has previously responded when State law has been utilized in a way that conflicts with the operation and purposes of loan programs the Department administers pursuant to the HEA. On October 1, 1990, the Department issued a notice of its interpretation of regulations governing the FFEL Program (then known as the Guaranteed Student Loan program) (55 FR 40120) that prescribe the actions lenders and guaranty agencies must take to collect loans. The Department explained its view that these regulations preempt State law regarding the conduct of these loan collection activities.

In 2009, the United States intervened in *Chae* v. *SLM Corporation,* 593 F.3d 936 (9th Cir. 2010), a case in which plaintiffs sought to apply State consumer protection laws to a FFEL Program loan servicer, to explain that the State laws on which the plaintiffs relied conflicted with Federal law.

(Brief of Plaintiff-Intervenor-Appellee, *Chae* v. *SLM Corp.,* 593 F.3d 936 (9th Cir. 2010) (No. 08–56154).) The Ninth Circuit concluded, among other things, that the precisely detailed provisions of the HEA ''show congressional intent that FFELP participants be held to clear, uniform standards.'' (*Chae,* 593 F.3d at 944.) The court held that State-law claims alleging misrepresentation were preempted by the HEA's express preemption of State-law disclosure requirements, and that other State-law claims ''would create an obstacle to the achievement of congressional purposes'' and were therefore barred by conflict preemption principles. (*Id.* at 950.)

The Department issues this notice to clarify its view that State regulation of the servicing of Direct Loans impedes uniquely Federal interests, and that State regulation of the servicing of the FFEL Program is preempted to the extent that it undermines uniform administration of the program.

B. Direct Loan Program

Congress created the Direct Loan Program as part of the Student Loan Reform Act of 1993 (Pub. L. 103–66). Under the program, the Federal government is the direct lender to the borrower and is responsible for all aspects of the lending process from loan origination through repayment, including the proper servicing and collection of the loan. In signing the Master Promissory Note for the loan, the borrower promises to repay the loan and any applicable interest and fees according to the terms and conditions outlined in the HEA, the Department's regulations, and the Note. (20 U.S.C. 1087e.)

Congress provided that the program would be administered by the Department through student loan servicers, directing the Secretary to enter into contracts for loan ''servicing'' and for ''such other aspects of the direct student loan program as the Secretary determines are necessary to ensure the successful operation of the program.'' (20 U.S.C. 1087f(b)(4).) The HEA directs the Secretary to award servicing contracts only to entities ''which the Secretary determines are qualified to provide such services'' and ''that have extensive and relevant experience and demonstrated effectiveness.'' (20 U.S.C. 1087f(a)(2).) When procuring such services, the Department must, with specific exceptions, abide by ''all applicable Federal procurement laws and regulations,'' which include the Federal Acquisition Regulation (FAR). (20 U.S.C. 1087f(a), 1018a.) To achieve its goals of streamlining and simplifying the delivery of student loans and of saving taxpayer dollars (*See* 139 Cong. Rec. S5585, S5628 (1993)), Congress designed a program in which servicing would be ''provided at competitive prices'' by entities ''selected by and responsible to the Department of Education.'' (20 U.S.C. 1087f(a)(1); H.R. Rep. No. 103–111, at 107 (1993).)

The HEA and the Department's regulations provide comprehensive rules governing the Direct Loan Program, and the Department's contracts with loan servicers further specify the program's rules and requirements. As the United States recently noted in the Statement of Interest in *Massachusetts* v. *Pennsylvania Higher Education Assistance Authority,* ''The Department's contract with [the loan servicer] is voluminous—spanning more than 600 pages and including provisions governing [the servicer's] financial controls, internal monitoring, communications with borrowers, and many other topics.'' (Statement of Interest at 5.) In its contracts with loan servicers, including task orders and change requests issued under those contracts, the Department specifies in detail the responsibilities and obligations of the servicers for Direct Loans and the benefits provided under that program such as Public Service Loan Forgiveness and income-driven repayment plans.

Recently, States have sought to impose requirements on servicers that conflict with Federal statutes, Department regulations, and these comprehensive contracts. Most notable are State regulations requiring licensure of Direct Loan servicers in order to perform work for the Federal government. ''A State may not enforce licensing requirements which, though valid in the absence of federal regulation, give 'the State's licensing board a virtual power of review over the federal determination' that a person or agency is qualified and entitled to perform certain functions, or which impose upon the performance of activity sanctioned by federal license additional conditions not contemplated by Congress.'' (*Sperry* v. *Florida,* 373 U.S. 379, 385 (1963) (quoting *Leslie Miller Inc.* v. *Arkansas,* 352 U.S. 187, 190 (1956)) (footnotes omitted).)

Such licensing requirements ''interfere[] with the federal government's power to select contractors'' and to determine whether contractors are ''responsible'' under Federal law. (*Gartrell Const. Inc.* v. *Aubry,* 940 F.2d 437, 438 (9th Cir. 1991).) With regard to responsibility determinations of prospective contract awardees, the Department follows FAR Subpart 9.1 (48 CFR 9.100 through 9.108–5). The Department selects contractors for Direct Loan servicing under 20 U.S.C. 1087f and 1018a. State-imposed registration and licensure requirements conflict with these Federal authorities by adding to Federal requirements and are thus preempted. (*See United States* v. *Virginia,* 139 F.3d 984, 989 (4th Cir. 1998).)

For example, a State may purport to require a Direct Loan servicer, as a condition of licensure, to demonstrate that it has adopted certain business standards set by the State regulator; to meet certain financial responsibility requirements such as liquidity, financial solvency, capitalization, and surety bond requirements; and to submit to investigations, audits, and background checks by State authorities. Federal law addresses standards of responsibility for prospective contractors, and a State may not, ''through its licensing requirements, . . . review the federal government's responsibility determination.'' (*Gartrell,* 940 F.2d at 439.)

Some State servicing laws also purport to impose regulatory requirements on servicing that create additional conflicts with Federal law. For example, some State laws impose deadlines on servicers for responding to borrower inquiries and require specific procedures to resolve borrower disputes. Such laws establish deadlines for completing transfers of loans from one servicer to another and specific protocols for applying overpayments on loans. These are matters specified in the laws and regulations governing the Direct Loan Program as well as the contractual arrangements between the Department and the servicer. The Department has enforcement authority to oversee servicer compliance with these requirements, and ''this authority is used by the [Department] to achieve a somewhat delicate balance of statutory objectives.'' (*Buckman Co.* v. *Plaintiffs' Legal Committee,* 531 U.S. 341, 348 (2001).) The interposition of State-law requirements may conflict with legal, regulatory, and contractual requirements, and may skew the balance the Department has sought in calibrating its enforcement decisions to the objectives of the program.

State servicing laws also may undermine Congress's goal of saving taxpayer dollars in administering the Direct Loan Program. Some State laws purport to impose licensing fees, assessments, minimum net worth requirements, surety bonds, data disclosure requirements, and annual reporting requirements on the Department's servicers that will increase the costs of student loan servicing, perhaps exceeding the amount a

servicer receives on a per loan basis under its contract with the Department, and certainly distorting the balance the Department has sought to achieve between costs to servicers and taxpayers and the benefits of services delivered to borrowers. Additionally, where State servicing laws go beyond the requirements of Federal law in restricting the actions a servicer may take to collect on a loan, such laws impede the ability of the Department to protect Federal taxpayers by ensuring the repayment of Federal loans. The Department's contracts require servicers to operate throughout the United States because loan borrowers are in all States. A servicer does not have the choice to refrain from operating in a particular State to avoid licensing fees and other costs imposed by the State. Rather, the States are using the servicers' compliance with Federal law and contracts to extract payments that benefit the State at the expense of the Federal taxpayer.

A requirement that Federal student loan servicers comply with 50 different State-level regulatory regimes would significantly undermine the purpose of the Direct Loan Program to establish a uniform, streamlined, and simplified lending program managed at the Federal level. As courts have recognized, Congress provided ''a clear command for uniformity'' in the HEA with respect to the FFEL Program, and then ''created a policy of inter-program uniformity by requiring that 'loans made to borrowers [under the Direct Loan Program] shall have the same terms, conditions, and benefits, and be available in the same amounts, as loans made to borrowers under [the FFEL Program].' '' (*Chae,* 593 F.3d at 945 (quoting 20 U.S.C. 1087e(a)(1)).) Indeed, ''Congress's instructions to the [Department] on how to implement the student-loan statutes carry this unmistakable command: Establish a set of rules that will apply across the board.'' (*Id.*) State regulatory regimes conflict with this congressional objective.

Uniformity not only reduces costs but also helps to ensure that borrowers are treated equitably and are not confused about the lending and repayment process. State-level regulation subjects borrowers to different loan servicing deadlines and processes depending on where the borrower happens to live, and at what point in time.

These conflicts with statutes, regulations, Federal contracts, and congressional objectives suggest that State regulation of loan servicers would be preempted by Federal law. That result is even more evident where, as in the Direct Loan Program, State regulation implicates uniquely Federal interests. As the Supreme Court has recognized, ''obligations to and rights of the United States under its contracts are governed exclusively by Federal law,'' and this area of Federal concern extends to ''liability to third persons'' that ''arises out of performance of the contract.'' (*Boyle* v. *United Technologies Corp.,* 487 U.S. 500, 504–05 (1988).) Here, there is no question that the ''imposition of liability on Government contractors will directly affect the terms of Government contracts,'' at the very least by raising the price of such contracts, and ''the interests of the United States will be directly affected.'' (*Id.* at 507.)

Moreover, ''the civil liability of Federal officials for actions taken in the course of their duty'' is another area ''of peculiarly Federal concern, warranting the displacement of State law.'' (*Id.* at 505.) This area extends to the liability of contractors performing their obligations under contracts with the Federal government because ''there is obviously implicated the same interest in getting the Government's work done.'' (*Id.*) Here, the loan servicers are acting pursuant to a contract with the Federal government, and the servicers stand in the shoes of the Federal government in performing required actions under the Direct Loan Program.

''[W]here the Federal interest requires a uniform rule, the entire body of State law applicable to the area conflicts and is replaced by Federal rules.'' (*Id.* at 508.) The disposition of federally held debt such as government-issued loans is a Federal interest that requires uniformity because State intervention harms the Federal fisc.[1] Accordingly, the Department believes that the statutory and regulatory provisions and contracts governing the Direct Loan Program preclude State regulation, either of borrowers or servicers.

C. Prohibited Disclosure Requirements

Congress has provided that ''[l]oans made, insured, or guaranteed pursuant to a program authorized by title IV of the [HEA] shall not be subject to any disclosure requirements of any State law.'' (20 U.S.C. 1098g.) As a Federal district court recently explained, ''Congress intended [section] 1098g to preempt any State law requiring lenders to reveal facts or information not required by Federal law.'' (*Nelson* v. *Great Lakes Educ. Loan Servs.,* No. 3:17–CV–183, 2017 WL 6501919, at *4 (S.D. Ill., Dec. 19, 2017).) Federal law provides a carefully crafted disclosure regime specifying what information must be provided in the context of the Federal loan programs. (*See, e.g.,* 20 U.S.C. 1078–3(b)(1)(F); 1083(e)(1) and (2); 34 CFR 668.41(b); 674.42; 674.31; and 682.205.) The Department interprets ''disclosure requirements'' under section 1098g of the HEA to encompass informal or non-written communications to borrowers as well as reporting to third parties such as credit reporting bureaus.

The United States previously addressed the scope of section 1098g in its submission to the Ninth Circuit in *Chae.* A State-law claim based on ''a purported failure of disclosure runs headlong into express statutory preemption provisions,'' according to the United States; ''[s]uch additional requirements are barred whether they are enacted legislatively or implied judicially in the context of a tort suit.'' (Brief of Plaintiff-Intervenor-Appellee at 11.) In *Chae,* the court held that State-law claims alleging misrepresentation by a student loan servicer were ''improper-disclosure claims'' and, therefore, preempted pursuant to section 1098g. (*Chae,* 593 F.3d at 942.) The court found the ''allegations in substance to be a challenge to the allegedly-misleading method [the servicer] used to communicate with the plaintiffs about its practices.'' (*Id.* at 942–43.) As the court explained, ''the State-law prohibition on misrepresenting a business practice 'is merely the converse' of a State-law requirement that alternate disclosures be made.'' (*Id.* at 943 (quoting *Cipollone* v. *Liggett Grp.,* 505 U.S. 504, 517 (1992)).)

To the extent that State servicing laws attempt to impose new prohibitions on misrepresentation or the omission of material information, those laws would also run afoul of the express preemption provision in 20 U.S.C. 1098g.

D. FFEL Program Loans

The HEA and Department regulations governing the FFEL Program preempt State servicing laws that conflict with, or impede the uniform administration of, the program. State laws that require FFEL Program servicers to respond to a borrower's inquiry or dispute within a certain period of time, for example, conflict with the applicable Federal

[1] *See, e.g., United States* v. *Scholnick*, 606 F.2d 160, 164 (6th Cir. 1979) (holding that ''in any consideration of remedies available upon default of a Federally held or insured loan, Federal interest predominates over State interest'' because of ''an overriding Federal interest in protecting the funds of the United States and in securing Federal investments''); *United States* v. *Wells*, 403 F.2d 596, 597–98 (5th Cir. 1968) (''The national loan program of the Veterans Administration cannot be subjected to the vagaries of the various State laws which might otherwise control all or some phases of the loan program.'').

regulation that allows servicers 30 days after receipt to respond to any inquiry from a borrower. (34 CFR 682.208(c).) Deadlines for notifying borrowers of loan transfers between servicers similarly conflict with Federal statutes and regulations that allow for 45 days for notification. (20 U.S.C. 1078(b)(2)(F); 34 CFR 682.208(e)(1).) These deadlines are set after careful consideration of the need for timely responses and notifications to borrowers balanced against the time the servicer needs to ensure an accurate response and the costs of doing so. A uniform response time is also vital given the congressional purpose to ensure borrowers are treated equally in the administration of the program.

The imposition of required dispute resolution procedures under State law would also conflict with the specific Federal regulations that govern the resolution of disputes raised by borrowers. (*See* 34 CFR 682.208(c)(3)(i) and (ii).) State laws that require servicers to communicate directly with the authorized representatives of a borrower could conflict with Federal regulations that mandate direct communications with borrowers and provide for specific exceptions when a FFEL Program participant such as a servicer is authorized to communicate with a borrower's representative. (*See, e.g.,* 20 U.S.C. 1083(a); 1092c; 1077(a)(2)(H); 34 CFR 682.205(a)(1) and (b); 682.209(a)(6)(iii); 682.402; 682.210.)

Finally, the State servicing laws may conflict with two express preemption provisions applicable to FFEL Program Loans. Federal regulations ''preempt any State law, including State statutes, regulations, or rules, that would conflict with or hinder satisfaction'' of certain requirements regarding guaranty agency imposition of collection charges, reporting to consumer reporting agencies, and collection efforts on defaulted loans. (34 CFR 682.410(b)(8).) Federal regulations also preempt State laws that would conflict with or hinder the efforts of lenders or their servicers to satisfy and comply with the due diligence steps for loan collection included in those regulations. (34 CFR 682.411(o)(1).) Recently enacted State servicing laws appear to conflict with these preemption provisions.

E. Existing Borrower Protections

The Secretary emphasizes that the Department continues to oversee loan servicers to ensure that borrowers receive exemplary customer service and are protected from substandard practices. First, the Department monitors servicer compliance with the Department's contracts, which include requirements related to customer service. These oversight efforts include, but are not limited to, call monitoring, process monitoring, and servicer auditing, conducted both remotely and on-site by the Department's office of Federal Student Aid (FSA). FSA has dedicated staff with the responsibility to ensure that servicers are adhering to regulatory and contractual requirements for servicing loans. For example, FSA reviews interactions between servicers and borrowers and compares the servicers' performance against a detailed Department checklist. FSA provides its performance evaluations to servicers through written reports and meetings and requires servicers to alter their practices when needed to correct deficiencies. FSA also maintains direct access to servicer systems and therefore can review individual borrower accounts to evaluate the servicers' treatment of those accounts against regulatory and contractual requirements.

Second, the Department's procurement and contracting requirements incentivize improved customer service by allocating more loans to servicers that meet performance metrics such as high levels of customer satisfaction and by paying servicers higher rates for loans that are in a non-delinquent status such as those enrolled in an income-driven repayment plan. Poor-performing servicers lose loans in their portfolio to better-performing servicers.

Third, FSA maintains a Feedback System, which includes a formal process for borrowers to report issues or file complaints about their loan experiences, including problems with servicing. Borrowers may also elevate complaints to the FSA Ombudsman Group—a neutral and confidential resource available to borrowers to resolve disputes related to their loans.

The Department seeks to promote exemplary customer service for student loan borrowers, consistent with the framework Congress established for the Federal student loan programs.

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package 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**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at 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.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 7, 2018.

Betsy DeVos,

Secretary of Education.

[FR Doc. 2018–04924 Filed 3–9–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 9

RIN 2900–AP98

Electronic Submission of Certain Servicemembers' Group Life Insurance, Family Servicemembers' Group Life Insurance, and Veterans' Group Life Insurance Forms

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) in this final rule amends its regulations governing the Servicemembers' and Veterans' Group Life Insurance programs to provide that certain Servicemembers' Group Life insurance (SGLI), Family SGLI (FSGLI), and Veterans' Group Life Insurance (VGLI) applications, elections, and beneficiary designations, required by statute to be ''written'' or ''in writing,'' would include those that are digitally or electronically signed and submitted via an agency-approved electronic means. This document adopts as a final rule, with minor changes, the proposed rule published in the **Federal Register** on September 6, 2017.

DATES: This rule is effective March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Ruth Berkheimer, Insurance Specialist, Department of Veterans Affairs Insurance Center, 5000 Wissahickon Avenue, Philadelphia, PA 19144, (215) 842–2000, ext. 4275 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On September 6, 2017, VA published a proposed rule in the **Federal Register**

(82 FR 42052), to expressly allow for electronic submission of certain SGLI and VGLI applications, forms, and beneficiary designations, by adding § 9.22 to part 9 of title 38, Code of Federal Regulations. New § 9.22(a)(1) defines the terms ''in writing'' and ''written'' for purposes of certain statutes in chapter 19, subchapter III, of title 38, United States Code, to mean an intentional recording of words in visual form and to include hard-copy documents containing a person's name or mark, written or made by that person, and documents submitted through a VA-approved electronic means that includes an electronic or digital signature that identifies and authenticates a particular person as the source of the electronic message, and indicates such person's approval of the information contained in the electronic document.

VA provided a 60-day comment period for the public to respond to the proposed rule. The comment period for the proposed rule ended on November 6, 2017, and VA received two comments, which were favorable. Both comments expressed support for accepting electronically or digitally-signed insurance forms, as it will make it easier for Servicemembers and Veterans to update their life insurance coverage information. As all comments received were favorable, the proposed rule is being adopted as final, with minor stylistic edits to conform with Code of Federal Regulations formatting.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and tribal governments, or on the private sector.

Paperwork Reduction Act

This final rule contains no provisions constituting a collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521).

Executive Orders 12866, 13563, and 13771

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' requiring review by OMB, unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov,* usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's website at *http://www.va.gov/orpm* by following the link for ''VA Regulations Published.'' This rule is not an E.O. 13771 regulatory action because this rule is not significant under E.O. 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that the adoption of this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This final rule will directly affect only individuals and will not directly affect any small entities. Therefore, pursuant to 5 U.S.C. 605(b), this final rule is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance number and title for the program affected by this document is 64.103, Life Insurance for Veterans.

List of Subjects in 38 CFR Part 9

Life insurance, Military personnel, Veterans.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on February 27, 2018, for publication.

Dated: February 27, 2018.

Jeffrey Martin,

Impact Analyst, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons stated in the preamble, VA amends 38 CFR part 9 as set forth below:

PART 9—SERVICEMEMBERS' GROUP LIFE INSURANCE AND VETERANS' GROUP LIFE INSURANCE

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 38 U.S.C. 501, 1965–1980A, unless otherwise noted.

■ 2. Add § 9.22 to read as follows:

§ 9.22 Submission of certain applications and forms affecting entitlement to Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.

(a)(1) For purposes of this section, the terms *in writing* and *written* mean an intentional recording of words in visual form and include:

(i) Hard-copy applications and forms containing a person's name or mark written or made by that person; and

(ii) Applications and forms submitted through a VA approved electronic means that include an electronic or digital signature that identifies and authenticates a particular person as the source of the electronic message and indicates such person's approval of the information submitted through such means.

(2) With regard to the following actions, applications or forms that satisfy the definition in paragraph (a)(1) of this section will be deemed to satisfy the requirement in the referenced statutes that an application, election, or beneficiary designation be ''in writing'' or ''written'':

(i) Decline Servicemembers' Group Life Insurance for the member or Family Servicemembers' Group Life Insurance for the member's insurable spouse (38 U.S.C. 1967(a)(2)(A) or (B));

(ii) Insure the member under Servicemembers' Group Life Insurance or the member's spouse under Family Servicemembers' Group Life Insurance in an amount less than the maximum amount of such insurance (38 U.S.C. 1967(a)(3)(B));

(iii) Restore or increase coverage under Servicemembers' Group Life Insurance for the member or under Family Servicemembers' Group Life Insurance for the member's insurable spouse (38 U.S.C. 1967(c));

(iv) Designate one or more beneficiaries for the member's Servicemembers' Group Life Insurance or former member's Veterans' Group Life Insurance (38 U.S.C. 1970(a)); and

(v) Increase the amount of coverage under Veterans' Group Life Insurance (38 U.S.C. 1977(a)(3)).

(b) Applications or forms that satisfy the definition in paragraph (a)(1) of this section may be utilized to—

(1) Apply for Veterans' Group Life Insurance; and

(2) Reinstate Veterans' Group Life Insurance.

[FR Doc. 2018–04877 Filed 3–9–18; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE

39 CFR Part 111

Revenue Deficiency

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®) to clarify the Postal Service revenue deficiency policy.

DATES: *Effective:* May 7, 2018.

FOR FURTHER INFORMATION CONTACT: Janet Meddick at (202) 268–2652 or Pierre DeFelice at (724) 993–3596 or Garry Rodriguez at (202) 268–7281.

SUPPLEMENTARY INFORMATION: The Postal Service published a notice of proposed rulemaking on December 13, 2017, (82 FR 58580–58582) to amend DMM section 604.10.0, *Revenue Deficiency,* to update the definition of a revenue deficiency; designate Postal Service contacts for submitting appeals; and add sections to provide the definition of a mailer, description of assessments and mailers responsibilities, and policy on assessed revenue deficiencies.

The Postal Service received 3 formal responses on the proposed rule, all of which included multiple comments.

Comments from the first responder are as follows:

Mailer Comment

Clarification needed on deducting deficiencies directly from a trust account.

USPS Response

Action by the Postal Service to deduct funds from a mailer's trust account or any other funds in USPS possession would be a last resort effort to collect revenue due after the appeal process has been exhausted and the mailer has not made an appropriate payment arrangement.

Mailer Comment

Clarification needed on the timing and handling of due process notification on appeals.

USPS Response

The 30 day time frame listed in 3.2.1 is the time for a mailer to respond to the notification of a revenue deficiency assessment. Reasonable extensions for appeal will continue to be entertained for mailers that request such time to review documentation and data to formulate their response.

Comments from the second responder are as follows:

Mailer Comment

Clarification needed on the expansion of liability, written notification, and due process.

USPS Response

The clarification of ''mailer'' contained in new section 3.1.1 is intended to ensure that the identification and responsibility of any error in preparation is assessed to the appropriate party(ies), mail owner, mail preparer, and/or list provider. It is not intended as an effort to collect more than what is owed. The definition of ''Revenue Deficiency'' in new 3.1.1(a) specifically states that a written notification to the mailer citing the amount of the deficiency and the circumstances is required. Accordingly, a policy requiring written notification of the deficiency to the assessed mailer is still in existence.

Mailer Comment

Clarification needed on the interest charge.

USPS Response

The 6% interest charge is per annum after a final agency decision is rendered by the Pricing and Classification Service Center (PCSC) when the mailer is in default.

Mailer Comment

Clarification needed on the collection process.

USPS Response

The possible actions that the USPS may choose to enforce would only be applied if an assessed mailer, after a final agency decision has been rendered, fails to make payment, enter into a payment agreement, or otherwise fails to negotiate a settlement of the debt.

Comments from the third responder are as follows:

The third responder had numerous comments that were determined to be beyond the scope of this final rule. The Postal Service will review and address these comments in a separate forum with the responder.

These revisions will ensure the proper payment of postage while providing a superb customer experience from sender to receiver.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

The Postal Service adopts the following changes to the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.* See 39 CFR 111.1.

Accordingly, 39 CFR part 111 is amended as follows:

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401, 403, 404, 414, 416, 3001–3011, 3201–3219, 3403–3406, 3621, 3622, 3626, 3632, 3633, and 5001.

■ 2. Revise the following sections of the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

600 Basic Standards for All Mailing Services

* * * * *

604 Postage Payment Methods and Refunds

[Delete 10.0, Revenue Deficiency, in its entirety and renumber 11.0 and 12.0 as 10.0 and 11.0.]

* * * * *

607 Mailer Compliance and Appeals of Classification Decisions

* * * * *

[add new 3.0 to read as follows:]

3.0 Revenue Deficiency

3.1 General

The revenue deficiency process outlined in 3.0 is an administrative process that supplements and does not diminish any rights the Postal Service has to recover revenue deficiencies through other legally available methods, such as when the deficiency arises as a result of fraud, misrepresentation, or the misuse of PC Postage products or other Postage Evidencing Systems.

3.1.1 Definitions

Revenue deficiency definitions are as follows:

a. *Revenue deficiency:* Means a shortage or underpayment of postage or fees that has been calculated and assessed to a mailer. Unless assessed under other applicable postal regulations, revenue deficiencies are generally assessed as provided herein by the Postmaster; manager, Business Mail Entry; the program manager, Revenue and Compliance, or other postal official, who issues a written notification to the mailer citing the amount of the deficiency and the circumstances.

b. *Mailer:* A mailer is defined as the mail owner or an individual or entity that prepares or presents a mailing to the Postal Service and includes those who allow others to use a postage meter or PC postage product (collectively ''postage evidence system''—see 604.4.1.1 and 604.4.1.2) that has been authorized for use by the individual or entity.

3.1.2 Assessments

Postal officials review mailings, postage statements, and other relevant documentation in assessing a revenue deficiency. Mailers are required to cooperate and provide any documentation or information requested by postal officials during the review and assessment process. A mailer's failure to provide requested documentation or information during a review may result in a negative inference concerning the documentation or information requested.

3.1.3 Assessed Revenue Deficiencies

Assessed revenue deficiencies may be subject to the following:

a. If a mailer fails to tender payment to the Postal Service within 30 days of receipt of a final agency decision, or fails to comply with the terms or conditions of a payment plan agreed to by the Postal Service concerning the final agency decision, or is suspected by the Postal Service of continuing to repeatedly short pay postage, the Postal Service may:

1. Deduct from the mailer's trust account or any other funds in USPS possession any deficiencies incurred within 12 months of the date of the final mailing on which the deficiency was assessed.

2. Initiate debt collection procedures.

3. Restrict or suspend discounted mailing privileges with the concurrence of the manager, Revenue Assurance and Vice President Controller, or as otherwise allowed by regulation, or in accordance with any agreement with the mailer.

b. Discounted mailing privileges may be suspended or restricted regardless of payment status of an assessed revenue deficiency if underpayment of postage occurs again after a mailer has been assessed a revenue deficiency.

c. Interest on assessed revenue deficiencies will accrue at a rate of 6% per annum beginning 30 days after the receipt of the final agency decision and will continue until the debt is paid.

d. Other fees and costs related to an assessed revenue deficiency may be collected as allowed by law or regulation.

* * * * *

3.2 Appeal of Ruling

3.2.1 General Decision

Except as provided in 604.4.4.4 through 604.4.4.5, 3.2.2, and 703.1.0, a mailer may appeal a revenue deficiency assessment by sending a written appeal to the postmaster or manager in 3.2.1a through 3.2.1c within 30 days of receipt of the notification. In all cases, the mailer may be asked to provide more information or documentation to support the appeal. Failure to do so within 30 days of the request is grounds for denying an appeal. Any decision that is not appealed as prescribed becomes the final agency decision. Mailers may send appeals as follows:

a. To the district manager, Finance, for revenue deficiencies for fees. The district manager, Finance, issues the final USPS decision.

b. To the Postmaster, manager, Business Mail Entry, program manager, Revenue and Compliance, or other postal official, for revenue deficiencies for postage. The appeal is then forwarded to the manager, PCSC, who issues the final agency decision.

c. To the manager, Product Classification (see 608.8.0 for address), if the PCSC manager first assessed the deficiency. The manager, Product Classification issues the final agency decision.

3.2.2 Nonprofit USPS Marketing Mail Decision

Nonprofit mailers have two levels of appeal. They may appeal revenue deficiency assessments as follows:

If the initial revenue deficiency assessment was made by:	First-level appeal	Second-level appeal and final USPS decision
Postmaster; manager, Business Mail Entry; manager, Revenue and Compliance; or other Postal official.	manager, PCSC (see 608.8.0 for address).	manager, Product Classification (see 608.8.0 for address)

All appeals must be submitted in writing within 30 days of the previous USPS decision. Any decision that is not appealed as prescribed becomes the final agency decision; no appeals are available within the USPS beyond the second appeal.

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Ruth B. Stevenson,

Attorney, Federal Compliance.

[FR Doc. 2018–04890 Filed 3–9–18; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0592; FRL–9975–13—Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Amendment to Ambient Air Quality Standard for Ozone

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Commonwealth of Virginia state implementation plan (SIP). This revision consists of an amendment to Virginia's SIP to incorporate by reference, the most recent federal ambient air quality standard for ozone. EPA is approving this revision in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on April 11, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2016–0592. All documents in the docket are listed on the *http://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 *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: Gavin Huang, (215) 814–2042, or by email at *huang.gavin@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

On October 26, 2015 (80 FR 65292), EPA revised the primary and secondary national ambient air quality standards (NAAQS) for ozone to 0.070 parts per million (ppm). The primary and secondary ambient air quality standards are met at an ambient air quality monitoring site when the 3-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration is less than or equal to 0.070 ppm.

On July 25, 2016, the Commonwealth of Virginia through the Virginia Department of Environmental Quality (VADEQ) submitted a formal revision to its SIP. The SIP revision seeks to incorporate the 2015 ozone NAAQS promulgated by EPA into the Virginia SIP.

On October 16, 2017 (82 FR 47985 and 82 FR 48035), EPA simultaneously published a notice of proposed rulemaking (NPR) and a direct final rule (DFR) for the Commonwealth of Virginia approving the SIP revision. EPA received adverse comments on the rulemaking and withdrew the DFR prior to the effective date of December 15, 2017. In this final rulemaking, EPA is responding to the comments submitted on the proposed revision to the Virginia SIP and is approving the revision to the Virginia SIP to incorporate by reference the 2015 ozone NAAQS.

II. Summary of SIP Revision and EPA Analysis

In the July 25, 2016 SIP submission, Virginia seeks to add regulation 9VAC5–30–57 ''Ozone (8-hour 0.070 ppm)'' to the Virginia SIP. This regulation incorporates by reference the 2015 ozone NAAQS as promulgated by EPA and is consistent with the NAAQS set out in 40 CFR part 50. *See* 80 FR 65292 (October 26, 2015).

Virginia's submittal seeks to add to the Virginia SIP Regulation 9VAC5–30–57 which incorporates by reference the 2015 ozone NAAQS, as promulgated by EPA. EPA finds the SIP submittal approvable pursuant to section 110 of the CAA.

EPA received public comments on the NPR that will be addressed in section III of this rulemaking.

III. Response to Comments

During the comment period, EPA received several anonymous comments on this rulemaking. EPA is responding to the comments submitted on the proposed revision to the Virginia SIP specific to this action. All other comments received were either supportive of or not specific to this action and thus are not addressed here.

Comment: A commenter stated that EPA should not add the 2015 ozone standard to any state's SIP as the Administrator has publicly stated that he intends to repeal the ozone standard. The commenter believes that the Administrator's announcement can be interpreted as a promulgation by the Agency, and EPA should not act until the review is completed. The commenter also stated that EPA must hold off on any ozone action until a court review is completed.

Response: EPA disagrees with the comment. Specifically, EPA disagrees that it has promulgated, or could promulgate, a change to the 2015 ozone NAAQS through any public announcement. If EPA were to decide to revisit and change the 2015 ozone NAAQS, the existing standards would remain in place at least until EPA, through public notice and rulemaking, took final action to make any revisions. States may seek to incorporate existing NAAQS into their SIPs under CAA section 110. While judicial review may be pending relating to the 2015 ozone NAAQS, nothing prohibits a state from incorporating by reference the 2015 ozone NAAQS into its SIP.

IV. Final Action

EPA is approving the July 25, 2016 Virginia SIP revision submittal which seeks to add regulation 9VAC5–30–57 ''Ozone (8-hour 0.070 ppm)'' to the Virginia SIP pursuant to section 110 of the CAA. Regulation 9VAC5–30–57 incorporates by reference the 2015 ozone NAAQS which set the level of the 8-hour ozone standard at 0.070 ppm.

V. 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 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.

VI. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of Virginia 9VAC5–30–57 described in the amendment to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these materials generally available through *http://www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the Director of the Federal Register in the next update to the SIP compilation.[1]

VII. 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 (Public Law 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).

The SIP is not approved 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).

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

[1] 62 FR 27968 (May 22, 1997).

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 May 11, 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 adding regulation 9VAC5–30–57 ''Ozone (8-hour 0.070 ppm)'' to the Virginia SIP 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, Ozone.

Dated: February 23, 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 VV—Virginia

■ 2. In § 52.2420, the table in paragraph (c) is amended by adding the entry ''5–30–57'' in numerical order under the heading ''9 VAC 5, Chapter 30 Ambient Air Quality Standards [Part III]'' to read as follows:

§ 52.2420 Identification of plan.

* * * * *

(c) * * *

EPA-APPROVED VIRGINIA REGULATIONS AND STATUTES

State citation	Title/subject	State effective date	EPA approval date	Explanation [former SIP citation]
*	*	*	*	*
9 VAC 5, Chapter 30 Ambient Air Quality Standards [Part III]				
*	*	*	*	*
5–30–57	Ozone (8-hour, 0.070 ppm)	06/01/2016	03/12/2018 [*Insert* ***Federal Register*** *citation*].	
*	*	*	*	*

* * * * *

[FR Doc. 2018–04422 Filed 3–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[EPA–HQ–OAR–2010–0505; FRL–9975–10–OAR]

RIN 2060–AT59

Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Amendments

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action finalizes amendments of certain requirements that are contained within the final rule titled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources,'' published in the **Federal Register** on June 3, 2016 (2016 Rule). The Environmental Protection Agency (EPA) is finalizing amendments of two narrow provisions of the requirements for the collection of fugitive emission components at well sites and compressor stations: Removes the requirement for completion of delayed repair during unscheduled or emergency vent blowdowns, and provides separate monitoring requirements for well sites located on the Alaskan North Slope.

DATES: This final rule is effective on March 12, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2010–0505. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publically 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 electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Mrs. Karen Marsh, Sector Policies and Programs Division (E143–05), Office of Air Quality Planning and Standards, Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number: (919) 541–1065; email address: *marsh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION:

Outline. The information presented in this preamble is presented as follows:

I. General Information

A. Does this action apply to me?

Categories and entities potentially affected by this action include:

TABLE 1—INDUSTRIAL SOURCE CATEGORIES AFFECTED BY THIS ACTION

Category	NAICS code [1]	Examples of regulated entities
Industry	211111	Crude Petroleum and Natural Gas Extraction.
	211112	Natural Gas Liquid Extraction.
	221210	Natural Gas Distribution.
	486110	Pipeline Distribution of Crude Oil.
	486210	Pipeline Transportation of Natural Gas.
Federal government		Not affected.
State/local/tribal government		Not affected.

[1] North American Industry Classification System.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be regulated by this action. This table lists the types of entities that the EPA is now aware could potentially be affected by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria found in the final rule. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this preamble, your delegated authority, or your EPA Regional representative listed in 40 CFR 60.4 (General Provisions).

B. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of the final action is available on the internet. Following signature by the Administrator, the EPA will post a copy of this final action at *https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry.* Additional information is also available at the same website.

C. Judicial Review

Under section 307(b)(1) of the Clean Air Act (CAA), judicial review of this final rule is available only by filing a petition for review in the United States Court of Appeals for the District of Columbia Circuit by May 11, 2018. Moreover, under section 307(b)(2) of the CAA, the requirements established by this final rule may not be challenged separately in any civil or criminal proceedings brought by the EPA to enforce these requirements. Section 307(d)(7)(B) of the CAA further provides that ''[o]nly an objection to a rule or procedure which was raised with reasonable specificity during the period for public comment (including any public hearing) may be raised during judicial review.'' This section also provides a mechanism for the EPA to convene a proceeding for reconsideration, ''[i]f the person raising an objection can demonstrate to the EPA that it was impracticable to raise such objection within [the period for public comment] or if the grounds for such objection arose after the period for public comment, (but within the time specified for judicial review) and if such objection is of central relevance to the outcome of the rule.'' Any person seeking to make such a demonstration to us should submit a Petition for Reconsideration to the Office of the Administrator, U.S. EPA, Room 3000, EPA WJC West Building, 1200 Pennsylvania Ave. NW, Washington, DC 20460, with a copy to both the person(s) listed in the preceding **FOR FURTHER INFORMATION CONTACT** section, and the Associate General Counsel for the Air and Radiation Law Office, Office of General Counsel (Mail Code 2344A), U.S. EPA, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

II. Background

On June 3, 2016, the EPA published a final rule titled ''Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources; Final Rule,'' at 81 FR 35824 (''2016 Rule''). The 2016 Rule established new source performance standards (NSPS) for greenhouse gas and volatile organic compound (VOC) emissions from the oil and natural gas sector. This rule addressed, among other things, fugitive emissions at well sites and compressor stations (''fugitive emissions requirements'') and emissions from pneumatic pumps. In addition, for a number of affected facilities (*i.e.,* centrifugal compressors, reciprocating compressors, pneumatic pumps, and storage vessels), the rule required certification by a professional engineer of the closed vent system design and capacity, as well as any technical infeasibility determination relative to controlling pneumatic pumps at well sites. For further information on the 2016 Rule, see 81 FR 35824 (June 3, 2016) and associated Docket ID No. EPA–HQ–OAR–2010–0505. A number of states and industry associations sought judicial review of the rule, and the litigation is currently being held in abeyance. In addition, the EPA received a number of petitions for administrative reconsideration of the rule and on April 18, 2017, convened a proceeding to reconsider certain aspects of the rule, including those related to the above three requirements.

On June 16, 2017, the EPA proposed to stay the fugitive emissions requirements, the well site pneumatic pump requirements, and the requirements for certification of closed vent systems by a professional engineer for 2 years. The EPA proposed the stay of these requirements in order to provide the EPA with sufficient time to propose, take public comment on, and issue a final action on the issues under

reconsideration. See 82 FR 27645 (June 16, 2017). On November 8, 2017, the EPA issued a notice of data availability (NODA), in which the EPA offered additional information in further support of the proposed stay and solicited comments on a suggestion from stakeholders to allow additional time to phase in these requirements as opposed to a stay. See 82 FR 51788 (November 8, 2017). Additionally, the NODA solicited comment and information on several implementation challenges raised by stakeholders. In particular, the EPA broadly solicited comments on issues associated with the requirement to complete repairs on components on a delay of repair (hereinafter referred to as ''delayed repair'' for short in this notice) [1] during emergency or unscheduled shutdowns or vent blowdowns and suggestions for addressing the issues. See 82 FR 51793.

EPA received a broad range of comments and information in response to the proposed stay and the NODA. Relevant to this action is information regarding two specific provisions of the fugitive emissions requirements that we have concluded present immediate compliance concerns: (1) The requirement that delayed repairs must be completed during unscheduled or emergency vent blowdowns that occur within the 2-year repair timeframe and prior to other scheduled events, and (2) the monitoring survey requirements for well sites located on the Alaskan North Slope. See section IV of this preamble for a discussion of these concerns and these final amendments. The Agency is still examining comments related to all other issues raised in the proposal and NODA, including other issues related to delayed repair and the Alaskan North Slope, and is not taking final action with respect to these other matters in this final action.

III. Legal Authority

The legal authority for this final action, which amends two narrow provisions of the fugitive emissions requirements in the 2016 Rule, is the same as that for the promulgation of the 2016 Rule. The EPA promulgated the 2016 Rule pursuant to section 111(b)(1)(B) of the CAA, which requires the EPA to issue ''standards of performance'' for new sources in the list of categories of stationary sources that cause or contribute significantly to air pollution which may reasonably be anticipated to endanger public health or welfare. See 81 FR 35828. CAA section 111(a)(1) defines ''a standard of performance'' as ''a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirement) the Administrator determines has been adequately demonstrated.'' This definition makes clear that the standard of performance must be based on controls that constitute ''the best system of emission reduction . . . adequately demonstrated.'' The standard that the EPA develops, based on the best system of emission reduction (BSER), is commonly a numerical emissions limit, expressed as a performance level *(e.g.,* a rate-based standard). However, CAA section 111(h)(1) authorizes the Administrator to promulgate a work practice standard or other requirements, which reflects the best technological system of continuous emission reduction, if it is not feasible to prescribe or enforce an emissions standard. The work practice standards for fugitive emissions from well sites and compressor stations were promulgated pursuant to CAA section 111(h)(1)(A). See 81 FR 35829.

Agencies have inherent authority to reconsider past decisions and to revise, replace, or repeal a decision to the extent permitted by law and supported by a reasoned explanation. *FCC* v. *Fox Television Stations, Inc.,* 556 U.S. 502, 515 (2009); *Motor Vehicle Mfrs. Ass'n* v. *State Farm Mutual Auto. Ins. Co.,* 463 U.S. 29, 42 (1983) (''*State Farm*''). ''The power to decide in the first instance carries with it the power to reconsider.'' *Trujillo* v. *Gen. Elec. Co.,* 621 F.2d 1084, 1086 (10th Cir. 1980); see also, *United Gas Improvement Co.* v. *Callery Properties, Inc.,* 382 U.S. 223, 229 (1965); *Mazaleski* v. *Treusdell,* 562 F.2d 701, 720 (D.C. Cir. 1977). Accordingly, in this final rule, the EPA is using the same statutory authority in promulgating the 2016 Rule to amend two provisions of the fugitive emissions requirements in the 2016 Rule. As explained below in section IV, with these two narrowly tailored amendments, the fugitive emissions requirements better reflect BSER for reducing fugitive emissions at well sites and compressor stations.

IV. Summary of Final Action

The EPA is finalizing amendments to two fugitive emissions requirements: (1) The requirements for delayed repairs, and (2) the monitoring survey requirements for well sites located on the Alaskan North Slope.

A. Delayed Repairs

In this action, the EPA is finalizing amendments to the requirements related to delayed repairs. Specifically, the final rule removes the requirement for completion of delayed repairs during unscheduled or emergency vent blowdowns. Owners and operators are still required to complete repairs during the next compressor station shutdown, well shutdown, well shut-in, after a planned vent blowdown, or within 2 years, whichever is earlier.

The 2016 Rule requires replacement or repair of a component within 30 days of detection of fugitive emissions, but allows delaying the replacement/repair under certain situations specified in the rule. Specifically, the rule requires that the delayed repair ''must be completed during the next compressor station shutdown, well shutdown, well shut-in, after an unscheduled, planned or emergency vent blowdown or within 2 years, whichever is earlier.'' See 40 CFR 60.5397a(h)(2). While the only unscheduled and emergency event specified in this regulation is with regard to vent blowdown, the EPA stated in the preamble to the 2016 Rule that ''if an unscheduled or emergency vent blowdown, compressor station shutdown, well shutdown, or well shut-in occurs during the delay of repair period, the fugitive emissions components would need to be fixed at that time.'' See 81 FR 35858, June 3, 2016. This preamble language implied that delayed repairs were required if any of these events occurred, regardless of whether it was planned. As mentioned previously, the EPA discussed in the NODA stakeholder feedback that requiring repair or replacement of fugitive emissions components during unscheduled or emergency vent blowdowns could result in natural gas supply disruptions, safety concerns, and increased emissions. In response, the EPA solicited comments on shutdown, shut-in, and blowdown scenarios that could result in technical, safety, and/or environmental issues, as well as suggestions for addressing them. See 82 FR 51793, November 8, 2017. The EPA learned from the comments, through additional specific examples, that the requirement to complete delayed repairs during an unscheduled or emergency vent blowdown could lead to a number of unintended negative consequences. In particular, emissions from requiring delayed repairs during an unscheduled or emergency shutdown, shut-in, or vent blowdown could result in greater emissions than the leaks that are to be

[1] See 40 CFR 60.5397a(h)(2) for delay of repair requirements.

repaired; as such, it could not possibly reflect BSER for addressing fugitive emissions at well sites and compressor stations.

One commenter described configurations at well sites that can lead to an automatic emergency well shut-in and where the rule, if applied as suggested in the preamble, could have unintended consequences.[2] Where well sites have a compressor that collects flash gas from a low pressure separator or a vapor recovery unit that collects flash gas from storage vessels, there are certain safety measures put in place in the event these compressors unexpectedly go offline. Depending on the remoteness of the well site, one safety measure available is to automatically shut in the well to prevent the release of gas from pressure relief valves. In these, and other similar emergency shut-in situations, the equipment is not depressurized so the well can be brought back into production as soon as possible. However, by requiring completion of the delayed repair during such shut-in events, equipment at this well site that have components placed on delayed repair would have to be depressurized and blown down, resulting in emissions that would not have occurred except for the delayed repair requirement and could be higher than the emissions from continuing to delay repair.

Similar scenarios were provided by the commenters for compressor stations, where changes in horsepower demand, upsets of the compressor unit or the station, lightning strikes, power loss, floods, unplanned maintenance or repairs of a pipeline, fire, third-party damage, or instrumentation outages can result in unplanned or emergency blowdowns of certain equipment at a compressor station.[3] When the compressor station is not operating, gas will continue to enter gathering lines until upstream wells are routed to other compressor stations. This gas must be vented or flared to prevent overpressurization of the gathering lines. Repairs can require skilled labor crews and custom fabricated parts, both of which must be scheduled and ordered in advance.[4] Given the unpredictability of these unplanned or emergency events, gas may need to be vented or flared for an extended period of time while the owner or operator organized completion of delayed repairs and before the compressor station is brought back online, thereby creating emissions that would not have occurred except for the delayed repair requirement and could be higher than the emissions from continuing to delay repair. For these reasons, not requiring repair during unplanned or emergency vent blowdowns would limit excess emissions from avoidable blowdowns.

In addition to emissions from avoidable blowdowns described above, several commenters raised concerns about extended gas service disruption.[5] For example, many natural gas transmission pipelines are operating year-round at or near capacity, with little redundancy in the supply chain. Further, some regions do not have access to alternate gas supplies. As we have learned, the requirement for delayed repairs during unplanned or emergency blowdowns can result in the unintended consequence of forcing owners or operators to choose between meeting contractual commitments governed by the Federal Energy Regulatory Commission or complying with leak repair requirements.[6] The disruption to service can also result in loss of home heating during the winter and the loss of natural gas supply to power plants during periods when electricity demands are higher. This is clearly an unintended and undesirable result and should, therefore, be avoided, as demonstrated by the leak repair requirement by the California Air Resource Board (CARB).[7] We note that CARB's leak repair requirement, which CARB commented as being more stringent than the EPA's leak repair requirement in the 2016 Rule, does not require repair, if it would disrupt service.

After examining the comments and supporting data on this issue, the EPA agrees with the commenters that delayed repairs should not be required during an unscheduled or emergency shutdown, shut-in, or vent blowdown due to the potential unintended consequences of further increasing the emissions, in addition to disruption of services. The EPA further concludes that this issue must be addressed immediately to avoid these unintended consequences. Because the proposed 2-year stay or proposed phase-in would offer only a temporary relief from this requirement, which the EPA has already concluded to be unacceptable, the EPA is not finalizing a stay or phase-in of this requirement. Instead, the EPA is taking final action to amend the delayed repair requirement to remove the terms ''unplanned'' and ''emergency'' from the list of events that would require completion of delayed repairs.

B. Alaskan North Slope

We are finalizing amendments to the fugitive emission monitoring requirements for well sites located on the Alaskan North Slope.[8] New well sites that startup production between September and March must conduct initial monitoring within 6 months of the startup of production[9] or by June 30, whichever is later. Well sites that startup production between April and August must continue to meet the 60-day initial monitoring requirement in the 2016 Rule. Similarly, well sites that are modified between September and March must conduct initial monitoring within 6 months of the first day of production for each collection of fugitive emissions components or by June 30, whichever is later. Further, all well sites located on the Alaskan North Slope that are subject to the fugitive emissions requirements must conduct annual monitoring, instead of the semiannual monitoring required for other well sites. Subsequent annual monitoring must be conducted at least 9 months apart, but no more than 12 months apart. The specific repair, recordkeeping, and reporting requirements remain unchanged from the 2016 Rule, except as discussed in section IV.A of this preamble.

Under the 2016 Rule, the initial monitoring survey of fugitive emissions components at a new well site must be conducted within 60 days of startup of production at the new well site. For a collection of modified fugitive emissions components, the initial monitoring survey must be conducted within 60 days of production after the modification. The rule requires

[2] See Docket ID No. EPA–HQ–OAR–2010–0505–12446.

[3] See Docket ID No. EPA–HQ–OAR–2010–0505–12447.

[4] See Docket ID Nos. EPA–HQ–OAR–2010–0505–12421, EPA–HQ–OAR–2010–0505–12424, EPA–HQ–OAR–2010–0505–12430, EPA–HQ–OAR–2010–0505–12436, EPA–HQ–OAR–2010–0505–12446, EPA–HQ–OAR–2010–0505–12447, and EPA–HQ–OAR–2010–0505–12454.

[5] See Docket ID Nos. EPA–HQ–OAR–2010–0505–12430, EPA–HQ–OAR–2010–0505–12436, EPA–HQ–OAR–2010–0505–12446, EPA–HQ–OAR–2010–0505–12447, and EPA–HQ–OAR–2010–0505–12454.

[6] See Docket ID No. EPA–HQ–OAR–2010–0505–12447.

[7] Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities, section 95669, California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10 Climate Change, Article 4, Subarticle 13. Effective date October 1, 2017. This regulation has a phase-in period from January 1, 2018 to December 31, 2019, where fugitive emissions are defined as a leak of 10,000 parts per million (ppm) or greater using EPA Method 21 on a quarterly monitoring frequency. After January 1, 2020, that leak definition decreases to 1,000 ppm on the same monitoring frequency.

[8] Alaskan North Slope is defined in 40 CFR 60.5430a as.

[9] Startup of production is defined in 40 CFR 60.5430a as.

semiannual monitoring thereafter. In response to our NODA soliciting additional comments and information on implementation challenges, the EPA received comments expressing immediate concerns with the timing for conducting fugitive emissions monitoring at well sites on the Alaskan North Slope. The commenters noted that these concerns were raised in comments on the proposed rule in 2015, in addition to petitions for reconsideration following promulgation of the 2016 Rule. The commenters cautioned that the monitoring technology specified in the 2016 Rule (*i.e.,* optical gas imaging (OGI) and the instruments for EPA Method 21) cannot reliably detect methane emissions at well sites on the Alaskan North Slope for a significant portion of the year due to the lengthy period of extreme cold temperatures.[10] According to manufacturer specifications, OGI cameras, which the EPA identified in the 2016 Rule as the BSER for monitoring fugitive emissions at well sites, are not designed to operate at temperatures below −4 °F,[11] and the monitoring instruments for EPA Method 21, which the 2016 Rule provides as an alternative to OGI, are not designed to operate below +14 °F.[12] One commenter provided data, and the EPA confirmed with its own analysis, that temperatures below 0 ^{0}F are a common occurrence, on the Alaskan North Slope between November and April.[13] In light of the above, there is no assurance that the initial and semiannual monitoring that must occur during that period of time are technically feasible.

During the rulemaking for the 2016 Rule, in response to comments expressing concerns with cold temperatures in several regions, the EPA had attempted to address the issue by providing additional flexibility in the form of allowing consecutive semiannual events to take place every 4 to 6 months. However, as commenters on the NODA correctly observed, the EPA did not address the issue as it relates to initial monitoring at well sites on the Alaskan North Slope; further, even with the additional flexibility, semiannual monitoring at well sites located on the Alaskan North Slope could still be required at a time when the temperature is below the operating temperature of the monitoring instruments.

In light of the technical feasibility issue discussed previously, the EPA concludes that the current fugitive emissions monitoring frequencies for well sites do not reflect the BSER for monitoring fugitive emissions components at well sites on the Alaskan North Slope, and that a different fugitive emissions monitoring schedule is warranted for well sites located on the Alaskan North Slope. Specifically, the EPA has amended the 2016 Rule to require that new or modified well sites that startup production between September and March conduct initial monitoring within 6 months of the startup of production or by June 30, whichever is later. We believe that the amendment would assure that initial monitoring take place when both OGI and EPA Method 21 are operable.

In addition, the EPA is amending the 2016 Rule to require annual (instead of semiannual) monitoring of fugitive emissions at well sites on the Alaskan North Slope. During the rulemaking for the 2016 Rule, the EPA had evaluated annual monitoring at well sites and concluded that semiannual monitoring reflected the BSER for detecting fugitive emissions at well sites. During the rulemaking for the 2016 Rule, we stated in response to a comment that there would be months during the semiannual monitoring periods when the OGI camera could work effectively.[14] However, after reconsidering the information provided by commenters and confirmed by the EPA, we now conclude that monitoring may not be technically feasible on the Alaskan North Slope for close to 6 consecutive months (November through April) due to the extreme cold temperatures that could render the monitoring instruments inoperable. Therefore, the EPA now concludes that annual monitoring more accurately reflects the BSER for monitoring fugitive emissions at well sites on the Alaskan North Slope because of the infeasibility of semiannual monitoring. The impracticability is demonstrated by the following example. If initial monitoring were conducted in August, the first semiannual monitoring would be required between December and February. Based on average temperatures during those months, it is unlikely that semiannual monitoring would be possible in this window. Further, in order for well sites on the Alaskan North Slope to conduct semiannual monitoring, the monitoring events would be limited to April/May and October/November, which creates additional difficulties with scheduling monitoring, repairs, and resurveys within the required periods.

The EPA concludes that the Alaskan North Slope issue must be addressed immediately given that we are currently well into the cold weather months. Because both the proposed 2-year stay and the suggestion that we extend the phase-in period for the fugitive emissions requirements would offer only temporary relief from the initial and subsequent monitoring requirements at well sites, which the EPA has already concluded to be inappropriate for the reasons stated above, the EPA is not finalizing a stay or a longer phase-in of these requirements. Rather, the EPA is taking final action to amend the 2016 Rule to provide a separate fugitive emissions monitoring schedule for well sites located on the Alaskan North Slope to accommodate its arctic climate.

V. Summary of Significant Comments and Responses

The EPA received a large number of comments covering a wide range of topics in response to our June 16, 2017, proposal and November 8, 2017, NODA. As discussed in sections II and IV of this preamble, the EPA is still in the process of reviewing many of these comments. As noted previously, however, in the course of this review, the EPA has identified two specific provisions of the fugitive emissions requirements in the 2016 Rule that pose significant and immediate compliance concerns, and EPA is taking final action here to make targeted amendments to the 2016 Rule to address these two concerns. The Agency is still evaluating comments related to other issues raised in the proposal and the NODA and is not taking final action with respect to those issues at this time. Accordingly, we are not responding to those comments at this time. This section summarizes the significant comments relevant to the amendments in this final action, and our response to those comments.

A. The EPA's Legal Authority

The EPA received numerous comments on the legal authorities for its proposal to stay certain requirements of the 2016 Rule for 2 years and for the alternative suggestion of providing

[10] See Docket ID No. EPA–HQ–OAR–2010–0505–12434.

[11] See FLIR Systems, Inc. product specifications for GF300/320 model OGI cameras at *http://www.flir.com/ogi/display/?id=55671.*

[12] See Thermo Fisher Scientific product specification for TVA–2020 at *https://assets.thermofisher.com/TFS-Assets/LSG/Specification-Sheets/EPM-TVA2020.pdf.*

[13] See information on average hourly temperatures from January 2010 to January 2018 at the weather station located at Deadhorse Alpine Airstrip, Alaska. Obtained from the National Oceanic and Atmospheric Administration (NOAA)'s National Centers for Environmental Information and summarized in Docket ID No. EPA–HQ–OAR–2010–0505.

[14] See Chapter 4 of the *EPA's Responses to Public Comments,* page 4–273 located at Docket ID No. EPA–HQ–OAR–2010–0505–7632.

longer phase-in periods for those requirements. Because this final rule does not involve staying or phasing in any requirement in the 2016 Rule, comments specific to the proposed stay and phase-in are deemed outside of the scope of this final action. The EPA is, therefore, not responding to these comments and is not addressing whether such authority exists.

This final rule amends two aspects of the fugitive emissions requirements in the 2016 Rule, which was promulgated pursuant to the EPA's authority to set NSPS standards pursuant to CAA section 111(b) according to the procedures under CAA section 307(d). Summarized below are significant comments on the EPA's authority under CAA sections 111(b) and 307(d) to amend a previously promulgated NSPS.

Comment: The EPA received general comments on the EPA's legal authority to amend the 2016 Rule under CAA section 111. One commenter stated that any revisions to the 2016 Rule must follow the substantive and procedural requirements found in CAA section 111 and 307(d).[15] In order the meet these requirements and amend the NSPS, the commenter stated that the EPA must justify any revisions as being consistent with the statutory mandate, explain the basis for the revision (including supporting record), and follow the procedures established in CAA section 111(b)(1)(B), 42 U.S.C. 7411(b)(1)(B).

The commenters further described the statute's procedural requirements, such as a thorough review of specific factors, such as whether the standard reflects BSER, ''the cost of those standards, any resulting nonair quality health and environmental impacts, energy requirements, the amount of air pollution reduced by the standards, and how the standards may drive technological innovation.'' [16] The commenter stated that a revision to the compliance date (as proposed) would require a factual analysis that demonstrated the new compliance date reflected in the emission reductions achievable through the BSER. Further, the commenter stated that standards must be promulgated that reflect ''improved design and operational advance'' that may not yet be realized by industry, ''so long as there is substantial evidence that such improvements are feasible and will produce the improved performance necessary to meet the standard.'' [17]

The commenters further discussed the holding in the *National Association of Home Builders* case in 2012. ''The fact that the original [rule] was consistent with congressional intent is irrelevant as long as the amended rule is also 'permissible under the statute.' '' [18] In that case, the petitioners acknowledged that, although they believed the original rule was better, the amended rule was permissible. Oral Arg. Recording at 17:40-:43. As *Fox* made clear, that ''suffices'' as far as the court is concerned. *Fox,* 556 U.S. at 515. Further, as *Fox* noted, the Supreme Court has ''neither held nor implied that every agency action representing a policy change must be justified by reasons more substantial than those required to adopt a policy in first instance.'' *Fox,* 556 U.S. at 514 (citing *Motor Vehicle Manufacturers Ass'n of the United States, Inc., et al.,* v. *State Farm Mutual Automobile Insurance Co., et al.,* 463 U.S. 29, 42 (1983)). To the contrary, according to the commenters, the *State Farm* case affirmed that ''[a]n agency's view of what is in the public interest may change, either with or without a change in circumstances.'' *State Farm,* 463 U.S. at 57 (quoting *Greater Boston Television Corp.* v. *FCC,* 444 F.2d 841, 852 (D.C. Cir.1970)); see *Am. Trucking Ass'ns* v. *Atchison, Topeka & Santa Fe Ry. Co., et al.,* 387 U.S. 397, 416 (1967) (declaring that an agency, ''in light of reconsideration of the relevant facts and its mandate, may alter its past interpretation and overturn past administrative rulings''). *Nat'l Ass'n of Home Builders,* 682 F.3d at 1037.

Response: The EPA agrees with the comment that it has authority to amend an NSPS when it demonstrates that such revision is consistent with the mandate of section 111(b) of the CAA and reasonably explain the basis for the revision based on the record before the Agency, as required by section 307(d) of the CAA. The EPA has done so in this final action and need not address at this time if this is the sole source of authority that the EPA may have to amend or stay an NSPS.

A standard of performance promulgated under section 111(b) of the CAA must reflect the BSER for that emission source. In the 2016 Rule, the EPA conducted BSER analyses for reducing fugitive emissions at well sites and compressor stations, which resulted in the work practice standards promulgated in that rule. As explained below in this section and elsewhere in this notice, in the process of the current rulemaking, the EPA has identified two narrow provisions of the fugitive emissions requirements that pose immediate compliance concerns. The first issue concerns the potential that the current requirements for delayed repairs could result in an increase (instead of a reduction) of emissions and service disruption. The other issue concerns the technical feasibility of complying with the timeframe specified in the 2016 Rule for monitoring fugitive emissions at well sites in the Alaskan North Slope due to its extreme cold temperature for a lengthy period of time, which could render the monitoring instrument inoperable. After examining the comments and information on these two specific concerns, we conclude that the BSER and the resulting fugitive emissions requirements in the 2016 Rule did not adequately address these two compliance concerns and that revision is warranted. The revision is based on comments, data, and other information submitted during the rulemaking process, as well as our own analyses, all of which can be found in Docket ID No. EPA–HQ–OAR–2010–0505. A more detailed discussion of our revised analyses and amendment can be found below in this section as well as in section IV of this preamble.

B. Delayed Repairs

Comment: Twelve commenters provided information related to the requirements for delayed repairs in 40 CFR part 60, subpart OOOOa. Ten commenters [19] supported a stay and/or suggested specific changes to the regulation to address repairs during unplanned and emergency vent blowdowns, while two commenters [20] opposed any changes to the requirement for delayed repairs.

The commenters that supported changes reiterated comments contained in their petitions for reconsideration following the promulgation of the 2016

[15] See Docket ID No. EPA–HQ–OAR–2010–0505–12451.

[16] See 80 FR 64510, 64538 (October 23, 2015) (quoting *Sierra Club* v. *Costle,* 657 F.2d 298, 326, 347 (D.C. Cir. 1981)). See also 42 U.S.C. 7411(a)(1), (b)(1)(B), (h)(1).

[17] See *Sierra Club* v. *Costle* 657 F.2d at 364 and *Portland Cement Ass'n* v. *EPA,* 665 F.3d 177, 190 (D.C. Cir. 2011).

[18] *Nat'l Ass'n of Home Builders, et al.,* v. *EPA,* 682 F.3d 1032, 1037 (citing *Fox,* 556 U.S. at 515).

[19] See Docket ID No. EPA–HQ–OAR–2010–0505–12417, Docket ID No. EPA–HQ–OAR–2010–0505–12421, Docket ID No. EPA–HQ–OAR–2010–0505–12422, Docket ID No. EPA–HQ–OAR–2010–0505–12424, Docket ID No. EPA–HQ–OAR–2010–0505–12430, Docket ID No. EPA–HQ–OAR–2010–0505–12436, Docket ID No. EPA–HQ–OAR–2010–0505–12446, Docket ID No. EPA–HQ–OAR–2010–0505–12447, Docket ID No. EPA–HQ–OAR–2010–0505–12454, and Docket ID No. EPA–HQ–OAR–2010–0505–12456.

[20] See Docket ID No. EPA–HQ–OAR–2010–0505–12444, Docket ID No. EPA–HQ–OAR–2010–0505–12451 (part 1 of comments), and Docket ID No. EPA–HQ–OAR–2010–0505–12452 (part 2 of comments).

Rule. The commenters stated that by requiring repairs during unplanned or emergency events, the actual emissions could be higher than the emissions of the delayed repair for that component. For instance, requiring repairs during unplanned or emergency events may require venting of equipment that is not being repaired and that would not otherwise be vented during that shutdown, potentially resulting in emissions much larger than those of the leak itself. Further, the commenters asserted that prolonged shutdowns may be encountered while repairs are made, which would affect both upstream and downstream users. Specifically, these repairs could result in the need to vent or flare gas upstream at a production facility if the midstream compressor station has to remain offline. Further, gas supply could be limited for downstream users, causing critical issues with the provision of power or heat to end users reliance on natural gas.

One commenter [21] provided specific data regarding components monitored under the fugitive program in 40 CFR part 60, subpart OOOOa. The commenter references an evaluation performed on 22 of their compressor stations. This evaluation showed that 95-percent of all leaks (345 of 362 leaks) occurring at these stations between 2015 and 2017 were repaired within 30 days, leaving only 5-percent to be placed on a delayed repair. When repair was delayed, most repairs were completed within 90 days of leak detection. Two commenters [22] suggested specific edits to the regulation. Specifically, these edits remove reference to the requirement for repairs to be completed during unscheduled, planned, or emergency vent blowdowns and limits repairs at compressor stations to scheduled shutdowns for maintenance. Further, these commenters suggested additional language to require additional justification for delaying repairs beyond a shutdown, requiring Administrator approval on a case-by-case basis. Additional comments and information are discussed in section IV of this preamble.

In contrast, the two commenters that opposed changes to the delayed repair requirements cited a lack of information to support either a stay or compliance deadline extension. One commenter [23] suggests that since the leaks for which repairs are delayed were found prior to any shutdown (whether planned or not), the company had time to make arrangements to obtain replacement parts; thus, allowing repair during that next shutdown event. Further, the commenter asserted that the EPA has provided no data to demonstrate why a stay is necessary for the entire fugitive program to accommodate such a small set of leaks given that the data the EPA does have suggests the majority of leaks are repaired at the time of the monitoring survey. Another commenter [24] asserted that the requirement for delayed repairs is more accommodating than it needs to be when compared to the requirements found in California's rule. The commenter explained, ''California's regulation requires leaks to be repaired within 14 calendar days, except for leaks involving critical components, which must be repaired by the end of the next process shutdown or within 12 months, whichever is sooner.''

Response: The EPA is amending the requirements for delayed repair in this final action. Specifically, the EPA is removing the terms ''unplanned'' and ''emergency,'' used in reference to vent blowdowns and added the term ''scheduled'' before the list of scenarios when delayed repair must be completed. As several commenters noted and as discussed in section IV.A of this preamble, completion of repair during an unscheduled or emergency event could require a blowdown of equipment that was not otherwise necessary in order to repair components on delayed repair. Due to the potential for increasing emissions, the current requirements for delayed repair do not reflect the BSER for addressing fugitive emissions at well sites and compressor stations. In addition, as discussed in section IV.A of this preamble, not requiring delayed repair during unscheduled vent blowdowns would avoid the potential of service disruption. As mentioned in section IV.A of this preamble, we note that under CARB's leak repair requirements,[25] delayed repair is permitted if gas service is critical to public gas system operation; thereby, highlighting the importance of not disrupting gas service. According to the data received, only around 5-percent of leaks are placed on delay for repair. Further, unscheduled or emergency vent blowdowns are but one of many scenarios where delayed repair must be completed. Owners or operators are still required to complete repairs on components during the next scheduled compressor station shutdown, well shutdown, well shut-in, after a planned vent blowdown, or within 2 years, whichever is earlier. Accordingly, the requirement for delayed repair, as amended, still requires that repairs occur as soon as possible while reducing the potential for unintended emissions releases and service disruptions.

As discussed earlier, this issue must be addressed immediately to avoid potentially increasing emissions and/or disrupting gas supply. The EPA acknowledges that there are other comments concerning other aspects of the requirements for delayed repair in the fugitive emissions requirements, and that the EPA continues to evaluate these comments. Should any of these comments warrant additional changes to the fugitive requirements, the EPA intends to address them separately.

C. Alaskan North Slope

Comment: Three commenters [26] provided comments related to compliance with the fugitive emissions monitoring requirements in extreme cold weather conditions. These comments related to the limitations of the monitoring technologies and worker safety concerns. The commenters stated that the EPA should exempt well sites and compressor stations located on the Alaskan North Slope from the fugitive emissions monitoring requirements. At a minimum, two commenters stated that the EPA should stay or extend the compliance deadline for initial monitoring at these well sites. Additionally, two commenters stated that extreme cold weather conditions can occur outside of the Alaskan North Slope and these commenters requested similar stays or extensions of the compliance deadlines for any location experiencing these conditions. The commenters reiterated comments submitted in the 2015 proposal and subsequent petitions for reconsideration. Specifically, the commenters stated the technological limitations and worker safety considerations in the Arctic

[21] See Docket ID No. EPA–HQ–OAR–2010–0505–12430.

[22] See Docket ID No. EPA–HQ–OAR–2010–0505–12421 and Docket ID No. EPA–HQ–OAR–2010–0505–12447.

[23] See Docket ID No. EPA–HQ–OAR–2010–0505–12451 (part 1 of comments) and Docket ID No. EPA–HQ–OAR–2010–0505–12452 (part 2 of comments).

[24] See Docket ID No. EPA–HQ–OAR–2010–0505–12444.

[25] Greenhouse Gas Emission Standards for Crude Oil and Natural Gas Facilities, section 95669, California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10 Climate Change, Article 4, Subarticle 13. Effective date October 1, 2017.

[26] See Docket ID No. EPA–HQ–OAR–2010–0505–12434, Docket ID No. EPA–HQ–OAR–2010–0505–12436, and Docket ID No. EPA–HQ–OAR–2010–0505–12446.

environment warrant an exemption from monitoring.

One commenter provided manufacturer specifications for three of the commonly used monitoring instruments (OGI camera, toxic vapor analyzer (TVA), and multi gas monitors).[27] The commenter noted that the specifications indicate the lowest operating temperature for any of the instruments is −4 °F.[28] This commenter further provided average hourly temperature by month for the years 2012 through 2014. This data indicated that average hourly temperatures on the Alaskan North Slope were below −4 °F for approximately 5 months (December through April). Three commenters stated that while there is a waiver from quarterly monitoring at compressor stations when average temperatures are below 0 °F for 2 consecutive months, there is no similar waiver for semiannual monitoring well sites, nor a waiver from initial monitoring at either well sites or compressor stations. The commenters, therefore, stated the combination of average hourly temperatures on the Alaskan North Slope and the operating limitations of the monitoring instruments pose immediate compliance implications.

Finally, two of the commenters stated that the EPA should exempt well sites and compressor stations located on the Alaskan North Slope from fugitive emissions monitoring similar to the exemptions from leak detection and repair at natural gas processing plants provided in NSPS OOOO and OOOOa.[29] These commenters stated the reasons for applying an exemption to the natural gas processing plants are also valid for well sites and compressor stations.

Response: The EPA agrees with the commenters that available monitoring technologies (OGI and, for EPA Method 21, TVA and multi gas meters) are not designed to operate below −4 °F or +14 °F, respectively.[30] In addition to the information provided by the commenters, information from the NOAA demonstrate average temperatures on the Alaskan North Slope make it technically infeasible to perform monitoring during a nearly 6-month period.[31] As we are already well within this period, the EPA must act immediately to avoid requiring fugitive emissions monitoring at well sites located on the Alaskan North Slope when the average temperature there is below the operating temperature of any of the available monitoring instruments. Therefore, the EPA is amending 40 CFR part 60, subpart OOOOa, to extend the initial monitoring deadline and allow annual fugitive emissions monitoring at well sites located on the Alaskan North Slope. The EPA is not amending 40 CFR part 60, subpart OOOOa, fugitive emissions monitoring requirements for compressor stations located on the Alaskan North Slope because the commenters have stated there are no compressor stations currently subject to 40 CFR part 60, subpart OOOOa; therefore, there is no immediate compliance concern to address for these requirements at this time.[32]

As the commenters noted, the issues with conducting fugitive emissions monitoring at well sites located on the Alaskan North Slope were raised in the comments on the proposed 40 CFR part 60, subpart OOOOa. In the EPA's responses to public comments on this issue, the EPA stated that specific flexibilities were added to the fugitive emissions monitoring program to avoid potential compliance concerns on the Alaskan North Slope. Specifically, the repair deadline was extended from 15 to 30 days, with an additional 30 days to complete the resurvey after repair; semiannual monitoring at well sites is allowed every 4 to 6 months; when average temperatures are below 0 °F for 2 consecutive months, quarterly monitoring is waived at compressor stations, and Method 21 was added as an alternative method for leak detection and resurvey.[33] As one commenter noted, the EPA recognized the challenges with monitoring instrument operation at low temperatures for compressor stations, but did not extend a similar waiver from monitoring for well sites.[34] Further, it is not clear that the flexibilities identified above assure that monitoring would not be required when the temperature on the Alaskan North Slope is below the operating temperature of the monitoring instrument. The commenters reiterated this concern in the comments on the proposed stay and NODA.

We revisited the issue and reviewed both the relevant record for the 2016 Rule as well as additional information received subsequent to the rulemaking. Based on this evaluation, we recognized that a separate initial monitoring requirement was necessary for well sites that startup production during the months when it may be technically infeasible to meet the 60-day initial monitoring requirement.

For instance, we examined the scenario of a new well starting production in September. Under the current requirements, the initial monitoring survey would be required within 60 days of the startup of production. This would put the deadline in October or November, depending on when the well started producing in September.[35] The EPA recognized from the data provided that these 2 months may have issues with the feasibility of completing monitoring due to changing weather conditions moving into winter. If we set a deadline for initial monitoring 6 months from startup of production, then monitoring would be required by March, when temperatures are still not warm enough for instrument operation. While the average temperatures may be sufficiently warm starting in the middle of spring, information discussed in the Response to Comments document raised concerns with melting snow, flooding, and transportation issues during this time.[36] Additionally, we are concerned with potentially constraining affected sources' ability to schedule and acquire requisite personnel and equipment if we were to require all well sites that start production between September and March to conduct initial monitoring in April or May. These well sites would forever be locked into performing both initial and all subsequent monitoring at the same time each year. We do not believe that it is appropriate to place such constraint on the well site's ability to schedule monitoring events. Based on average temperatures, we are confident that monitoring can occur during the

[27] See Docket ID No. EPA–HQ–OAR–2010–0505–12434.

[28] See FLIR Systems, Inc. Product specifications for GF300/320 model OGI cameras at *http://www.flir.com/ogi/display/?id=55671.*

[29] See Docket ID No. EPA–HQ–OAR–2010–0505–12434 and Docket ID No. EPA–HQ–OAR–2010–0505–12446.

[30] See FLIR Systems, Inc. product specifications for GF300/320 model OGI cameras at *http://www.flir.com/ogi/display/?id=55671* and Thermo Fisher Scientific product specification for TVA–2020 at *https://assets.thermofisher.com/TFS-Assets/LSG/Specification-Sheets/EPM-TVA2020.pdf.*

[31] See information on average hourly temperatures from January 2010 to January 2018 at the weather station located at Deadhorse Alpine Airstrip, Alaska. Obtained from NOAA's National Centers for Environmental Information and summarized in Docket ID No. EPA–HQ–OAR–2010–0505.

[32] See ''Discussion of Comment Submitted on the NODA with ConocoPhillips Alaska, Inc.'' located at Docket ID No. EPA–HQ–OAR–2010–0505.

[33] See ''EPA's Responses to Public Comments,'' Chapter 4, pages 4–267, 4–268, 4–273, and 4–276. *https://www.regulations.gov/document?D=EPA-HQ-OAR-2010-0505-7632.*

[34] See Docket ID No. EPA–HQ–OAR–2010–0505–12446.

[35] Similar issues are realized by well sites starting up between October and March, such as extreme low temperatures, concerns with snow melt and flooding, and logistical issues associated with schedule flexibility.

[36] See ''EPA's Responses to Public Comments,'' Chapter 4, page 4–268. *https://www.regulations.gov/document?D=EPA-HQ-OAR-2010-0505-7632.*

summer months. Therefore, we have amended the 2016 Rule to require that, for each new or modified well site located on the Alaskan North Slope that starts production between September and March, the owner or operator has 6 months, or until June 30, whichever is later, to complete initial monitoring of the fugitive emissions components. The amendments, which provide both a time frame and specific date, would require monitoring as soon as feasible while avoiding the concerns described above. For each new or modified well site located on the Alaskan North Slope that starts production between September and March, the owner or operator has 6 months, or until June 30, whichever is later to complete initial monitoring of the fugitive emissions components.

The EPA agrees with the commenters that there are immediate compliance concerns due to the operating limitations of monitoring instruments. Therefore, we are finalizing an amendment to the timeframe for the fugitive emission monitoring program for well sites located on the Alaskan North Slope. Specifically, owners or operators must meet the initial compliance deadline of 60 days from the startup of production, unless the well site starts production between September and March. Those well sites that startup production between September and March must complete initial monitoring within 6 months of startup of production or by June 30, whichever is later. Additionally, owners or operators must perform annual monitoring for fugitive emissions, following the initial monitoring survey at all affected well sites located on the Alaskan North Slope, regardless of the startup date. Subsequent monitoring surveys must occur at least every 12 months, with consecutive monitoring surveys conducted at least 9 months apart. The requirements for repair, recordkeeping, and reporting remain the same as those in the 2016 Rule. Recognizing there are several months in which temperatures are within the operating temperature range for the monitoring instruments, the EPA concludes owners or operators have enough flexibility to complete monitoring surveys in this timeframe. Any further amendments for the Alaskan North Slope will be addressed separately. This amendment only applies at well sites located on the Alaskan North Slope. All other well sites must continue to comply with the initial, semiannual, or quarterly monitoring requirements, as appropriate.

With respect to comments on exempting facilities located on the Alaskan North Slope from fugitive monitoring requirements, changes to low temperature waivers, or any other concerns raised by the commenters related to cold weather, addressing them will likely require additional information and analysis. The EPA will continue evaluating these comments.

VI. Impacts of the Final Amendments

Although there will be cost savings related to not requiring delayed repairs during unscheduled or emergency events, as well as forgone benefits related to the reductions of fugitive emissions that might have occurred following these repairs, the EPA does not have cost or economic data related to this provision because of the unplanned nature of these events. Therefore, we are unable to determine the cost savings or forgone benefits of amending the requirements for delayed repair requirement related to unscheduled or emergency events.

In order to determine the impacts of the amendments to the fugitive emissions requirements for well sites located on the Alaskan North Slope, we used the same assumptions and methods used to estimate impacts of the 2016 Rule. Specifically, we used the number of affected sources located on the Alaskan North Slope, and the cost and emission reductions estimated for well sites at semiannual and annual fugitive monitoring frequencies that were assumed in the 2016 Rule. The cost savings and emission reductions estimated as a result of these amendments are presented in Tables 2 and 3, respectively. For more information on the assumptions used in this analysis, as well as the costs and emission reductions for fugitive emissions requirements at well sites, see the *Background Technical Support Document for the Final New Source Performance Standards 40 CFR part 60, subpart OOOOa* (TSD) located at Docket ID No. EPA–HQ–OAR–2010–0505–7631. Note that the costs in the TSD are in 2012 dollar years, and the cost savings presented here are in 2016 dollar years. The amended fugitive monitoring requirements for well sites located on the Alaskan North Slope will save approximately $24,000 per year in compliance costs, after accounting for forgone natural gas recovery. This amendment will also result in approximately 34 short tons of forgone methane emission reductions, or 772 tons of carbon dioxide equivalent (CO_2E).

TABLE 2—ESTIMATED COST SAVINGS OF THE AMENDED FUGITIVE MONITORING REQUIREMENTS ON THE ALASKAN NORTH SLOPE

	Compliance cost savings			Total annualized cost savings (3%)		Total annualized cost savings (7%)	
	Capital cost savings	Annual operating cost savings	Forgone product recovery	W/o product recovery	W/Product recovery	W/o product recovery	W/Product recovery
NG Well Pads	$1,300	$29,000	$6,700	$29,000	$22,000	$29,000	$22,000
Oil Well Pads	110	2,400	210	2,400	2,200	2,400	2,200
Total	1,400	31,000	6,900	31,000	24,000	31,000	24,000

TABLE 3—ESTIMATED FORGONE EMISSION REDUCTIONS OF THE AMENDED FUGITIVE MONITORING REQUIREMENTS ON THE ALASKAN NORTH SLOPE

	Affected source count	Forgone emission reductions				Forgone natural gas savings (Mcf[2])
		Methane (short tpy[1])	VOC (tpy)	HAP (tpy)	CO_2E (tpy)	
NG Well Pads	30	33	9	0	748	1,911

TABLE 3—ESTIMATED FORGONE EMISSION REDUCTIONS OF THE AMENDED FUGITIVE MONITORING REQUIREMENTS ON THE ALASKAN NORTH SLOPE—Continued

	Affected source count	Forgone emission reductions				Forgone natural gas savings (Mcf[2])
		Methane (short tpy[1])	VOC (tpy)	HAP (tpy)	CO_2E (tpy)	
Oil Well Pads	3	1	0	0	24	61
Total	33	34	9	0	772	1,972

[1] tons per year.
[2] thousand cubic feet.

VII. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *http://www2.epa.gov/laws-regulations/laws-and-executive-orders.*

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

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

B. Executive Order 13771: Reducing Regulations and Controlling Regulatory Costs

This action is considered an Executive Order 13771 deregulatory action. This final rule provides meaningful burden reduction by amending the requirement that components on a delayed repair must conduct repairs during unscheduled or emergency vent blowdowns, and adding flexibilities for the monitoring survey requirements for well sites located on the Alaskan North Slope.

C. Paperwork Reduction Act (PRA)

This action does not impose any new information collection burden under the PRA. The information collection requirements in the final 40 CFR part 60, subpart OOOOa have been submitted for approval to the OMB under the PRA. The Information Collection Request (ICR) document prepared by the EPA has been assigned EPA ICR 2523.01. This action does not result in changes to the submitted ICR for 40 CFR part 60, subpart OOOOa, so the information collection estimates of project cost and hour burdens have not been revised.

D. 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. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An Agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden, or otherwise has a positive economic effect on the small entities subject to the rule. This action finalizes amendments for two specific requirements in the 2016 Rule. This action will not increase the burden on small entities subject to this rule. The EPA prepared a final RFA analysis for the 2016 Rule, which is available as part of the Regulatory Impact Analysis in the docket at Docket ID No. EPA–HQ–OAR–2010–0505–7630. We have, therefore, concluded that this action will have no net regulatory burden for all directly regulated small entities.

E. 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.

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications, as specified in Executive Order 13175. It will not have substantial direct effects on tribal governments, on the relationship between the federal government and Indian tribes, or on the distribution of power and responsibilities between the federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this action.

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

This action is not subject to Executive Order 13045 because it is not economically significant as defined in Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children. This action finalizes amendments for two specific requirements in the 2016 Rule. Any impacts on children's health caused by the amendments in the rule will be limited, because the scope of the amendments is limited. The Agency, therefore, concludes it is more appropriate to determine the impact on children's health in the context of any substantive changes potentially proposed in the future as part of the reconsideration of the 2016 Rule (as granted on April 18, 2017).

I. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The basis for this determination can be found in the 2016 Rule (81 FR 35894).

J. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

This action finalizes amendments for two specific requirements in the 2016 Rule. Any impacts on minority populations and low-income populations caused by the amendments in the rule will be limited, because the scope of the amendments is limited. The

Agency, therefore, concludes it is more appropriate to determine the impact on minority populations and low-income populations in the context of any substantive changes potentially proposed in the future as part of the reconsideration of the 2016 Rule (as granted on April 18, 2017).

L. 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. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 60

Environmental protection, Administrative practice and procedure, Air pollution control, Reporting and recordkeeping.

Dated: February 23, 2018.

E. Scott Pruitt,

Administrator.

For the reasons set out in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

■ 1. The authority citation for part 60 continues to read as follows:

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

Subpart OOOOa—Standards of Performance for Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015

■ 2. Section 60.5397a is amended by revising paragraphs (f)(1), (g)(1) and (2), and (h)(2) to read as follows:

§ 60.5397a What fugitive emissions GHG and VOC standards apply to the affected facility which is the collection of fugitive emissions components at a well site and the affected facility which is the collection of fugitive emissions components at a compressor station?

* * * * *

(f) (1) You must conduct an initial monitoring survey within 60 days of the startup of production, as defined in § 60.5430a, for each collection of fugitive emissions components at a new well site or by June 3, 2017, whichever is later. For a modified collection of fugitive emissions components at a well site, the initial monitoring survey must be conducted within 60 days of the first day of production for each collection of fugitive emission components after the modification or by June 3, 2017, whichever is later. Notwithstanding the preceding deadlines, for each collection of fugitive emissions components at a well site located on the Alaskan North Slope, as defined in § 60.5430a, that starts up production between September and March, you must conduct an initial monitoring survey within 6 months of the startup of production for a new well site, within 6 months of the first day of production after a modification of the collection of fugitive emission components, or by the following June 30, whichever is later.

* * * * *

(g) * * *

(1) Except as provided herein, a monitoring survey of each collection of fugitive emissions components at a well site within a company-defined area must be conducted at least semiannually after the initial survey. Consecutive semiannual monitoring surveys must be conducted at least 4 months apart. A monitoring survey of each collection of fugitive emissions components at a well site located on the Alaskan North Slope must be conducted at least annually. Consecutive annual monitoring surveys must be conducted at least 9 months apart.

(2) A monitoring survey of the collection of fugitive emissions components at a compressor station within a company-defined area must be conducted at least quarterly after the initial survey. Consecutive quarterly monitoring surveys must be conducted at least 60 days apart.

* * * * *

(h) * * *

(2) If the repair or replacement is technically infeasible, would require a vent blowdown, a compressor station shutdown, a well shutdown or well shut-in, or would be unsafe to repair during operation of the unit, the repair or replacement must be completed during the next scheduled compressor station shutdown, well shutdown, well shut-in, after a planned vent blowdown or within 2 years, whichever is earlier.

* * * * *

[FR Doc. 2018–04431 Filed 3–9–18; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2018–0002; Internal Agency Docket No. FEMA–8521]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur and a notice of this will be provided by publication in the **Federal Register** on a subsequent date.

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the tables in this rulemaking.

ADDRESSES: Information identifying the current participation status of a community can be obtained from FEMA's Community Status Book (CSB).The CSB is available at *https://www.fema.gov/national-flood-insurance-program-community-status-book.*

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 212–3966.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of

1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. We recognize that some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. A notice withdrawing the suspension of such communities will be published in the **Federal Register**.

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the FIRM, if one has been published, is indicated in the fourth column of the table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Region VI				
Louisiana: Hornbeck, Town of, Vernon Parish.	220332	May 8, 2001, Emerg; June 1, 2005, Reg; March 20, 2018, Susp.	March 20, 2018	March 20, 2018.
Leesville, City of, Vernon Parish.	220229	October 17, 1974, Emerg; January 17, 1986, Reg; March 20, 2018, Susp.	.....do	Do.
New Llano, Town of, Vernon Parish.	220340	May 12, 1983, Emerg; July 18, 1985, Reg; March 20, 2018, Susp.	.....do	Do.
Vernon Parish, Unincorporated Areas.	220228	July 20, 1984, Emerg; March 1, 1987, Reg; March 20, 2018, Susp.	.....do	Do.
Region VII				
Iowa: Kossuth County, Unincorporated Areas.	190884	October 1, 1991, Emerg; May 1, 1992, Reg; March 20, 2018, Susp.	.....do	Do.
Titonka, City of, Kossuth County.	190840	April 30, 1975, Emerg; September 1, 1987, Reg; March 20, 2018, Susp.	.....do	Do.

-do- = Ditto.
Code for reading third column: Emerg.—Emergency; Reg.—Regular; Susp.—Suspension.

Dated: February 20, 2018.

Michael M. Grimm,

Assistant Administrator for Mitigation, Federal Insurance and Mitigation Administration, Department of Homeland Security, Federal Emergency Management Agency.

[FR Doc. 2018–04783 Filed 3–9–18; 8:45 am]

BILLING CODE 9110–12–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 74

[GN Docket No. 14–166, ET Docket No. 14–165, GN Docket No. 12–268: DA 17–709]

Promoting Spectrum Access for Wireless Microphone Operations

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of effective date.

SUMMARY: In this document, the Commission announces that the Office of Management and Budget (OMB) has approved, for a period of three years, the information collection associated with the Commission's *Promoting Spectrum Access for Wireless Microphone Operations,* Order (*Order*)'s Consumer Disclosure and Labeling rules, adopted in 2017. This document is consistent with the *Order,* which stated that the Commission would publish a document in the **Federal Register** announcing the effective date of those rules.

DATES: The amendments to 47 CFR 15.37(k) and 74.851(l) published at 80 FR 71702, November 17, 2015, are effective April 11, 2018. OMB approved the information collection requirements for §§ 15.37(k), 74.851(k), and 74.851(l) on January 18, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Murray, Office of Engineering and Technology Bureau, at (202) 418–0688, or email: *Paul.Murray@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that, on January 18, 2018, OMB approved, for a period of three years, the information collection requirements relating to the consumer disclosure and labeling rules contained in the Commission's Wireless Microphones Report and Order (R&O), FCC 15–100 (80 FR 71702, November 17, 2015) (as revised in the Wireless Microphones Order on Reconsideration, FCC 17–95 (82 FR 41549, September 1, 2017)) and the Commission's *Order,* DA 17–709, adopted on July 24, 2017, and published elsewhere is this issue of the **Federal Register**. The OMB Control Number is 3060–1250. The Commission publishes this document as an announcement of the effective date of the specific Consumer Alert language in the consumer disclosure rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, Room 1–A620, 445 12th Street SW, Washington, DC 20554. Please include the OMB Control Number, 3060–1250, in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

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

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on January 18, 2018, for the information collection requirements contained in the modifications to the Commission's rules in 47 CFR parts 15 and 74.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number is 3060–1250.

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

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

OMB Control Number: 3060–1250.

OMB Approval Date: January 18, 2018.

OMB Expiration Date: January 31, 2021.

Title: Sections 15.37(k), 74.851(k), and 74.851(l), Consumer Disclosure and Labeling.

Form Number: N/A.

Respondents: Business or other for-profit, and Not-for-profit institutions.

Number of Respondents and Responses: 5,100 respondents; 127,500 responses.

Estimated Time per Response: .25 hours.

Frequency of Response: Third party disclosure requirement (disclosure and labeling requirement).

Obligation to Respond: Required to provide at time of sale, lease, or distribution. Statutory authority for this collection of information is contained in 47 U.S.C. 151, 154(i), 154(j), 301, 302a, 303(f), 303(g), and 303(r).

Total Annual Burden: 31,875 hours.

Total Annual Cost: $1,625,000.

Nature and Extent of Confidentiality: No information is requested that would require assurance of confidentiality.

Privacy Act: No impact(s).

Needs and Uses: On July 24, 2017, the Consumer and Governmental Affairs Bureau, Wireless Telecommunications Bureau, and the Office of Engineering and Technology of the Federal Communications Commission released an Order, Promoting Spectrum Access for Wireless Microphone Operations, Amendment of part 15 of the Commission's Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, and, Amendment of part 74 of the Commission's Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and 600 MHz Duplex Gap, Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Order, GN Docket No. 14–166, ET Docket No. 14–165, and GN Docket No. 12–268. In this Order, the Consumer and Governmental Affairs Bureau, Wireless Telecommunications Bureau, and the Office of Engineering and Technology provided the specific Consumer Alert language that must be used in the consumer disclosure required by the Commission in its 2015 *Wireless Microphones Report and Order,* as set forth in Sections 15.37(k) and 74.851(l) of the Commission's rules. As the Order explains, the consumer disclosure requirement is applicable to persons who manufacture, sell, lease, or offer for sale or lease, wireless microphone or video assist devices *to the extent that these devices are capable of operating on the specific frequencies associated with the 600 MHz service band (617–652 MHz/663–698 MHz).* This disclosure also informs consumers that, consistent with the Commission's decision in the 2015 *Wireless Microphones Report and Order,* wireless microphone users must cease any wireless microphone operations in the 600 MHz service band no later than July 13, 2020, and that in many instances they may be required to cease use of these devices earlier if their use has the potential to cause harmful interference

to 600 MHz service licensees' wireless operations in the band.

Federal Communications Commission.

Julius P. Knapp,

Chief, Office of Engineering and Technology.

[FR Doc. 2018–04875 Filed 3–9–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 15 and 74

[GN Docket No. 14–166, ET Docket No. 14–165, GN Docket No. 12–268: DA 17–709]

Consumer Disclosure and Labeling; Promoting Spectrum Access for Wireless Microphone Operations

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document the Consumer and Governmental Affairs Bureau, Wireless Telecommunications Bureau, and the Office of Engineering and Technology of the Federal Communications Commission adopt specific language for the consumer disclosures which the Commission adopted in 2015 and which concern the operation of wireless microphone (licensed or unlicensed) or video assist devices capable of operating in the 600 MHz service frequency band. With the close of the incentive auction on April 13, 2017, the 600 MHz service band has been reallocated for new wireless services, and wireless microphones and video assist devices must cease operations in this band no later than July 13, 2020 to avoid harmful interference to new wireless services. This disclosure requirement, including the specific Consumer Alert language, applies to persons who manufacture, sell, lease, or offer for sale or lease, wireless microphones or video assist devices authorized pursuant to and informs consumers of the changes that will affect their use of these devices in the newly established 600 MHz service band.

DATES: This rule is effective April 11, 2018.

FOR FURTHER INFORMATION CONTACT: Paul Murray, Office of Engineering and Technology, 202–418–0688, *Paul.Murray@fcc.gov.* For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, send an email to *PRA@fcc.gov* or contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: The Commission will not send a CRA for this document because it only constitutes specific language to the consumer disclosure rules that were adopted by the Commission in 2015 in the *Wireless Microphones R&O,* 80 FR 71702, November 17, 2015, as revised in 2017 in the *Wireless Microphones Order on Reconsideration,* 82 FR 41549, September 1, 2017. The Commission submitted the *Wireless Microphones R&O,* which included the rule provisions adopting the consumer disclosure requirements, to Congress, GAO, etc. This document revises the Commission's rules to provide the specific language consumer disclosure text associated with the previously adopted rules, which the Commission had directed in 2015 that the Consumer and Governmental Affairs Bureau provide once the incentive auction closed. The document implements what the Commission had directed in 2015.

This document contains the specific Consumer Alert text associated with new information collection requirements that are subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. This language was submitted to the Office of Management and Budget (OMB) in November 2017 for review under section 3507(d) of the PRA, and on January 18, 2018, OMB approved this information collection, published elsewhere in this issue of the **Federal Register**. In addition, we note that, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. In this present document, we have assessed the effects of the requirement that entities provide this specified consumer disclosure text with regard to the manufacture, sale, lease, or offer for sale or lease, of wireless microphones that operate in the 600 MHz service band, and find that by allowing such entities—including businesses with fewer than 25 employees—several ways to comply with the consumer disclosure requirement to display this specified text (*e.g.,* providing a label or sticker on a product box, or prominently displaying the text next to the device in a catalogue or electronic sales material), the Commission has effectively minimized the burden of compliance.

This is a summary of the Order adopted by the Consumer and Governmental Affairs Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology, GN Docket No. 14–166, ET Docket NO. 14–165, GN Docket No. 12–268, DA 17–709, adopted July 24, 2017 and released July 24, 2017. The full text of this document is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257), 445 12th Street SW, Washington, DC 20554. The full text may also be downloaded at: *http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0724/DA-17-709A1.pdf.* People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Synopsis

1. In this Order, the Consumer and Governmental Affairs Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology provide the specific language that must be used in the consumer disclosure required by the Commission in 2015 in §§ 15.37(k) and 74.851(l) of the Commission's rules. It is applicable to persons who manufacture, sell, lease, or offer for sale or lease, wireless microphone or video assist devices—either (a) wireless microphones or other low power auxiliary stations (''wireless microphones'') or video assist devices, authorized pursuant to part 74, Subpart H of the Commission's rules, or (b) unlicensed wireless microphones authorized pursuant to § 15.236—to the extent that these devices are capable of operating in the 600 MHz service band (617–652 MHz/663–698 MHz). This specific Consumer Alert text in the consumer disclosure rules informs consumers of the specific frequencies associated with the 600 MHz service band and also informs them that wireless microphone users must cease any wireless microphone operations in the 600 MHz service band no later than July 13, 2020. In addition, in many instances the text informs consumers that they may be required to cease use of these devices earlier if their use has the potential to cause harmful interference to 600 MHz service licensees' wireless operations in the band.

2. On August 5, 2015, the Commission adopted the *Wireless Microphones R&O,* 80 FR 71702, November 17, 2015, which established various rules applicable to wireless microphones (and other low power auxiliary stations) that operate in the TV bands (which at that time

included TV channels 2–51 except channel 37). Anticipating the repurposing of a portion of the TV bands for new 600 MHz wireless services after the close of the broadcast television incentive auction, the Commission took several actions to ensure that the use of wireless microphones does not cause harmful interference to new 600 MHz service licensees' wireless operations. Among other actions, the Commission adopted the consumer disclosure requirement set forth in §§ 15.37(k) and 74.851(l). The rules require that anyone selling, leasing, or offering for sale or lease, wireless microphones that operate in the 600 MHz service band must display the specific text of the consumer disclosure at the point of sale in a clear, conspicuous, and readily legible manner. The Commission required that the consumer disclosure be displayed on the website of the manufacturer (even if the manufacturer does not sell wireless microphones directly to the public) and of dealers, distributors, retailers, and anyone else selling or leasing the devices.

3. In the *Wireless Microphones R&O,* the Commission delegated authority to the Consumer and Governmental Affairs Bureau, working with the Wireless Telecommunications Bureau and the Office of Engineering and Technology, to prepare the specific language of the required consumer disclosure following the close of the broadcast television incentive auction and issuance of the *Closing and Channel Reassignment Public Notice,* which established the frequencies that are associated with the 600 MHz service band; the *Closing and Channel Reassignment Public Notice* was released on April 13, 2017. As directed by the Commission, the Consumer and Governmental Affairs Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering and Technology adopted the text provided in this order as the specific language to be included in the consumer disclosure rules. This text will be included in §§ 15.37(k) and 74.851(l) of the Commission's rules.

4. *It is ordered* that, pursuant to sections 4(i) and 302 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 302a, and §§ 0.131, 0.141, 0.331, and 0.361 of the Commission's Rules, 47 CFR 0.131, 0.141, 0.331, and 0.361, the Consumer Disclosure text in this ORDER is hereby *adopted.*

5. *It is further ordered* that the rules adopted herein, which contain new information collection requirements that require approval by OMB under the PRA, *will become effective* after the Commission publishes a document in the **Federal Register** announcing such approval and the relevant effective date.

The information requirements were approved by OMB as of January 18, 2018, as published elsewhere in this issue of the **Federal Register**, so this document satisfies that notice and publication requirement.

List of Subjects

47 CFR Part 15

Labeling, Reporting and recordkeeping requirements.

47 CFR Part 74

Reporting and recordkeeping requirements.

Federal Communications Commission.

Julius P. Knapp,

Chief, Office of Engineering and Technology.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 parts 15 and 74 as follows:

PART 15—RADIO FREQUENCY DEVICES

■ 1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 304, 307, 336, 554a, and 549.

■ 2. Section 15.37 is amended by revising paragraph (k)(4) to read as follows:

§ 15.37 Transition provisions for compliance with the rules.

* * * * *

(k) * * *

(4) The consumer disclosure text described in paragraph (k)(1) of this section is set forth in Figure 1 to this paragraph.

Figure 1 to § 15.37(k) – Consumer Disclosure Text

CONSUMER ALERT

This particular wireless microphone device operates in portions of the 617-652 MHz or 663-698 MHz frequencies. Beginning in 2017, these frequencies are being transitioned by the Federal Communications Commission (FCC) to the 600 MHz service to meet increasing demand for wireless broadband services. Users of this device must cease operating on these frequencies no later than July 13, 2020. In addition, users of this device may be required to cease operations earlier than that date if their operations could cause harmful interference to a 600 MHz service licensee's wireless operations on these frequencies. For more information, visit the FCC's wireless microphone website at www.fcc.gov/wireless-microphones-guide or call the FCC at 1-888-CALL-FCC (TTY: 1-888-TELL-FCC).

* * * * *

PART 74—EXPERIMENTAL RADIO, AUXILIARY, SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

■ 3. The authority citation for part 74 continues to read as follows:

Authority: 47 U.S.C. 154, 302a, 303, 307, 309, 310, 336, and 554.

■ 4. Section 74.851 is amended by revising paragraph (l)(4) to read as follows:

§ 74.851 Certification of equipment, prohibition on manufacture, import, sale, lease, offer for sale or lease, or shipment of devices that operate in the 700 MHz or the 600 MHz Band; labeling for 700 MHz or 600 MHz band equipment destined for non-U.S. markets; disclosures.

* * * * *

(l) * * *

(4) The consumer disclosure text described in paragraph (l)(1) of this section is set forth as Figure 1 to this paragraph.

Figure 1 to § 74.851(l) – Consumer Disclosure Text

CONSUMER ALERT

This particular wireless microphone device operates in portions of the 617-652 MHz or 663-698 MHz frequencies. Beginning in 2017, these frequencies are being transitioned by the Federal Communications Commission (FCC) to the 600 MHz service to meet increasing demand for wireless broadband services. Users of this device must cease operating on these frequencies no later than July 13, 2020. In addition, users of this device may be required to cease operations earlier than that date if their operations could cause harmful interference to a 600 MHz service licensee's wireless operations on these frequencies. For more information, visit the FCC's wireless microphone website at www.fcc.gov/wireless-microphones-guide or call the FCC at 1-888-CALL-FCC (TTY: 1-888-TELL-FCC).

[FR Doc. 2018–04876 Filed 3–9–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF VETERANS AFFAIRS

48 CFR Parts 816, 828, and 852

RIN 2900–AP82

Revise and Streamline VA Acquisition Regulation To Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V002); Correction

AGENCY: Department of Veterans Affairs.

ACTION: Final rule; correction.

SUMMARY: The Department of Veterans Affairs (VA) is correcting a final rule regarding Federal Acquisition Regulation Principles. This correction addresses minor technical errors in the final rule.

DATES: This correction is effective March 23, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. Ricky Clark, Senior Procurement Analyst, Procurement Policy and Warrant Management Services (003A2A), 425 I Street NW, Washington DC 20001, (202) 632–5276. (This is not a toll-free telephone number.)

SUPPLEMENTARY INFORMATION: VA is correcting its final rule, ''Revise and Streamline VA Acquisition Regulation to Adhere to Federal Acquisition Regulation Principles (VAAR Case 2014–V002)'' that published February 21, 2018, in the **Federal Register** at 83 FR 7401.

In FR Doc. 2018–03164, appearing on page 7401 in the **Federal Register** of February 21, 2018, the following corrections are made:

Corrections

1. On page 7404, in the second column, redesignate amendatory instructions 7 through 22 as amendatory instructions 8 through 23 and add new amendatory instruction 7 to read as follows:

Subpart 816.70—[Removed and Reserved]

■ 7. Subpart 816.70 is removed and reserved.

Approved: March 7, 2018.

Consuela Benjamin,

Regulations Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2018–04883 Filed 3–9–18; 8:45 am]

BILLING CODE 8320–01–P

Proposed Rules

Federal Register
Vol. 83, No. 48
Monday, March 12, 2018

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2018–0100; Airspace Docket No. 18–ASW–3]

Proposed Amendment of Class E Airspace; Duncan, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace extending upward from 700 feet above the surface at Halliburton Field, Duncan, OK. The FAA is proposing this action as a result of an airspace review caused by the decommissioning of the Duncan VHF omnidirectional range (VOR) navigation aid as part of the VOR Minimum Operational Network (MON) Program and the cancellation of the associated instrument procedures. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database, as well as an editorial change removing the city associated with the airport name in the airspace designation.

DATES: Comments must be received on or before April 26, 2018.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590; telephone (202) 366–9826, or (800) 647–5527. You must identify FAA Docket No. FAA–2018–0100; Airspace Docket No. 18–ASW–3, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2018–0100; Airspace Docket No. 18–ASW–3.'' The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Availability and Summary of Documents for Incorporation by Reference

This document proposes to amend FAA Order 7400.11B, Airspace Designations and Reporting Points, dated August 3, 2017, and effective September 15, 2017. FAA Order

7400.11B is publicly available as listed in the **ADDRESSES** section of this document. FAA Order 7400.11B lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Proposal

The FAA is proposing an amendment to Title 14, Code of Federal Regulations (14 CFR) part 71 by amending the Class E airspace extending upward from 700 feet above the surface to within a 6.6-mile radius (decreased from a 6.7-mile radius) at Halliburton Field, Duncan, OK, and removing the extension to the north of the airport associated with the Halliburton Field Localizer. This proposal would add an extension within 4 miles each side of the 359° bearing from the airport from the 6.6-mile radius to 11.6 miles north of the airport. The geographic coordinates of the airport would also be updated to coincide with the FAA's aeronautical database, and the name of the city associated with the airport in the airspace description would be removed to comply with a change to FAA Order 7400.2L, Procedures for Handling Airspace Matters.

This action is necessary due to an airspace review caused by the decommissioning of the Duncan VOR as part of the VOR MON Program and cancellation of the associated instrument procedures.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASW OK E5 Duncan, OK [Amended]

Halliburton Field, OK

(Lat. 34°28′17″ N, long. 97°57′36″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of Halliburton Field, and within 4.0 miles each side of the 359° bearing from the airport extending from the 6.6-mile radius to 11.6 miles north of the airport.

Issued in Fort Worth, Texas, on March 5, 2018.

Christopher L. Southerland,

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

[FR Doc. 2018–04925 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 573

[Docket No. FDA–2014–F–0469]

Excentials B.V.; Withdrawal of Food Additive Petition (Animal Use)

AGENCY: Food and Drug Administration, HHS.

ACTION: Notification; withdrawal of petition for rulemaking.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (animal use) proposing that the food additive regulations be amended to provide for the safe use of L-selenomethionine as a dietary source of selenium in feed for poultry, swine, and ruminants.

DATES: The food additive petition was withdrawn on November 10, 2017.

ADDRESSES: 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: Chelsea Trull, Center for Veterinary Medicine, HFV–224, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–6729, *chelsea.trull@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In a document published in the **Federal Register** on April 23, 2014 (79 FR 22602), FDA announced that a food additive petition (FAP 2278) had been filed by Excentials B.V., Vierlinghstraat 51, 4251 LC Werkendam, The Netherlands. The petition proposed to amend part 573 of title 21 of the Code of Federal Regulations (CFR), *Food Additives Permitted in Feed and Drinking Water of Animals,* to provide for the safe use of L-selenomethionine as a dietary source of selenium in feed for poultry, swine, and ruminants. Excentials B.V. has now withdrawn the petition without prejudice to a future filing in accordance with 21 CFR 571.7.

Dated: March 6, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04775 Filed 3–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 904

[SATS No. AR–040–FOR; Docket ID: OSM–2012–0017; S1D1SSS08011000 SX064A000 189S180110; S2D2SSS08011000 SX064A000 18XS501520]

Arkansas Regulatory Program and Abandoned Mine Land Reclamation Plan

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing the withdrawal of a proposed rule pertaining to an amendment to the Arkansas regulatory program (Arkansas program) and the Arkansas Abandoned Mine Land Reclamation (AMLR) Plan (hereinafter, the plan) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Arkansas submitted the amendment to revise substantial portions of its regulatory program and AMLR Plan to be no less effective than the counterpart Federal regulations, as well as to clarify ambiguities, improve operational efficiency, correct grammar and punctuation, revise dates, and delete and add citations and subsections.

DATES: The proposed rule published September 10, 2012, at 77 FR 55430, is withdrawn March 12, 2018.

ADDRESSES: Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128.

FOR FURTHER INFORMATION CONTACT: William L. Joseph, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128. Telephone: (918) 581–6430. Email: *bjoseph@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Arkansas Program and AMLR Plan

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, state laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior (Secretary) conditionally approved the Arkansas program effective November 21, 1980. You can find background information on the Arkansas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Arkansas program, in the November 21, 1980, **Federal Register** (45 FR 77003). You can find later actions on the Arkansas program at 30 CFR 904.10, 904.12, and 904.15.

The Abandoned Mine Land Reclamation Program was established by Title IV of the Act in response to concerns over extensive environmental damage caused by past coal mining activities. The program is funded by a reclamation fee collected on each ton of coal that is produced. The money collected is used to finance the reclamation of abandoned coal mines and for other authorized activities. Section 405 of the Act allows States and Tribes to assume exclusive responsibility for reclamation activity within the State or on Indian lands if they develop and submit to the Secretary for approval, a program (often referred to as a plan) for the reclamation of abandoned coal mines. On the basis of these criteria, the Secretary approved the Arkansas Plan effective May 2, 1983. You can find background information on the Arkansas Plan, including the Secretary's findings, the disposition of comments, and the approval of the plan in the May 2, 1983, **Federal Register** (48 FR 19710). You can find later actions concerning the Arkansas Plan at 30 CFR 904.25 and 904.26.

II. Submission of the Withdrawal

By letter dated June 25, 2012 (Administrative Record No. AR–572), Arkansas submitted a proposed amendment to its program and plan pursuant to SMCRA. Arkansas submitted the amendment in response to a September 30, 2009, letter (Administrative Record No. AR–571) from OSMRE in accordance with 30 CFR 732.17 (c), concerning multiple changes to ownership and control requirements. Arkansas also proposed substantive and nonsubstantive revisions to other sections of its regulatory program and its abandoned mine land reclamation plan at its own initiative.

We announced receipt of the proposed amendment in the September 10, 2012, **Federal Register** (77 FR 55430). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the adequacy of the amendment. We did not hold a public hearing or meeting because neither was requested. The public comment period ended on October 10, 2012. We did not receive any public comments.

OSMRE reviewed the proposed amendment, and in a letter dated January 3, 2013 (Administrative Record No. AR–572.03), requested clarifications and suggested revisions to some provisions. Arkansas responded with minor revisions to their submittal by a letter dated January 11, 2013 (Administrative Record No. AR–572.04). OSMRE requested additional clarifications from Arkansas by email on February 28, 2013 (Administrative Record No. AR–572.05), and on March 5, 2013 (Administrative Record No. AR–572.06). Arkansas responded by email on March 5, 2013 (Administrative Record No. AR–572.07). On April 24, 2013 (Administrative Record No. AR–572.10), OSMRE notified Arkansas that our technical review was complete. On April 25, 2013, Arkansas submitted a revised version of the proposed amendment reflecting all clarifications and edits made during the technical review period (Administrative Record No. AR–572.09). On March 6, 2014, Arkansas submitted a revised amendment that withdrew the proposed changes to Reg.20.817.57 (Administrative Record No. AR–572.11). On July 1, 2014, Arkansas submitted a final version of the proposed amendment with minor corrections regarding page numbering and typographical errors (Administrative Record No. AR–572.12). On July 11, 2014, Arkansas requested the withdrawal of sections related to its Abandoned Mine Land and Administrative sections from its original amendment request (Administrative Record No. AR 572.14).

The Office of the Solicitor, upon their review of the proposed amendment, found additional inconsistencies with the Federal rule. In a letter dated August 7, 2017, Arkansas notified us that they were withdrawing the proposed amendment at this time (Administrative Record No. AR–572.15). Arkansas stated in the letter that they would submit a new proposed amendment after working with OSMRE informally to address the deficiencies.

List of Subjects in 30 CFR Part 904

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 1, 2017.

Alfred L. Clayborne,

Regional Director, Mid-Continent Region.

Editorial Note: The Office of the Federal Register received this document on March 7, 2018.

[FR Doc. 2018–04910 Filed 3–9–18; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–166–FOR, Docket ID: OSM–2017–0008; S1D1S SS08011000 SX064A000 189A180110 S2D2S SS08011000 SX064A000 18XS501520]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSMRE), Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are announcing receipt of a proposed amendment to the Pennsylvania program under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Through this proposed amendment, Pennsylvania seeks to revise its Bituminous Mine Subsidence and Land Conversation Act to include language clarifying the circumstances where a finding of presumptive evidence of pollution is warranted under the Commonwealth's Clean Streams Law.

This document gives the locations and times where the Pennsylvania program documents and this proposed amendment to that program are available for your inspection, establishes the comment period during which you may submit written comments on the amendment, and describes the procedures we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4:00 p.m., Eastern Standard Time (e.s.t.), April 11, 2018. If requested, we will hold a public hearing on the amendment on April 6, 2018. We will accept requests to speak at a hearing until 4:00 p.m., e.s.t. on March 27, 2018.

ADDRESSES: You may submit comments, identified by SATS No. PA–166–FOR; Docket ID: OSM–2017–0008 by any of the following methods:

- *Mail/Hand Delivery:* Mr. Ben Owens, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220.
- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments. Instructions: All submissions received must include the agency name and docket number for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Comment Procedures'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: In addition to obtaining copies of documents at *www.regulations.gov,* you may receive one free copy of the amendment by contacting OSMRE's Pittsburgh Field Division. To access the docket to review copies of the Pennsylvania program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document, you may visit the address listed below during normal business hours, Monday through Friday, excluding holidays.

Mr. Ben Owens, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement, 3 Parkway Center, Pittsburgh, PA 15220, Telephone: (412) 937–2827, Email: *bowens@osmre.gov*.

Thomas Callaghan, P. G., Director, Bureau of Mining and Reclamation, Pennsylvania Department of Environmental Protection, Rachel Carson State Office Building, P.O. Box 8461, Harrisburg, PA 17105–8461, Telephone: (717) 787–5015, E-Mail: *tcallaghan@pa.gov*.

FOR FURTHER INFORMATION CONTACT: Mr. Ben Owens, Chief, Pittsburgh Field Division, Office of Surface Mining Reclamation and Enforcement 3 Parkway Center, Pittsburgh, PA 15220; Telephone: (412) 937–2827; Email: *bowens@osmre.gov*.

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, State laws and regulations that govern surface coal mining and reclamation operations in accordance with the Act and consistent with the Federal regulations. See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Pennsylvania program, effective July 31, 1982.

You can find additional background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and conditions of approval in the July 30, 1982, **Federal Register**, at 47 FR 33050. You can also find later actions concerning Pennsylvania's program and program amendments at 30 CFR 938.11, 938.12, 938.13, 938.15 and 938.16.

II. Description of the Proposed Amendment

By letter dated August 4, 2017 (Administrative Record No. PA 899.00), Pennsylvania sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). The Pennsylvania General Assembly recently amended the BMSLCA to include language clarifying the circumstances where a finding of presumptive evidence of pollution is warranted under the Commonwealth's Clean Streams Law.

A. By way of State Bill 624, Pennsylvania proposes additional language to the BMSLCA, Section 5 (i) that states:

> In a permit application to conduct bituminous coal mining operations, subject to this act, planned subsidence in a predictable and controlled manner which is not predicted to result in the permanent disruption of premining existing or designated uses of surface waters of the Commonwealth shall not be considered presumptive evidence that the proposed bituminous coal mining operations have the potential to cause pollution as defined in section 1 of the act of June 22, 1937 (P.L. 1987, No. 394), known as 'The Clean Streams Law.

B. Further, Pennsylvania proposes additional language to BMSLCA, Section 5 (j) as follows:

> The provisions of subsection (i) shall only apply if: (1) A person submits an application to conduct bituminous mining operations subject to this act to the department that provides for the restoration of the premining range of flows and restoration of premining biological communities in any waters of this Commonwealth predicted to be adversely affected by subsidence. The restoration shall be consistent with the premining existing and designated uses of the waters of this Commonwealth; and (2) the application is approved by the department.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Electronic or Written Comments

If you submit written or electronic comments on the proposed rule during the 30-day comment period, they should be specific, confined to issues pertinent to the proposed regulations, and explain the reason for any recommended change(s). We appreciate any and all comments, but those most useful and likely to influence decisions on the final regulations will be those that either involve personal experience or include citations to and analyses of SMCRA, its legislative history, its implementing regulations, case law, other pertinent State or Federal laws or regulations, technical literature, or other relevant publications.

We cannot ensure that comments received after the close of the comment period (see **DATES**) or sent to an address other than those listed (see **ADDRESSES**) will be included in the docket for this rulemaking and considered.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment including your personal identifying information, may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4:00 p.m., e.s.t. on March 27, 2018. If you are disabled and need reasonable accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT**. We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak, and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**. All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES**. We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12866—Regulatory Planning and Review

Pursuant to Office of Management and Budget (OMB) Guidance dated October 12, 1993, the approval of state program amendments is exempted from OMB review under Executive Order 12866.

Other Laws and Executive Orders Affecting Rulemaking

When a State submits a program amendment to OSMRE for review, our regulations at 30 CFR 732.17(h) require us to publish a notice in the **Federal Register** indicating receipt of the proposed amendment, its text or a summary of its terms, and an opportunity for public comment. We conclude our review of the proposed amendment after the close of the public comment period and determine whether the amendment should be approved, approved in part, or not approved. At that time, we will also make the determinations and certifications required by the various laws and executive orders governing the rulemaking process and include them in the final rule.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: September 15, 2017.

Thomas D. Shope,

Regional Director, Appalachian Region.

[FR Doc. 2018–04911 Filed 3–9–18; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2017–0695]

RIN 1625–AA09

Drawbridge Operation Regulation; Chambers Bay, Steilacoom, WA

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the Chambers Bay railroad lift bridge (Chambers Bay Bridge) across Chambers Bay, mile 0.01, near Steilacoom in Pierce County, WA. The modified schedule would remove the stationed bridge operator at the subject drawbridge during the evening hours due to minimal usage between these hours.

DATES: Comments and related material must reach the Coast Guard on or before April 11, 2018.

ADDRESSES: You may submit comments identified by docket number USCG–2017–0695 using Federal eRulemaking Portal at *http://www.regulations.gov.*

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

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or email Steven M. Fischer, Bridge Administrator, Thirteenth Coast Guard District Bridge Program Office, telephone 206–220–7282; email *d13-pf-d13bridges@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
BNSF Burlington Northern Santa Fe
§ Section
U.S.C. United States Code

II. Background, Purpose and Legal Basis

The Coast Guard proposes to add a new operating schedule that governs the Chambers Bay Bridge. Burlington Northern Santa Fe Railway Company (BNSF) owns and operates the vertical lift Chambers Bay Bridge, mile 0.01, near Steilacoom in Pierce County, WA, and has requested a change to the operating schedule based on minimum

usage between 10 p.m. and 6 a.m. over the past 6 years. The subject bridge operates in accordance with 33 CFR 117.5 which is the draw shall open on demand. This proposed rule will be a specific operating rule in Subpart B for the subject bridge. We propose a new rule that will not require the subject bridge to station an operator from 10 p.m. to 6 a.m., but the draw shall open on signal if at least four hours of notice is given. The draw will be required to open as soon as possible, no later than one hour after notification, for vessels engaged in emergency response.

Chambers Bay Bridge has a vertical clearance of 10ft in the closed-to-navigation position, and 50ft of vertical clearance in the open-to-navigation position (reference MHW elevation of 12.2 feet). We published a test deviation on July 20, 2017, in the **Federal Register** (82 FR 33448) titled Drawbridge Operation Regulation; Chambers Creek, Steilacoom, WA. No comments have been received for the test deviation. During the test deviation, we have not received any complaints on the operation of the Chambers Bay Bridge with no operator stationed from 10 p.m. to 6 a.m., and openings with an hour's notice to test emergency response have been conducted successfully.

The purpose of this rulemaking is to ensure the safety of vessels and the navigable waters passing under, through or near the Chambers Bay Bridge. The Coast Guard proposes this rulemaking under authority in 33 U.S.C. 1231.

III. Discussion of Proposed Rule

Chambers Bay provides no alternate routes to pass around the Chambers Bay Bridge. This new rule would allow BNSF to better balance the needs of marine and rail traffic. In the last 6 years, only 2% of the subject bridge lifts have occurred between the hours of 10 p.m. and 6 a.m., which equates to approximately 5 openings a year. Between February 2009 to June 2015, 1,932 total openings were conducted, and of those, 40 occurred between the hours of 10 p.m. and 6 a.m.

IV. Regulatory Analyses

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

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. Executive Order 13771 directs agencies to control regulatory costs through a budgeting process. This NPRM has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, the NPRM has not been reviewed by the Office of Management and Budget (OMB), and pursuant to OMB guidance, it is exempt from the requirements of Executive Order 13771. This regulatory action determination is based on the ability for mariners to transit under the bridge from 10 p.m. to 6 a.m. with no operator present if a four hour notice is given. The drawbridge will also be required to open as soon as possible, but no later than one hour after notification, for vessels engaged in emergency response.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit under the bridge may be small entities, for the reasons stated in section IV.A. above, this proposed rule would not have a significant economic impact on any vessel owner or operator. Navigation traffic within Chambers Bay consists primarily of the tenants of Chambers Bay marina (recreational users) that are members of the Chambers Bay Boating Association. The boating association has been involved with this operating schedule change, and we have communicated with them requesting for their participation by submitting public comments. No comments have been received.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520.).

D. Federalism and Indian Tribal Government

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. This proposed rule simply promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under figure 2–1, paragraph (32) (e), of the Instruction.

A preliminary Record of Environmental Consideration and a Memorandum for the Record are not required for this proposed rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

G. Protest Activities

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

V. Public Participation and Request for Comments

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

We encourage you to submit comments through the Federal eRulemaking Portal at *http://www.regulations.gov.* If your material cannot be submitted using *http://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

We accept anonymous comments. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided. For more about privacy and the docket, visit *http://www.regulations.gov/privacynotice.*

Documents mentioned in this NPRM as being available in this docket and all public comments, will be in our online docket at *http://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 117.1029 to read as follows:

§ 117.1029 Chambers Bay.

The draw of the Chambers Bay railroad lift bridge, mile 0.01, at Chambers Bay, shall open on signal except between 10 p.m. to 6 a.m. The draw shall open on signal from 10 p.m. to 6 a.m. when at least four hours of notice has been given via the phone number posted on the bridge, and as soon as possible, no later than 1 hour after notification, for vessels engaged in emergency response.

Dated: February 16, 2018.

Brendan C. McPherson,

Captain, U.S. Coast Guard, Acting Commander, Thirteenth Coast Guard District.

[FR Doc. 2018–04912 Filed 3–9–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0739; FRL–9975–34–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Emissions Statement Requirement for the 2008 Ozone Standard

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 Pennsylvania. This revision fulfills Pennsylvania's emissions statement requirement for the 2008 ozone national ambient air quality standard (NAAQS). This action is being taken under the Clean Air Act (CAA).

DATES: Written comments must be received on or before April 11, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0739 at *http://www.regulations.gov,* or via email to *spielberger.susan@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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: Gavin Huang, (215) 814–2042, or by email at *huang.gavin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On March 27, 2008, EPA strengthened the ozone standard from 0.08 to 0.075 parts per million (ppm). 73 FR 16436. On May 21, 2012, EPA designated areas as nonattainment for the 2008 ozone NAAQS, which include the following counties in Pennsylvania: Carbon, Lehigh, Northampton, Lancaster, Bucks, Chester, Delaware, Montgomery, Philadelphia, Allegheny, Armstrong, Beaver, Butler, Fayette, Washington, Westmoreland, and Berks counties. *See* 40 CFR 81.339.

Additionally, Pennsylvania is located in the ozone transport region (OTR) established by Congress in section 184 of the CAA. Pursuant to section 184(b)(2), any stationary source that emits or has the potential to emit at least 50 tons per year (tpy) of volatile organic compounds (VOC) shall be considered a major stationary source and subject to the requirements which would be applicable to major stationary sources if the area were classified as a moderate nonattainment area. *See* CAA section 184. Thus, states within the OTR are subject to plan (or SIP) requirements in CAA section 182(b) applicable to moderate nonattainment areas. Also, section 182(f)(1) of the CAA requires that the plan provisions required for major stationary sources of VOC also apply to major stationary sources of oxides of nitrogen (NO_X) for states with moderate (or worse) ozone nonattainment areas. A major stationary source of NO_X is defined as a stationary facility or source of air pollutants which directly emits, or has the potential to emit 100 tpy or more of NO_X. *See* CAA section 302(j).

Section 182 of the CAA identifies additional plan submissions and requirements for ozone nonattainment areas. Specifically, section 182(a)(3)(B) of the CAA requires that states develop and submit rules which establish annual reporting requirements for certain stationary sources. Sources that are within marginal (or worse) ozone nonattainment areas must annually report the actual emissions of NO_X and VOC to the state. However, states may waive reporting requirements for sources that emit under 25 tpy of NO_X and VOC if the state provides an inventory of emissions from such class or category of sources. *See* CAA section 182(a)(3)(B)(ii).

In summary, because Pennsylvania is located in the OTR, Pennsylvania sources that are located in ozone attainment areas and emit above 50 tpy of VOC or 100 tpy of NO_X are considered major sources and subject to the requirements of major stationary sources in moderate (or worse) nonattainment area, such as an emissions statement submission required by CAA section 182(a)(3)(B). *See* CAA sections 182(f) and 184(b)(2). Pennsylvania sources that are located in designated marginal (or worse) nonattainment areas must also submit an emissions statement as required by CAA section 182(a)(3)(B). As stated previously, states may waive reporting requirements for sources that emit under the 25 tpy NO_X and VOC threshold if the state provides an inventory of emissions from such class or category of sources as required by CAA sections 172 and 182.[1] *See* section 182(a)(3)(B)(ii).

On November 3, 2017, the Commonwealth of Pennsylvania, through the Pennsylvania Department of Environmental Protection (PADEP) submitted a SIP revision to satisfy the emissions statement requirement of section 182(a)(3)(B) of the CAA for the 2008 ozone NAAQS. In the submittal, PADEP also submitted a certification for its nonattainment new source review (NNSR) program, which will be addressed in a separate rulemaking action.

II. Summary of SIP Revision and EPA Analysis

On January 12, 1995 (60 FR 2881), EPA approved Pennsylvania's SIP submittal which included Pennsylvania regulations that satisfy the emission reporting requirements in CAA section 182(a)(3)(B). Pennsylvania's emissions reporting requirements are codified in the Pennsylvania Code at 25 Pa. Code 135.21 ''Emissions Statements.''

25 Pa. Code 135.21 requires that stationary sources or facilities that emit NO_X or VOC and are located in an area designated by the CAA as a marginal, moderate, serious, severe or extreme ozone nonattainment area or stationary sources or facilities that are located in the OTR (and not in an area designated as a marginal or worse nonattainment area) and emit or have the potential to emit 100 tons or more of NO_X or 50 tons or more of VOC per year, submit an annual emissions statement. Because Pennsylvania is located in the OTR, sources that are located in attainment areas for the 2008 ozone NAAQS and emit above 50 tpy of VOC and 100 tpy of NO_X are considered major sources and subject to the requirements of major stationary sources in moderate (or worse) nonattainment area, such as an emissions statement submission as required by CAA section 182(a)(3)(B). *See* CAA sections 182(f) and 184(b)(2). This statement must show, in a form as PADEP may prescribe, for classes or categories of sources: The actual emissions of NO_X or VOC from that source for each reporting period, a description of the method used to calculate the emissions, and the time period over which the calculation is based. The statement must be submitted by a company officer or plant manager who can verify the source's actual emissions.

Under 25 Pa. Code 135.21(d), sources that emit less than 25 tons of NO_X or VOC per year are not required to submit the mandatory emissions statement per 25 Pa. Code 135.21(a) if PADEP provides EPA with an inventory of emissions from the class or category of sources based on the use of the emission factors established by the Administrator. As previously mentioned, per CAA section 182(a)(3)(B)(ii), states may waive reporting requirements for sources under 25 tpy of NO_X and VOC if the state provides an inventory of emissions from such class or category of sources as required by CAA sections 172 and 182.

In the November 3, 2017 SIP submittal, Pennsylvania states that, upon review, the Commonwealth certifies that the existing emissions statement program continues to comply with the 2008 ozone NAAQS requirements. *See* 60 FR 2881 (January 12, 1995). EPA finds that 25 Pa. Code 135.21 continues to satisfy section 182(a)(3)(B) because the existing rule is applicable to the entire Commonwealth of Pennsylvania and requires stationary sources that emit NO_X or VOC (at required thresholds above 25 tpy in designated ozone nonattainment areas and above 50 tpy VOC or 100 tpy NO_X in ozone attainment areas in the OTR) to submit an emissions statement to the Commonwealth detailing the sources' emissions. As previously mentioned, per CAA section 182(a)(3)(B)(ii), states may waive sources that emit less than 25 tpy of NO_X or VOC if the state provides an inventory of emissions from such class or category of sources as required by CAA section 172 and 182. Pennsylvania does provide emissions inventories for ozone nonattainment areas as required by CAA section 172(c)(3).[2] EPA finds Pennsylvania's emissions' thresholds for sources that are required to submit an emissions statement meet CAA requirements in sections 182 (plan submissions and requirements for ozone nonattainment areas) and 184 (OTR requirements). *See also* ''Guidance on the Implementation of an Emission Statement Program (July 1992).'' Therefore, EPA has determined that 25 Pa. Code 135.21, which is currently in the Pennsylvania SIP, is appropriate to address the emissions

[1] For further information on the emissions statement reporting requirements, *see* ''Guidance on the Implementation of an Emission Statement Program (July 1992)'' *https://www.epa.gov/sites/production/files/2015-09/documents/emission_statement_program_zypdf.pdf,* pp. 5–9.

[2] *See* ''Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; 2011 Base Year Inventories for the 2008 8-Hour Ozone National Ambient Air Quality Standard for the Allentown-Bethlehem-Easton, Lancaster, Pittsburgh-Beaver Valley, and Reading Areas, and the Pennsylvania Portion of the Philadelphia-Wilmington-Atlantic City Area,'' 81 FR 24492 (April 26, 2016).

statement requirement in section 182(a)(3)(B) and is proposing to approve this SIP revision. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

III. Proposed Action

EPA is proposing to approve the November 3, 2017 Pennsylvania SIP revision certifying that Pennsylvania's existing SIP-approved emissions statement regulation meets the emissions statement requirement of section 182(a)(3)(B) of the CAA for the 2008 ozone NAAQS.

IV. 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 an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this proposed rule, which proposes to approve Pennsylvania's certification that Pennsylvania's SIP-approved emissions statement regulation meets the emissions statement requirement of section 182(a)(3)(B) of the CAA, 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.

List of Subjects in 40 CFR Part 52

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

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

Dated: February 23, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

[FR Doc. 2018–04813 Filed 3–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2017–0738; FRL–9975–35–Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Virginia; Emissions Statement Rule Certification for the 2008 Ozone National Ambient Air Quality Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a state implementation plan (SIP) revision formally submitted by the Commonwealth of Virginia (Virginia). Under the Clean Air Act (CAA), states' SIPs must require stationary sources in ozone nonattainment areas classified as marginal or above to report annual emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC). This emissions statement requirement also applies to stationary sources located in the Ozone Transport Region (OTR) that emit or have the potential to emit at least 50 tons per year (tpy) of VOC or 100 tpy of NO_X. The SIP revision provides Virginia's certification that its existing emissions statement program satisfies the emissions statement requirements of the CAA for the 2008 ozone National Ambient Air Quality Standards (NAAQS). EPA is proposing to approve Virginia's emissions statement program certification for the 2008 ozone NAAQS as a SIP revision in accordance with the requirements of the CAA.

DATES: Written comments must be received on or before April 11, 2018.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R03–OAR–2017–0738 at *http://www.regulations.gov,* or via email to *spielberger.susan@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *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: Sara Calcinore, (215) 814–2043, or by email at *calcinore.sara@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

Under the CAA, EPA establishes NAAQS for criteria pollutants in order to protect human health and the

environment. In response to scientific evidence linking ozone exposure to adverse health effects, EPA promulgated the first ozone NAAQS, the 0.12 part per million (ppm) 1-hour ozone NAAQS, in 1979. *See* 44 FR 8202 (February 8, 1979). The CAA requires EPA to review and reevaluate the NAAQS every 5 years in order to consider updated information regarding the effects of the criteria pollutants on human health and the environment. On July 18, 1997, EPA promulgated a revised ozone NAAQS, referred to as the 1997 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 strengthened the 8-hour ozone NAAQS from 0.08 to 0.075 ppm. The 0.075 ppm standard is referred to as the 2008 ozone NAAQS. *See* 73 FR 16436 (March 27, 2008).

On May 21, 2012 and June 11, 2012, EPA designated nonattainment areas for the 2008 ozone NAAQS. 77 FR 30088 and 77 FR 34221. Effective July 20, 2012, the Washington, DC-MD-VA area was designated as marginal nonattainment for the 2008 ozone NAAQS. The Washington, DC-MD-VA nonattainment area is comprised of Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City. *See* 40 CFR 81.347.

Section 182 of the CAA identifies additional plan submissions and requirements for ozone nonattainment areas. Specifically, section 182(a)(3)(B) of the CAA requires that states develop and submit, as a revision to their SIP, rules which establish annual reporting requirements for certain stationary sources. Sources that are within marginal or above ozone nonattainment areas must annually report the actual emissions of NO_X and VOC to the state. However, states may waive sources that emit under 25 tpy of NO_X and VOC if the state provides an inventory of emissions from such class or category of sources as required by CAA sections 172 and 182. *See* CAA section 182(a)(3)(B)(ii).

Additionally, portions of Virginia are included in the ozone transport region (OTR) established by Congress in section 184 of the CAA. The OTR is comprised of the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and the Consolidated Metropolitan Statistical Area that includes the District of Columbia and portions of Virginia. The areas designated as in the Virginia portion of the OTR are as follows: Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.[1]

Pursuant to section 184(b)(2), any stationary source located in the OTR that emits or has the potential to emit at least 50 tpy of VOC shall be considered a major stationary source and subject to the requirements which would be applicable to major stationary sources if the area was classified as a moderate nonattainment area. *See* CAA section 184. Thus, states within the OTR are subject to plan (or SIP) requirements in CAA section 182(b) applicable to moderate nonattainment areas. Also, section 182(f)(1) of the CAA requires that the plan provisions required for major stationary sources of VOC also apply to major stationary sources of NO_X for states with ozone nonattainment areas. A major stationary source of NO_X is defined as a stationary facility or source of air pollutants which directly emits, or has the potential to emit, 100 tpy or more of NO_X. *See* CAA section 302(j).

In summary, sources located within the portions of Virginia included in the OTR, including areas designated as attainment for the 2008 ozone NAAQS, that emit more than 50 tpy of VOC or 100 tpy of NO_X are considered major sources and are subject to the same requirements as major stationary sources located in moderate or above nonattainment areas. These requirements include the emissions statement requirements of CAA section 182(a)(3)(B). *See* CAA section 182(f) and 184(b)(2). Sources located in designated marginal or above nonattainment areas must also submit an emissions statement as required by CAA section 182(a)(3)(B). As stated previously, states may waive sources that emit less than the 25 tpy of NO_X and 25 tpy of VOC threshold if the state provides an inventory of emissions from such class or category of sources as required by CAA sections 172 and 182. *See* CAA section 182(a)(3)(B)(ii). States are required by section 182(a)(3)(B) of the CAA to submit, for approval into the state's SIP, rules requiring the sources described above to provide annual statements showing their actual emissions of NO_X and VOC to the state.

The EPA published guidance on source emissions statements in a July 1992 memorandum titled, ''Guidance on the Implementation of an Emission Statement Program'' and in a March 14, 2006 memorandum titled, ''Emission Statement Requirements Under 8-hour Ozone NAAQS Implementation'' (2006 memorandum). In addition, on March 6, 2015, EPA issued a final rule addressing a range of nonattainment area SIP requirements for the 2008 ozone NAAQS, including the emissions statement requirements of CAA section 182(a)(3)(B) (2015 final rule). 80 FR 12264. The 2006 memorandum clarified that the source emissions statement requirement of CAA section 182(a)(3)(B) was applicable to all areas designated nonattainment for the 1997 ozone NAAQS and classified as marginal or above under subpart 2, part D, title I of the CAA. Per EPA's 2015 final rule, the source emissions statement requirement also applies to all areas designated nonattainment for the 2008 ozone NAAQS.

According to EPA's 2015 final rule, most areas that are required to have an emissions statement program for the 2008 ozone NAAQS already have one in place due to a nonattainment designation for an earlier ozone NAAQS. EPA's 2015 final rule states that, ''If an area has a previously approved emissions statement rule in force for the 1997 ozone NAAQS or the 1-hour ozone NAAQS that covers all portions of the nonattainment area for the 2008 ozone NAAQS, such rule should be sufficient for purposes of the emissions statement requirement for the 2008 ozone NAAQS.'' In cases where an existing emissions statement rule is still adequate to meet the emissions statement requirement under the 2008 ozone NAAQS, states may provide the rationale for that determination to EPA in a written statement for approval in the SIP to meet the requirements of CAA section 182(a)(3)(B). In this statement, states should identify how the emissions statement requirements of CAA section 182(a)(3)(B) are met by their existing emissions statement rule.

In summary, the Commonwealth of Virginia is required to submit, as a formal revision to its SIP, a statement certifying that Virginia's existing emissions statement program satisfies the requirements of CAA section 182(a)(3)(B) and covers the Washington, DC-MD-VA nonattainment area for the 2008 ozone NAAQS.[2]

[1] *See, e.g.* ''Approval and Promulgation of Air Quality Implementation Plans; Virginia; NSR in the Ozone Transport Region'', 71 FR 39570 (July 13, 2006) and 71 FR 890 (January 6, 2006).

[2] EPA did not require Virginia or other states to certify that its existing SIP approved emissions statement program continued to satisfy CAA requirements for areas in the OTR to have an emissions statement program.

II. Summary of SIP Revision and EPA Analysis

On August 1, 2017, the Commonwealth of Virginia, through the Virginia Department of Environmental Quality (VADEQ), submitted, as a formal revision to its SIP, a statement certifying that Virginia's existing SIP-approved emissions statement program covers the Virginia portion of the Washington, DC-MD-VA nonattainment area for the 2008 ozone NAAQS and is at least as stringent as the requirements of CAA section 182(a)(3)(B). In its submittal, Virginia states that the emissions statement requirements of CAA section 182(a)(3)(B) are contained under 9VAC5–20–160 (Registration) of the Virginia Administrative Code and are SIP-approved under 40 CFR 52.2420(c). According to Virginia, these provisions mandate that facilities emitting more than 25 tpy of NO_X or VOC must submit emission statements to Virginia while those emitting less than 25 tpy must comply with inventory requirements.

The provisions under 9VAC5–20–160 that implement Virginia's emissions statement program were approved into the Virginia SIP on May 2, 1995 (60 FR 21451).[3] These provisions require the owner of any stationary source that emits 25 tpy or more of VOC or NO_X and is located in an emissions control area designated under 9VAC5–20–206 (Volatile Organic Compound and Nitrogen Oxides Emissions Control Areas) to submit an emissions statement to the Virginia State Air Pollution Control Board by April 15 of each year for the emissions discharged during the previous calendar year.[4] Emissions statements are required to be prepared and submitted in accordance with 9VAC5–20–121 (Air Quality Program Policies and Procedures), which references Virginia's January 1, 1993 document AQP–8 titled, ''Procedures for Preparing and Submitting Emission Statements for Stationary Sources.'' The provisions under 9VAC5–20–121 were also approved into the Virginia SIP on May 2, 1995 (60 FR 21451).

EPA's review of the Commonwealth of Virginia's submittal finds that Virginia's existing, SIP-approved emissions statement program under 9VAC5–20–160 satisfies the requirements of CAA section 182(a)(3)(B) for emission statements for sources located in marginal or above nonattainment areas including such sources in the Virginia portion of the Washington, DC-MD-VA nonattainment area for the 2008 ozone NAAQS. EPA notes 9VAC5–20–160 also requires sources located in portions of Virginia included in the OTR to submit required emission statements in accordance with CAA section 184 (OTR requirements) and 182 (plan submissions and requirements for ozone nonattainment areas). Pursuant to CAA sections 182 and 184, Virginia is required to have an emissions statement program for sources located in marginal or above nonattainment areas and the portions of Virginia included in the OTR. EPA finds the provisions under 9VAC5–20–160 satisfy these requirements of CAA sections 182 and 184 because they apply to the Northern Virginia Emissions Control Area, which includes the Virginia localities within the Virginia portion of the Washington, DC-MD-VA nonattainment area for the 2008 ozone NAAQS (*i.e.,* Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City), and the portions of Virginia included in the OTR (*i.e.,* Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City). EPA also finds Virginia's emissions thresholds for sources that are required to submit an emissions statement meet the requirements of CAA sections 182 and 184. As stated above, 9VAC5–20–160 requires the owner of any stationary source located in an emissions control area that emits 25 tpy or more of VOC or NO_X to annually submit an emissions statement. This 25 tpy threshold is equivalent to the threshold required by CAA section 182. As previously mentioned, per CAA section 182(a)(3)(B)(ii), states may waive sources that emit less than 25 tpy of NO_X or VOC if the state provides an inventory of emissions from such class or category of sources as required by CAA sections 172 and 182. Virginia does provide emissions inventories for nonattainment areas as required by CAA section 172(c)(3).[5] Therefore, EPA has determined that 9VAC5–20–160, which is currently in the Virginia SIP, is appropriate to address the emissions statement requirements in section 182(a)(3)(B) for the 2008 ozone NAAQS. EPA is proposing to approve, as a SIP revision, the Commonwealth of Virginia's August 1, 2017 emissions statement program certification for the 2008 ozone NAAQS as approvable under CAA section 182(a)(3)(B). EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action.

III. Proposed Action

EPA is proposing to approve the Commonwealth of Virginia's SIP revision submitted on August 1, 2017, which certifies that Virginia's existing SIP-approved emissions statement program under 9VAC5–20–160 satisfies the requirements of CAA section 182(a)(3)(B) for the 2008 ozone 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

[3] The provisions under 9VAC5–20–160 were derived from VR120–02–31. EPA's May 2, 1995 direct final rulemaking (DFR) approved a SIP revision submitted by the Commonwealth of Virginia requesting the addition of provisions under VR120–02–31 paragraph B, which established Virginia's emissions statement program, and Appendix S (Air Quality Program Policies and Procedures), which described the procedure for preparing and submitting emissions statements for stationary sources, to the Virginia SIP. *See* 60 FR 21451. On March 6, 1992, the Virginia State Assembly enacted Chapter 216—an act to amend Section 9–77.7, Code of Virginia, which authorized reorganization of the Virginia Administrative Code, including reorganization of the air pollution control regulations, effective July 1, 1992. Beginning April 17, 1995, Virginia began publication of its air quality control regulations in the new format. On April 21, 2000, EPA approved a SIP revision from Virginia requesting the reorganization and renumbering of the Virginia SIP to match the recodification of Virginia's air pollution control regulations under the Virginia Administrative Code. *See* 65 FR 21315. As a result, the SIP approved provisions under VR120–02–31 and Appendix S are now under 9VAC5–20–160 and 9VAC5–20–121, respectively.

[4] The emissions control areas defined under 9VAC5–20–206 include the Northern Virginia Emissions Control Area, the Fredericksburg Emissions Control Area, the Richmond Emissions Control Area, the Hampton Roads Emissions Control Area, and the Western Virginia Emissions Control Area. The Northern Virginia Emissions Control Area consists of the localities of Arlington County, Fairfax County, Loudoun County, Prince William County, Stafford County, Alexandra City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.

[5] *See, e.g.,* ''Approval and Promulgation of Air Quality Implementation Plans; District of Columbia, Maryland, and Virginia; 2011 Base Year Emissions Inventories for the Washington, DC-MD-VA Nonattainment Area for the 2008 Ozone National Ambient Air Quality Standard,'' 80 FR 27255 (May 13, 2015).

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 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 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).

This SIP revision consisting of Virginia's certification that its existing SIP-approved emissions statement program under 9VAC5–20–160 satisfies the requirements of CAA section 182(a)(3)(B) for the 2008 ozone NAAQS is not approved 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, Reporting and recordkeeping requirements, Volatile organic compounds.

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

Dated: February 26, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

[FR Doc. 2018–04812 Filed 3–9–18; 8:45 am]

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Notices

Federal Register
Vol. 83, No. 48
Monday, March 12, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

March 6, 2018.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by April 11, 2018 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW, Washington, DC 20502. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Office of Procurement and Property Management

Title: Guidelines for Designating Biobased Products for Federal Procurement.

OMB Control Number: 0503–0011.

Summary of Collection: Section 9002 of the Farm Security and Rural Investment Act (FSRIA) of 2002, as amended by the Food, Conservation, and Energy Act (FCEA) of 2008, and the Agricultural Act of 2014 [7 U.S.C. 8102] provides for a preferred procurement program under which Federal agencies are required to purchase biobased products, with certain exceptions. Product categories (which are generic groupings of products) are designated by rulemaking for preferred procurement. To qualify product categories for procurement under this program, the statute requires that the Secretary of Agriculture consider information on the availability of biobased products, the economic and technological feasibility of using such products and the costs of using such products. In addition, the Secretary is required to provide information on designated product categories to Federal agencies about the availability, price, performance, and environmental and public health benefits of such product categories, and where appropriate shall recommend the level of biobased material to be contained in the procured product.

Need and Use of the Information: The Office of Procurement and Property Management (OPPM) and its contractors will interact with manufacturers and vendors to gather such information and material for testing, as may be required for designation of products categories for preferred procurement by Federal agencies. The information collected will continue to be gathered using a variety of methods, including face to face visits with a manufacturer or vendor, submission by manufacturers and vendors of information electronically to OPPM, and survey instruments filled out by manufacturers and vendors and submitted to OPPM.

Description of Respondents: Business or other for-profit.

Number of Respondents: 220.

Frequency of Responses: Reporting: Other (once).

Total Burden Hours: 8,800.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2018–04833 Filed 3–9–18; 8:45 am]

BILLING CODE 3410–TX–P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

Agency: U.S. Census Bureau.

Title: 2018 Survey of Compact of Free Association (COFA) Migrants.

OMB Control Number: 0607–XXXX.

Form Number(s): COFA–I (2018); COFA–RI (2018); COFA–FAQ (2018); COFA–NOV (2018); COFA–RL (2018); COFA–ARC (2018).

Type of Request: Regular submission.

Number of Respondents: 7100.

Average Hours per Response: 0.333.

Burden Hours: 2,449.

Needs and Uses: The Compact of Free Association (COFA) is a joint congressional-executive agreement that states that the United States will provide funds to Guam, CNMI, Hawaii, and American Samoa for a range of development programs and other benefits that are necessary due to the in-migration of citizens from the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The COFA Amendments Act of 2003 stipulates that $30,000,000 will be made available annually for grants to help defray the costs to jurisdictions whose health, educational, social, or public safety services are affected by the increase in COFA migrants from the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. The COFA Amendments Act of 2003 requires that an enumeration of COFA migrants be conducted no less frequently than every five years in Guam, CNMI, Hawaii, and American Samoa to assist in the distribution of the funds.

The proposed survey will collect data on place of birth, age, date of birth, sex,

marital status, and year of entry for COFA migrants residing in Guam and CNMI. Only questions pertaining to the needs of the legislation will be asked. The questionnaire content and data collection procedures will generally follow the American Community Survey (ACS) and Census 2010 procedures. Since data can be obtained for Hawaii from the ACS, it is not cost-effective to include Hawaii in the 2018 Survey of Compact of Free Association (COFA) Migrants. Because it would be cost prohibitive to design a survey resulting in reliable estimates of the small number of COFA migrants in American Samoa, the estimate for this area will be derived from existing Census 2010 data.

Affected Public: Residents of Guam and the Commonwealth of the Northern Mariana Islands.

Frequency: One time.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C. Section 8(b) and Public Law 108–188, The Compact of Free Association Amendments Act of 2003.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202) 395–5806.

Sheleen Dumas,

PRA Department Lead, Office of the Chief Information Officer.

[FR Doc. 2018–04928 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–44–2018]

Foreign-Trade Zone 98—Birmingham, Alabama; Application for Subzone; Brose Tuscaloosa, Inc.; Vance, Alabama

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Birmingham, grantee of FTZ 98, requesting subzone status for the facility of Brose Tuscaloosa, Inc., located in Vance, Alabama. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on March 6, 2018.

The proposed subzone (21.1 acres) is located at 10100 Brose Drive, Vance, Alabama (Tuscaloosa County). No additional authorization for production activity has been requested at this time. The proposed subzone would be subject to the existing activation limit of FTZ 98.

In accordance with the Board's regulations, Qahira El-Amin of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 23, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 7, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Qahira El-Amin at *Qahira.El-Amin@trade.gov* or (202) 482–5928.

Dated: March 6, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–04905 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–17–2018]

Foreign-Trade Zone (FTZ) 21—Charleston, South Carolina; Notification of Proposed Production Activity; AGRU America Charleston, LLC; (High Density Polyethylene Pipe); North Charleston, South Carolina

AGRU America Charleston, LLC (AGRU America) submitted a notification of proposed production activity to the FTZ Board for its facility in North Charleston, South Carolina. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on March 5, 2018.

AGRU America already has authority to produce high density polyethylene (HDPE) pipe within Site 5 of FTZ 21. The current request would add four foreign status materials/components to the scope of authority. Pursuant to 15 CFR 400.14(b), additional FTZ authority would be limited to the specific foreign-status materials/components described in the submitted notification (as described below) and subsequently authorized by the FTZ Board.

Production under FTZ procedures could exempt AGRU America from customs duty payments on the foreign-status materials/components used in export production. On its domestic sales, for the foreign-status materials/components noted below, AGRU America would be able to choose the duty rate during customs entry procedures that applies to HDPE pipe. AGRU America would be able to avoid duty on foreign-status components which become scrap/waste. Customs duties also could possibly be deferred or reduced on foreign-status production equipment.

The materials/components sourced from abroad include: Plastic pipe fittings; steel flanges; threaded steel bolts of more than six mm diameter; and, vulcanized rubber gaskets, washers, and seals (duty rate ranges from duty-free to 5.5%).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 23, 2018.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

Dated: March 6, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–04906 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–69–2017]

Foreign-Trade Zone (FTZ) 52—Suffolk County, New York; Authorization of Production Activity; Estee Lauder Inc.; (Hair Straightening Styling Balm); Melville, New York

On November 2, 2017, Estee Lauder Inc. submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 52 in Melville, New York.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (82 FR 54320, November 17, 2017). On March 2, 2018, the applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including Section 400.14.

Dated: March 5, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–04907 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–43–2018]

Foreign-Trade Zone 61—San Juan, Puerto Rico; Application for Subzone; Manuel Freije Arce, Inc.; Cataño, Puerto Rico

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Puerto Rico Trade and Export Company, grantee of FTZ 61, requesting subzone status for the facility of Manuel Freije Arce, Inc., located in Cataño, Puerto Rico. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally docketed on March 6, 2018.

The proposed subzone (6.07 acres) is located at Marginal Street, Highway #165 Km 3.2, Palmas Ward, Cataño, Puerto Rico. The proposed subzone would be subject to the existing activation limit of FTZ 61. No authorization for production activity has been requested at this time.

In accordance with the Board's regulations, Camille Evans of the FTZ Staff is designated examiner to review the application and make recommendations to the Executive Secretary.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is April 23, 2018. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to May 7, 2018.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230–0002, and in the ''Reading Room'' section of the Board's website, which is accessible via *www.trade.gov/ftz.*

For further information, contact Camille Evans at *Camille.Evans@trade.gov* or (202) 482–2350.

Dated: March 6, 2018.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2018–04908 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–929]

Small Diameter Graphite Electrodes From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Fushun Jinly Petrochemical Co., Ltd. (Fushun Jinly), a producer and exporter of small diameter graphite electrodes from the People's Republic of China (China), did not make sales of subject merchandise at less than normal value (NV) during the period of review (POR) February 1, 2016 through January 31, 2017. In addition, Commerce preliminarily determines that the Fangda Group and Xuzhou Jianglong Carbon Products Co., Ltd. made no shipments of the subject merchandise during the POR.

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Dennis McClure or John Anwesen, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington DC 20230; telephone: (202) 482–5973 or (202) 482–0131, respectively.

SUPPLEMENTARY INFORMATION:

Scope of the Order

The merchandise subject to the order is small diameter graphite electrodes. The products are currently classified under the Harmonized Tariff Schedule of the United States (HTSUS) subheadings 8545.11.0010, 3801.10, and 8545.11.0020. Although the HTSUS subheading is provided for convenience and customs purposes, the written description of the scope of the order remains dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[1]

Preliminary Determination of No Shipments

Based on an analysis of U.S. Customs and Border Protection (CBP) information, and no shipment certifications submitted by the Fangda Group [2] and Xuzhou Jianglong Carbon Products Co., Ltd., Commerce preliminary determines that these companies had no shipments of subject merchandise during the POR. For additional information regarding this

[1] *See* ''Decision Memorandum for the Preliminary Results of Antidumping Duty Administrative Review: Small Diameter Graphite Electrodes from the People's Republic of China; 2016–2017,'' from James Maeder, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[2] The Fangda Group consists of Beijing Fangda Carbon Tech Co., Ltd., Chengdu Rongguang Carbon Co., Ltd., Fangda Carbon New Material Co., Ltd., Fushun Carbon Co., Ltd., and Hefei Carbon Co., Ltd. We refer to the Fangda Group as a single entity pursuant to 19 CFR 351.401(f)(1). *See Small Diameter Graphite Electrodes from the People's Republic of China: Preliminary Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Affirmative Preliminary Determination of Critical Circumstances,* in Part, 73 FR 49408, 49411–12 (August 21, 2008) (where we collapsed the following individual members of the Fangda Group: Beijing Fangda Carbon Tech Co., Ltd., Chengdu Rongguang Carbon Co., Ltd., Fangda Carbon New Material Co., Ltd., Fushun Carbon Co., Ltd., and Hefei Carbon Co., Ltd.), unchanged in *Final Determination of Sales at Less Than Fair Value and Affirmative Determination of Critical Circumstances: Small Diameter Graphite Electrodes from the People's Republic of China,* 74 FR 2049 (January 14, 2009).

determination, *see* the Preliminary Decision Memorandum.

Consistent with our practice in non-market economy (NME) cases, Commerce is not rescinding this review, in part, but intends to complete the review with respect to these companies, for which it has preliminarily found no shipments, and issue appropriate instructions to CBP based on the final results of the review.[3]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). For the mandatory respondent, Fushun Jinly, export prices have been calculated in accordance with section 772 of the Act. Because China is a non-market economy (NME) within the meaning of section 771(18) of the Act, NV has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and to all parties in the Central Records Unit, 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/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the preliminary results of this review is now March 5, 2018.[4]

Preliminary Results of Review

Commerce preliminarily determines that Fushun Jinly is eligible to receive a separate rate in this review.[5] As Fushun Jinly has established its eligibility for a separate rate, Commerce preliminarily determines that the following weighted-average dumping margin exists for the POR from February 1, 2016, through January 31, 2017:

Exporter	Weighted-average margin (percent)
Fushun Jinly Petrochemical Carbon Co., Ltd	0.00

Disclosure and Public Comment

Commerce intends to disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of these preliminary results of review.[6] 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.[7] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the case briefs are filed.[8]

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[9] Hearing 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 review, including the results of its analysis of issues raised by the parties in their written comments, within 120 days of the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1), unless this deadline is extended.

Assessment Rates

Upon issuing the final results of review, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[10] If the respondent's weighted-average dumping margin is above *de minimis* (*i.e.,* 0.5 percent) in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Specifically, Commerce will apply the assessment rate calculation method adopted in *Final Modification for Reviews.*[11] Where an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[12]

Pursuant to Commerce's assessment practice in NME cases, for entries that were not reported in the U.S. sales databases submitted by the exporter individually examined during this review, but that entered under the case number of that exporter (*i.e.,* at the individually-examined exporter's cash deposit rate), Commerce will instruct CBP to liquidate such entries at the China-wide rate. In addition, for any exporter under review which Commerce determines had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the China-wide rate.[13] Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section

[3] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694, 65694–95 (October 24, 2011).

[4] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[5] *See* Preliminary Decision Memorandum for more details.

[6] *See* 19 CFR 351.309(c).

[7] *See* 19 CFR 351.309(c)(2).

[8] *See* 19 CFR 351.309(d).

[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.212(b)(1).

[11] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8103 (February 14, 2012) (*Final Modification for Reviews*).

[12] *See* 19 CFR 351.106(c)(2).

[13] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

751(a)(2)(C) of the Act: (1) For subject merchandise exported by the company listed above that has a separate rate, the cash deposit rate will be that established in the final results of review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity; and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to Chinese exporter that supplied that non-Chinese exporter. These 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 POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled 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(b)(4).

Dated: March 5, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–04895 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–552–813]

Steel Wire Garment Hangers From the Socialist Republic of Vietnam: Final Results of Expedited First Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on steel wire garment hangers from the Socialist Republic of Vietnam (Vietnam) would likely lead to the continuation or recurrence of a countervailable subsidy at the levels indicated in the Final Results of Review section of this notice.

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: John Conniff, Office III, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1009.

SUPPLEMENTARY INFORMATION:

Background

The *Order* on steel wire garment hangers from Vietnam was published in the **Federal Register** on February 5, 2013.[1] On November 6, 2017, Commerce initiated this sunset review of the order on steel wire garment hangers from Vietnam pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On November 6, 2017, Commerce received a notice of intent to participate from M&B Metal Products Company, Inc. (M&B), hereinafter referred to as the petitioner, within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The petitioner claimed interested party status under section 771(9)(C) of the Act as a domestic producer of steel wire garment hangers in the United States. On November 30, 2017, Commerce received an adequate substantive response from the petitioner within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). Commerce did not receive a substantive response from the Government of Vietnam (GOV) or a respondent interested party to this proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited review of the *Order.*

Commerce has exercised its discretion to toll all deadlines affected by for the duration of the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this expedited sunset review is now March 5, 2018.[4]

Scope of the Order

The merchandise subject to the *Order* is steel wire garment hangers, fabricated from carbon steel wire, whether or not galvanized or painted, whether or not coated with latex or epoxy or similar gripping materials, and/or whether or not fashioned with paper covers or capes (with or without printing) and/or nonslip features such as saddles or tubes. These products may also be referred to by a commercial designation, such as shirt, suit, strut, caped, or latex (industrial) hangers.

Specifically excluded from the scope of the *Order* are (a) wooden, plastic, and other garment hangers that are not made of steel wire; (b) steel wire garment hangers with swivel hooks; (c) steel wire garment hangers with clips permanently affixed; and (d) chrome-plated steel wire garment hangers with a diameter of 3.4 mm or greater.

The products subject to the *Order* are currently classified under U.S. Harmonized Tariff Schedule (HTSUS) subheadings 7326.20.0020 and 7323.99.9080. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum, which is dated

[1] *See Certain Steel Wire Garment Hangers from the Socialist Republic of Vietnam: Countervailing Duty Order,* 78 FR 8,107 (February 5, 2013) (*Order*).

[2] *See Notice Initiation of Five-Year (''Sunset'') Reviews,* 82 FR 50,61 (November 1, 2017).

[3] *See* Letter from the petitioner regarding *First Sunset Reviews of Steel Wire Garment Hangers from Taiwan and Vietnam—Notice of Intent to Participate* (November 6, 2017).

[4] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

concurrently with and adopted by this notice.[5] The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy likely to prevail if the *Order* were revoked. Parties can find a complete discussion of all issues raised in this expedited sunset review and the corresponding recommendations in this public memorandum, which is on file electronically *via* the Enforcement and Compliance Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Review

Pursuant to sections 752(b)(1) and (3) of the Act, we determine that revocation of the *Order* on steel wire garment hangers from Vietnam would be likely to lead to continuation or recurrence of a net countervailable subsidy at the rates listed below: [6]

Manufacturers/producers/exporters	Net countervailable subsidy rate (percent)
South East Asia Hamico Export Joint Stock Company (SEA Hamico), Nam A Hamico Export Joint Stock Company (Nam A), and Linh Sa Hamico Company Limited (Linh Sa) (collectively, the Hamico Companies)	31.58
Infinite Industrial Hanger Limited (Infinite) and Supreme Hanger Company Limited (Supreme) (collectively, the Infinite Companies)	90.42
All-Others	31.58

Notification Regarding Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Commerce is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

Dated: March 5, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–04900 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–580–837]

Certain Cut-to-Length Carbon-Quality Steel Plate From the Republic of Korea: Preliminary Results of Countervailing Duty Administrative Review; and Rescission of Review, in Part; Calendar Year 2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that Hyundai Steel Co. (Hyundai Steel) and Dongkuk Steel Mill Co., Ltd. (DSM), exporters/producers of certain cut-to-length plate from the Republic of Korea, received countervailable subsidies during the period of review (POR) January 1, 2016, through December 31, 2016. However, the countervailable subsidies received by DSM were *de minimis.*

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: John Conniff (for Hyundai Steel) or Jolanta Lawska (for DSM), AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–1009 and (202) 482–8362, respectively.

SUPPLEMENTARY INFORMATION: Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government on January 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now March 5, 2018.[1]

Intent To Partially Rescind the Administrative Review

Pursuant to 19 CFR 351.213(d)(l), Commerce will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraws the request within 90 days of the publication date of the notice of initiation of the requested review. Commerce initiated a review of 14 companies in this administrative review.[2] The petitioner [3] timely withdrew its request for an administrative review of Bookuk Steel, Daewoo International Corp., Hyundai Glovis Co., Ltd., Hyundai Mipo Dockyard Co., Ltd., Hyuosung Corporation, Samsung C&T Corporation, Samsung C&T Engineering &

[5] *See* Memorandum from James Maeder, Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and countervailing Duty Operations, to Gary Taverman, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations Assistant Secretary for Enforcement and Compliance. regarding: ''Issues and Decision Memorandum for the Final Results of Expedited Sunset Review of Steel Wire Garment Hangers from the Socialist Republic of Vietnam,'' dated concurrently with and adopted by this Notice (Issues and Decision Memorandum).

[6] *Id.*

[1] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 17188, April 10, 2017.

[3] The petitioner is Nucor Corporation (Nucor), a domestic producer of cut-to-length carbon-quality steel plate and a domestic interested party.

Construction Group, Samsung C&T Trading Investment Group, Samsung Heavy Industries, SK Networks, Steel N People Co Ltd., and Sung Jin Steel Co., Ltd. Therefore, in accordance with 19 CFR 351.213(d)(l), we are rescinding this administrative review with respect to these companies.

Scope of the Order

The merchandise covered by the order is certain cut-to-length carbon-quality steel plate from Korea. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.[4]

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that confers a benefit to the recipient, and that the subsidy is specific.[5] For a full description of the methodology underlying our conclusions, *see* the accompanying Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

In accordance with 19 CFR 351.221(b)(4)(i), we calculated an individual subsidy rate for DSM and Hyundai Steel. For the period January 1, 2016, through December 31, 2016, we preliminarily determine that the following net subsidy rates for the producers/exporters under review to be as follows:

Company	Subsidy rate *ad valorem*
Dongkuk Steel Mill Co., Ltd.	0.21% (*de minimis*).
Hyundai Steel Company.	0.54%.

Disclosure and Public Comment

Commerce intends to disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[6] Interested parties may submit written arguments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing the case briefs.[7] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs may respond only to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) Statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.

Interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice.[8] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing, which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined.[9] Parties should confirm by telephone the date, time, and location of the hearing.

Parties are reminded that briefs and hearing requests are to be filed electronically using ACCESS and that electronically filed documents must be received successfully in their entirety by 5:00 p.m. Eastern Time on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce will issue the final results of this administrative review, including the results of our analysis of the issues raised by parties in their comments, within 120 days after issuance of these preliminary results.

Assessment Rates and Cash Deposit Requirements

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue assessment instructions to CBP 15 days after publication of the final results of this review.

Pursuant to section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated above for each company listed on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. These cash deposit requirements, when imposed, shall remain in effect until further notice.

This administrative review and notice are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: March 5, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–04899 Filed 3–9–18; 8:45 am]

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[4] *See* ''Decision Memorandum for the Preliminary Results of the Countervailing Duty Administrative Review: Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea,'' dated concurrently with this notice (Preliminary Decision Memorandum).

[5] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[6] *See* 19 CFR 351.224(b).

[7] *See* 19 CFR 351.309(c)(1)(ii); 351.309(d)(1); and 19 CFR 351.303 (for general filing requirements).

[8] *See* 19 CFR 351.310(c).

[9] *See* 19 CFR 351.310.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–979]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of this first sunset review, the Department of Commerce (Commerce) finds that revocation of the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China (China) would be likely to lead to continuation or recurrence of dumping, at the level indicated in the ''Final Results of Sunset Review'' section of this notice, *infra.*

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Magd Zalok or Howard Smith, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4162 or (202) 482–5193, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, Commerce published in the **Federal Register** the antidumping duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules (CSPV cells) from China.[1] On November 1, 2017, Commerce published the notice of initiation of this sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On November 13, 2017, pursuant to 19 CFR 351.218(d)(1), Commerce received a timely and complete notice of intent to participate in the sunset review from SolarWorld Americas, Inc. (SolarWorld), in which SolarWorld claimed interested party status, as a domestic producer of CSPV cells, under section 771(9)(C) of the Act.[3] This notice was filed within the time period specified in 19 CFR 351.218(d)(1)(i).[4] On December 1, 2017, pursuant to 19 CFR 351.218(d)(3)(i), SolarWorld filed a timely and adequate substantive response.[5] Commerce did not receive a substantive response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), Commerce conducted an expedited (120-day) first sunset review of the *Order.* Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results is now March 5, 2018.[6]

Scope of the Order

The merchandise covered by the order is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels and building integrated materials. Merchandise covered by this order is classifiable under subheadings 8501.61.0000, 8507.20.80, 8541.40.6020, 8541.40.6030, and 8501.31.8000 of the Harmonized Tariff Schedule of the United States (HTSUS).[7]

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of the order is dispositive.

Analysis of Comments Received

A complete discussion of all issues raised in this sunset review, specifically the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the *Order* were to be revoked, is provided in the accompanying Issues and Decision Memorandum, which is hereby adopted by this notice.[8] 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 to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed at *http://enforcement.trade.gov/frn/.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

Pursuant to sections 751(c)(1), 752(c)(1) and (3) of the Act, Commerce determines that revocation of the *Order* would likely lead to continuation or recurrence of dumping, and that the magnitude of the dumping margins likely to prevail would be weighted-average dumping margins up to 249.96 percent.

Notification Regarding Administrative Protective Orders

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing the results and notice in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act and 19 CFR 351.218.

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[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Amended Final Determination of Sales at Less Than Fair Value, and Antidumping Duty Order,* 77 FR 73018 (December 7, 2012) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Review,* 82 FR 50612 (November 1, 2017).

[3] *See* Letter from SolarWorld to Commerce re, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Notice of Intent to Participate in Sunset Review,'' dated November 13, 2017.

[4] *See Id.*

[5] *See* Letter from SolarWorld to Commerce re, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Substantive Response to Notice of Initiation of Sunset Review,'' dated December 1, 2017 (SolarWorld Substantive Response).

[6] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[7] For a complete description of the scope of the *Order,* see Commerce's Issues and Decision Memorandum for the Expedited First Sunset Review of the Antidumping Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China (Issues and Decision Memorandum), dated concurrently with this notice.

[8] *Id.*

Dated: March 5, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–04897 Filed 3–9–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–836]

Light-Walled Rectangular Pipe and Tube From Mexico: Final Results of Antidumping Duty Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that sales of light-walled rectangular pipe and tube (LWRPT) from Mexico by Productos Laminados de Monterrey S.A. de C.V (Productos Laminados) and affiliated reseller, Aceros Cuatro Caminos S.A. de C.V. (A4C) (collectively, Prolamsa) were not made at prices below normal value during the period of review of August 1, 2015, through July 31, 2016.

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Madeline Heeren, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–9179.

SUPPLEMENTARY INFORMATION:

Background

On September 6, 2017, Commerce published the *Preliminary Results*.[1] Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the final results of this review is now March 8, 2018.[2] A summary of the events that occurred since Commerce published these results, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum, which is hereby adopted by this notice.[3]

Scope of the Order

The products covered by the scope of the order are certain light-walled rectangular pipe and tube from Mexico. For a complete description of the scope, *see* the Issues and Decision Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues raised by parties is attached to this notice as Appendix. The Issues and Decision Memorandum is a public document and is on file electronically *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/index.html.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

No changes were made as a result of our review of the record and comments received from interested parties. For a discussion, *see* the ''Discussion of the Issues'' section of the Issues and Decision Memorandum.

Final Results of the Review

The final weighted-average dumping margin is as follows:

Producer/exporter	Weighted-average margin (percent)
Productos Laminados de Monterrey S.A. de C.V./Aceros Cuatro Caminos S.A. de C.V.	0.00.

Disclosure

We will disclose the calculations performed to parties in this proceeding within five days of the date of publication of this notice, in accordance with 19 CFR 351.224(b).

Duty Assessment

Commerce shall determine and U.S. Customs and Border Protection (CBP) shall assess antidumping duties on all appropriate entries.[4] Because the weighted-average dumping margin of the sole respondent covered by this administrative review is zero, we will instruct CBP to liquidate entries covered by this review period without regarding to antidumping duties.

We intend to issue assessment instructions directly to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of this notice for all shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication of these final results, as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for respondents noted above will be the rate established in the final results of this administrative review; (2) for merchandise exported by manufacturers or exporters not covered in this administrative review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review, a prior review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of the subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 3.76 percent, the all-others rate established

[1] *See Light-Walled Rectangular Pipe and Tube from Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 42076 (September 6, 2017) (*Preliminary Results*).

[2] *See* Memorandum for The Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Results of the Administrative Review of the Antidumping Duty Order on Light-Walled Rectangular Pipe and Tube from Mexico; 2015–2016,'' dated concurrently with this notice (Issues and Decision Memorandum).

[4] In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

in the antidumping investigation.[5] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during the period of review. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties did occur and the subsequent assessment of doubled antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: March 6, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Final Issues and Decision Memorandum

[5] *See Light-Walled Rectangular Pipe and Tube from Mexico, the People's Republic of China, and the Republic of Korea: Antidumping Duty Orders; Light-Walled Rectangular Pipe and Tube from the Republic of Korea: Notice of Amended Final Determination of Sales at Less Than Fair Value,* 73 FR 45403 (August 5, 2008).

[FR Doc. 2018–04896 Filed 3–9–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–840]

Certain Frozen Warmwater Shrimp From India: 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 determines that certain frozen warmwater shrimp (shrimp) from India is being, or is likely to be, sold in the United States at less than normal value during the period of review (POR) February 1, 2016, through January 31, 2017.

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Manuel Rey or Brittany Bauer, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5518 or (202) 482–3860, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce is conducting an administrative review of the antidumping duty order on shrimp from India. The review covers 231 producers and/or exporters of the subject merchandise. Commerce selected two mandatory respondents for individual examination: Devi Fisheries Limited/Satya Seafoods Private Limited/Usha Seafoods/Devi Aquatech Private Limited (collectively, Devi); and Devi Marine Food Exports Private Ltd./Kader Exports Private Limited/Kader Investment and Trading Company Private Limited/Liberty Frozen Foods Pvt. Ltd./Liberty Oil Mills Ltd./Premier Marine Products Private Limited/Universal Cold Storage Private Limited (collectively, Liberty Group). The POR is February 1, 2016, through January 31, 2017.

We preliminarily determine that sales to the United States have been made below normal value and, therefore, are subject to antidumping duties. If these preliminary results are adopted in the final results of this review, we will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries. We invite all interested parties to comment on these preliminary results.[1]

Scope of the Order

The merchandise subject to the order is certain frozen warmwater shrimp.[2] The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description remains dispositive.

Methodology

Commerce is conducting this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is 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* the Preliminary Decision Memorandum. The Preliminary 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 to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision

[1] Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the preliminary results of this review is now March 5, 2018. *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 three days.

[2] For a complete description of the Scope of the Order, *see* Memorandum, ''Decision Memorandum for the Preliminary Results of the 2016–2017 Administrative Review of the Antidumping Duty Order on Certain Frozen Warmwater Shrimp from India,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Memorandum are identical in content. A list of the topics discussed in the Preliminary Decision Memorandum is attached as the Appendix to this notice.

Preliminary Results of the Review

As a result of this review, we preliminarily determine that weighted-average dumping margins exist for the respondents for the period February 1, 2016, through January 31, 2017, as follows:

Exporter/producer	Weighted-average dumping margin (percent)
Devi Fisheries Limited/Satya Seafoods Private Limited/Usha Seafoods/Devi Aquatech Private Limited	2.34
Devi Marine Food Exports Private Ltd./Kader Exports Private Limited/Kader Investment and Trading Company Private Limited/Liberty Frozen Foods Pvt. Ltd./Liberty Oil Mills Ltd./Premier Marine Products Private Limited/Universal Cold Storage Private Limited	0.00

Review-Specific Average Rate Applicable to the Following Companies: [3]

Exporter/producer	Weighted-average dumping margin (percent)
Abad Fisheries	2.34
Akshay Food Impex Private Limited	2.34
Alashore Marine Exports (P) Ltd	2.34
Alpha Marine	2.34
Allana Frozen Foods Pvt. Ltd	2.34
Allanasons Ltd	2.34
AMI Enterprises	2.34
Amulya Seafoods	2.34
Amarsagar Seafoods Private Limited	2.34
Ananda Aqua Applications/Ananda Aqua Exports (P) Limited/Ananda Foods	2.34
Ananda Enterprises (India) Private Limited	2.34
Angelique Intl	2.34
Anjaneya Seafoods	2.34
Apex Frozen Foods Private Limited	2.34
Aquatica Frozen Foods Global Pvt. Ltd	2.34
Arya Sea Foods Private Limited	2.34
Asvini Exports	2.34
Avanti Feeds Limited/Avanti Frozen Foods Private Limited	2.34
Asvini Fisheries Ltd/Asvini Fisheries Private Limited	2.34
Ayshwarya Seafood Private Limited	2.34
B-One Business House Pvt. Ltd	2.34
B R Traders	2.34
Baby Marine Exports	2.34
Baby Marine International	2.34
Baby Marine Sarass	2.34
Baby Marine Ventures	2.34
Balasore Marine Exports Private Limited	2.34
Bay Seafoods	2.34
Bhatsons Aquatic Products	2.34
Bhavani Seafoods	2.34
Bijaya Marine Products	2.34
Blue Fin Frozen Foods Pvt. Ltd	2.34
Blue Water Foods & Exports P. Ltd	2.34
Bluepark Seafoods Private Ltd	2.34
BMR Exports	2.34
BMR Industries Private Limited	2.34
Britto Exports	2.34
C P Aquaculture (India) Ltd	2.34
Calcutta Seafoods Pvt. Ltd	2.34
Canaan Marine Products	2.34
Capithan Exporting Co	2.34
Cargomar Private Limited	2.34
Castlerock Fisheries Ltd	2.34
Chakri Fisheries Private Limited	2.34
Chemmeens (Regd)	2.34
Cherukattu Industries (Marine Div.)	2.34

[3] This rate is based on the rates for the respondents that were selected for individual review, excluding rates that are zero, *de minimis* or based entirely on facts available. *See* section 735(c)(5)(A) of the Act.

Exporter/producer	Weighted-average dumping margin (percent)
Choice Trading Corporation Private Limited	2.34
Coastal Aqua	2.34
Coastal Corporation Ltd	2.34
Cochin Frozen Food Exports Pvt. Ltd	2.34
Coreline Exports	2.34
Corlim Marine Exports Pvt. Ltd	2.34
Crystal Sea Foods Private Limited	2.34
D2 D Logistics Private Limited	2.34
Damco India Private Limited	2.34
Delsea Exports Pvt. Ltd	2.34
Devi Sea Foods Limited [4]	2.34
Diamond Seafoods Exports/Edhayam Frozen Foods Pvt. Ltd./Kadalkanny Frozen Foods/Theva & Company	2.34
Esmario Export Enterprises	2.34
Exporter Coreline Exports	2.34
Falcon Marine Exports Limited/K.R. Enterprises	2.34
Febin Marine Foods	2.34
Five Star Marine Exports Private Limited	2.34
Forstar Frozen Foods Pvt. Ltd	2.34
Frontline Exports Pvt. Ltd	2.34
G A Randerian Ltd	2.34
Gadre Marine Exports	2.34
Galaxy Maritech Exports P. Ltd	2.34
Geo Aquatic Products (P) Ltd	2.34
Geo Seafoods	2.34
Goodwill Enterprises	2.34
Grandtrust Overseas (P) Ltd	2.34
Growel Processors Private Limited	2.34
GVR Exports Pvt. Ltd	2.34
Haripriya Marine Export Pvt. Ltd	2.34
Harmony Spices Pvt. Ltd	2.34
HIC ABF Special Foods Pvt. Ltd	2.34
Hiravata Ice & Cold Storage	2.34
Hiravati Exports Pvt. Ltd	2.34
Hiravati International Pvt. Ltd. (located at APM—Mafco Yard, Sector—18, Vashi, Navi, Mumbai—400 705, India)	2.34
Hiravati International Pvt. Ltd. (located at Jawar Naka, Porbandar, Gujarat, 360 575, India)	2.34
HN Indigos Private Limited	2.34
Hyson Logistics and Marine Exports Private Limited	2.34
IFB Agro Industries Ltd	2.34
Indian Aquatic Products	2.34
Indo Aquatics	2.34
Indo Fisheries	2.34
Indo French Shellfish Company Private Limited	2.34
Innovative Foods Limited	2.34
International Freezefish Exports	2.34
Interseas	2.34
ITC Limited, International Business	2.34
ITC Ltd	2.34
Jagadeesh Marine Exports	2.34
Jayalakshmi Sea Foods Pvt. Ltd	2.34
Jinny Marine Traders	2.34
Jiya Packagings	2.34
K V Marine Exports	2.34
Kalyan Aqua & Marine Exp. India Pvt. Ltd	2.34
Kalyanee Marine	2.34
Kanch Ghar	2.34
Karunya Marine Exports Private Limited	2.34
Kay Kay Exports	2.34
Kings Marine Products	2.34
KNC Agro Limited	2.34
Koluthara Exports Ltd	2.34
Landauer Ltd	2.34
Libran Cold Storages (P) Ltd	2.34
Magnum Estates Limited	2.34
Magnum Export	2.34
Magnum Sea Foods Limited	2.34
Malabar Arabian Fisheries	2.34
Malnad Exports Pvt. Ltd	2.34
Mangala Marine Exim India Pvt. Ltd	2.34
Mangala Sea Foods	2.34
Mangala Sea Products	2.34

Exporter/producer	Weighted-average dumping margin (percent)
Marine Harvest India	2.34
Meenaxi Fisheries Pvt. Ltd	2.34
Milesh Marine Exports Private Limited	2.34
Monsun Foods Pvt Ltd	2.34
MTR Foods	2.34
Munnangi Sea Foods Pvt. Ltd	2.34
N.C. John & Sons (P) Ltd	2.34
Naga Hanuman Fish Packers	2.34
Naik Frozen Foods Private Limited	2.34
Naik Seafoods Ltd	2.34
Naik Oceanic Exports Pvt. Ltd/Rafiq Naik Exports Pvt. Ltd	2.34
Neeli Aqua Private Limited	2.34
Nekkanti Sea Foods Limited	2.34
Nezami Rekha Sea Foods Private Limited	2.34
NGR Aqua International	2.34
Nila Sea Foods Pvt. Ltd	2.34
Nine Up Frozen Foods	2.34
Nutrient Marine Foods Ltd	2.34
Oceanic Edibles International Limited	2.34
Paragon Sea Foods Pvt. Ltd	2.34
Paramount Seafoods	2.34
Parayil Food Products Pvt. Ltd	2.34
Pasupati Aquatics Private Limited	2.34
Penver Products Pvt. Ltd	2.34
Pesca Marine Products Pvt. Ltd	2.34
Pijikay International Exports P Ltd	2.34
Pisces Seafood International	2.34
Pravesh Seafood Private Limited	2.34
Premier Exports International	2.34
Premier Marine Foods	2.34
Premier Seafoods Exim (P) Ltd	2.34
R V R Marine Products Limited	2.34
Raa Systems Pvt. Ltd	2.34
Raju Exports	2.34
Ram's Assorted Cold Storage Ltd	2.34
Raunaq Ice & Cold Storage	2.34
Raysons Aquatics Pvt. Ltd	2.34
Razban Seafoods Ltd	2.34
RBT Exports	2.34
RDR Exports	2.34
RF Exports	2.34
Riviera Exports Pvt. Ltd	2.34
Rohi Marine Private Ltd	2.34
Royal Marine Impex Private Limited	2.34
Royale Marine Impex Pvt. Ltd	2.34
RSA Marines	2.34
S & S Seafoods	2.34
S Chanchala Combines	2.34
S. A. Exports	2.34
Safa Enterprises	2.34
Sagar Foods	2.34
Sagar Grandhi Exports Pvt. Ltd	2.34
Sagar Samrat Seafoods	2.34
Sagarvihar Fisheries Pvt. Ltd	2.34
Sai Marine Exports Pvt. Ltd	2.34
Sai Sea Foods	2.34
Salvam Exports (P) Ltd	2.34
Sanchita Marine Products Private Limited	2.34
Sandhya Aqua Exports	2.34
Sandhya Aqua Exports Pvt. Ltd	2.34
Sandhya Marines Limited	2.34
Santhi Fisheries & Exports Ltd	2.34
Sarveshwari Exports	2.34
Sea Foods Private Limited	2.34
Seagold Overseas Pvt. Ltd	2.34
Selvam Exports Private Limited	2.34
Sharat Industries Ltd	2.34
Sharma Industries	2.34
Shimpo Exports Pvt. Ltd	2.34
Shimpo Seafoods Private Limited	2.34

Exporter/producer	Weighted-average dumping margin (percent)
Shiva Frozen Food Exports Pvt. Ltd	2.34
Shree Datt Aquaculture Farms Pvt. Ltd	2.34
Shroff Processed Food & Cold Storage P Ltd	2.34
Silver Seafood	2.34
Sita Marine Exports	2.34
Southern Tropical Foods Pvt. Ltd	2.34
Sowmya Agri Marine Exports	2.34
Sprint Exports Pvt. Ltd	2.34
Sri Sakkthi Cold Storage	2.34
Sri Venkata Padmavathi Marine Foods Pvt. Ltd	2.34
Srikanth International	2.34
Star Agro Marine Exports Private Limited	2.34
Star Organic Foods Incorporated	2.34
Star Organic Foods Private Limited	2.34
Sterling Foods	2.34
Sun-Bio Technology Ltd	2.34
Sunrise Aqua Food Exports	2.34
Supran Exim Private Limited	2.34
Suryamitra Exim (P) Ltd	2.34
Suvarna Rekha Exports Private Limited	2.34
Suvarna Rekha Marines P Ltd	2.34
TBR Exports Pvt Ltd	2.34
Teekay Marine P. Ltd	2.34
The Waterbase Limited	2.34
Triveni Fisheries P Ltd	2.34
U & Company Marine Exports	2.34
Ulka Sea Foods Private Limited	2.34
Uniroyal Marine Exports Ltd	2.34
Unitriveni Overseas	2.34
V V Marine Products	2.34
V.S. Exim Pvt Ltd	2.34
Vasai Frozen Food Co	2.34
Vasista Marine	2.34
Veejay Impex	2.34
Veerabhadra Exports Private Limited	2.34
Veronica Marine Exports Private Limited	2.34
Victoria Marine & Agro Exports Ltd	2.34
Vinner Marine	2.34
Vitality Aquaculture Pvt., Ltd	2.34
Wellcome Fisheries Limited	2.34
West Coast Fine Foods (India) Private Limited	2.34
West Coast Frozen Foods Private Limited	2.34
Z A Sea Foods Pvt. Ltd	2.34

Disclosure and Public Comment

Commerce intends to disclose the calculations performed in connection with these preliminary results to interested parties within five days after the date of publication of this notice.[5] Interested parties may submit case briefs to Commerce no later than 30 days after the date of publication of this notice.[6] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the time limit for filing case briefs.[7] 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.[8] Case and rebuttal briefs should be filed using ACCESS.[9]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically-filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[10] Hearing 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 issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing to be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.[11]

Commerce intends to issue the final results of this administrative review, including the results of its analysis raised in any written briefs, not later

[4] Shrimp produced and exported by Devi Sea Foods was excluded from the antidumping duty order effective February 1, 2009. *See Certain Frozen Warmwater Shrimp from India: Final Results of Antidumping Duty Administrative Review, Partial Rescission of Review, and Notice of Revocation of Order in Part,* 75 FR 41813, 41814 (July 19, 2010). Accordingly, we are conducting this administrative review with respect to Devi Sea Foods only for shrimp produced in India where Devi Sea Foods acted as either the manufacturer or exporter (but not both).

[5] *See* 19 CFR 351.224(b).

[6] *See* 19 CFR 351.309(c).

[7] *See* 19 CFR 351.309(d)

[8] *See* 19 CFR 351.309(c)(2) and (d)(2).

[9] *See* 19 CFR 351.303.

[10] *See* 19 CFR 351.310(c).

[11] *Id.*

than 120 days after the publication date of this notice, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

Upon completion of the administrative review, Commerce shall determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.

Pursuant to 19 CFR 351.212(b)(1), because Devi and the Liberty Group reported the entered value for of their all their U.S. sales, we will calculate importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c), or an importer-specific rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the companies which were not selected for individual review, we will assign an assessment rate based on the average [12] of the cash deposit rates calculated for the companies selected for mandatory review (*i.e.,* Devi and the Liberty Group), excluding any which are *de minimis* or determined entirely on adverse facts available. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[13]

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for each specific company listed above will be that established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously reviewed or investigated companies not participating in this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent segment for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 10.17 percent, the all-others rate made effective by the LTFV investigation.[14] These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) 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.

Dated: March 5, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–04894 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–DS–P

[12] This rate will be calculated as discussed in the ''Preliminary Results of the Review'' section, above.

[13] *See* section 751(a)(2)(C) of the Act.

[14] *See Notice of Amended Final Determination of Sale at Less Than Fair Value and Antidumping Duty Order: Certain Frozen Warmwater Shrimp from India,* 70 FR 5147 (February 1, 2005).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–836]

Certain Cut-to-Length Carbon-Quality Steel Plate Products From the Republic of Korea: 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 determines that producers and/or exporters subject to this administrative review made sales of subject merchandise at less than normal value. Interested parties are invited to comment on these preliminary results of review.

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun or Thomas Schauer, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone (202) 482–5760 or (202) 482–0410, respectively.

SUPPLEMENTARY INFORMATION:

Background

Commerce initiated the administrative review of the antidumping duty order on certain cut-to-length carbon-quality steel plate products (CTL plate) from the Republic of Korea (Korea).[1] The period of review is February 1, 2016, through January 31, 2017.

Scope of the Order

The products covered by the antidumping duty order are certain CTL plate. Imports of CTL plate are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 7208.40.3030,

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 17188, 17194 (April 10, 2017).

7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, and 7226.99.0000. 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.[2]

Methodology

Commerce is conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). Export price and constructed export 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* the Preliminary Decision Memorandum. A list of the topics included in the Preliminary Decision Memorandum is included in the Appendix to this notice. 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 Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be found at *http://enforcement.trade.gov/frn/index.html.*

Preliminary Results of the Administrative Review

We preliminarily determine that the following weighted-average dumping margins exist for the respondents for the period February 1, 2016, through January 31, 2017.

Producer/exporter	Weighted-average dumping margin (percent)
Dongkuk Steel Mill Co., Ltd	0.90
Hyundai Steel Company	11.64

Disclosure and Public Comment

We intend to disclose the calculations performed for these preliminary results to the parties 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.[3] 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.[4]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, must submit a written request to the 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 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[5] 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, pursuant to section 751(a)(3)(A) of the Act.

Assessment Rates

If a respondent's 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 dumping calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[6] If a respondent's weighted-average dumping margin or an importer-specific assessment rate is zero or *de minimis* in the final results of review, we will instruct U.S. Customs and Border Protection (CBP) to liquidate the appropriate entries without regard to antidumping duties in accordance with the *Final Modification for Reviews.*[7] The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise under review and for future deposits of estimated duties, where applicable.

For entries of subject merchandise during the period of review produced by Dongkuk Steel Mill Co., Ltd. or Hyundai Steel Company for which they did not know their 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(ies) involved in the transaction.

We intend to issue liquidation instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements for estimated antidumping duties will be effective upon publication of the notice of final results of this review for all shipments of CTL plate from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2) of the Act: (1) The cash deposit rate for companies subject to this review will be equal to the weighted-average dumping margins established in the final results of the review; (2) for merchandise exported by companies not covered in this review but covered in a prior segment of this 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, the cash deposit rate will be the rate established for the most recently completed segment for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 0.98 percent,[8] the

[2] *See* the Memorandum, ''Certain Cut-to-Length Carbon-Quality Steel Plate Products from the Republic of Korea: Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review; 2016–2017,'' dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

[3] *See* 19 CFR 351.309(d).

[4] *See* 19 CFR 351.309(c)(2) and (d)(2).

[5] *See* 19 CFR 351.310(c).

[6] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

[7] *See Final Modification for Reviews,* 77 FR at 8103. *See also* 19 CFR 351.106(c)(2).

[8] *See, e.g., Certain Cut-to-Length Carbon-Quality Steel Plate Products from the Republic of Korea:*

Continued

all-others rate established in the less-than-fair-value investigation, adjusted for the export-subsidy rate in the companion countervailing duty investigation.

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 period of review. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(4).

Dated: March 5, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–04679 Filed 3–9–18; 8:45 am]

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Final Results of Antidumping Duty Administrative Review; 2015–2016, 82 FR 42075, 42076 (September 6, 2017).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–817, C–533–818, A–560–805, C–560–806, A–580–836, C–580–837]

Certain Cut-To-Length Carbon-Quality Steel Plate From India, Indonesia, and the Republic of Korea; Continuation of Antidumping and Countervailing Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on certain cut-to-length carbon-quality steel plate (CTL plate) from India, Indonesia, and the Republic of Korea (Korea) would likely lead to continuation or recurrence of dumping and countervailable subsidies and material injury to an industry in the United States, Commerce is publishing notice of the continuation of the AD and CVD orders.

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Terre Keaton Stefanova, AD/CVD Operations, Office II, or John Conniff, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1280 and (202) 482–1009, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 1, 2016, Commerce published the notice of initiation of the sunset reviews of the AD and CVD orders [1] on CTL plate from India, Indonesia, and Korea, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] On December 1, 2016, the ITC instituted its review of the orders.[3]

As a result of these sunset reviews, Commerce found that revocation of the AD orders on CTL plate from India, Indonesia, and Korea would likely lead to continuation or recurrence of dumping.[4] Commerce also found that revocation of the CVD orders on CTL plate from India, Indonesia, and Korea would likely lead to continuation or recurrence of countervailable subsidies.[5] Commerce, therefore, notified the ITC of the magnitude of the dumping margins and countervailable subsidy rates likely to prevail should the AD and CVD orders, respectively, be revoked.

On March 2, 2018, pursuant to sections 751(c) and 752(a) of the Act, the ITC published its determination that revocation of the AD and CVD orders on CTL plate from India, Indonesia, and Korea would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[6]

Scope of the Orders

The merchandise covered by the orders are certain hot-rolled carbon-quality steel: (1) Universal mill plates (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm but not exceeding 1250 mm, and of a nominal or actual thickness of not less than 4 mm, which are cut-to length (not in coils) and without patterns in relief), of iron or non-alloy quality steel; and (2) flat-rolled products, hot-rolled, of a nominal or actual thickness of 4.75 mm or more and of a width which exceeds 150 mm and measures at least twice the thickness, and which are cut-to-length (not in coils). Steel products included in the scope of the order are of rectangular, square, circular, or other shape and of rectangular or non-rectangular cross section where such non-rectangular cross-section is achieved subsequent to the rolling process (*i.e.,* products which have been ''worked after rolling'')—for example, products which have been

[1] *See Notice of Amendment of Final Determinations of Sales at Less Than Fair Value and Antidumping Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate Products from France, India, Indonesia, Italy, Japan, and the Republic of Korea,* 65 FR 6585 (February 10, 2000); *see also Notice of Amended Final Determinations: Certain Cut-to-Length Carbon-Quality Steel Plate From India and the Republic of Korea; and Notice of Countervailing Duty Orders: Certain Cut-To-Length Carbon-Quality Steel Plate From France, India, Indonesia, Italy, and the Republic of Korea,* 65 FR 6587 (February 10, 2000) (collectively, orders).

[2] *See Initiation of Five-Year (''Sunset'') Reviews,* 81 FR 86697 (December 1, 2016) (*Notice of Initiation*).

[3] *See Cut-to-Length Carbon-Quality Steel Plate from India, Indonesia, and Korea; Institution of a Five-Year Reviews,* 81 FR 86725 (December 1, 2016).

[4] *See Certain Cut-To-Length Carbon-Quality Steel Plate from India, Indonesia, and the Republic of Korea: Final Results of the Expedited Sunset Reviews of the Antidumping Duty Orders,* 82 FR 18895 (April 24, 2017).

[5] *See Certain Cut-to-Length Carbon-Quality Steel Plate from India, Indonesia, and the Republic of Korea: Final Results of Expedited Third Sunset Reviews of Countervailing Duty Orders,* 82 FR 16790 (April 6, 2017).

[6] *See Cut-to-Length Carbon-Quality Steel Plate from India, Indonesia, and Korea; Determinations,* 83 FR 9027 (March 2, 2018).

beveled or rounded at the edges. Steel products that meet the noted physical characteristics that are painted, varnished, or coated with plastic or other non-metallic substances are included within the scope. Also, specifically included in the scope of the orders are high strength, low alloy (HSLA) steels. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, titanium, vanadium, and molybdenum.

Steel products included in the scope, regardless of Harmonized Tariff Schedule of the United States (HTSUS) definitions, are products in which: (1) Iron predominates, by weight, over each of the other contained elements, (2) the carbon content is two percent or less, by weight, and (3) none of the elements listed below is equal to or exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 1.50 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.41 percent of titanium, or 0.15 percent of vanadium, or 0.15 percent zirconium. All products that meet the written physical description, and in which the chemistry quantities do not equal or exceed any one of the levels listed above, are within the scope of the orders unless otherwise specifically excluded.

The following products are specifically excluded from the orders: (1) Products clad, plated, or coated with metal, whether or not painted, varnished or coated with plastic or other non-metallic substances; (2) SAE grades (formerly AISI grades) of series 2300 and above; (3) products made to ASTM A710 and A736 or their proprietary equivalents; (4) abrasion-resistant steels (*i.e.,* USS AR 400, USS AR 500); (5) products made to ASTM A202, A225, A514 grade S, A517 grade S, or their proprietary equivalents; (6) ball bearing steels; (7) tool steels; and (8) silicon manganese steel or silicon electric steel.

Imports of steel plate are currently classified in the HTSUS under subheadings 7208.40.3030, 7208.40.3060, 7208.51.0030, 7208.51.0045, 7208.51.0060, 7208.52.0000, 7208.53.0000, 7208.90.0000, 7210.70.3000, 7210.90.9000, 7211.13.0000, 7211.14.0030, 7211.14.0045, 7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7225.40.3050, 7225.40.7000, 7225.50.6000, 7225.99.0090, 7226.91.5000, 7226.91.7000, 7226.91.8000, and 7226.99.0000. The HTSUS subheadings are provided for convenience and customs purposes. The written description of the merchandise covered by the orders is dispositive.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the AD and CVD orders would likely lead to continuation or recurrence of dumping and countervailable subsidies and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the AD and CVD orders on CTL plate from India, Indonesia, and Korea.

U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next five-year reviews of these orders not later than 30 days prior to the fifth anniversary of the effective date of continuation.

These five-year (sunset) reviews and this notice are in accordance with sections 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: March 6, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–04846 Filed 3–9–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–552–802]

Certain Frozen Warmwater Shrimp From the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review and Preliminary Determination of No Shipments; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that certain frozen warmwater shrimp (shrimp) from the Socialist Republic of Vietnam (Vietnam) is being, or is likely to be, sold in the United States at less than normal value during the period of review (POR) February 1, 2016, through January 31, 2017.

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

Commerce exercised its discretion to toll deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. If the new deadline falls on a non-business day, in accordance with Commerce's practice, the deadline will become the next business day. The revised deadline for the preliminary results of this review is now March 5, 2018.[1]

Scope of the Order

The merchandise subject to the *Order* is certain frozen warmwater shrimp. The product is currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) item numbers: 0306.17.00.03, 0306.17.00.06, 0306.17.00.09, 0306.17.00.12, 0306.17.00.15, 0306.17.00.18, 0306.17.00.21, 0306.17.00.24, 0306.17.00.27, 0306.17.00.40, 1605.21.10.30, and 1605.29.10.10. Although the HTSUS numbers are provided for convenience and for customs purposes, the written product description, available in the Preliminary Decision Memorandum, remains dispositive.[2]

Methodology

Commerce conducted this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the

[1] *See* Memorandum for the Record from Christian Marsh, Deputy Assistant Secretary for Enforcement and Compliance, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (Tolling Memorandum), dated January 23, 2018. All deadlines in this segment of the proceeding have been extended by 3 days.

[2] For a complete description of the Scope of the Order, *see* Memorandum to Gary Taverman, Deputy Assistant Secretary for Enforcement and Compliance, from James Maeder, Senior Director for Antidumping and Countervailing Duty Operations, titled ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam; 2016–2017,'' dated concurrently with, and adopted by, this notice (Preliminary Decision Memorandum).

Act). Export prices were calculated in accordance with section 772 of the Act. Because Vietnam is a non-market economy within the meaning of section 771(18) of the Act, NV was calculated in accordance with section 773(c) 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 on file electronically via the 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 in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/*. The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Determination of No Shipments

Based on our analysis of U.S. Customs and Border Protection (CBP) information and information provided by a number of companies, we preliminarily determine that 11 companies [3] under active review did not have any reviewable transactions during the POR. In addition, Commerce finds, consistent with its refinement to its assessment practice in non-market economy cases, that it is appropriate not to rescind the review in part in these circumstances, but to complete the review with respect to these 11 companies and issue appropriate instructions to CBP based on the final results of the review.[4] For additional information regarding this determination, *see* the Preliminary Decision Memorandum.

Preliminary Results of Review

Commerce finds that 30 companies for which a review was requested have not established eligibility for a separate rate and are considered to be part of the Vietnam-wide entity for these preliminary results.[5] Commerce's change in policy regarding conditional review of the Vietnam-wide entity applies to this administrative review.[6] Under this policy, the Vietnam-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the Vietnam-wide entity, the entity is not under review and the entity's rate is not subject to change. For companies for which a review was requested and that have established eligibility for a separate rate, Commerce preliminarily determines that the following weighted-average dumping margins exist:

Exporter [7]	Weighted-average margin (percent)
Fimex VN	25.39
Au Vung Two Seafood Processing Import & Export Joint Stock Company, aka AU VUNG TWO SEAFOOD	25.39
Bac Lieu Fisheries Joint Stock Company	25.39
Bentre Forestry and Aquaproduct Import-Export Joint Stock Company, aka FAQUIMEX, aka Bentre Forestry and Aquaproduct Import-Export Joint Stock Company (FAQUIMEX)	25.39
C.P. Vietnam Corporation	25.39
Cadovimex Seafood Import-Export and Processing Joint Stock Company	25.39
Camau Frozen Seafood Processing Import Export Corporation, aka Camimex	25.39
Camau Seafood Processing and Service Joint Stock Corporation, aka Camau Seafood Processing and Service Joint-Stock Corporation, aka CASES	25.39
Can Tho Import Export Fishery Limited Company, aka CAFISH	25.39
Cuulong Seaproducts Company, aka Cuulong Seapro	25.39
Fine Foods Co, aka Fine Foods Co (FFC)	25.39
Green Farms Seafood Joint Stock Company	25.39
Hai Viet Corporation, aka HAVICO	25.39
Investment Commerce Fisheries Corporation	25.39
Khanh Sung Company, Ltd	25.39
Kim Anh Company Limited	25.39
Minh Hai Export Frozen Seafood Processing Joint-Stock Company, aka Minh Hai Jostoco	25.39
Sea Minh Hai, aka Seaprodex Minh Hai	25.39
Ngoc Tri Seafood Joint Stock Company	25.39
Nha Trang Seaproduct Company, aka NT Seafoods Corporation, aka Nha Trang Seafoods—F89 Joint Stock Company, aka NTSF Seafoods Joint Stock Company	25.39
Phuong Nam Foodstuff Corp.	25.39
Seaprimexco Vietnam, aka Seaprimexco	25.39
Taika Seafood Corporation	25.39
Tan Phong Phu Seafood Co., Ltd	25.39
Thanh Doan Sea Products Import & Export Processing Joint-Stock Company, aka THADIMEXCO	25.39
Thong Thuan—Cam Ranh Seafood Joint Stock Company	25.39

[3] These 11 companies are: (1) Au Vung One Seafood Processing Import & Export Joint Stock Company; (2) Bien Dong Seafood Co., Ltd.; (3) BIM Seafood Joint Stock Company; (4) Cafatex Corporation and its claimed aka names (a) Taydo Seafood Enterprise and (b) Xi Nghiep Che Bien Thuy Sue San Xuat Cantho; (5) Cam Ranh Seafoods; (6) Ngo Bros, also initiated as, Ngo Bros Seaproducts Import-Export One Member Company Limited, and NGO BROS Seaproducts Import-Export One Member Company Limited; (7) Quang Minh Seafood Co., Ltd., also initiated as Quang Minh Seafood Co LTD; (8) Tacvan Frozen Seafood Processing Export Company, also initiated as Tacvan Seafoods Company, Tacvan Seafoods Company (''TACVAN''), and Tacvan Seafoods Company (TACVAN); (9) Thong Thuan Seafood Company Limited; (10) Trong Nhan Seafood Company Limited, also initiated as Trong Nhan Seafood Co., Ltd. (''Trong Nhan''); and (11) Vinh Hoan Corp.

[4] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011) (*Assessment Notice*); see also ''Assessment Rates'' section below.

[5] *See* Appendix II for a full list of the 30 companies (accounting for duplicate names initiated upon); *see also* Preliminary Decision Memorandum, at 13.

[6] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings,* 78 FR 65963 (November 4, 2013).

Exporter [7]	Weighted-average margin (percent)
Thong Thuan Company Limited	25.39
Thuan Phuoc Seafoods and Trading Corporation	25.39
Trung Son Seafood Processing Joint Stock Company, aka Trung Son Seafood Processing JSC	25.39
UTXI Aquatic Products Processing Corporation	25.39
Viet Foods Co., Ltd	25.39
Vietnam Fish One Co., Ltd	25.39
Vietnam Clean Seafood Corporation, aka Vina Cleanfood, aka Viet Nam Clean Seafood Corporation	25.39

Disclosure and Public Comment

Commerce will disclose the calculations used in our analysis to parties in this review within five days of the date of publication of this notice. Commerce intends to verify the information upon which we will rely for the final results. As such, Commerce will establish the briefing schedule at a later time, and will notify parties of the schedule in accordance with 19 CFR 351.309. Parties who submit case briefs or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[8] Rebuttal briefs must be limited to issues raised in the case briefs.[9]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance within 30 days of the date of publication of this notice. Requests should contain: (1) The party's name, address and telephone number; (2) the number of participants; and (3) a list of issues parties intend to discuss. Issues raised in the hearing will be limited to those raised in the respective case and rebuttal briefs. If a request for a hearing is made, Commerce intends to hold the hearing at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a date and time to be determined.[10] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Commerce intends to issue the final results of this administrative review, including the results of our analysis of issues raised in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, unless this deadline extended.

Assessment Rates

Upon issuance of the final results, Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[11] Commerce intends to issue assessment instructions to CBP 15 days after the publication date of the final results of this review. For any individually examined respondent whose weighted-average dumping margin is above *de minimis* (*i.e.,* is 0.50 percent or more) in the final results of this review, Commerce will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of sales, in accordance with 19 CFR 351.212(b)(1).[12] We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is above *de minimis.* Where either the respondent's weighted-average dumping margin is zero or *de minimis,* or an importer-specific assessment rate is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

For the respondents that were not selected for individual examination in this administrative review but qualified for a separate rate, the assessment rate will be equal to the weighted-average dumping margin assigned to Fimex VN in the final results of this review.[13]

For entries that were not reported in the U.S. sales database submitted by Fimex VN during this review, Commerce will instruct CBP to liquidate such entries at the Vietnam-wide rate. In addition, if we continue to find no shipments for the companies identified in the ''Preliminary Determination of No Shipments'' section above, Commerce will instruct CBP to liquidate any suspended entries of subject merchandise from those companies at the Vietnam-wide rate.[14]

For the final results, if we continue to treat the 30 companies identified in Appendix II as part of the Vietnam-wide entity, we will instruct CBP to apply an *ad valorem* assessment rate of 25.76 percent to all entries of subject merchandise during the POR which were produced and/or exported by those companies.

The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from Vietnam entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by sections 751(a)(2)(C) of the Act: (1) For the companies listed above, which have a separate rate, the cash deposit rate will be that established in the final results of this review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed Vietnam and non-Vietnam exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash

[7] Due to the issues Commerce had had in previous segments with variations of exporter names related to this *Order,* we remind exporters that the names listed in the rate box are the exact names, including spelling and punctuation which Commerce will provide to CBP and which CBP will use to assess POR entries and collect cash deposits. Any names with punctuation variations, such as all capitalizations, dashes, periods, or commas can be confirmed by Commerce in the event CBP inquires about such variations.

[8] *See* 19 CFR 351.309(c) and (d).

[9] *See* 19 CFR 351.309(d)(2).

[10] *See* 19 CFR 351.310(d).

[11] *See* 19 CFR 351.212(b).

[12] In these preliminary results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[13] *See Drawn Stainless Steel Sinks from the People's Republic of China: Preliminary Results of the Antidumping Duty Administrative Review and Preliminary Determination of No Shipments: 2014–2015,* 81 FR 29528 (May 12, 2016), and accompanying Preliminary Decision Memorandum at 10–11; unchanged in *Drawn Stainless Steel Sinks from the People's Republic of China: Final Results of Antidumping Duty Administrative Review; Final Determination of No Shipments; 2014–2015,* 81 FR 54042 (August 15, 2016).

[14] For a full discussion of this practice, *see NME AD Assessment.*

deposit rate will continue to be the existing exporter-specific rate; (3) for all Vietnam exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the existing rate for the Vietnam-wide entity of 25.76 percent; and (4) for all non-Vietnam exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Vietnam exporter that supplied that non-Vietnam exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also 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 Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.221(b)(4).

Dated: March 5, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Scope of the Order
IV. Discussion of the Methodology
  A. Preliminary Determination of No Shipments
  B. Non-Market Economy Country
  1. Separate Rates
  2. Vietnam-Wide Entity
  C. Surrogate Country and Surrogate Values
  1. Economic Comparability
  2. Significant Producers of Comparable Merchandise
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  F. Export Price
  G. Normal Value
  H. Factor Valuation Methodology
V. Currency Conversion
VI. Conclusion

Appendix II—Companies Subject to Review Determined To Be Part of the Vietnam-Wide Entity

1. Amanda Seafood Co., Ltd.
2. Asia Food Stuffs Import Export Co., Ltd.
3. Binh Thuan Import—Export Joint Stock Company (THAIMEX)
4. B.O.P. Limited Co.
5. Coastal Fisheries Development Corporation (''COFIDEC'')
6. CJ Freshway (FIDES Food System Co., Ltd.)
7. Dong Hai Seafood Limited Company
8. Duc Cuong Seafood Trading Co., Ltd.
9. Frozen Seafoods Factory No. 32 (Tho Quang Seafood Processing and Export Company)
10. Gallant Dachan Seafood Co., Ltd.
11. Gallant Ocean (Vietnam) Co. Ltd., also initiated under Gallant Ocean (Viet Nam) Co., Ltd. (''Gallant Ocean Vietnam'')
12. Hanh An Trading Service Co., Ltd.
13. Hoang Phuong Seafood Factory
14. Huynh Huong Seafood Processing
15. JK Fish Co., Ltd.
16. Khai Minh Trading Investment Corporation
17. Long Toan Frozen Aquatic Products Joint Stock Company
18. Minh Cuong Seafood Import-Export Processing (''MC Seafood'')
19. Minh Phu Seafood Corporation (only as producer or exporter) [15]
20. Nam Hai Foodstuff and Export Company Ltd
21. New Wind Seafood Co., Ltd.
22. Nha Trang Fisheries Joint Stock Company (''Nha Trang Fisco''), also initiated under Nha Trang Fisheries Joint Stock Company
23. Nhat Duc Co., Ltd.
24. Phu Cuong Jostoco Seafood Corporation
25. Quoc Ai Seafood Processing Import Export Co., Ltd.
26. Saigon Food Joint Stock Company
27. Tan Thanh Loi Frozen Food Co., Ltd.
28. Thinh Hung Co., Ltd.
29. Trang Khan Seafood Co., Ltd.
30. Xi Nghiep Che Bien Thuy Suc San Xuat Kau Cantho

[15] Minh Phu Seafood Corporation is part of the Vietnam-Wide entity only in the event that it is identified on U.S. entry documentation or commercial documents as either producer or exporter. In the event that Minh Phu Seafood Corporation is identified on U.S. entry documentation and commercial documents as both producer and exporter, its entries are not subject to the AD Order and should not be suspended. *See Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Notice of Implementation of Determination Under Section 129 of the Uruguay Round Agreements Act and Partial Revocation of the Antidumping Duty Order,* 81 FR 47756, 47757 (*Minh Phu Revocation*) (July 22, 2016), where we stated that we ''will instruct U.S. Customs and Border Protection (''CBP'') to liquidate, without regard to antidumping duties, entries of certain frozen warmwater shrimp, produced and exported by the Minh Phu Group.'' Because Minh Phu Seafood Corporation is one of the trade names included in the *Minh Phu Revocation,* any entries of subject merchandise produced and exported by Minh Phu Seafood Corporation, or any other trade name combination of the companies within the group which was revoked from the AD Order, are not subject to the AD Order.

[FR Doc. 2018–04901 Filed 3–9–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–864]

Pure Magnesium in Granular Form From the People's Republic of China: Continuation of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: As a result of determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on pure magnesium in granular form from the People's Republic of China (China) would likely lead to a continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing this notice of continuation of the AD order.

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Joseph Degreenia, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 432–6430

SUPPLEMENTARY INFORMATION:

Background

On November 19, 2001, Commerce published the AD order on pure magnesium in granular form from China.[1] On September 6, 2017, Commerce published the notice of initiation of the third sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2] As a result of its review, Commerce determined that revocation of the *Order* would likely lead to continuation or recurrence of dumping.[3] Commerce, therefore, notified the ITC of the magnitude of the dumping margins likely to prevail should the *Order* be revoked. On March 5, 2018, the ITC published its determination that revocation of the *Order* would likely

[1] *See Antidumping Duty Order: Pure Magnesium in Granular Form from the People's Republic of China,* 66 FR 57936 (November 19, 2001) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Reviews,* 82 FR 42073 (September 6, 2017).

[3] *See Pure Magnesium in Granular Form from the People's Republic of China: Final Results of Expedited Third Sunset Review of the Antidumping Duty Order,* 83 FR 1017 (January 9, 2018), and accompanying Issues and Decision Memorandum.

lead to a continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time, pursuant to section 751(c) of the Act.[4]

Scope of the Order

There is an existing AD order on pure magnesium from China.[5] The scope of this *Order* excludes pure magnesium that is already covered by the existing *Order* on pure magnesium in ingot form, and currently classifiable under item numbers 8104.11.00 and 8104.19.00 of the Harmonized Tariff Schedule of the United States (HTSUS).

The scope of this order includes imports of pure magnesium products, regardless of chemistry, including, without limitation, raspings, granules, turnings, chips, powder, and briquettes, except as noted above.

Pure magnesium includes: (1) Products that contain at least 99.95 percent primary magnesium, by weight (generally referred to as ''ultra pure'' magnesium); (2) products that contain less than 99.95 percent but not less than 99.8 percent primary magnesium, by weight (generally referred to as ''pure'' magnesium); (3) chemical combinations of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight, that do not conform to an ''ASTM Specification for Magnesium Alloy'' [6] (generally referred to as ''off specification pure'' magnesium); and (4) physical mixtures of pure magnesium and other material(s) in which the pure magnesium content is 50 percent or greater, but less than 99.8 percent, by weight. Excluded from this Order are mixtures containing 90 percent or less pure magnesium by weight and one or more of certain non-magnesium granular materials to make magnesium-based reagent mixtures. The non-magnesium granular materials of which Commerce is aware used to make such excluded reagents are: Lime, calcium metal, calcium silicon, calcium carbide, calcium carbonate, carbon, slag coagulants, fluorspar, nephaline syenite, feldspar, aluminum, alumina (Al2O3), calcium aluminate, soda ash, hydrocarbons, graphite, coke, silicon, rare earth metals/mischmetal, cryolite, silica/fly ash, magnesium oxide, periclase, ferroalloys, dolomitic lime, and colemanite. A party importing a magnesium-based reagent which includes one or more materials not on this list is required to seek a scope clarification from Commerce before such a mixture may be imported free of antidumping duties. The merchandise subject to this *Order* is currently classifiable under item 8104.30.00 of the HTSUS. Although the HTSUS subheading is provided for convenience and customs purposes, our written description of the scope of this *Order* is dispositive.

Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the AD order on pure magnesium in granular form from China. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of continuation of the *Order* will be the date of publication in the **Federal Register** of this notice of continuation. Pursuant to section 751(c)(2) of the Act, Commerce intends to initiate the next five-year review of the *Order* not later than 30 days prior to the fifth anniversary of the effective date of continuation.

This five-year (sunset) review and this notice are in accordance with sections 751(c) of the Act and published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: March 7, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–05023 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–DS–P

[4] *See Pure Granular Magnesium from China; Determination,* 83 FR 9337 (March 5, 2018).

[5] *See Notice of Antidumping Duty Orders: Pure Magnesium from the People's Republic of China, the Russian Federation and Ukraine; Notice of Amended Final Determination of Sales at Less Than Fair Value: Antidumping Duty Investigation of Pure Magnesium From the Russian Federation,* 60 FR 25691 (May 12, 1995).

[6] The meaning of this term is the same as that used by the American Society for Testing and Materials in its Annual Book of ASTM Standards: Volume 01.02 Aluminum and Magnesium Alloys.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–076]

Certain Plastic Decorative Ribbon From the People's Republic of China: Postponement of Preliminary Determination in the Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable March 12, 2018.

FOR FURTHER INFORMATION CONTACT: Maliha Khan at (202) 482–0895, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 2018, the Department of Commerce (Commerce) initiated the countervailing duty (CVD) investigation of certain plastic decorative ribbon (plastic decorative ribbon) from the People's Republic of China.[1] Currently, the preliminary determination is due no later than March 26, 2018.[2]

Postponement of the Preliminary Determination

Section 703(b)(1) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a CVD investigation within 65 days after the date on which Commerce initiated the investigation. However, section 703(c)(1)(A) of the Act permits Commerce to postpone the preliminary determination until no later than 130 days after the date on which Commerce initiated the investigation if a petitioner makes a timely request for a postponement. Under 19 CFR 351.205(e), a petitioner must submit a request for postponement 25 days or more before the scheduled date of the preliminary determination and must state the reason for the request. Commerce will grant the request unless

[1] *See Certain Plastic Decorative Ribbon from the People's Republic of China: Initiation of Countervailing Duty Investigation,* 83 FR 3114 (January 23, 2018).

[2] Commerce has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from January 20 through 22, 2018. *See* Memorandum, ''Deadlines Affected by the Shutdown of the Federal Government,'' dated January 23, 2018 (Tolling Memorandum). Accordingly, all deadlines in this segment of the proceeding have been extended by three days.

it finds compelling reasons to deny the request.[3]

On February 27, 2018, Berwick Offray, LLC (the petitioner) submitted a timely request pursuant to section 703(c)(1)(A) of the Act and 19 CFR 351.205(e) to postpone fully the preliminary determination. The petitioner stated that the purpose of its request was to provide Commerce with adequate time to solicit information from the respondents and to allow Commerce sufficient time to analyze respondents' questionnaire responses.[4]

In accordance with 19 CFR 351.205(e), the reason for requesting a postponement of the preliminary determination and the record does not present any compelling reasons to deny the request. Therefore, in accordance with section 703(c)(1)(A) of the Act, and in light of the closure of the Federal Government from January 20 through 22, 2018, Commerce is postponing the deadline for the preliminary determination to May 29, 2018.[5] Pursuant to section 705(a)(l) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination will continue to be 75 days after the date of the preliminary determination, unless postponed at a later date.

This notice is issued and published pursuant to section 703(c)(2) of the Act and 19 CFR 351.205(f)(l).

Dated: March 6, 2018.

Gary Taverman,

Deputy Assistant Secretary for Antidumping and Countervailing Operations, performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2018–04898 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG083

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting via webinar.

SUMMARY: The New England Fishery Management Council's is convening an ad-hoc sub-panel of its Scientific and Statistical Committee to peer review two reports.

DATES: This webinar will be held on Friday, March 30, 2018 at 1:30 p.m. Webinar registration URL information: *https://attendee.gotowebinar.com/register/7860925786623688961.* Call in information: +1 (951) 384–3421, Attendee Access Code: 937–123–775.

ADDRESSES: *Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The New England Fishery Management Council (Council) is convening an ad-hoc sub-panel of its Scientific and Statistical Committee to peer review two reports. These reports are:

- Powell, Eric N., Kelsey Kuykendall, and Paula Moreno. Analysis of ancillary survey data and surfclam fishery tow data for the Georges Shoals Habitat Management Area on Georges Bank and the Great South Channel Habitat Management Area. Science Center for Marine Fisheries, August 2016. 29p.
- Powell, Eric N., Roger Mann, Kelsey M. Kuykendall, M. Chase Long, and Jeremy Timbs. The ''East of Nantucket'' Survey. Science Center for Marine Fisheries, February 2018. 33p.

The Council plans to use the results of these studies to support decision making in a fishery management plan framework adjustment. The Council is seeking advice from peer reviewers about how the data and conclusions from the two studies might be used to support development and evaluation of alternatives to consider possible exemption areas for hydraulic clam dredge gear within the newly designated Great South Channel habitat management area. This 748 nm^2 management area overlaps Nantucket Shoals, and is located approximately 12 nm southeast of Cape Cod, Massachusetts, and 6 nm east of Nantucket Island. The reports summarize hydraulic dredge survey information for the habitat management area, including catches of clams and clam shells as well as other components of the seafloor substrate. Other business will be discussed as needed.

Although non-emergency issues not contained on the agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: March 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04865 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0649–XG065

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a two day meeting of its Standing, Reef Fish, Shrimp, and Socioeconomics Scientific and Statistical Committees (SSC).

DATES: The meeting will convene on Monday, March 26, 2018, from 1 p.m. to 5 p.m., and Tuesday, March 27, 2018, from 8:30 a.m. to 12 noon, EDT.

ADDRESSES: The meeting will be held in the Gulf of Mexico Fishery Management Council's Conference Room, 2203 N Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Steven Atran, Senior Fishery Biologist, Gulf of Mexico Fishery Management

[3] *See* 19 CFR 351.205(e).

[4] *See* Letter from the petitioner to Commerce, ''Certain Plastic Decorative Ribbon from the People's Republic of China: Request to Fully Extend Preliminary Determination,'' dated February 27, 2018.

[5] Note that the revised deadline reflect a full postponement to 130 days after the date on which this investigation was initiated, in addition to a three-day extension due to closure of the Federal Government.

Council; *steven.atran@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Day 1—Monday, March 26, 2018; 1 p.m.–5 p.m.

I. Introductions and Adoption of Agenda
II. Approval of Minutes
  a. January 9–10, 2018 Standing, Coral, Socioeconomic, and Reef Fish SSC summary
  b. March 27–29, 2017 Standing, Shrimp, Reef Fish, and Socioeconomic SSC summary
III. Selection of SSC Representative at April 16–20, 2018 Council Meeting in Gulfport, MS

Standing, Socioeconomic, and Shrimp SSC Session

IV. Stock Status Review—
  a. Brown shrimp
  b. Pink shrimp
  c. White shrimp
V. Update on the Economic Analysis Requested by Council
  a. Letter sent to Dr. Ponwith—log stamp 6631
  b. NMFS response—log stamp 6660

Standing and Socioeconomic SSC Session

VI. Grouper/Tilefish IFQ Program 5-year Review

Standing and Reef Fish SSC Session

VII. 5-year Review on Inclusion/Exclusion of Species and Species Groupings in Fishery Management Plans

Day 2—Tuesday, March 27, 2018; 8:30 a.m.–12 p.m.

VIII. Further Development of a Stock Assessment Prioritization Spreadsheet
IX. Update on MRIP Fishing Effort Survey and Status of Certification of State Data Collection Programs
X. Habitat Mapping and Characterization on the West Florida Shelf
XI. Tentative 2018 SSC Meeting Dates
XII. Other Business

You may register for the SSC Meeting: Standing, Reef Fish, Shrimp, and Socioeconomic on March 26–27, 2018 at: *https://attendee.gotowebinar.com/register/3268270115077294082.*

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on the Council's file server. To access the file server, the URL is *https://public.gulfcouncil.org:5001/webman/index.cgi,* or go to the Council's website and click on the FTP link in the lower left of the Council website (*http://www.gulfcouncil.org*). The username and password are both ''gulfguest''. Click on the ''Library Folder'', then scroll down to ''SSC meeting—2018–03''.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committee for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Gulf Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Dated: March 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04867 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG079

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday March 28, 2018 at 1 p.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn, 100 Boardman Street, Boston, MA 02128; telephone: (617) 567–6789.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Committee will review draft alternatives to prolong the wing fishery, which may include adjusting the management uncertainty buffer, and changes to the incidental possession limit and its trigger. They will also recommend preferred alternatives for Framework 6 to the Council. Other business will be discussed as necessary.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: March 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04871 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG072

Fisheries of the South Atlantic; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of SEDAR 59 Data Scoping webinar for South Atlantic Greater Amberjack.

SUMMARY: The SEDAR 59 assessment of the South Atlantic stock of Greater Amberjack will consist of a series of webinars. See **SUPPLEMENTARY INFORMATION**.

DATES: A SEDAR 59 Data Scoping webinar will be held on Friday, March 30, 2018, from 9 a.m. until 12 p.m.

ADDRESSES: The meeting will be held via webinar. The webinar is open to members of the public. Those interested in participating should contact Julia Byrd at SEDAR (see **FOR FURTHER INFORMATION CONTACT**) to request an invitation providing webinar access information. Please request webinar invitations at least 24 hours in advance of each webinar.

SEDAR address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N. Charleston, SC 29405; *www.sedarweb.org.*

FOR FURTHER INFORMATION CONTACT: Julia Byrd, SEDAR Coordinator, 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405; phone: (843) 571–4366; email: *julia.byrd@safmc.net.*

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions, have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. The product of the SEDAR webinar series will be a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, Highly Migratory Species Management Division, and Southeast Fisheries Science Center. Participants include: Data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and non-governmental organizations (NGOs); international experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Data Scoping webinar are as follows:

Participants will identify who will be providing updated and/or new datasets.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

This meeting is accessible to people with disabilities. Requests for auxiliary aids should be directed to the SAFMC office (see **ADDRESSES**) at least 10 business days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 7, 2018.

Tracey L. Thompson,

Acting Deputy Director,

Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2018–04868 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG085

Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) is sponsoring a meeting to review a new method proposed to improve catch estimation methods in sparsely sampled mixed stock fisheries. The Catch Estimation Methodology Review meeting is open to the public and may be streamed online as a ''listen only'' webinar.

DATES: The Catch Estimation Methodology Review meeting will commence at 8:30 a.m. PDT, Wednesday, March 28, 2018 and continue until 5 p.m. or as necessary to complete business for the day. The meeting will reconvene on Thursday, March 29, 2018 starting at 8:30 a.m. PDT and continuing as necessary to complete business for the day.

ADDRESSES:

Meeting address: The Catch Estimation Methodology Review meeting will be held at the NMFS Southwest Fisheries Science Center, Santa Cruz Laboratory, 110 McAllister Way, Santa Cruz, CA 95060; telephone: (831) 420–3900 on March 28.

The meeting will be held at the Center for Ocean Health Library, Ocean Health Building, University of California Santa Cruz, 115 McAllister Way, Santa Cruz, CA 95060 in Room 201 on March 29. The Center for Ocean Health Library is next door to the NMFS Southwest Fisheries Science Center.

Although this meeting will be conducted as an in-person meeting, there may also be a ''listen-only'' webinar option. To attend the ''listen-only'' webinar, visit: *http://www.gotomeeting.com/online/webinar/join-webinar.* Enter the Webinar ID: 942–468–499, and your email address (required).

This is a ''listen only'' broadcast, you may use your computer speakers or headset to listen. If you do not have a headset or computer speakers, you may use your telephone to listen to the meeting by dialing this TOLL number +1 (415) 930–5321 (not a toll-free number); enter the phone attendee audio access code: 580–006–830. There will be no technical assistance available for the ''listen only'' webinar. If there are technical difficulties, the broadcast may end and may not be restarted.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220–1384; telephone: (503) 820–2280.

FOR FURTHER INFORMATION CONTACT: Ms. Stacey Miller, NMFS Northwest Fisheries Science Center; telephone: (541) 867–0535; or Mr. John DeVore, Staff Officer, Pacific Fishery Management Council; telephone: (503) 820–2413.

SUPPLEMENTARY INFORMATION: The purpose of the Catch Estimation Methodology Review meeting is to review a proposed method for estimating catch of species in sparsely sampled mixed-stock commercial groundfish fisheries. The methodology proponents have developed a Bayesian hierarchical model to estimate species compositions with accurate measures of

uncertainty of historical catches landed in mixed species assemblages or market categories. Public comments during the meeting will be received from attendees at the discretion of the chair.

Although non-emergency issues not identified in the meeting agenda may come before the meeting participants for discussion, those issues may not be the subject of formal action during this meeting. Formal action at the meeting will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the meeting participants' intent to take final action to address the emergency.

Visitors who are foreign nationals (defined as a person who is not a citizen or national of the United States) will require additional security clearance to access the NMFS Southwest Fisheries Science Center. Foreign national visitors should contact Ms. Stacey Miller at (541) 867–0535 at least 2 weeks prior to the meeting date to initiate the security clearance process.

Technical Information and System Requirements

PC-based attendees: Windows® 7, Vista, or XP operating system required. Mac®-based attendees: Mac OS® X 10.5 or newer required. Mobile attendees: iPhone®, iPad®, Android™ phone or Android tablet required (use GoToMeeting Webinar Apps).

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to Mr. Kris Kleinschmidt at (503) 820–2411 at least 10 days prior to the meeting date.

Dated: March 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04866 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG073

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Committee to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Tuesday, March 27, 2018 at 9 a.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn Logan Airport, 100 Boardman Street, Boston, MA 02129; phone: (617) 561–0798.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The committee will review the Groundfish Advisory Panel recommendations and provide recommendations to the Council on Groundfish Monitoring Amendment 23 specifically the draft alternatives and Plan Development Team (PDT) work related to development of the action. They will also discuss priorities for 2018 and the PDT work to date and make recommendations to the Council. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: March 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04869 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG044

General Advisory Committee to the U.S. Section to the Inter-American Tropical Tuna Commission and Scientific Advisory Subcommittee to the General Advisory Committee; Meeting Announcement

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

ACTION: Notice of public meeting.

SUMMARY: NMFS announces a public meeting of the General Advisory Committee to the U.S. Section to the Inter-American Tropical Tuna Commission on June 28, 2018, and a public meeting of the Scientific Advisory Subcommittee to the General Advisory Committee on June 27, 2018. The meeting topics are described under the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The meeting of the Scientific Advisory Subcommittee (SAS) to the General Advisory Committee (GAC) will be held on June 27, 2018, from 10:30 a.m. to 5 p.m. PDT (or until business is concluded). The meeting of the GAC will be held on June 28, 2018, from 8:30 a.m. to 5 p.m. PDT (or until business is concluded).

ADDRESSES: The GAC and SAS meetings will be held in the Pacific Conference Room (Room 300) at NMFS, Southwest Fisheries Science Center, 8901 La Jolla Shores Drive, La Jolla, California 92037–1508. Please notify Taylor Debevec (see **FOR FURTHER INFORMATION CONTACT**) by June 19, 2018, if you plan to attend either or both meetings in person or remotely. The meetings will be accessible by webinar—instructions will be emailed to meeting participants.

FOR FURTHER INFORMATION CONTACT: Taylor Debevec, West Coast Region, NMFS, at *Taylor.Debevec@noaa.gov,* or at (562) 980–4066.

SUPPLEMENTARY INFORMATION: In accordance with the Tuna Conventions Act (16 U.S.C. 951 *et seq.*), as amended, the U.S. Department of Commerce, in consultation with the Department of

State (the State Department), appoints a General Advisory Committee (GAC) to the U.S. Section to the Inter-American Tropical Tuna Commission (IATTC) and a Scientific Advisory Subcommittee (SAS) that advises the GAC. The U.S. Section consists of the four U.S. Commissioners to the IATTC and representatives of the State Department, NOAA, Department of Commerce, other U.S. Government agencies, and stakeholders. The purpose of the GAC shall be to advise the U.S. Section with respect to U.S. participation in the work of the IATTC, with particular reference to development of U.S. policies, positions, and negotiating tactics. The purpose of the SAS is to advise the GAC on matters of science. NMFS West Coast Region staff provide administrative support for the GAC and SAS. The meetings of the GAC and SAS shall be open to the public, unless in executive session. The time and manner of public comment will be at the discretion of the chairs for the GAC and SAS.

The 93rd meeting of the IATTC, the 37th Meeting of the Parties to the Agreement on the International Dolphin Conservation Program (AIDCP), and working group meetings for both the IATTC and AIDCP will be held from August 16 to August 30, 2018 in Guatemala. For more information on these meetings, please visit the IATTC's website: *https://www.iattc.org/MeetingsENG.htm.*

GAC and SAS Meeting Topics

The SAS meeting topics will include, but are not limited to, the following:

(1) Outcomes of the 2018 meeting of the Scientific Advisory Committee (SAC) to the IATTC (*e.g.,* stock status updates for tuna, tuna-like species, and other species caught in association with those fisheries in the eastern Pacific Ocean);

(2) Evaluation of the IATTC staff's recommended conservation measures for 2018;

(3) Issues related to the impact of fishing on non-target species, such as sharks, seabirds, sea turtles;

(4) Evaluation of U.S. proposals for the 93rd meeting of the IATTC and proposals from other IATTC members; and

(5) Other issues as they arise.

The GAC meeting topics will include, but are not limited to, the following:

(1) Outcomes of the 2018 meeting of the SAC to the IATTC (*e.g.,* stock status updates for tuna, tuna-like species, and other species caught in association with those fisheries in the eastern Pacific Ocean);

(2) Recommendations and evaluations by the SAS;

(3) Issues related to the impact of fishing on non-target species, such as sharks, seabirds, sea turtles;

(4) Formulation of advice on issues that may arise at the 93rd meeting of the IATTC, including the IATTC staff's recommended conservation measures, U.S. proposals, and proposals from other IATTC members; and

(5) Other issues as they arise.

Special Accommodations

The meeting location is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Taylor Debevec (see **FOR FURTHER INFORMATION CONTACT**) by June 12, 2018.

Authority: 16 U.S.C. 951 *et seq.*

Dated: March 6, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–04829 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG081

Fisheries of the South Atlantic; South Atlantic Fishery Management Council; Public Meetings

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

ACTION: Notice of meetings of the South Atlantic Fishery Management Council's Citizen Science Advisory Panel Action Teams.

SUMMARY: The South Atlantic Fishery Management Council (Council) will hold meetings of the following Citizen Science Advisory Panel Action Teams: Volunteers; Communication/Outreach/Education; Projects/Topics Management; and Data Management via webinar.

DATES: The Volunteers Team meeting will be held on Monday, March 26, 2018 at 1 p.m.; Communication/Outreach/Education Team on Wednesday, March 28, 2018 at 10 a.m.; Projects/Topics Management Team will be held on Thursday, March 29, 2018 at 2 p.m.; and Data Management Team on Friday, March 30, 2018 at 10 a.m. Each meeting is scheduled to last approximately 90 minutes. Additional Action Team webinar and plenary webinar dates and times will publish in a subsequent issue in the **Federal Register**.

ADDRESSES:

Meeting address: The meetings will be held via webinar and are open to members of the public. Webinar registration is required and registration links will be posted to the Citizen Science program page of the Council's website at *www.safmc.net.*

Council address: South Atlantic Fishery Management Council, 4055 Faber Place Drive, Suite 201, N Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Amber Von Harten, Citizen Science Program Manager, SAFMC; phone: (843) 302–8433 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: *amber.vonharten@safmc.net.*

SUPPLEMENTARY INFORMATION: The Council created a Citizen Science Advisory Panel Pool in June 2017. The Council appointed members of the Citizen Science Advisory Panel Pool to five Action Teams in the areas of Volunteers, Data Management, Projects/Topics Management, Finance, and Communication/Outreach/Education to develop program policies and operations for the Council's Citizen Science Program.

Each Action Team will meet to continue work on developing recommendations on program policies and operations to be reviewed by the Council's Citizen Science Committee. Public comment will be accepted at the beginning of the meeting.

Items to be addressed during these meetings:

1. Discuss work on tasks in the Terms of Reference
2. Other Business

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 3 days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: March 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04863 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG082

Mid-Atlantic Fishery Management Council (MAFMC); Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Demersal Committee will hold a public meeting via webinar.

DATES: The meeting will be held on Tuesday, March 27, 2018, from 9 a.m. to noon.

ADDRESSES: The meeting will be held via webinar. The webinar may be accessed at *http://mafmc.adobeconnect.com/sfsbsb2018fw/*. The audio portion of the webinar may also be accessed via phone by dialing 1–800–832–0736 and entering room number 5068871.

Council address: Mid-Atlantic Fishery Management Council, 800 N. State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331; website: *www.mafmc.org*.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Mid-Atlantic Fishery Management Council's Demersal Committee will meet jointly with a subset of the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Management Board. The purpose of the meeting is to discuss draft management alternatives for an action which will consider adding the following management options to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan: (1) Conservation equivalency for the recreational black sea bass fishery, (2) Transit provisions for Block Island Sound for recreational fisheries for all three species, and (3) Slot limits for recreational fisheries for all three species. The two groups will also discuss the possibility of evaluating and modifying recreational management measures based on the annual catch limit, rather than the recreational harvest limit.

A detailed agenda and background documents will be posted to the Council's website (*www.mafmc.org*) prior to the meeting.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: March 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04864 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG033

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Exempted Fishing Permit

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

ACTION: Notice of receipt of applications for exempted fishing permits; request for comments.

SUMMARY: NMFS announces the receipt of five applications for exempted fishing permits (EFPs) from the Florida Fish and Wildlife Conservation Commission (FWC), Alabama Department of Conservation and Natural Resources (ADCNR), Mississippi Department of Marine Resources (MDMR), Louisiana Department of Wildlife and Fisheries (LDWF), and Texas Parks & Wildlife Department (TPWD). If granted, the EFPs would authorize the applicants, with certain conditions, to set the season(s) for red snapper caught by the private angling component, the Federal charter vessel/headboat (for-hire) component, or both, as applicable, and landed in each respective state. The EFPs would do so by exempting persons from the annual closed Federal fishing seasons if they are landing red snapper in the participating states during the states' open seasons as set by those states, as described in more detail below. These annual closed Federal fishing seasons are the seasonal closure for red snapper which is January 1 through May 31 each year, and the closures that occur based on when NMFS projects that the red snapper annual catch targets will be reached. The private angling component includes state-permitted for-hire vessels and any red snapper landings by these for-hire vessel would be counted against the private angling component quota. However, these state-permitted for-hire vessels would not be able to fish in Federal waters. NMFS would set separate Federal seasons for Federally permitted for-hire vessels and private-anglers not covered by any EFP. Red snapper landings would be monitored by the respective states and the state seasons set under the EFPs would close when a state's assigned quota is reached, or projected to be reached. These studies, to be conducted in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf), are intended to test the effectiveness of Gulf state management of recreationally caught red snapper.

DATES: Written comments must be received on or before April 2, 2018.

ADDRESSES: You may submit comments on the application, identified by ''NOAA–NMFS–2018–0029'', by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2018-0029,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Peter Hood, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Peter Hood, 727–824–5305; email: *peter.hood@noaa.gov.*

SUPPLEMENTARY INFORMATION: The EFPs are requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act)(16 U.S.C. 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

Currently, the recreational harvest of red snapper in the Gulf EEZ is managed, among other measures, through the use of a 2-fish recreational bag limit, 16-inch (40–6 cm), total length (TL) minimum size limit, and separate quotas and annual catch targets (ACTs) for the private angling and Federal for-hire components within the recreational sector. State-permitted for-hire vessels are included in the private angling component, but are not be able to fish in Federal waters. The recreational sector for red snapper in or from Federal waters is closed from January 1 through May 31 each year. Prior to June 1 each year, NMFS determines the respective component Federal season lengths based on the ACTs, taking into account red snapper recreational seasons in state waters. The recreational components were established through Amendment 40 to the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), which allocated red snapper resources between the private angling and Federal for-hire components; established component-specific accountability measures (AMs) through the use of component ACTs to reduce the likelihood of quota overages, and implemented a 3-year sunset provision for the regulations implemented through Amendment 40 (80 FR 22422, April 22, 2015). The sunset provision was subsequently extended for an additional 5 years (through December 31, 2022) by Amendment 45 to the FMP (81 FR 86971, December 2, 2016). The Gulf EEZ recreational quota for red snapper is 6.733 million lb (3.054 million kg), round weight. The current component quotas are 2.848 million lb (1.292 million kg), round weight, for for-hire and 3.885 million lb (1.762 million kg), round weight, for private angling.

The recreational harvest of red snapper is also constrained by section 407(d) of the Magnuson-Stevens Act. This section requires separate quotas for commercial and recreational fishing (which for the purposes of the subsection includes charter fishing), and a prohibition on the retention of fish when each sector quota is reached. Thus, should the total recreational sector quota be reached, recreational fishing in the Gulf EEZ is prohibited.

The marine resource management agencies of the five Gulf states have submitted EFP applications for the recreational harvest of red snapper for the 2018 and 2019 fishing years. These EFPs would be used to test data collection and quota monitoring efforts for state management of red snapper. Under the proposed EFPs, persons landing red snapper in the participating states would be exempt from current Federal regulations authorizing the annual closed Federal fishing seasons (seasonal closure and ACT closure) and, therefore, could fish for and possess red snapper in the EEZ consistent with the state seasons. The timing of state season openings would be determined by each state. Each Gulf state would monitor its respective recreational landings, and if the landings reach, or are projected to reach, the assigned quota, the state would close its season for the remainder of the fishing year. Private anglers and for-hire operators landing red snapper in the states participating in the EFPs would be required to have the appropriate permits and licenses for the states where they will land the fish and abide by any other relevant Federal regulations, including a recreational bag limit of 2 fish per person per day and a minimum size limit of 16 inches (40.6 cm), TL. The following provides an overview of each state's EFP application. More detailed information is provided in the respective applications and can be viewed at website: *http://sero.nmfs.noaa.gov/sustainable_fisheries/gulf_fisheries/LOA_and_EFP/2018/RS%20state%20pilot/home.html.*

FWC

FWC requests an EFP to conduct a pilot study during the 2018 and 2019 fishing years to test data collection and quota monitoring methodologies for the private angling component. The EFP application does not include federally permitted for-hire vessels. FWC requests that 1,305,360 lb (592,101 kg), round weight, of red snapper from the Gulf recreational private angling component quota be made available each year for fish landed in Florida. This requested quota is based on the proportion of red snapper landed in Florida during 2006 through 2015, except for 2010 landings, which are excluded as a result of the Deepwater Horizon MC252 oil spill. The quotas, reduced by a 20 percent buffer to account for management uncertainty, would be the basis for calculating Florida's Special Red Snapper Fishing Season. Private anglers would be required to sign up for the state's Gulf Reef Fish Angler program to land select reef fish species not included in the EFP application and still subject to applicable regulations, as well as red snapper. Red snapper landings would be monitored through the state's Gulf Reef Fish Survey. In addition, anglers would provide landings information through a smartphone/tablet application. For 2018, the projected red snapper fishing season for private anglers would be May 25 through June 17 for the Gulf waters off Florida, based on the requested quota. If recreational landings are less than the assigned quota at the end of this season, and the Federal recreational quota has not been met, fishing could reopen in the fall of 2018 and/or 2019 to land the uncaught portion of the quota. Should the recreational quota be exceeded in 2018, FWC proposes a quota overage adjustment (payback) for the following year.

ADCNR

The purpose of the EFP requested by ADCNR is to test an Alabama red snapper management program for the private angling component. The EFP application does not include federally permitted for-hire vessels. ADCNR proposes an annual state private angling component quota of 984,291 lb (446,467 kg), round weight, for 2018 and 2019. ADCNR determined that this quota equals 10 percent of the red snapper biomass estimated by university researchers to occur in waters off Alabama. The red snapper biomass is estimated from fishery-independent biomass estimates over the three most recent years that data are available (the years 2014 through 2016 for the 2018 fishing year). For 2018, ADCNR would allow red snapper to be landed in Alabama on weekends (Friday through Sunday) starting on June 1 and continuing until the assigned quota, less 10 percent used as a buffer to prevent quota overages, is reached or projected to be reached. Currently, ADCNR is projecting a 47-day season from June 1 through July 17. If sufficient quota is available, ADCNR would reopen the season in the fall. The 2019 state private angling recreational season would be determined at a later date. Red snapper landings by anglers fishing from private angler vessels and state-permitted charter vessels would be monitored through a mandatory electronic reporting program. Should the assigned quota be exceeded in 2018, ADCNR proposes a payback of the quota overage for the following year.

MDMR

MDMR is requesting an EFP to determine if a state recreational quota for red snapper can be accurately managed through a state management program for the private angling component. In addition, recreational harvest and biological information on this species would be collected and analyzed by the state. The EFP application does not include federally permitted for-hire vessels. The EFP application requests an annual quota of 137,949 lb (62,573 kg), round weight, of

red snapper for the private angling component to be landed in Mississippi for 2018 and 2019. This quota is based on 2017 landings reported to MDMR's mandatory Tails n Scales electronic reporting system. Landings in 2018 and 2019 would be tracked by the state through this same electronic reporting system and managed to the quota, reduced by a 10 percent buffer to prevent quota overages, before closing the season. In addition, landings would be validated by MDMR staff through a dockside survey, phone survey, and visual effort survey conducted by MDMR. The red snapper season would begin on May 1 of each year and remain open until the quota is projected to be reached. Should the assigned quota be exceeded in 2018, MDMR proposes a payback of the quota overage for the following year.

LDWF

The EFP application from the LDWF proposes to test a state-based management approach for red snapper. The application requests that the state recreational quota be 743,000 lb (337,019 kg), round weight, for the private angling component and 317,000 lb (143,789 kg), round weight, for the Federal for-hire component for the 2018 and 2019 fishing years. LDWF determined these quotas based on the historical landings formula (50 percent * [1986–2005, 2007–2009, 2011–2013 landings in pounds] + 50 percent * [2007–2009, 2011–2013 landings in pounds] applied to Federal for-hire and private angling component allocations from Amendment 40 (80 FR 22422, April 22, 2015). LDWF proposes to begin both the private angling and for-hire seasons on May 25 in 2018, and May 24 in 2019 (the Friday before Memorial Day) until the respective quota is reached. The private angling season would consist of 3-day weekends (Friday through Sunday), but also include the Memorial Day, Independence Day, and Labor Day holidays each year. The Federal for-hire season would be 7 days per week. Recreational landings would be monitored through LDWF's LA Creel survey; however, private anglers and for-hire operators would be encouraged to also report landings through a state-approved electronic reporting system. Should the overall recreational quota for the state be exceeded in 2018, LDWF proposes a payback of the overage for the 2019 fishing year.

TPWD

The purpose of the EFP submitted by TPWD is to test data collection and recreational quota monitoring methodologies during the 2018 and 2019 fishing years for use in managing the recreational harvest of red snapper off Texas. TPWD requests 1,056,495 lb (479,218 kg), round weight, of red snapper to be used by the private angling and Federal for-hire components. The red snapper private angling season in state waters begins January 1 each year. Because offshore weather conditions off Texas are generally unfavorable around the traditional June 1 Federal recreational red snapper season start date, TPWD, working through the Texas Parks and Wildlife Commission, proposes to prohibit red snapper caught in Federal waters from being landed in Texas until sometime after June 1 in 2018. At that time, a season will be established allowing red snapper from Federal waters to be landed. In 2019, the recreational season could start prior to June 1 to take advantage of better weather conditions that occur off Texas in the winter and spring and would be determined by the state at a later date. The red snapper recreational harvest would be monitored using the Texas Marine Sport Harvest Monitoring Program (TMSHMP), NOAA's Southeast Region Headboat Survey, and a self-reported harvest system using the iSnapper application for smartphones and tablets. To ensure timely reporting of private angler and charter vessel landings, intercepts from the TMSHMP creel survey would be sent in daily to TPWD. Additionally, weekly landing reports from NOAA's Southeast Region Headboat Survey would be used to monitor headboat landings. Texas will project total landings by sector based on the number of red snapper observed by samplers during the season. All red snapper landed in Texas will be counted against Texas' assigned recreational quota and the Texas season would be closed when the combined estimated recreational red snapper landings are projected to reach the recreational quota. Should the assigned quota be exceeded in 2018, TPWD proposes to make adjustments in red snapper regulations such as shortening the season for catching fish in the Gulf EEZ, changing the timing of the season, or revising state bag limits to account for the overage.

Additional Information

The Gulf of Mexico Fishery Management Council (Council) reviewed the EFP applications at its January 2018 meeting. The Council recommended approval of each state's EFP application as long as the length of the Gulf-wide Federal for-hire component season is not affected by the issuance of these EFPs.

Because all the state EFP applications include the private angling component, if they are all issued and accepted that component's overall Gulf quota would be divided among the states, as requested, and landings would be regulated through each state's management program covered under the EFP. Federal waters would be closed to red snapper private angling, but the EFP would exempt from the closure those individuals with a license from a state that is open to land red snapper. However, if not all of the EFPs are issued and accepted, NMFS would set a Gulf-wide Federal private angling season to allow those anglers from the non-participating states to fish for red snapper in the EEZ.

For the Federal for-hire component, only LDWF and TPDW have proposed including this component in their EFPs. Therefore, if EFPs were approved as submitted by the five Gulf states, NMFS would still set a Federal season throughout the entire Gulf EEZ for the Federal for-hire component. Depending on the parameters of any final EFPs, the potential exists for Texas and Louisiana federally permitted for-hire vessels to fish during both the state season covered under an EFP and the Federal for-hire Gulf EEZ season.

In addition, the quotas requested by Texas and Louisiana are based on higher landings from past years rather than landings in recent years. Because NMFS projects the Federal season based on recent landings, NMFS would have to reduce the length of the Federal for-hire season to account for the additional pounds of fish requested by Texas and Louisiana. This would be inconsistent with the Council's recommendation that NMFS issue the EFPs as long as the length of the Gulf-wide Federal for-hire component season is not affected. Alternatively, NMFS could reduce the quotas requested by Texas and Louisiana to be consistent with recent landings. Regardless of whether both or just one of the components is managed under the state EFPs, should NMFS determine that the Gulf-wide recreational red snapper quota has been meet, the exemption from the closure under the EFP would no longer be valid for that fishing year because the retention of red snapper in Federal waters would be prohibited under the regulations that implement the mandatory provisions of Section 407(d) of the Magnuson-Stevens Act.

NMFS finds these applications warrant further consideration. If they are granted, NMFS may include conditions or modifications such as

changes to the amount of the quotas assigned to each state and removal of the Federal for-hire component from the EFP. The applications are considered together in this notice because they each would require a portion of the private-angling and Federal for-hire quotas; however, each application is independent and will be considered individually as part of the overall recreational management of Gulf red snapper.

Final decisions on issuance of the EFPs will depend on a NMFS review of public comments received on the applications, consultations with the affected states, the Council, and the U.S. Coast Guard, and a determination that each is consistent with all applicable laws.

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

Dated: March 7, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–04859 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG038

Endangered Species; File No. 19496–01

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

ACTION: Notice; receipt of application for a permit modification.

SUMMARY: Notice is hereby given that Mariana Fuentes, Ph.D., Florida State University, 581 Oakland Avenue, Tallahassee, FL 32301, has requested a modification to scientific research Permit No. 19496.

DATES: Written, telefaxed, or email comments must be received on or before April 11, 2018.

ADDRESSES: The modification request and related documents are available for review by selecting ''Records Open for Public Comment'' from the Features box on the Applications and Permits for Protected Species (APPS) home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 19496 Mod 1 from the list of available applications. These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301) 713–0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to *NMFS.Pr1Comments@noaa.gov*. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Erin Markin or Amy Hapeman, (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject modification to Permit No. 19496, issued on June 16, 2016 (81 FR 1621), is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

Permit No. 19496 authorizes the permit holder to take loggerhead (*Caretta caretta*), Kemp's ridley (*Lepidochelys kempii*), green (*Chelonia mydas*), and hawksbill (*Eretmochelys imbricata*) sea turtles for scientific research in the Florida Big Ben Region to identify important foraging and developmental habitats. The permit holder requests authorization to: (1) Add a new location to include the area from St. Lucie Inlet to Jupiter Inlet on the east coast of Florida, and (2) increase the number of green, Kemp's ridley, and loggerhead sea turtles that may be taken under the permit for the new location. Annually an additional 120 green, 48 loggerhead, and 3 Kemp's ridley sea turtles would be approached by vessel and pursued for capture. Additionally, up to 120 green, 48 loggerhead, and 3 Kemp's ridley sea turtles would be captured by hand or using dip, strike, or tangle nets, annually. All captured sea turtles would be tagged (passive integrated transponder and flipper), marked (temporarily), biologically sampled (tissue and blood), measured, weighed, and photographed. Up to 10 green and five loggerhead captured sea turtles also would receive a satellite transmitter (epoxy attachment) and biologically sampled (scute biopsy) prior to release.

Dated: March 6, 2018.

Julia Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–04830 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF914

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Exempted Fishing Permit

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

ACTION: Notice of receipt of an application for an exempted fishing permit; request for comments.

SUMMARY: NMFS announces the receipt of an application for an exempted fishing permit (EFP) from Clean Ocean Initiative, Inc. (Clean Ocean). If granted, the EFP would authorize Clean Ocean to fish for and retain Caribbean prohibited corals collected from 10 decommissioned submarine telecommunication cables being retrieved from U.S. exclusive economic zone (EEZ) waters in the Caribbean off of Puerto Rico.

DATES: Comments must be received no later than March 27, 2018.

ADDRESSES: You may submit comments on the application by either of the following methods:

- *Email: Sarah.Stephenson@noaa.gov.* Include in the subject line of the email comment the following document identifier: ''CLEAN OCEAN_EFP 2018''.
- *Mail:* Sarah Stephenson, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

The application and related documents are available for review upon written request to any of the above addresses. All comments received, including all voluntarily submitted personal identifying information (*e.g.,* name, address, etc.), confidential business information, or otherwise sensitive information, are part of the public record. NMFS will accept anonymous comments.

FOR FURTHER INFORMATION CONTACT: Sarah Stephenson, telephone: 727–824–5305, email: *Sarah.Stephenson@noaa.gov.*

SUPPLEMENTARY INFORMATION: The EFP is requested under the authority of the

Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

This action involves activity covered by regulations implementing the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands (FMP). The proposed application for exempted fishing involves activity that would otherwise be prohibited by regulations at 50 CFR part 622, as they pertain to coral and invertebrate FMP species managed by the Caribbean Fishery Management Council (Council). The EFP would exempt this activity from Federal regulations at § 622.472(b) (Caribbean prohibited coral). See 50 CFR 622.2 defining Caribbean prohibited coral and Appendix A to part 622.

Submarine telecommunication cables have been deployed throughout the U.S. EEZ in the Caribbean for many years and these cables may act as substrate for organisms to use as benthic habitat, such as corals and invertebrates. The applicant requests authorization to collect and retain prohibited coral, excluding Endangered Species Act (ESA)-listed species, from 10 decommissioned submarine telecommunication cables as they are being retrieved from waters in the U.S. EEZ off Puerto Rico. The applicant has been permitted by the United States Army Corps of Engineers (USACE), Antilles Section, to retrieve these decommissioned submarine cables in territorial and U.S. EEZ off Puerto Rico waters. The EFP would only apply to coral collection and retention activities in Federal waters.

As part of an overall effort to remove decommissioned submarine cables, Clean Ocean would identify additional submarine cables in the U.S. EEZ off Puerto Rico and the U.S. Virgin Islands for possible future removal. If the applicant identifies any additional cables that could be removed, NMFS expects Clean Ocean will submit an additional application for an EFP authorizing coral collection and retention activities similar to those described herein.

The 10 cables from which the applicant is proposing to collect corals and invertebrates in its EFP application were deployed between 1874 and 1963 and have been inactive since 1986. Cable routes initiate in Puerto Rico and extend across the Caribbean basin, terminating in the Dominican Republic, Turks and Caicos, Antigua, or Florida. Activities permitted under the EFP would initiate at the inner boundary of the U.S. EEZ off Puerto Rico and terminate at the outer boundary of the U.S. EEZ, with an estimated minimum starting depth of 1,000 ft (305 m). Total lengths of the cables to be salvaged in territorial and Federal waters range from 41 nautical miles (nmi) to 172 nmi, and the total estimated length to be retrieved from all 10 decommissioned cables is 947 nmi. The portion of the cable retrieved in Federal waters, from which the applicant seeks to collect and retain prohibited corals under an EFP, is unknown, but represents a smaller portion of this total length. As described in the application, the proposed activities would be expected to take up to 18 months and any EFP would be valid for up to 18 months from date of issuance.

Before cable retrieval activities commence, the applicant is proposing to conduct benthic surveys to identify and record the presence of coral species and other species (sponges, mollusks, anemones, etc.) along each cable corridor. These surveys would be conducted via a remotely operated vehicle (ROV) operated from a 115-ft (35 m) survey vessel. The ROV would remove as many organisms as possible from the cable and transplant them to the surrounding area, ensuring adequate distance from the cable so they are not impacted during the cable recovery phase. The ROV would not bring organisms to the surface but would instead relocate those organisms at depth. If there are too many organisms on a particular section of cable to effectively relocate them by ROV, or if the organisms are too large or too small to relocate, the ROV would not remove and transplant them. Instead, for those sections of cable with large organisms or dense aggregations, the ROV would cut the submarine cable on either side of these organisms and that section would remain on the bottom with organisms attached. Sections of cable with organisms that are too small to be removed and transplanted would be retrieved during the cable recovery phase.

Once the benthic surveys and any organism relocations are complete, the ROV would then locate the cable retrieval start point and prepare the cable for retrieval. The cables would be retrieved through the use of a 275-ft (84-m) pipe lay barge. As each cable is being retrieved, any attached coral and invertebrates remaining on the cable would be removed onboard the barge using a specialized funnel fitted around the cable. Resultant specimens would be deposited into a collection container monitored by Clean Ocean's marine biologist. Species information and measurements of all collected organisms would be recorded, and corals and invertebrates selected for further study would be identified. Those specimens selected for further study would be placed in a controlled aquatic storage area onboard the survey vessel and any remaining specimens would be returned to the water from the barge as soon as possible with as little harm practicable. Retained specimens would be transferred to Clean Ocean's Coral Research Center in Ponce, Puerto Rico, and made available to scientists and graduate students for the study of their taxonomy, growth, behavior, and genetics.

The EFP would allow Clean Ocean to harvest and possess non-ESA-listed corals from Federal waters for which harvest is otherwise prohibited. The majority of the operations under the EFP would occur at depths where there is little to no light penetration; thus, any corals anticipated to be encountered on the cables would be deep-water species. Cable diameters depend on the type of cable, fiber optic or coaxial, and range from 1.75 to 3 inches (4.4–7.6 cm). Deep-water corals tend to grow at a slow rate, but these submarine cables have been on the bottom for over 50 years, providing adequate time for early settlers to grow to a substantial size. Clean Ocean conducted preliminary benthic surveys of its cable retrieval operations, in territorial waters at depths from 100 to 250 ft (30.5 to 76.2 m), to evaluate organisms and habitats along the cable corridors. Based on those initial results, Clean Ocean expects that most of the cable lengths to be retrieved are submerged under the sand and have few, if any, organisms attached. Moreover, given the operating depths for the activities under the proposed EFP, which occur in deeper Federal waters, it is not expected that the applicant would encounter any ESA-listed corals. Finally, the USACE conditioned the permits for the cable retrieval so that those activities, which start in shallower territorial waters, occur at depths where ESA-listed corals are not expected to occur.

In addition to non-ESA listed corals, federally managed aquarium trade species, including sponges, anemones, polychaete worms, feather stars, and tunicates, could potentially be collected during the proposed activities. Aquarium trade species are managed in the U.S. Caribbean EEZ under an annual catch limit (ACL) of 8,155 lb (3,699 kg), round weight. The ROV would be expected to remove most organisms from the cable prior to cable retrieval commences, and it is unlikely that the amount of organism fragments

remaining attached to the cable, collected onboard the barge, and selected for further study would contribute substantially to the landings quota against which the aquarium trade species ACL is compared. As part of the permit conditions, NMFS intends to limit the amount of aquarium trade species to be retained by Clean Ocean during the proposed activities. Clean Ocean personnel will be trained and prepared to prevent damage to sensitive areas and a marine biologist will be onboard at all times to identify and report any sensitive environmental resources and to stop operations if necessary.

NMFS finds this application warrants further consideration, based on a preliminary review. In addition to the above, possible conditions the agency may impose on this permit, if it is granted, include but are not limited to, requiring Clean Ocean to submit monthly reports on the amount of coral and aquarium trade species collected, and to announce at least daily the present and following week's anticipated start and stop locations via VHF channel 16 to allow fishers time to relocate their gear and avoid trap-cable interactions.

A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, consultations with the affected state(s), the Council, and the U.S. Coast Guard, and a determination that it is consistent with all applicable laws.

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

Dated: March 6, 2018.

Emily H. Menashes,

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

[FR Doc. 2018–04842 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG074

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Groundfish Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Monday, March 26, 2018 at 9:30 a.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn Logan Airport, 100 Boardman Street, Boston, MA 02129; phone: (617) 561–0798.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Advisory Panel will provide recommendations to the Groundfish Committee on Groundfish Monitoring Amendment 23 specifically the draft alternatives and Plan Development Team (PDT) work related to development of the action. They will also discuss priorities for 2018 and the PDT work to date and make recommendations to the Groundfish Committee. Other business will be discussed as necessary.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at 978–465–0492, at least 5 days prior to the meeting date. This meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

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

Dated: March 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04870 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XG080

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Skate Advisory Panel to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from this group will be brought to the full Council for formal consideration and action, if appropriate.

DATES: This meeting will be held on Wednesday March 28, 2018 at 9 a.m.

ADDRESSES: The meeting will be held at the Hilton Garden Inn, 100 Boardman Street, Boston, MA 02128; telephone: (617) 567–6789.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Thomas A. Nies, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

SUPPLEMENTARY INFORMATION:

Agenda

The Advisory Panel will review draft alternatives to prolong the wing fishery, which may include adjusting the management uncertainty buffer, and changes to the incidental possession limit and its trigger. They will also recommend preferred alternatives for Framework 6 to the Committee. Other business will be discussed as necessary.

Although non-emergency issues not contained on this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. This meeting will be recorded. Consistent with 16

U.S.C. 1852, a copy of the recording is available upon request. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

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

Dated: March 7, 2018.

Tracey L. Thompson,

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

[FR Doc. 2018–04862 Filed 3–9–18; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF870

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Service Pier Extension Project on Naval Base Kitsap Bangor, Washington

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 U.S. Navy (Navy) for authorization to take marine mammals incidental to vibratory and impact pile driving associated with proposed construction of the Service Pier Extension (SPE) at Naval Base Kitsap Bangor, Washington. 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 11, 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.pauline@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 *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm* 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: Rob Pauline, 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: *www.nmfs.noaa.gov/pr/permits/incidental/construction.htm.* 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 CE B4 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 August 9, 2017 NMFS received a request from the Navy for an IHA to take marine mammals incidental to pile driving and removal associated with proposed construction of the SPE on Naval Base Kitsap Bangor, Washington. The application was deemed adequate and complete by NMFS on November 15, 2017.

The Navy's request is for take by Level B harassment of five marine mammal species and Level A harassment of one species. Neither the Navy nor NMFS expect serious injury or immortality to result from this activity and, therefore, an IHA is appropriate.

Description of Proposed Activity

Overview

The Navy is proposing to extend the service pier to provide additional berthing capacity and improve associated facilities for existing homeported and visiting submarines at Naval Base Kitsap Bangor. The project includes impact and vibratory pile driving and vibratory pile removal. Sounds resulting from pile driving and removal may result in the incidental take of marine mammals by Level A and Level B harassment in the form of auditory injury or behavioral harassment. Naval Base Kitsap Bangor is located on Hood Canal approximately 20 miles (32 kilometers) west of Seattle, Washington. The in-water construction period for the proposed action will occur over 12 months.

Dates and Duration

The proposed IHA would be effective from October 1, 2018, to September 30, 2019 and cover two in-water work windows. Timing restrictions would be complied with to avoid conducting activities when juvenile salmonids are most likely to be present (February–July). To protect Endangered Species Act (ESA)-listed salmonid species, pile driving will only be conducted during the designated in-water work window between July 16 and January 15. A total of 160 days of in-water work will be required during the effective dates of the proposed IHA. Approximately 125 days will be required for installation of steel piles and will use a combination of vibratory (preferred) and impact methods. An estimated 35 days will be required for impact installation of concrete piles. Vibratory pile installation and removal may require a maximum of 5 hours per day while up to 45 minutes of daily impact driving may be required.

Specific Geographic Region

Naval Base Kitsap Bangor is located north of the community of Silverdale in Kitsap County on the Hood Canal (Figure 1–1 in application). Hood Canal is a long, narrow, fjord-like basin of western Puget Sound. Throughout its 67 mi (108 km) length, the width of the canal varies from 1 to 2 mi (1.6 to 3.2 km) and exhibits strong depth/elevation gradients. The tides in Hood Canal are mixed semidiurnal, with one flood and one ebb tidal event with a small to moderate range (1 to 6 ft (0.3 to 1.8 m)) and a second flood and second ebb with a larger range (8 to 16 ft (2.4 to 4.9 m)) during a 24-hour and 50-minute tidal day (URS and SAIC, 1994; Morris *et al.,* 2008).

The proposed location for the SPE is just north of Carlson Spit and south of Keyport/Bangor (KB) Dock (Figure 1–2 in application). Two restricted areas are associated with Naval Base Kitsap Bangor, Naval Restricted Areas 1 and 2 (33 CFR 334.1220), which are depicted in Figure 1–2 in the application relative to the project area.

Detailed Description of Specific Activity

As part of the proposed action, the Navy proposes to extend the existing Service Pier and construct associated support facilities. This action is needed to accommodate the proposed relocation of two SEAWOLF Class submarines from Naval Base Kitsap Bremerton. The existing Bangor waterfront Service Pier will be extended, and associated support facilities will be constructed, including a Waterfront Support Building, Pier Services and Compressor Building, roadway and utility upgrades, a parking lot, and a laydown area. Construction of upland facilities will not result in harassment of marine mammals; therefore, these activities are not included in the Navy's IHA request and are not discussed further.

The proposed extension of the Service Pier will be approximately 68 by 520 ft (21 by 158 m) and will require installation of approximately 203 36-inch (90-centimeter (cm)) diameter steel piles and 50 24-inch (60 cm) diameter steel pipe support piles. Approximately 103 18-inch (45 cm) square concrete fender piles will also be installed. In addition, 27 36-inch (90 cm) diameter steel falsework piles will be temporarily installed and subsequently removed. The pier extension will extend to the southwest from the south end of the existing Service Pier and will parallel Carlson Spit in water depths of 30 to 50 ft (9 to 15 m) below mean lower low water (MLLW), such that the berthing areas for the new submarines will be in water depths of approximately 50 to 85 ft (15 to 26 m) below MLLW. A concrete float 150 ft (46 m) long and 15 ft (4.6 m) wide will be attached to the south side of the SPE. The existing Port Security Barrier (PSB) system will be reconfigured slightly to attach to the end of the new pier extension, with approximately 540 ft (165 m) removed. Removal and disposal of existing PSBs will be implemented as described for the Land-Water Interface project (Navy, 2016a). Construction is expected to require one barge with a crane, one supply barge, a tugboat, and work skiffs. Concurrent driving of separate piles will not occur.

Construction will be preceded by removal of an existing wave screen (including piles) and other existing piles from the Service Pier (Figure 1–4 in application). A total of 36 creosote timber piles (19 18-inch (45 cm) and 17 15-inch (38 cm) piles) will be removed by wrapping the piles with a cable or chain and pulling them or using vibratory extraction; piles will be cut at the mudline if splitting or breakage occurs and they are not able to be pulled. A new wave screen will be installed under the SPE (Figure 1–4). This screen will be approximately 200 ft (60 m) long and 27 ft (8 m) high (below 20 ft (6 m) MLLW to above 7 ft (2 m) MLLW), made of concrete or steel, and attached to steel support piles for the SPE.

Pile driving for steel piles will use a combination of vibratory and impact driving. Because impact driving of steel piles can produce underwater noise levels that have been known to be harmful to fish and wildlife, including marine mammals, vibratory driving will be the primary method utilized to drive steel piles except when geotechnical conditions require use of an impact hammer. An impact hammer will also be used to ''proof'' load-bearing piles driven by vibratory methods. Driving of the concrete piles will use impact methods only. For impact driving, there will be a maximum of 1,600 pile strikes per day. All types of in-water work will occur only during the in-water work period.

Falsework Piles. It is anticipated that 27 36-inch (90 cm) diameter steel piles will be temporarily installed. Falsework piles are used to temporarily support a construction component in place until construction is sufficiently advanced to where the new construction can support itself. All falsework piles will be installed using a vibratory pile driver only and will be extracted with a vibratory pile driver at the conclusion of construction.

Permanent Piles. As shown in Table 1 permanent piles installed include 203 36-inch (90 cm) diameter steel pipe, 50 24-inch (60 cm) diameter steel fender, and 103 18-inch (45 cm) diameter concrete piles. Driving of the steel support piles will use a combination of vibratory (primary) and impact methods and will require up to 125 days of pile driving. When impact driving steel pipe piles, a bubble curtain or other noise attenuation device would be employed for all pile strikes with the possible exception of short periods when the device is turned off to test the effectiveness of the noise attenuation device. Driving of the concrete piles will use impact methods only, and will require up to 35 days of pile driving and would occur for a maximum of 45 minutes a day. Vibratory pile driving

activity in a day will last a maximum of 5 hours, and impact pile driving (if required) will last less than 45 minutes for a total of less than 5 hours and 45 minutes of pile driving activity in a day. All pile driving will be completed in a 12- month period crossing two in-water work periods.

TABLE 1—IN-WATER PILE DRIVING METHODS, PILE CHARACTERISTICS, AND DRIVING DURATIONS

SPE project feature	Method	Pile size and type	Number	Maximum activity duration within 24-hour period	Maximum days
Pile Removal from Existing Wave Screen and Pier.	Vibratory	15-inch (38 cm) to 18-inch (45 cm) creosote- treated timber.	36	5 hours	125 days.
Temporary Falsework	Vibratory installation and removal.	36-inch (90 cm) steel	27	5 hours.	
Small Craft Mooring and Dolphins.	Vibratory, with proofing	24-inch (60 cm) steel	50	5 hours vibratory and up to 45 minutes impact.	
Pier and Wave Screen Attachment.	Vibratory, with proofing	36-inch (90 cm) steel	203	5 hours vibratory and up to 45 minutes impact.	
Fender Piles	Impact	18-inch (45 cm) concrete.	103	0.75 hour	35 days (following completion of timber removal and steel pile installation).

Key: cm = centimeters; SPE = Service Pier Extension.

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; *www.nmfs.noaa.gov/pr/sars/*) and more general information about these species (*e.g.,* physical and behavioral descriptions) may be found on NMFS's website (*www.nmfs.noaa.gov/pr/species/mammals/*).

Table 2 lists all species with expected potential for occurrence in Hood Canal and summarizes information related to the population or stock, including regulatory status under the MMPA and ESA and potential biological removal (PBR), where known. An expected potential was defined as species with any regular occurrence in Hood Canal since 1995. Note that while not observed on a consistent basis, west coast transient killer whales have been recorded intermittently in Hood Canal with the most recent sightings occurring in 2016 as described below. They have also been recorded remaining in the area for extended periods. As such, they have been listed as one of the species for which authorized take has been requested. For taxonomy, we follow Committee on Taxonomy (2017). 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. All managed stocks in this region are assessed in NMFS's U.S. Pacific Marine Mammal SARs (Carretta *et al.,* 2016) or Alaska Marine Mammal SARs (Muto *et al.,* 2016). All values presented in Table 2 are the most recent available at the time of publication and are available in the 2016 SARs (Carretta *et al.,* 2016, Muto *et al.,* 2016) (available online at: *http://www.nmfs.noaa.gov/pr/sars/species.htm*).

TABLE 2—SPECIES PROPOSED FOR AUTHORIZED TAKE

Species	Scientific name	Stock	ESA/MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Cetartiodactyla—Cetacea—Superfamily Odontoceti (toothed whales, dolphins, and porpoises)						
Family Delphinidae:						
Killer whale	*Orcinus orca*	West coast transient	-; N	243 (n/a; 243, 2009) [4]	2.4	0
Family Phocoenidae (porpoises):						
Harbor porpoise	*Phocoena phocoena vomerina*	Washington inland waters	-; N	11,233 (0.37; 8,308; 2015)	66	≥7.2

TABLE 2—SPECIES PROPOSED FOR AUTHORIZED TAKE—Continued

Species	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) [1]	Stock abundance (CV, N_{min}, most recent abundance survey) [2]	PBR	Annual M/SI [3]
Order Carnivora—Superfamily Pinnipedia						
Family Otariidae (eared seals and sea lions):						
California sea lion	*Zalophus californianus*	U.S.	-; N	296,750 (n/a; 153,337; 2011)	9,200	389
Steller sea lion	*Eumetopias jubatus monteriensis*	Eastern U.S.	-; N	41,638 (n/a; 41,638; 2015)	2,498	108
Family Phocidae (earless seals):						
Harbor seal	*Phoca vitulina richardii*	Hood Canal	-; N	1,088 (0.15; unk; 1999) [4]	unk	0.2

[1] Endangered Species Act (ESA) status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

[2] NMFS marine mammal stock assessment reports online at: *www.nmfs.noaa.gov/pr/sars/*. CV is coefficient of variation; Nmin is the minimum estimate of stock abundance. In some cases, CV is not applicable.

[3] These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (*e.g.,* commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

[4] Abundance estimates for these stocks are greater than eight years old and are therefore not considered current. PBR is considered undetermined for these stocks, as there is no current minimum abundance estimate for use in calculation. We nevertheless present the most recent abundance estimates, as these represent the best available information for use in this document.

The following species have been sighted in Hood Canal but are not likely to be found in the activity area and therefore are not analyzed for noise exposure. Humpback whales (*Megaptera novaeangliae*) have been detected year-round in small numbers in Puget Sound; in Hood Canal, after an absence of sightings for over 15 years, an individual was seen over a 1-week period in early 2012, with additional sightings in 2015 and 2016 (Orca Network, 2016). Because these sightings are exceptions to the normal occurrence of the species in Washington inland waters, the species is not included in the analysis in this application. Gray whales (*Eschrichtius robustus*) have been infrequently documented in Hood Canal waters over the past decade. These sightings are an exception to the normal seasonal occurrence of gray whales in Puget Sound feeding areas. Because gray whales are unlikely to be present in Hood Canal, the species is not included in this analysis. The Southern Resident killer whale stock is resident to the inland waters of Washington State and British Columbia; however, it has not been seen in Hood Canal in over 20 years and was therefore excluded from further analysis. Dall's porpoise (*Phocoenoides dalli*) has only been documented once in Hood Canal and is not included in the analysis.

Killer Whale, West Coast Transient Stock

Among the genetically distinct assemblages of killer whales in the northeastern Pacific, the West Coast Transient stock, which occurs from California to southeastern Alaska, is one of two stocks that may occur in Puget Sound. The other is the Southern Resident killer whale population, which has not been detected in Hood Canal since 1995.

The geographical range of the West Coast Transient stock of killer whales includes waters from California through southeastern Alaska with a preference for coastal waters of southern Alaska and British Columbia (Krahn *et al.,* 2002). Transient killer whales in the Pacific Northwest spend most of their time along the outer coast of British Columbia and Washington, but visit inland waters in search of harbor seals, sea lions, and other prey. Some studies have shown seasonal trends: Morton (1990) found bimodal peaks in occurrence during the spring (March) and fall (September to November) on the central coast of British Columbia, and Baird and Dill (1995) noted variability in occurrence and behavior seasonally and between pods with an increase in sightings near harbor seal haulouts off southern Vancouver Island during August and September—the peak period for weaning through post-weaning of harbor seal pups. More recently (2004–2010), another bimodal trend was detected with transient killer whales occurring most frequently in Washington inland waters in April–May and August–September (Houghton *et al.,* 2015). However, transient killer whales may occur in inland waters in any month (Orca Network, 2015), with their habitat use from one day to the next being highly unpredictable. These changes in use are likely related to their stealthy predation behaviors and reduce the chances of detection by their various prey species within the inland waters.

There are few data to describe the transient killer whale habitat use within Hood Canal. Killer whales were historically documented in Hood Canal by sound recordings in 1958 (Ford, 1991), a photograph from 1973, sound recordings in 1995 (Unger, 1997), and also anecdotal accounts of historical use. More recently, there have been sightings data ranging from intermittent observations of one or two animals, to the lengthy stays that were recorded in 2003 of 11 transients that remained for nearly 2 months (59 days), and in 2005 of a group of six that were sighted over a nearly 4-month period. In 2005, transients were documented in the region for a total of 172 days between January and July (London, 2006). There is about a 10-year data gap for Hood Canal transient killer whale use with the sightings reported to the Orca Network in March 2016, when there were sightings over 2 days. Following this, there was a report from 1 day in April 2016 and 8 days in May 2016, with whales in Dabob Bay at least one of the days (Orca Network, 2016). As the sightings in early 2016 were discontinuous, it is likely that the whales were using Hood Canal as part of a larger area moving in and out of Hood Canal. It is not known how large an area these animals were using; it is also unknown if these sightings were all of the same group of transient killer whales, or if animals were using the same areas. However, the temporally discontinuous data suggest a high degree of variability in the habitat use

and localized relative abundances of transient killer whales in Hood Canal. It is also likely that longer periods of more continuous sightings are anomalous, and that the usual use of Hood Canal reflects the typical transient killer whale behavior of short-term occupancy for foraging in a small localized area, then dispersing to other parts of their range.

West Coast Transient killer whales most often travel in small pods of up to four individuals (Baird and Dill, 1996). From 2004–2010 in the Salish Sea, the most frequently observed group size was four whales (Houghton *et al.,* 2015). The most commonly observed group size in Puget Sound through South Puget Sound and north to Skagit Bay from 2004 to 2010 was six whales (mode = 6, mean = 6.88) (Navy, 2017).

Harbor Porpoise

NMFS conservatively recognizes two stocks in Washington waters: The Oregon/Washington Coast stock and the Washington Inland Waters stock (Carretta *et al.,* 2013). Individuals from the Washington Inland Waters stock are expected to occur in Puget Sound.

In Washington Inland waters, harbor porpoise are known to occur in the Strait of Juan de Fuca and the San Juan Island area year-round (Calambokidis and Baird, 1994; Osmek *et al.,* 1996; Carretta *et al.,* 2012). Harbor porpoises were historically one of the most commonly observed marine mammals in Puget Sound (Scheffer and Slipp, 1948); however, there was a significant decline in sightings beginning in the 1940s (Everitt *et al.,* 1979; Calambokidis *et al.,* 1992). Only a few sightings were reported between the 1970s and 1980s (Calambokidis *et al.,* 1992; Osmek *et al.,* 1996; Suryan and Harvey, 1998), and no harbor porpoise sightings were recorded during multiple ship and aerial surveys conducted in Puget Sound (including Hood Canal) in 1991 and 1994 (Calambokidis *et al.,* 1992; Osmek *et al.,* 1996). Incidental sightings of marine mammals during aerial bird surveys conducted as part of the Puget Sound Ambient Monitoring Program (PSAMP) detected few harbor porpoises in Puget Sound between 1992 and 1999 (Nysewander *et al.,* 2005). However, these sightings may have been negatively biased due to the low elevation of the plane, which may have caused an avoidance behavior. Since 1999, PSAMP data, stranding data, and aerial surveys conducted from 2013 to 2015 documented increasing numbers of harbor porpoise in Puget Sound (Nysewander, 2005; WDFW, 2008; Jeffries, 2013; Jefferson *et al.,* 2016).

Sightings in Hood Canal north of the Hood Canal Bridge have increased in recent years (Navy 2017). During line transect vessel surveys conducted in the Hood Canal in 2011 for the TPP near Naval Base Kitsap Bangor and Dabob Bay (HDR Inc., 2012), an average of six harbor porpoises were sighted per day in the deeper waters. Group sizes ranged from 1 to 10 individuals (HDR Inc., 2012). Aerial surveys conducted throughout 2013 to 2015 in Puget Sound indicated density in Puget Sound was 0.91 individuals/square kilometers (km^2)) (95% CI = 0.72–1.10, all seasons pooled) and density in Hood Canal was 0.47/km^2 (95% CI = 0.29–0.75, all seasons pooled) (Jefferson *et al.,* 2016). Mean group size of harbor porpoises in Puget Sound in the 2013–2015 surveys was 1.7 in Hood Canal.

Steller Sea Lion

In the North Pacific, NMFS has designated two Steller sea lion stocks: (1) The western U.S. stock consisting of populations at and west of Cape Suckling, Alaska (144 degrees West longitude); and (2) the Eastern U.S. stock, consisting of populations east of Cape Suckling, Alaska. The western U.S. stock is listed as depleted under the MMPA and endangered under the ESA. Although there is evidence of mixing between the two stocks (Jemison *et al.,* 2013), animals from the western U.S. stock are not present in Puget Sound. Individuals that occur in Puget Sound are of the Eastern Distinct Population Segment (Allen and Angliss, 2013). The Eastern Distinct Population Segment (stock) was removed from listing under the ESA in 2013 because it was stable or increasing throughout the northern portion of its range (Southeast Alaska and British Columbia) and stable or increasing slowly in the central portion of its range (Oregon through northern California) (78 FR 66140; NMFS, 2012a).

The eastern stock of Steller sea lions is found along the coasts of southeast Alaska to northern California where they occur at rookeries and numerous haulout locations along the coastline (Jeffries *et al.,* 2000; Scordino, 2006). Along the northern Washington coast, up to 25 pups are born annually (Jeffries, 2013). Male Steller sea lions often disperse widely outside of the breeding season from breeding rookeries in northern California (St. George Reef) and southern Oregon (Rogue Reef) (Scordino, 2006; Wright *et al.,* 2010). Based on mark recapture sighting studies, males migrate back into these Oregon and California locations from winter feeding areas in Washington, British Columbia, and Alaska (Scordino, 2006).

In Washington, Steller sea lions use haulout sites primarily along the outer coast from the Columbia River to Cape Flattery, as well as along the Vancouver Island side of the Strait of Juan de Fuca (Jeffries *et al.,* 2000). A major winter haulout is located in the Strait of Juan de Fuca at Race Rocks, British Columbia, Canada (Canadian side of the Strait of Juan de Fuca) (Edgell and Demarchi, 2012). Numbers vary seasonally in Washington, with peak numbers present during the fall and winter months and a decline in the summer months that corresponds to the breeding season at coastal rookeries (approximately late May to early June) (Jeffries *et al.,* 2000). In Puget Sound, Jeffries (Navy 2017) identified five winter haulout sites used by adult and subadult (immature or pre-breeding animals) Steller sea lions, ranging from immediately south of Port Townsend (near Admiralty Inlet) to Olympia in southern Puget Sound (Figure 4–1). Numbers of animals observed at these sites ranged from a few to less than 100 (Navy 2017). In addition, Steller sea lions (one to two animals have been observed) opportunistically haul out on various navigational buoys in Admiralty Inlet south through southern Puget Sound near Olympia (Navy 2017).

Surveys at Naval Base Kitsap Bangor indicate Steller sea lions begin arriving in September and depart by the end of May (Navy, 2016b)

California Sea Lion

NMFS has defined one stock for California sea lions (U.S. Stock), with five genetically distinct geographic populations: (1) Pacific Temperate, (2) Pacific Subtropical, (3) Southern Gulf of California, (4) Central Gulf of California, and (5) Northern Gulf of California. The Pacific Temperate population includes rookeries within U.S. waters and the Coronados Islands just south of the U.S./Mexico border. Animals from the Pacific Temperate population range north into Canadian waters, and movement of animals between U.S. waters and Baja California waters has been documented (Carretta *et al.,* 2013).

During the summer, California sea lions breed on islands from the Gulf of California to the Channel Islands and seldom travel more than about 31 mi (50 km) from the islands. The primary rookeries are located on the California Channel Islands of San Miguel, San Nicolas, Santa Barbara, and San Clemente. Their distribution shifts to the northwest in fall and to the southeast during winter and spring, probably in response to changes in prey availability. In the nonbreeding season, adult and subadult males migrate

northward along the coast to central and northern California, Oregon, Washington, and Vancouver Island, and return south in the spring. They are occasionally sighted hundreds of miles offshore. Primarily male California sea lions migrate into northwest waters with most adult females with pups remaining in waters near their breeding rookeries off the coasts of California and Mexico. Females and juveniles tend to stay closer to the rookeries. California sea lions also enter bays, harbors, and river mouths and often haul out on man-made structures such as piers, jetties, offshore buoys, and oil platforms.

Jeffries *et al.* (2000) and Jeffries (Navy 2017) identified dedicated, regular haulouts used by adult and subadult California sea lions in Washington inland waters (Figure 4–1). Main haulouts occur at Naval Base Kitsap Bangor, Naval Base Kitsap Bremerton, and Naval Station (NAVSTA) Everett, as well as in Rich Passage near Manchester, Seattle (Shilshole Bay), south Puget Sound (Commencement Bay, Budd Inlet), and numerous navigation buoys south of Whidbey Island to Olympia in south Puget Sound (Jeffries *et al.,* 2000) (Figure 4–1). Race Rocks, British Columbia, Canada (Canadian side of the Strait of Juan de Fuca) has been identified as a major winter haulout for California sea lions (Edgell and Demarchi, 2012).

California sea lions are typically present most of the year except for mid-June through July in Washington inland waters, with peak abundance numbers between October and May (NMFS, 1997; Jeffries *et al.,* 2000). California sea lions would be expected to forage within the area, following local prey availability. During summer months and associated breeding periods, the inland waters would not be considered a high-use area by California sea lions, as they would be returning to rookeries in California waters. However, California sea lions have been documented during shore-based surveys at Naval Base Kitsap Bangor in Hood Canal since 2008 in all survey months, with as many as 122 individuals observed at one time (November 2013) hauled out on submarines at Delta Pier and on PSB floats (Navy, 2016b, Appendix A). Relatively few individuals (< nine sighted per survey) were present during these surveys from June through August.

Harbor Seal

Three harbor seal stocks occur in Washington's inland waters:

- Hood Canal;
- Northern Inland Waters; and
- Southern Puget Sound stocks.

Based on radiotelemetry results, interchange between inland and coastal stocks is unlikely (Jeffries *et al.,* 2003).

Harbor seals are a coastal species, rarely found more than 12 mi (19 km) from shore, and frequently occupy bays, estuaries, and inlets (Baird, 2001). Individual seals have been observed several miles upstream in coastal rivers (Baird, 2001). Ideal harbor seal habitat includes haulout sites, shelter during the breeding periods, and sufficient food (Bjørge, 2002). Haulout areas can include intertidal and subtidal rock outcrops, sandbars, sandy beaches, peat banks in salt marshes, and man-made structures such as log booms, docks, and recreational floats (Wilson, 1978; Prescott, 1982; Schneider and Payne, 1983, Gilbert and Guldager, 1998; Jeffries *et al.,* 2000; Lambourn *et al.,* 2010). Harbor seals do not make extensive pelagic migrations, though some long distance movement of tagged animals in Alaska (108 mi (174 km)) and along the U.S. west coast (up to 342 mi (550 km)) have been recorded (Brown and Mate, 1983; Womble and Gende, 2013). Harbor seals have also displayed strong fidelity to haulout sites.

Harbor seals are the most common, widely distributed marine mammal found in Washington marine waters and are frequently observed in the nearshore marine environment. They occur year-round and breed in Washington. Numerous harbor seal haulouts occur in Washington inland waters. Numbers of individuals at haulouts range from a few to between 100 and 500 individuals (Jeffries *et al.,* 2000).

Harbor seals are expected to occur year-round at Naval Base Kitsap Bangor. In Hood Canal, where Naval Base Kitsap Bangor is located, known haulouts occur on the west side of Hood Canal at the mouth of the Dosewallips River and on the western and northern shorelines in Dabob Bay, located approximately 8.1 miles away from the Navy's installation (Figure 4–1). Vessel-based surveys conducted from 2007 to 2010 at Naval Base Kitsap Bangor observed harbor seals in every month of surveys (Agness and Tannenbaum, 2009; Tannenbaum *et al.,* 2009, 2011). Harbor seals were routinely seen during marine mammal monitoring for two construction projects, the Test Pile Project and EHW–2 construction projects (HDR Inc., 2012; Hart Crowser, 2013, 2014, 2015). Small numbers of harbor seals have been documented hauling out on the PSB floats, wavescreen at Carderock Pier, buoys, barges, marine vessels, and logs (Agness and Tannenbaum, 2009; Tannenbaum *et al.,* 2009, 2011; Navy, 2016b) and on man-made floating structures near KB Dock and Delta Pier. Incidental surveys by a Navy biologist in August and September 2016 recorded as many as 28 harbor seals hauled out under Marginal Wharf or swimming in adjacent waters. On two occasions, four to six individuals were observed hauled out near Delta Pier. The repeated sightings of harbor seals in this area suggest a high degree of tolerance by these individuals for the anthropogenic activity associated with Naval Base Kitsap Bangor. It is also likely that these are sightings of the same individuals, rather than different animals being observed at the same locations.

Past IHA applications for Naval Base Kitsap Bangor indicated a few observations of harbor seal births or neonates. In 2014, the Navy's knowledge of harbor seal births increased due to increased pinniped surveys on the waterfront and increased contact with waterfront personnel who have had lengthy careers at Bangor (Navy, 2016b). Known harbor seal births include one on the Carderock wave screen in August 2011; at least one on a small 10 x 10 ft (3 x 3 m) floating dock at EHW–2 in fall 2013, as reported by EHW–2 construction crew; and afterbirth on a float at Magnetic Silencing Facility with an unknown date. In addition, Navy biologists learned that harbor seal pupping has occurred on a section of the Service Pier since approximately 2001, according to the Port Operations vessel crews. Harbor seal mother and pup sets were observed in 2014 hauled out on the Carderock wavescreen and swimming in nearby waters, and swimming in the vicinity of Delta Pier (Navy, 2016b).

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Current data indicate that not all marine mammal species have equal hearing capabilities (*e.g.,* Richardson *et al.,* 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007) recommended that marine mammals be divided into functional hearing groups based on directly measured or estimated hearing ranges on the basis of available behavioral response data, audiograms derived using auditory evoked potential techniques, anatomical modeling, and other data. Note that no direct measurements of hearing ability have been successfully completed for mysticetes (*i.e.,* low-frequency

cetaceans). Subsequently, NMFS (2016) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65 decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to be biologically implausible and the lower bound from Southall *et al.* (2007) retained. The functional groups and the associated frequencies are indicated below (note that these frequency ranges correspond to the range for the composite group, with the entire range not necessarily reflecting the capabilities of every species within that group):

- Mid-frequency cetaceans (larger toothed whales, beaked whales, and most delphinids): Generalized hearing is estimated to occur between approximately 150 hertz (Hz) and 160 kilohertz (kHz);
- High-frequency cetaceans (porpoises, river dolphins, and members of the genera Kogia and Cephalorhynchus; including two members of the genus Lagenorhynchus, on the basis of recent echolocation data and genetic data): Generalized hearing is estimated to occur between approximately 275 Hz and 160 kHz;
- Pinnipeds in water; Phocidae (true seals): Generalized hearing is estimated to occur between approximately 50 Hz to 86 kHz; and
- Pinnipeds in water; Otariidae (eared seals): Generalized hearing is estimated to occur between 60 Hz and 39 kHz.

The pinniped functional hearing group was modified from Southall *et al.* (2007) on the basis of data indicating that phocid species have consistently demonstrated an extended frequency range of hearing compared to otariids, especially in the higher frequency range (Hemilä *et al.,* 2006; Kastelein *et al.,* 2009; Reichmuth and Holt, 2013).

For more detail concerning these groups and associated frequency ranges, please see NMFS (2016) for a review of available information. Five marine mammal species (two cetacean and three pinniped (two otariid and 1 phocid) species) have the reasonable potential to co-occur with the proposed survey activities. Of the cetacean species that may be present, killer whales are classified as mid-frequency cetaceans and harbor porpoises are classified as high-frequency cetaceans.

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.

Description of Sound Sources

Sound travels in waves, the basic components of which are frequency, wavelength, velocity, and amplitude. Frequency is the number of pressure waves that pass by a reference point per unit of time and is measured in Hz or cycles per second. Wavelength is the distance between two peaks of a sound wave; lower frequency sounds have longer wavelengths than higher frequency sounds and attenuate (decrease) more rapidly in shallower water. Amplitude is the height of the sound pressure wave or the 'loudness' of a sound and is typically measured using the dB scale. A dB is the ratio between a measured pressure (with sound) and a reference pressure (sound at a constant pressure, established by scientific standards). It is a logarithmic unit that accounts for large variations in amplitude; therefore, relatively small changes in dB ratings correspond to large changes in sound pressure. When referring to sound pressure levels (SPLs; the sound force per unit area), sound is referenced in the context of underwater sound pressure to 1 micro pascal (μPa). One pascal is the pressure resulting from a force of one newton exerted over an area of one square meter. The source level (SL) represents the sound level at a distance of 1 m from the source (referenced to 1 μPa). The received level is the sound level at the listener's position. Note that all underwater sound levels in this document are referenced to a pressure of 1 μPa and all airborne sound levels in this document are referenced to a pressure of 20 μPa.

Root mean square (rms) is the quadratic mean sound pressure over the duration of an impulse. Rms is calculated by squaring all of the sound amplitudes, averaging the squares, and then taking the square root of the average (Urick, 1983). Rms accounts for both positive and negative values; squaring the pressures makes all values positive so that they may be accounted for in the summation of pressure levels (Hastings and Popper 2005). This measurement is often used in the context of discussing behavioral effects, in part because behavioral effects, which often result from auditory cues, may be better expressed through averaged units than by peak pressures.

When underwater objects vibrate or activity occurs, sound-pressure waves are created. These waves alternately compress and decompress the water as the sound wave travels. Underwater sound waves radiate in all directions away from the source (similar to ripples on the surface of a pond), except in cases where the source is directional. The compressions and decompressions associated with sound waves are detected as changes in pressure by aquatic life and man-made sound receptors such as hydrophones.

Even in the absence of sound from the specified activity, the underwater environment is typically loud due to ambient sound. Ambient sound is defined as environmental background sound levels lacking a single source or point (Richardson *et al.,*1995), and the sound level of a region is defined by the total acoustical energy being generated by known and unknown sources. These sources may include physical (*e.g.,* waves, earthquakes, ice, atmospheric sound), biological (*e.g.,* sounds produced by marine mammals, fish, and invertebrates), and anthropogenic sound (*e.g.,* vessels, dredging, aircraft, construction). A number of sources contribute to ambient sound, including the following (Richardson *et al.,* 1995):

- Wind and waves: The complex interactions between wind and water surface, including processes such as breaking waves and wave-induced bubble oscillations and cavitation, are a main source of naturally occurring ambient noise for frequencies between 200 Hz and 50 kHz (Mitson, 1995). In general, ambient sound levels tend to increase with increasing wind speed and wave height. Surf noise becomes important near shore, with measurements collected at a distance of 8.5 km from shore showing an increase of 10 dB in the 100 to 700 Hz band during heavy surf conditions;
- Precipitation: Sound from rain and hail impacting the water surface can become an important component of total noise at frequencies above 500 Hz, and possibly down to 100 Hz during quiet times;
- Biological: Marine mammals can contribute significantly to ambient noise levels, as can some fish and shrimp. The frequency band for biological

contributions is from approximately 12 Hz to over 100 kHz; and

• Anthropogenic: Sources of ambient noise related to human activity include transportation (surface vessels and aircraft), dredging and construction, oil and gas drilling and production, seismic surveys, sonar, explosions, and ocean acoustic studies. Shipping noise typically dominates the total ambient noise for frequencies between 20 and 300 Hz. In general, the frequencies of anthropogenic sounds are below 1 kHz and, if higher frequency sound levels are created, they attenuate rapidly (Richardson *et al.,* 1995). Sound from identifiable anthropogenic sources other than the activity of interest (*e.g.,* a passing vessel) is sometimes termed background sound, as opposed to ambient sound.

The sum of the various natural and anthropogenic sound sources at any given location and time—which comprise ''ambient'' or ''background'' sound—depends not only on the source levels (as determined by current weather conditions and levels of biological and shipping activity) but also on the ability of sound to propagate through the environment. In turn, sound propagation is dependent on the spatially and temporally varying properties of the water column and sea floor, and is frequency-dependent. As a result of the dependence on a large number of varying factors, ambient sound levels can be expected to vary widely over both coarse and fine spatial and temporal scales. Sound levels at a given frequency and location can vary by 10–20 dB from day to day (Richardson *et al.,* 1995). The result is that, depending on the source type and its intensity, sound from the specified activity may be a negligible addition to the local environment or could form a distinctive signal that may affect marine mammals.

In-water construction activities associated with the project would include impact pile driving, vibratory pile driving and vibratory pile extraction. The sounds produced by these activities fall into one of two general sound types: Pulsed and non-pulsed (defined in the following paragraphs). The distinction between these two sound types is important because they have differing potential to cause physical effects, particularly with regard to hearing (*e.g.,* Ward, 1997 in Southall *et al.,* 2007). Please see Southall *et al.,* (2007) for an in-depth discussion of these concepts.

Pulsed sound sources (*e.g.,* explosions, gunshots, sonic booms, impact pile driving) produce signals that are brief (typically considered to be less than one second), broadband, atonal transients (ANSI, 1986; Harris, 1998; ISO, 2003) and occur either as isolated events or repeated in some succession. Pulsed sounds are all characterized by a relatively rapid rise from ambient pressure to a maximal pressure value followed by a rapid decay period that may include a period of diminishing, oscillating maximal and minimal pressures, and generally have an increased capacity to induce physical injury as compared with sounds that lack these features.

Non-pulsed sounds can be tonal, narrowband, or broadband, brief or prolonged, and may be either continuous or non-continuous (ANSI, 1995; NIOSH, 1998). Some of these non-pulsed sounds can be transient signals of short duration but without the essential properties of pulses (*e.g.,* rapid rise time). Examples of non-pulsed sounds include those produced by vessels, aircraft, machinery operations such as drilling, vibratory pile driving, and active sonar systems (such as those used by the U.S. Navy). The duration of such sounds, as received at a distance, can be greatly extended in a highly reverberant environment.

Impact hammers operate by repeatedly dropping a heavy piston onto a pile to drive the pile into the substrate. Sound generated by impact hammers is characterized by rapid rise times and high peak levels, a potentially injurious combination (Hastings and Popper 2005). Vibratory hammers install piles by vibrating them and allowing the weight of the hammer to push them into the sediment. Vibratory hammers produce significantly less sound than impact hammers. Peak SPLs may be 180 dB or greater, but are generally 10 to 20 dB lower than SPLs generated during impact pile driving of the same-sized pile (Oestman *et al.,* 2009). Rise time is slower, reducing the probability and severity of injury, and sound energy is distributed over a greater amount of time (Nedwell and Edwards 2002).

Acoustic Impacts

Please refer to the information given previously (*Description of Sound Sources*) regarding sound, characteristics of sound types, and metrics used in this document. Anthropogenic sounds cover a broad range of frequencies and sound levels and can have a range of highly variable impacts on marine life, from none or minor to potentially severe responses, depending on received levels, duration of exposure, behavioral context, and various other factors. The potential effects of underwater sound from active acoustic sources can potentially result in one or more of the following: Temporary or permanent hearing impairment, non-auditory physical or physiological effects, behavioral disturbance, stress, and masking (Richardson *et al.,* 1995; Gordon *et al.,* 2004; Nowacek *et al.,* 2007; Southall *et al.,* 2007). The degree of effect is intrinsically related to the signal characteristics, received level, distance from the source, and duration of the sound exposure. In general, sudden, high level sounds can cause hearing loss, as can longer exposures to lower level sounds. Temporary or permanent loss of hearing will occur almost exclusively for noise within an animal's hearing range. In this section, we first describe specific manifestations of acoustic effects before providing discussion specific to the proposed construction activities in the next section.

Permanent Threshold Shift—Marine mammals exposed to high-intensity sound, or to lower-intensity sound for prolonged periods, can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Kastak *et al.,* 1999; Schlundt *et al.,* 2000; Finneran *et al.,* 2002, 2005). TS can be permanent (PTS), in which case the loss of hearing sensitivity is not fully recoverable, or temporary (TTS), in which case the animal's hearing threshold would recover over time (Southall *et al.,* 2007). Repeated sound exposure that leads to TTS could cause PTS. In severe cases of PTS, there can be total or partial deafness, while in most cases the animal has an impaired ability to hear sounds in specific frequency ranges (Kryter 1985).

When PTS occurs, there is physical damage to the sound receptors in the ear (*i.e.,* tissue damage), whereas TTS represents primarily tissue fatigue and is reversible (Southall *et al.,* 2007). In addition, other investigators have suggested that TTS is within the normal bounds of physiological variability and tolerance and does not represent physical injury (*e.g.,* Ward 1997). Therefore, NMFS does not consider TTS to constitute auditory injury.

Relationships between TTS and PTS thresholds have not been studied in marine mammals—PTS data exists only for a single harbor seal (Kastak *et al.,* 2008)—but are assumed to be similar to those in humans and other terrestrial mammals. PTS typically occurs at exposure levels at least several dB above (a 40–dB threshold shift approximates PTS onset; *e.g.,* Kryter *et al.,* 1966; Miller 1974) that inducing mild TTS (a 6–dB threshold shift approximates TTS onset; *e.g.,* Southall *et al.,* 2007). Based

on data from terrestrial mammals, a precautionary assumption is that the PTS thresholds for impulse sounds (such as impact pile driving pulses as received close to the source) are at least six dB higher than the TTS threshold on a peak-pressure basis and PTS cumulative sound exposure level thresholds are 15 to 20 dB higher than TTS cumulative sound exposure level thresholds (Southall *et al.,* 2007).

Temporary Threshold Shift—TTS is the mildest form of hearing impairment that can occur during exposure to sound (Kryter 1985). While experiencing TTS, the hearing threshold rises, and a sound must be at a higher level in order to be heard. In terrestrial and marine mammals, TTS can last from minutes or hours to days (in cases of strong TTS). In many cases, hearing sensitivity recovers rapidly after exposure to the sound ends.

Marine mammal hearing plays a critical role in communication with conspecifics, and interpretation of environmental cues for purposes such as predator avoidance and prey capture. Depending on the degree (elevation of threshold in dB), duration (*i.e.,* recovery time), and frequency range of TTS, and the context in which it is experienced, TTS can have effects on marine mammals ranging from discountable to serious. For example, a marine mammal may be able to readily compensate for a brief, relatively small amount of TTS in a non-critical frequency range that occurs during a time where ambient noise is lower and there are not as many competing sounds present. Alternatively, a larger amount and longer duration of TTS sustained during time when communication is critical for successful mother/calf interactions could have more serious impacts.

Currently, TTS data only exist for four species of cetaceans (bottlenose dolphin (*Tursiops truncatus*), beluga whale (*Delphinapterus leucas),* harbor porpoise, and Yangtze finless porpoise (*Neophocoena asiaeorientalis*)); and three species of pinnipeds (northern elephant seal (*Mirounga angustirostris*), harbor seal, and California sea lion exposed to a limited number of sound sources (*i.e.,* mostly tones and octave-band noise) in laboratory settings (*e.g.,* Finneran *et al.,* 2002; Nachtigall *et al.,* 2004; Kastak *et al.,* 2005; Lucke *et al.,* 2009; Popov *et al.,* 2011). In general, harbor seals (Kastak *et al.,* 2005; Kastelein *et al.,* 2012a) and harbor porpoises (Lucke *et al.,* 2009; Kastelein *et al.,* 2012b) have a lower TTS onset than other measured pinniped or cetacean species. Additionally, the existing marine mammal TTS data come from a limited number of individuals within these species. There are no data available on noise-induced hearing loss for mysticetes. For summaries of data on TTS in marine mammals or for further discussion of TTS onset thresholds, please see Southall *et al.* (2007), Finneran and Jenkins (2012), and Finneran (2015).

Behavioral Effects—Behavioral disturbance may include a variety of effects, including subtle changes in behavior (*e.g.,* minor or brief avoidance of an area or changes in vocalizations), more conspicuous changes in similar behavioral activities, and more sustained and/or potentially severe reactions, such as displacement from or abandonment of high-quality habitat. Behavioral responses to sound are highly variable and context-specific and any reactions depend on numerous intrinsic and extrinsic factors (*e.g.,* species, state of maturity, experience, current activity, reproductive state, auditory sensitivity, time of day), as well as the interplay between factors (*e.g.,* Richardson *et al.,* 1995; Wartzok *et al.,* 2003; Southall *et al.,* 2007; Weilgart, 2007; Archer *et al.,* 2010). Behavioral reactions can vary not only among individuals but also within an individual, depending on previous experience with a sound source, context, and numerous other factors (Ellison *et al.,* 2012), and can vary depending on characteristics associated with the sound source (*e.g.,* whether it is moving or stationary, number of sources, distance from the source). Please see Appendices B–C of Southall *et al.* (2007) for a review of studies involving marine mammal behavioral responses to sound.

Habituation can occur when an animal's response to a stimulus wanes with repeated exposure, usually in the absence of unpleasant associated events (Wartzok *et al.,* 2003). Animals are most likely to habituate to sounds that are predictable and unvarying. It is important to note that habituation is appropriately considered as a ''progressive reduction in response to stimuli that are perceived as neither aversive nor beneficial,'' rather than as, more generally, moderation in response to human disturbance (Bejder *et al.,* 2009). The opposite process is sensitization, when an unpleasant experience leads to subsequent responses, often in the form of avoidance, at a lower level of exposure. As noted, behavioral state may affect the type of response. For example, animals that are resting may show greater behavioral change in response to disturbing sound levels than animals that are highly motivated to remain in an area for feeding (Richardson *et al.,* 1995; NRC, 2003; Wartzok *et al.,* 2003). Controlled experiments with captive marine mammals have showed pronounced behavioral reactions, including avoidance of loud sound sources (Ridgway *et al.,* 1997; Finneran *et al.,* 2003). Observed responses of wild marine mammals to loud pulsed sound sources (typically seismic airguns or acoustic harassment devices) have been varied but often consist of avoidance behavior or other behavioral changes suggesting discomfort (Morton and Symonds, 2002; see also Richardson *et al.,* 1995; Nowacek *et al.,* 2007).

Available studies show wide variation in response to underwater sound; therefore, it is difficult to predict specifically how any given sound in a particular instance might affect marine mammals perceiving the signal. If a marine mammal does react briefly to an underwater sound 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 a sound source 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; NRC, 2003). However, there are broad categories of potential response, which we describe in greater detail here, that include alteration of dive behavior, alteration of foraging behavior, effects to breathing, interference with or alteration of vocalization, avoidance, and flight.

Changes in dive behavior can vary widely, and may consist of increased or decreased dive times and surface intervals as well as changes in the rates of ascent and descent during a dive (*e.g.,* Frankel and Clark, 2000; Costa *et al.,* 2003; Ng and Leung, 2003; Nowacek *et al.;* 2004; Goldbogen *et al.,* 2013a,b). Variations in dive behavior may reflect interruptions in biologically significant activities (*e.g.,* foraging) or they may be of little biological significance. The impact of an alteration to dive behavior resulting from an acoustic exposure depends on what the animal is doing at the time of the exposure and the type and magnitude of the response.

Disruption of feeding behavior can be difficult to correlate with anthropogenic sound exposure, so it is usually inferred by observed displacement from known foraging areas, the appearance of secondary indicators (*e.g.,* bubble nets or sediment plumes), or changes in dive behavior. As for other types of behavioral response, the frequency, duration, and temporal pattern of signal presentation, as well as differences in species sensitivity, are likely

contributing factors to differences in response in any given circumstance (*e.g.,* Croll *et al.,* 2001; Nowacek *et al.,* 2004; Madsen *et al.,* 2006; Yazvenko *et al.,* 2007). A determination of whether foraging disruptions incur fitness consequences would require information on or estimates of the energetic requirements of the affected individuals and the relationship between prey availability, foraging effort and success, and the life history stage of the animal.

Variations in respiration naturally vary with different behaviors and alterations to breathing rate as a function of acoustic exposure can be expected to co-occur with other behavioral reactions, such as a flight response or an alteration in diving. However, respiration rates in and of themselves may be representative of annoyance or an acute stress response. Various studies have shown that respiration rates may either be unaffected or could increase, depending on the species and signal characteristics, again highlighting the importance in understanding species differences in the tolerance of underwater noise when determining the potential for impacts resulting from anthropogenic sound exposure (*e.g.,* Kastelein *et al.,* 2001, 2005b, 2006; Gailey *et al.,* 2007).

Marine mammals vocalize for different purposes and across multiple modes, such as whistling, echolocation click production, calling, and singing. Changes in vocalization behavior in response to anthropogenic noise can occur for any of these modes and may result from a need to compete with an increase in background noise or may reflect increased vigilance or a startle response. For example, in the presence of potentially masking signals, humpback whales and killer whales have been observed to increase the length of their songs (Miller *et al.,* 2000; Fristrup *et al.,* 2003; Foote *et al.,* 2004), while right whales have been observed to shift the frequency content of their calls upward while reducing the rate of calling in areas of increased anthropogenic noise (Parks *et al.,* 2007b). In some cases, animals may cease sound production during production of aversive signals (Bowles *et al.,* 1994).

Avoidance is the displacement of an individual from an area or migration path as a result of the presence of a sound or other stressors, and is one of the most obvious manifestations of disturbance in marine mammals (Richardson *et al.,* 1995). For example, gray whales are known to change direction—deflecting from customary migratory paths—in order to avoid noise from seismic surveys (Malme *et al.,* 1984). Avoidance may be short-term, with animals returning to the area once the noise has ceased (*e.g.,* Bowles *et al.,* 1994; Goold, 1996; Stone *et al.,* 2000; Morton and Symonds, 2002; Gailey *et al.,* 2007). Longer-term displacement is possible, however, which may lead to changes in abundance or distribution patterns of the affected species in the affected region if habituation to the presence of the sound does not occur (*e.g.,* Blackwell *et al.,* 2004; Bejder *et al.,* 2006; Teilmann *et al.,* 2006).

A flight response is a dramatic change in normal movement to a directed and rapid movement away from the perceived location of a sound source. The flight response differs from other avoidance responses in the intensity of the response (*e.g.,* directed movement, rate of travel). Relatively little information on flight responses of marine mammals to anthropogenic signals exist, although observations of flight responses to the presence of predators have occurred (Connor and Heithaus, 1996). The result of a flight response could range from brief, temporary exertion and displacement from the area where the signal provokes flight to, in extreme cases, marine mammal strandings (Evans and England 2001). However, it should be noted that response to a perceived predator does not necessarily invoke flight (Ford and Reeves 2008), and whether individuals are solitary or in groups may influence the response.

Behavioral disturbance can also impact marine mammals in more subtle ways. Increased vigilance may result in costs related to diversion of focus and attention (*i.e.,* when a response consists of increased vigilance, it may come at the cost of decreased attention to other critical behaviors such as foraging or resting). These effects have generally not been demonstrated for marine mammals, but studies involving fish and terrestrial animals have shown that increased vigilance may substantially reduce feeding rates (*e.g.,* Beauchamp and Livoreil, 1997; Fritz *et al.,* 2002; Purser and Radford, 2011). In addition, chronic disturbance can cause population declines through reduction of fitness (*e.g.,* decline in body condition) and subsequent reduction in reproductive success, survival, or both (*e.g.,* Harrington and Veitch, 1992; Daan *et al.,* 1996; Bradshaw *et al.,* 1998). However, Ridgway *et al.* (2006) reported that increased vigilance in bottlenose dolphins exposed to sound over a five-day period did not cause any sleep deprivation or stress effects.

Many animals perform vital functions, such as feeding, resting, traveling, and socializing, on a diel cycle (24-hour cycle). Disruption of such functions resulting from reactions to stressors such as sound exposure are more likely to be significant if they last more than one diel cycle or recur on subsequent days (Southall *et al.,* 2007). Consequently, a behavioral response lasting less than one day and not recurring on subsequent days is not considered particularly severe unless it could directly affect reproduction or survival (Southall *et al.,* 2007). Note that there is a difference between multi-day substantive behavioral reactions and multi-day anthropogenic activities. For example, just because an activity lasts for multiple days does not necessarily mean that individual animals are either exposed to activity-related stressors for multiple days or, further, exposed in a manner resulting in sustained multi-day substantive behavioral responses.

Stress Responses—An animal's perception of a threat may be sufficient to trigger stress responses consisting of some combination of behavioral responses, autonomic nervous system responses, neuroendocrine responses, or immune responses (*e.g.,* Seyle, 1950; Moberg, 2000). In many cases, an animal's first and sometimes most economical (in terms of energetic costs) response is behavioral avoidance of the potential stressor. Autonomic nervous system responses to stress typically involve changes in heart rate, blood pressure, and gastrointestinal activity. These responses have a relatively short duration and may or may not have a significant long-term effect on an animal's fitness.

Neuroendocrine stress responses often involve the hypothalamus-pituitary-adrenal system. Virtually all neuroendocrine functions that are affected by stress—including immune competence, reproduction, metabolism, and behavior—are regulated by pituitary hormones. Stress-induced changes in the secretion of pituitary hormones have been implicated in failed reproduction, altered metabolism, reduced immune competence, and behavioral disturbance (*e.g.,* Moberg, 1987; Blecha, 2000). Increases in the circulation of glucocorticoids are also equated with stress (Romano *et al.,* 2004).

The primary distinction between stress (which is adaptive and does not normally place an animal at risk) and ''distress'' is the cost of the response. During a stress response, an animal uses glycogen stores that can be quickly replenished once the stress is alleviated. In such circumstances, the cost of the stress response would not pose serious fitness consequences. However, when an animal does not have sufficient

energy reserves to satisfy the energetic costs of a stress response, energy resources must be diverted from other functions. This state of distress will last until the animal replenishes its energetic reserves sufficient to restore normal function.

Relationships between these physiological mechanisms, animal behavior, and the costs of stress responses are well-studied through controlled experiments and for both laboratory and free-ranging animals (*e.g.,* Holberton *et al.,* 1996; Hood *et al.,* 1998; Jessop *et al.,* 2003; Krausman *et al.,* 2004; Lankford *et al.,* 2005). Stress responses due to exposure to anthropogenic sounds or other stressors and their effects on marine mammals have also been reviewed (Fair and Becker, 2000; Romano *et al.,* 2002b) and, more rarely, studied in wild populations (*e.g.,* Romano *et al.,* 2002a). For example, Rolland *et al.* (2012) found that noise reduction from reduced ship traffic in the Bay of Fundy was associated with decreased stress in North Atlantic right whales. These and other studies lead to a reasonable expectation that some marine mammals will experience physiological stress responses upon exposure to acoustic stressors and that it is possible that some of these would be classified as ''distress.'' In addition, any animal experiencing TTS would likely also experience stress responses (NRC 2003).

Auditory Masking—Sound can disrupt behavior through masking, or interfering with, an animal's ability to detect, recognize, or discriminate between acoustic signals of interest (*e.g.,* those used for intraspecific communication and social interactions, prey detection, predator avoidance, navigation) (Richardson *et al.,* 1995). Masking occurs when the receipt of a sound is interfered with by another coincident sound at similar frequencies and at similar or higher intensity, and may occur whether the sound is natural (*e.g.,* snapping shrimp, wind, waves, precipitation) or anthropogenic (*e.g.,* shipping, sonar, seismic exploration) in origin. The ability of a noise source to mask biologically important sounds depends on the characteristics of both the noise source and the signal of interest (*e.g.,* signal-to-noise ratio, temporal variability, direction), in relation to each other and to an animal's hearing abilities (*e.g.,* sensitivity, frequency range, critical ratios, frequency discrimination, directional discrimination, age or TTS hearing loss), and existing ambient noise and propagation conditions.

Under certain circumstances, marine mammals experiencing significant masking could also be impaired from maximizing their performance fitness in survival and reproduction. Therefore, when the coincident (masking) sound is man-made, it may be considered harassment when disrupting or altering critical behaviors. It is important to distinguish TTS and PTS, which persist after the sound exposure, from masking, which occurs during the sound exposure. Because masking (without resulting in TS) is not associated with abnormal physiological function, it is not considered a physiological effect, but rather a potential behavioral effect.

The frequency range of the potentially masking sound is important in determining any potential behavioral impacts. For example, low-frequency signals may have less effect on high-frequency echolocation sounds produced by odontocetes but are more likely to affect detection of mysticete communication calls and other potentially important natural sounds such as those produced by surf and some prey species. The masking of communication signals by anthropogenic noise may be considered as a reduction in the communication space of animals (*e.g.,* Clark *et al.,* 2009) and may result in energetic or other costs as animals change their vocalization behavior (*e.g.,* Miller *et al.,* 2000; Foote *et al.,* 2004; Parks *et al.,* 2007b; Di Iorio and Clark 2009; Holt *et al.,* 2009). Masking can be reduced in situations where the signal and noise come from different directions (Richardson *et al.,* 1995), through amplitude modulation of the signal, or through other compensatory behaviors (Houser and Moore 2014). Masking can be tested directly in captive species (*e.g.,* Erbe, 2008), but in wild populations it must be either modeled or inferred from evidence of masking compensation. There are few studies addressing real-world masking sounds likely to be experienced by marine mammals in the wild (*e.g.,* Branstetter *et al.,* 2013).

Masking affects both senders and receivers of acoustic signals and can potentially have long-term chronic effects on marine mammals at the population level as well as at the individual level. Low-frequency ambient sound levels have increased by as much as 20 dB (more than three times in terms of SPL) in the world's ocean from pre-industrial periods, with most of the increase from distant commercial shipping (Hildebrand, 2009). All anthropogenic sound sources, but especially chronic and lower-frequency signals (*e.g.,* from vessel traffic), contribute to elevated ambient sound levels, thus intensifying masking.

Non-Auditory Physiological Effects—Non-auditory physiological effects or injuries that theoretically might occur in marine mammals exposed to strong underwater sound include stress, neurological effects, bubble formation, resonance effects, and other types of organ or tissue damage (Cox *et al.,* 2006; Southall *et al.,* 2007). Studies examining such effects are limited. In general, little is known about the potential for pile driving to cause auditory impairment or other physical effects in marine mammals. Available data suggest that such effects, if they occur at all, would presumably be limited to short distances from the sound source, where SLs are much higher, and to activities that extend over a prolonged period. The available data do not allow identification of a specific exposure level above which non-auditory effects can be expected (Southall *et al.,* 2007) or any meaningful quantitative predictions of the numbers (if any) of marine mammals that might be affected in those ways. However, the proposed activities do not involve the use of devices such as explosives or mid-frequency active sonar that are associated with these types of effects. Therefore, non-auditory physiological impacts to marine mammals are considered unlikely.

Underwater Acoustic Effects From the Proposed Activities

Potential Effects of Pile Driving Sound—The effects of sounds from pile driving might include one or more of the following: Temporary or permanent hearing impairment, non-auditory physical or physiological effects, and behavioral disturbance (Richardson *et al.,* 1995; Gordon *et al.,* 2003; Nowacek *et al.,* 2007; Southall *et al.,* 2007). The effects of pile driving on marine mammals are dependent on several factors, including the type and depth of the animal; the pile size and type, and the intensity and duration of the pile driving sound; the substrate; the standoff distance between the pile and the animal; and the sound propagation properties of the environment. Impacts to marine mammals from pile driving activities are expected to result primarily from acoustic pathways. As such, the degree of effect is intrinsically related to the frequency, received level, and duration of the sound exposure, which are in turn influenced by the distance between the animal and the source. The further away from the source, the less intense the exposure should be. The substrate and depth of the habitat affect the sound propagation properties of the environment. In addition, substrates that are soft (*e.g.,*

sand) would absorb or attenuate the sound more readily than hard substrates (*e.g.,* rock) which may reflect the acoustic wave. Soft porous substrates would also likely require less time to drive the pile, and possibly less forceful equipment, which would ultimately decrease the intensity of the acoustic source.

Hearing Impairment and Other Physical Effects—Marine mammals exposed to high intensity sound repeatedly or for prolonged periods can experience hearing threshold shifts. PTS constitutes injury, but TTS does not (Southall *et al.,* 2007). Based on the best scientific information available, the SPLs for the proposed construction activities may exceed the thresholds that could cause TTS or the onset of PTS based on NMFS' new acoustic guidance (NMFS, 2016).

Disturbance Reactions—Responses to continuous sound, such as vibratory pile installation, have not been documented as well as responses to pulsed sounds. With both types of pile driving, it is likely that the onset of pile driving could result in temporary, short term changes in an animal's typical behavior and/or avoidance of the affected area. Specific behavioral changes that may result from this proposed project include changing durations of surfacing and dives, moving direction and/or speed; changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping); and avoidance of areas where sound sources are located. If a marine mammal responds to a stimulus by changing its behavior (*e.g.,* through relatively minor changes in locomotion direction/speed or vocalization behavior), the response may or may not constitute taking at the individual level, and is unlikely to affect the stock or the species as a whole. However, if a sound source displaces marine mammals from an important feeding or breeding area for a prolonged period, potential impacts on the stock or species could potentially be significant if growth, survival and reproduction are affected (*e.g.,* Lusseau and Bejder, 2007; Weilgart, 2007). Note that the significance of many of these behavioral disturbances is difficult to predict, especially if the detected disturbances appear minor.

Local observations of marine mammals at Naval Base Kitsap Bangor during a Test Pile Project (TPP) concluded that pinniped (harbor seal and California sea lion) foraging behaviors decreased slightly during construction periods involving impact and vibratory pile driving, and both pinnipeds and harbor porpoise were more likely to change direction while traveling during construction (HDR Inc., 2012). Pinnipeds were more likely to dive and sink when closer to pile driving activity, and a greater variety of other behaviors were observed with increasing distance from pile driving. Relatively few observations of cetacean behaviors were obtained during pile driving. Most harbor porpoises were observed swimming or traveling through the project area, and no obvious behavioral changes were associated with pile driving.

Three years of marine mammal monitoring were conducted to support vibratory and impact pile driving for the construction of Explosives Handling Wharf #2 (EHW–2) at Kitsap Bangor (Hart Crowser, 2013; 2014; 2015). Over the 3 years of monitoring, harbor seals, California sea lions, and Steller sea lions were detected within the shutdown and behavioral disturbance zones (Primary Surveys). Results from monitoring varied slightly year to year, but in general, it has been found that marine mammals were equally observed moving away from (or swimming parallel to) the pile or having no motion during vibratory pile driving. During impact driving, animals were most frequently observed moving away (or moving parallel to) or having no relative motion to the pile (Hart Crowser, 2013; 2014; 2015). Harbor porpoises' predominant behavior during construction (vibratory pile driving) was swimming or traveling through the project area. During pre-construction monitoring, marine mammal observers also reported harbor porpoise foraging. Marine mammal observers did not detect adverse reactions to TPP or EHW–2 construction activities consistent with distress, injury, or high speed withdrawal from the area, nor did they report obvious changes in less acute behaviors.

Auditory Masking—Natural and artificial sounds can disrupt behavior by masking. Given that the energy distribution of pile driving covers a broad frequency spectrum, sound from these sources would likely be within the audible range of marine mammals present in the project area. Impact pile driving activity is relatively short-term, and mostly for proofing, with rapid pulses occurring for only a few minutes per pile. The probability for impact pile driving resulting from this proposed action masking acoustic signals important to the behavior and survival of marine mammal species is low. Vibratory pile driving is also relatively short-term. It is possible that vibratory pile driving resulting from this proposed action may mask acoustic signals important to the behavior and survival of marine mammal species, but the short-term duration and limited affected area would result in insignificant impacts from masking. Any masking event that could possibly rise to Level B harassment under the MMPA would occur concurrently within the zones of behavioral harassment already estimated for vibratory and impact pile driving, and which have already been taken into account in the exposure analysis.

Airborne Acoustic Effects From the Proposed Activities—Pinnipeds that occur near the project site could be exposed to airborne sounds associated with pile driving that have the potential to cause behavioral harassment, depending on their distance from pile driving activities. Cetaceans are not expected to be exposed to airborne sounds that would result in harassment as defined under the MMPA.

Airborne noise will primarily be an issue for pinnipeds that are swimming or hauled out near the project site within the range of noise levels elevated above the acoustic criteria. We recognize that pinnipeds in the water could be exposed to airborne sound that may result in behavioral harassment when looking with heads above water. Most likely, airborne sound would cause behavioral responses similar to those discussed above in relation to underwater sound. However, these animals would previously have been ''taken'' as a result of exposure to underwater sound above the behavioral harassment thresholds, which are in all cases larger than those associated with airborne sound. Thus, the behavioral harassment of these animals is already accounted for in these estimates of potential take. Multiple instances of exposure to sound above NMFS' thresholds for behavioral harassment are not believed to result in increased behavioral disturbance, in either nature or intensity of disturbance reaction. Therefore, we do not believe that authorization of incidental take resulting from airborne sound for pinnipeds is warranted, and airborne sound is not discussed further here.

Potential Pile Driving Effects on Prey—Construction activities would produce continuous (*i.e.,* vibratory pile driving) sounds and pulsed (*i.e.,* impact driving) sounds. Fish react to sounds that are especially strong and/or intermittent low-frequency sounds. Short duration, sharp sounds can cause overt or subtle changes in fish behavior and local distribution. Hastings and Popper (2005) identified several studies

that suggest fish may relocate to avoid certain areas of sound energy. Additional studies have documented effects of pile driving on fish, although several are based on studies in support of large, multiyear bridge construction projects (*e.g.,* Scholik and Yan, 2001, 2002; Popper and Hastings, 2009). Sound pulses at received levels of 160 dB may cause subtle changes in fish behavior. SPLs of 180 dB may cause noticeable changes in behavior (Pearson *et al.,* 1992; Skalski *et al.,* 1992). SPLs of sufficient strength have been known to cause injury to fish and fish mortality.

The most likely impact to fish from pile driving activities at the project area would be temporary behavioral avoidance within an undetermined portion of the affected area. The duration of fish avoidance of this area after pile driving stops is unknown, but a rapid return to normal recruitment, distribution and behavior is anticipated. In general, impacts to marine mammal prey species from the proposed project are expected to be minor and temporary due to the relatively short timeframe of pile driving and extraction.

Effects to Foraging Habitat—Pile installation may temporarily impact foraging habitat by increasing turbidity resulting from suspended sediments. Any increases would be temporary, localized, and minimal. The Navy must comply with state water quality standards during these operations by limiting the extent of turbidity to the immediate project area. In general, turbidity associated with pile installation is localized to about a 25-foot radius around the pile (Everitt *et al.* 1980). Cetaceans are not expected to be close enough to the project pile driving areas to experience effects of turbidity, and any pinnipeds will be transiting the area and could avoid localized areas of turbidity. Therefore, the impact from increased turbidity levels is expected to be discountable to marine mammals.

Impacts to salmonid and forage fish populations, including ESA-listed species, will be minimized by adhering to the designated in-water work period. These work periods are designated when out-migrating juvenile salmonids are least likely to occur. Some habitat degradation is expected during construction, but the impacts to fish species and their habitats will be temporary and localized. The presence, shading potential, and associated artificial lighting of the larger Service Pier structure, because it would exist in offshore waters of at least 30 feet below MLLW, is not anticipated to alter the behavior of juvenile salmonids using the nearshore migratory pathway. Adult salmonids would not experience a substantial barrier effect, and there would be little or no overall delay in their movements. The numbers of marine mammals affected by impacts to prey populations will be small; therefore, the impact will be insignificant in the context of marine mammal populations.

It is important to note that pile driving and removal activities at the project site will not obstruct movements or migration of marine mammals.

In summary, given the relatively short and intermittent nature of sound associated with individual pile driving and extraction events and the relatively small area that would be affected, pile driving activities associated with the proposed action are not likely to have a permanent, adverse effect on any fish habitat, or populations of fish species. Thus, any impacts to marine mammal habitat are not expected to 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 whether the number of takes is ''small'' and the negligible impact determination.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines ''harassment'' as any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes would primarily be by Level B harassment, as pile driving has the potential to result in disruption of behavioral patterns for individual marine mammals. There is also some potential for auditory injury (Level A harassment) to result for the harbor seal, due to larger predicted auditory injury zones and regular presence around the waterfront area. Auditory injury is unlikely to occur for mid-frequency cetaceans or otariid species due to small predicted zones. The proposed mitigation and monitoring measures are expected to minimize the severity of such taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or proposed to be authorized for this activity. Below we describe how the take is estimated.

Described in the most basic way, we estimate take by considering: (1) Acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) and the number of days of activities. Below, we describe these components in more detail and present the proposed take estimate.

Acoustic Thresholds

NMFS uses acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur PTS of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source (*e.g.,* frequency, predictability, duty cycle), the environment (*e.g.,* bathymetry), and the receiving animals (hearing, motivation, experience, demography, behavioral context) and can be difficult to predict (Southall *et al.,* 2007, Ellison *et al.,* 2011). NMFS uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS predicts that marine mammals are likely to be behaviorally affected in a manner we consider Level B harassment when exposed to underwater anthropogenic noise above received levels of 120 dB re 1 µPa (rms) for continuous (*e.g.* vibratory pile-driving) and above 160 dB re 1 µPa (rms) for non-explosive impulsive (*e.g.,* impact pile driving).

Level A Harassment—NMFS' Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Technical Guidance, 2016) identifies dual criteria to assess auditory injury (Level A harassment) to five different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). The Navy's proposed activity includes the use of impulsive (impact pile

driving) and non-impulsive (vibratory pile driving and extraction) sources.

These thresholds were developed by compiling and synthesizing the best available science and soliciting input multiple times from both the public and peer reviewers to inform the final product, and are provided in Table 3. The references, analysis, and methodology used in the development of the thresholds are described in NMFS 2016 Technical Guidance, which may be accessed at: *http://www.nmfs.noaa.gov/pr/acoustics/guidelines.htm.*

Table 3. Thresholds identifying the onset of Permanent Threshold Shift.

	PTS Onset Acoustic Thresholds* (Received Level)	
Hearing Group	**Impulsive**	**Non-impulsive**
Low-Frequency (LF) Cetaceans	*Cell 1* $L_{pk,flat}$: 219 dB $L_{E,LF,24h}$: 183 dB	*Cell 2* $L_{E,LF,24h}$: 199 dB
Mid-Frequency (MF) Cetaceans	*Cell 3* $L_{pk,flat}$: 230 dB $L_{E,MF,24h}$: 185 dB	*Cell 4* $L_{E,MF,24h}$: 198 dB
High-Frequency (HF) Cetaceans	*Cell 5* $L_{pk,flat}$: 202 dB $L_{E,HF,24h}$: 155 dB	*Cell 6* $L_{E,HF,24h}$: 173 dB
Phocid Pinnipeds (PW) (Underwater)	*Cell 7* $L_{pk,flat}$: 218 dB $L_{E,PW,24h}$: 185 dB	*Cell 8* $L_{E,PW,24h}$: 201 dB
Otariid Pinnipeds (OW) (Underwater)	*Cell 9* $L_{pk,flat}$: 232 dB $L_{E,OW,24h}$: 203 dB	*Cell 10* $L_{E,OW,24h}$: 219 dB

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 µPa, and cumulative sound exposure level (L_E) has a reference value of 1µPa^{2}s. In this Table, thresholds are abbreviated to reflect American National Standards Institute standards (ANSI 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (i.e., varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that will feed into identifying the area ensonified above the acoustic thresholds.

Pile driving will generate underwater noise that potentially could result in disturbance to marine mammals swimming by the project area. Transmission loss (TL) underwater is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source until the source becomes indistinguishable from ambient sound. TL parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. A standard sound propagation model, the Practical Spreading Loss model, was used to estimate the range from pile driving activity to various expected SPLs at potential project structures. This model follows a geometric propagation loss based on the distance from the driven pile, resulting in a 4.5 dB reduction in level for each doubling of distance from the source. In this model, the SPL at some distance away from the source (*e.g.,* driven pile) is governed by a measured source level, minus the TL of the energy as it dissipates with distance. The TL equation is:

$$TL = 15\log10(R_1/R_2)$$

Where:

TL is the transmission loss in dB,

R_1 is the distance of the modeled SPL from the driven pile, and

R_2 is the distance from the driven pile of the initial measurement.

The degree to which underwater noise propagates away from a noise source is dependent on a variety of factors, most notably by the water bathymetry and presence or absence of reflective or absorptive conditions including the sea surface and sediment type. The TL model described above was used to calculate the expected noise propagation from both impact and vibratory pile driving, using representative source levels to estimate

the zone of influence (ZOI) or area exceeding the noise criteria.

Source Levels

For the analyses that follow, the TL model described above was used to calculate the expected noise propagation from pile driving, using an appropriate representative source level from Table 4 to estimate the area exceeding the noise criteria. The source levels were derived from the Navy's document titled *Proxy source sound levels and potential bubble curtain attenuation for acoustic modeling of nearshore marine pile driving at Navy installations in Puget Sound* (Navy 2015). In that document the Navy reviewed relevant data available for various types and sizes of piles typically used for pile driving and recommend proxy source values for Navy installations in Puget Sound. This document may be found as Appendix B in the Navy's application. Acoustic monitoring was conducted during previous pile driving projects at this location. Results were used to establish proxy sound source levels for 36-in steel piles.

TABLE 4—UNDERWATER NOISE SOURCE LEVELS MODELED FOR IMPACT AND VIBRATORY PILE DRIVING

Pile type	Installation method	Pile diameter	RMS (dB re 1 μPa)	Peak (dB re 1 μPa)	SEL (dB re 1 μPa^2 sec)
Timber	Vibratory	15–18 in (38–45 cm)	[1]155	N/A	N/A
Concrete	Impact	18 in (45 cm)	170	184	159
Steel	Impact	24 in (60 cm)	193	210	181
		36 (90 cm)	194	211	181
	Vibratory	24 (60 cm)	161	N/A	N/A
		36 (90 cm)	166	N/A	N/A

[1] Navy opted to use conservative value of 155 dB for project.
Key: cm = centimeter; dB re 1 μPa = decibels referenced at 1 micropascal; N/A = not applicable; RMS = root mean square; SEL = sound exposure level.

For vibratory pile driving distances to the PTS thresholds, the TL model described above incorporated the auditory weighting functions for each hearing group using a single frequency as described in the NMFS Optional Spreadsheet (NMFS, 2016b). When NMFS' Technical Guidance (2016) was published, in recognition of the fact that ensonified area/volume could be more technically challenging to predict because of the duration component in the new thresholds, we developed a User Spreadsheet that includes tools to help predict a simple isopleth that can be used in conjunction with marine mammal density or occurrence to help predict takes. We note that because of some of the assumptions included in the methods used for these tools, we anticipate that isopleths produced are typically going to be overestimates of some degree, which may result in some degree of overestimate of Level A take. However, these tools offer the best way to predict appropriate isopleths when more sophisticated 3D modeling methods are not available. NMFS continues to develop ways to quantitatively refine these tools, and will qualitatively address the output where appropriate. For stationary sources, including pile driving, NMFS User Spreadsheet predicts the closest distance at which a marine mammal, if it remained beyond that distance the whole duration of the activity, would not incur PTS.

For impact pile driving distances to the cumulative PTS thresholds for 36-inch (90 cm) and 24-inch (60 cm) steel and concrete pile, the TL model described above incorporated frequency weighting adjustments by applying the auditory weighting function over the entire 1-second SEL spectral data sets from impact pile driving. The Navy believes, and NMFS concurs, that this methodology provides a closer estimate than applying the weighting function at a single frequency as suggested in the NMFS Spreadsheet. The NMFS Spreadsheet is considered to be a conservative method that typically results in higher estimates of the PTS onset distance from the pile driving activity. The Navy analysis focused on the data provided from the Naval Kitsap Bangor Test Pile Program (steel piles) and the Puget Sound Naval Shipyard Intermediate Maintenance Facility Pier 6 Fender Pile Replacement Project (concrete piles) (Grebner *et al.,* 2016). This analysis is described in more detail in Appendix C.

An unconfined bubble curtain will be used during impact driving of steel piles, since the project is located in an area without high currents. While bubble curtain performance is variable, data from the Bangor Naval Base Test Pile Program indicated an average peak SPL reduction of 8 dB to 10 dB at 10 meters was achieved for impact driving of 36- and 48-inch steel pipes (Navy 2015). However, for the SPE project, a reduction of 8 dB was utilized as shown in Table 5.

TABLE 5—INPUTS FOR DETERMINING DISTANCES TO CUMULATIVE PTS THRESHOLDS

	36″ Steel impact	24″ Steel impact	18″ Concrete impact	24″ Steel vibratory	36″ Steel vibratory	Timber
INPUTS						
Spreadsheet Tab Used	(E.1–2) Impact pile driving.	(E.1–2) Impact pile driving.	(E.1–2) Impact pile driving.	(A.1) Vibratory pile driving.	(A.1) Vibratory pile driving.	(A.1) Vibratory pile driving.
Source Level (Single Strike/shot SEL)	173 dB (assumes 8 dB attenuation)*.	173 dB (assumes 8 dB attenuation)*.	159 dB.			
Source Level (RMS SPL)				161 dB	166 dB	155.
Weighting Factor Adjustment (kHz)**	Weighting override (Grebner *et al.* 2016).	Weighting override (Grebner *et al.* 2016).	Weighting override (Grebner *et al.* 2016).	2.5	2.5	2.5.
Number of strikes per day	1,600	1,600	1,600.			
Number of piles per day within 24-h period	2	1	3.			
Duration of sound Production (minutes)				300	300	300.
Propagation (xLogR)	15	15	15	15	15	15.

TABLE 5—INPUTS FOR DETERMINING DISTANCES TO CUMULATIVE PTS THRESHOLDS—Continued

	36″ Steel impact	24″ Steel impact	18″ Concrete impact	24″ Steel vibratory	36″ Steel vibratory	Timber
Distance of source level measurement (meters)	10	10	10	10	10	10.

* 8 dB reduction from use of unconfined bubble curtain during steel pipe impact driving.
** For impact driving, the TL model described above incorporated frequency weighting adjustments by applying the auditory weighting function over the entire 1-second SEL spectral data sets.

TABLE 6—CALCULATED RADIAL DISTANCES (METERS) TO UNDERWATER MARINE MAMMAL IMPACT PILE DRIVING NOISE THRESHOLDS—$_{SEL}$CUM ISOPLETHS [1]

Source type	Level A isopleths—impact driving [2]			
	Mid-frequency cetaceans	High-frequency cetaceans	Phocid pinnipeds	Otariid pinnipeds
18-in concrete [3]	2	74	19	1
24-in steel [4]	5	253	34	2
36-in steel [4]	14	740	217	12

Notes:
1. Calculations based on SEL_{CUM} threshold criteria shown in Table 3.
Calculated values were rounded up the nearest meter.
2. Representative spectra were used to calculate the distances to the injury (PTS onset) thresholds for each functional hearing group for 24-inch and 36-inch steel pile and 24-inch (60 cm) concrete pile. Distances for 18-inch (45 cm) concrete piles assumed to be the same as 24-inch (60 cm) concrete piles.
3. No bubble curtain proposed for concrete pile.
4. Bubble curtain will be used for 24-inch (60 cm) and 36-inch (90 cm) steel piles, and calculations include 8 dB attenuation.

TABLE 7—CALCULATED RADIAL DISTANCES (METERS) TO LEVEL A UNDERWATER MARINE MAMMAL VIBRATORY PILE DRIVING NOISE ISOPLETHS

Source type	Level A isopleths—Vibratory driving [1]				
	Low-frequency cetaceans	Mid-frequency cetaceans	High-frequency cetaceans	Phocid pinnipeds	Otariid pinnipeds
15–18-in timber	8	<1	12	5	<1
24-in steel	20	2	30	12	1
36-in steel	43	4	64	26	1.8

Notes:
1. Distances to the injury (PTS onset) thresholds calculated using National Marine Fisheries Service calculator with default Weighting Factor Adjustment of 2.5 (NMFS, 2016b).
Calculated values were rounded up the nearest meter.

Tables 6 and 7 show the radial distances to impact and vibratory Level A isopleths. Based on the dual criteria provided in the NMFS Spreadsheet, the cumulative SEL was selected over peak threshold to calculate injury thresholds because the ensonified distances were larger.

Using the same source level and transmission loss inputs discussed above the Level B isopleths were calculated for impact and vibratory driving (Table 8). Note that these attenuation distances are based on sound characteristics in open water. The actual attenuation distances are constrained by numerous land features and islands; these actual distances are reflected in the ensonified areas given below.

TABLE 8—LEVEL B IMPACT AND VIBRATORY PILE DRIVING EXPOSURE DISTANCES AND ENSONIFIED AREAS

Pile type	Attenuation distance	Area *
Impact (160 dB)		
18-in concrete	46 m	6.64 m^2.
24-in steel	464 m	0.62 km^2.
36-in steel	541 m	0.78 km^2.
Vibratory (120 dB)		
15–18-in timber	2.2 km	6.8 km^2.
24-in steel	5.4 km	26.1 km^2.
36-in steel	11.7 km	49.6 km^2.

* Areas were adjusted wherever land masses are encountered prior to reaching the full extent of the radius around the driven pile.

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.

Transient killer whales are rare in Hood Canal and there are few data to describe transient killer whale abundance within Hood Canal. There have been anecdotal accounts of the whales in Hood Canal for decades. There was a report from 1 day in April 2016 and 8 days in May 2016 of whales Dabob Bay (Orca Network, 2016). It is likely that the whales were using Hood Canal as part of a larger area moving in and out of Hood Canal. It is not known how large an area these animals were using; it is also unknown if these sightings were all of the same group of transient killer whales, or if animals were using the same areas. However, the temporally discontinuous data suggest a high degree of variability in the habitat use and localized relative abundances of transient killer whales in Hood Canal. Given that whales were observed on eight days, in May 2016, NMFS will assume that whales could be observed on up to 8 days during the SPE project. The most commonly observed group size in Puget Sound from 2004 to 2010 was 6 whales (Navy 2017).

Harbor porpoises may be present in Puget Sound year-round typically in groups of one to five individuals and are regularly detected in Hood Canal. Aerial surveys conducted throughout 2013 to 2015 in Puget Sound indicated density in Puget Sound was 0.91 individuals/km^2) (95% CI = 0.72–1.10, all seasons pooled) and density in Hood Canal was 0.47/km^2 (95% CI = 0.29–0.75, all seasons pooled) (Jefferson *et al.,* 2016). However, after reviewing the most recent data the Navy has estimated that harbor porpoise density in Hood Canal is 0.44 animals/km^2 (Smultea *et al.,* 2017). Mean group size of harbor porpoises in Puget Sound in the 2013–2015 surveys was 1.7 in Hood Canal.

Steller sea lions are routinely seen hauled out on submarines at Naval Base Kitsap. The Navy relied on monitoring data from 2012 to 2016 to determine the average of the maximum count of hauled out Steller sea lions for each month in the in-water work window (Appendix A). The average of the monthly maximum counts during the in-water work window was 3.14, rounded to 3 exposures per day.

California sea lions can occur at Naval Base Kitsap Bangor in any month, although numbers are low from June through August (Appendix A in the application).

California sea lions peak abundance occurs between October and May (NMFS, 1997; Jeffries *et al.,* 2000) but animals can occur at Naval Base Kitsap Bangor in any month. The Navy relied on monitoring data from 2012 to 2016 to determine the average of the maximum count of hauled out California sea lions for each month (Appendix A). The Navy determined abundance of California sea lions based on the average monthly maximum counts during the in-water work window (Appendix A), respectively, for an average maximum count of 48.85, rounded to 49 exposures per day.

Boat-based surveys and monitoring indicate that harbor seals regularly swim in the waters at Naval Base Kitsap Bangor (Appendix A in Application). Hauled-out adults, mother/pup pairs, and neonates have been documented occasionally, but quantitative data are limited. Incidental surveys in August and September 2016 recorded as many as 28 harbor seals hauled out under Marginal Wharf or swimming in adjacent waters. Additional animals were likely present at other locations during the same time of the surveys. To be conservative, the Navy estimated that an additional 7 animals were present based on typical sightings at the other piers at Bangor. Therefore, the Navy and NMFS assume that up to 35 seals could occur near the SPE project area on any given day.

Take Calculation and Estimation

Here we describe how the information provided above is brought together to produce a quantitative take estimate.

To quantitatively assess exposure of marine mammals to noise levels from pile driving over the NMFS threshold guidance, one of three methods was used depending on the species spatial and temporal occurrence. For species with rare or infrequent occurrence during the in-water work window, the likelihood of occurrence was reviewed based on the information in Chapter 3 of the application and the potential maximum duration of work days and total work days. Only one species was in this category, transient killer whale, and it had the potential to linger for multiple days based on historical information. The calculation was:

(1) Exposure estimate = Probable abundance during construction × Probable duration

Where:

Probable abundance = maximum expected group size

Probable duration = probable duration of animal(s) presence at construction sites during in-water work window

For species that regularly occur in Puget Sound, but for which local abundance data are not available, marine mammal density estimates were used when available to determine the number of animals potentially exposed in a ZOI on any one day of pile driving or extraction. Only harbor porpoise was in this category.

The equation for this species with only a density estimate and no site-specific abundance was:

(2) Exposure estimate = N × ZOI × maximum days of pile driving

Where:

N = density estimate used for each species

ZOI = Zone of Influence; the area where noise exceeds the noise threshold value

For species with site-specific surveys available, exposures were estimated by:

(3) Exposure estimate = Abundance × maximum days of pile driving

Where:

Abundance = average monthly maximum over the time period when pile driving will occur for sea lions, and estimated total abundance for harbor seals

All three pinniped species were in this category. Average monthly maximum counts of Steller sea lions and California sea lions (see Appendix A for abundance data of these species) were averaged over the in-water work window. The maximum number of animals observed during the month(s) with the highest number of animals present on a survey day was used in the analysis. For harbor seals, an abundance estimate for the Bangor waterfront was used.

The following assumptions were used to calculate potential exposures to impact and vibratory pile driving noise for each threshold.

- For formulas (2) and (3), each species will be assumed to be present in the project area each day during construction. The timeframe for takings would be one potential take (Level B harassment exposure) per individual, per 24 hours.
- The pile type, size, and installation method that produce the largest ZOI were used to estimate exposure of marine mammals to noise impacts. Vibratory installation of 36-inch (90 cm) steel piles created the largest ZOI, so the exposure analysis calculates marine mammal exposures based on 36- inch steel piles for the 125 days when steel piles would be installed. For the estimated 35 days when concrete fender piles would be installed, impact driving was the only installation method and only 18-inch piles were proposed, so the exposure analysis calculated marine mammal exposures based on impact driving 18-inch concrete piles.

• All pilings will have an underwater noise disturbance distance equal to the pile that causes the greatest noise disturbance (*i.e.,* the piling farthest from shore) installed with the method that has the largest ZOI. If vibratory pile driving would occur, the largest ZOI will be produced by vibratory driving. In this case, the ZOI for an impact hammer will be encompassed by the larger ZOI from the vibratory driver. Vibratory driving was assumed to occur on all 125 days of steel pile driving, but not the 35 days of concrete fender pile installation.

• Days of pile driving were conservatively based on a relatively slow daily production rate, but actual daily production rates may be higher, resulting in fewer actual pile driving days. The pile driving days are used solely to assess the number of days during which pile driving could occur if production was delayed due to equipment failure, safety, etc. In a real construction situation, pile driving production rates would be maximized when possible.

Transient Killer Whale

Using the first calculation described in the above section, exposures to underwater pile driving were calculated using the average group size times the 8 days transient killer whales would be anticipated in the Hood Canal during pile driving activities. The Navy assumed that the average pod size was six individuals.

Using this rationale, 48 potential Level B exposures of transient killer whales from vibratory pile driving are estimated (six animals times 8 days of exposure). Based on this analysis, the Navy requests and NMFS proposes 48 Level B incidental takes for behavioral harassment. Concrete and steel ZOIs from impact driving will be fully monitorable (maximum distances to behavioral thresholds of 46 m and 541 m, respectively, and maximum distance to injury thresholds is 14 m), so no killer whale behavioral or injury takes are expected from impact driving.

Harbor Porpoise

Applying formula (2) to the animal density (0.44animals/km ^{2}), the largest ZOI for Level B exposure (49.6 km ^{2}) and the estimated days of steel pile driving (125), the Navy requests and NMFS proposes 2,728 Level B incidental takes of harbor porpoises. The 49.6 km ^{2} ZOI excludes the area behind the PSB because harbor porpoise have never been observed within the barrier. Harbor porpoise can be visually detected to a distance of about 200 m by experienced observers in conditions up to Beaufort 2 (Navy 2017). Therefore, the concrete ZOIs will be fully monitorable (maximum distance of 46 m), so no takes were calculated for the estimated 35 days of concrete fender pile installation.

Steller Sea Lion

Concrete ZOIs will be fully monitorable, so no takes were calculated for the estimated 35 days of concrete fender pile installation. Formula (3) as described in the previous section was used with site-specific abundance data to calculate potential exposures of Steller sea lions during steel pile driving for the SPE project. Animals could be exposed when traveling, resting, and foraging. Because a Level A injury shut-down zone will be implemented, Level A harassment is not expected to occur.

The Navy conservatively assumes that any Steller sea lion that hauls out at Bangor could swim into the behavioral harassment zone each day during pile driving because this zone extends across Hood Canal and up to 11.7 km from the driven pile. The Navy estimated 3 animals could be exposed to harassment per day. These values provide a worst case assumption that on all 125 days of pile driving, all animals would be in the water each day during pile driving. Applying formula (3) to this abundance and the 125 steel pile driving days, the Navy requests and NMFS proposes the take of up to 375 Steller sea lions. If project work occurs during months when Steller sea lions are less likely to be present, actual exposures would be less. Additionally, if daily pile driving duration is short, exposure would be expected to be less because some animals would remain hauled out for the duration of pile driving. Any exposure of Steller sea lions to pile driving noise will be minimized to short-term behavioral harassment.

California Sea Lion

Concrete ZOIs will be fully monitorable (maximum distance of 46 m), so no takes were calculated for the estimated 35 days of concrete fender pile installation (Figure 6–3 in application). Formula (3) was used with site-specific abundance data to calculate potential exposures of California sea lions during pile driving for the SPE project. Because a Level A injury shut-down zone will be implemented, no exposure to Level A noise levels will occur at any location. Based on site-specific data regarding the average maximum counts, the Navy assumes that 49 exposures per day could occur over 125 planned steel pile driving days. Therefore, NMFS proposes authorizing 6,125 Level B takes.

Harbor Seal

The Navy calculated up to 35 harbor seals may be present per day during summer and early fall months. Exposure of harbor seals to pile driving noise will be primarily in the form of short-term behavioral harassment (Level B) during steel pile driving. Concrete ZOIs will be fully monitorable (maximum distance of 46 m), so no takes were calculated for the estimated 35 days of concrete fender pile installation (Figure 6–3 in application). Formula (3) was used with site-specific abundance data to calculate potential exposures of harbor seals due to pile driving for the SPE.

The Navy assumes that any harbor seal that hauls out at Bangor could swim into the behavioral harassment zone each day during impact pile driving. The largest ZOI for behavioral disturbance (Level B) would be 11.7 km for vibratory driving and extraction of 36-inch steel piles. Applying formula (3) to the abundance of this species (35 individuals) and the 125 pile driving days, the Navy requests and NMFS proposes the Level A and Level B take of up to 4,375 harbor seals during pile driving for the SPE. The largest ZOI for Level A injury will be 217 m for impact driving (with bubble curtain) of 36-inch steel piles. A monitors' ability to observe the entire 217 m injury zone may be difficult because construction barges and the current Service Pier structure and associated mooring floats and vessels will interfere with a monitors' ability to observe the entire injury zone. Some individuals could enter, and remain in, the injury zone undetected by monitors, resulting in potential PTS. It is estimated that one of the 35 individuals present on the Bangor waterfront would enter, and remain in, the injury zone without being detected by marine mammal monitors each day during steel impact driving. Therefore, with 125 steel pile driving days and one individual per day being exposed to Level A noise levels, 125 Level A takes of harbor seals are proposed by NMFS. Subtracting 125 Level A takes from the estimated total of 4,375 takes would result in 4,250 Level B takes. It should be noted that Level A takes of harbor seals would likely be multiple exposures of the same individuals, rather than single exposures of unique individuals. This request overestimates the likely Level A exposures because: (1) Seals are unlikely to remain in the Level A zone underwater long enough to accumulate sufficient exposure to noise resulting in PTS, and (2) the estimate assumes that new seals are in the Level A ZOI every day during pile driving. No Level A

takes are requested for vibratory pile driving because the maximum harbor seal injury zone is 15 m and is within a practicable shutdown distance. It is important to note that the estimate of potential Level A harassment of harbor seals is expected to be an overestimate, since the planned project is not expected to occur near Marginal Wharf—the location where most harbor seal activity occurs.

Table 9 provides a summary of proposed authorized Level A and Level B takes as well as the percentage of a stock or population proposed for take.

TABLE 9—PROPOSED AUTHORIZED TAKE AND PERCENTAGE OF STOCK OR POPULATION

Species	Proposed authorized take		Percent population
	Level A	Level B	
Killer whale	0	48	19.7
Harbor porpoise	0	2,728	24.3
Steller sea lion	0	375	0.9
California sea lion	0	6,125	2.0
Harbor seal	125	4,250	n/a

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.

In addition to the specific measures described later in this section, the Navy would conduct briefings between construction supervisors and crews, marine mammal monitoring team, and Navy staff prior to the start of all pile driving activity, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

Use of Vibratory Installation—The Navy will employ vibratory installation to the greatest extent possible when driving steel piles to minimize high sound pressure levels associated with impact pile driving. Impact driving of steel piles will only occur when required by geotechnical conditions or to ''proof'' load-bearing piles driven by vibratory methods.

Timing Restrictions—To minimize the number of fish exposed to underwater noise and other construction disturbance, in-water work will occur during the in-water work window previously described when ESA-listed salmonids are least likely to be present (USACE, 2015), July 16–January 15.

All in-water construction activities will occur during daylight hours (sunrise to sunset) except from July 16 to September 15, when impact pile driving will only occur starting 2 hours after sunrise and ending 2 hours before sunset, to protect foraging marbled murrelets during the nesting season (April 15–September 23). Sunrise and sunset are to be determined based on National Oceanic and Atmospheric Administration data, which can be found at *http://www.srrb.noaa.gov/highlights/sunrise/sunrise.html.*

Use of Bubble Curtain—A bubble curtain or other noise attenuation device that achieves an average of at least 8 dB of noise attenuation will be employed during impact installation or proofing of steel piles where water depths are greater than 0.67 m (2 ft). A noise attenuation device is not required during vibratory pile driving. If a bubble curtain or similar measure is used, it will distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column. Any other attenuation measure must provide 100 percent coverage in the water column for the full depth of the pile. The lowest bubble ring shall be in contact with the mudline for the full circumference of the ring. The weights attached to the bottom ring shall ensure 100 percent mudline contact. No parts of the ring or other objects shall prevent full mudline contact.

A performance test of the noise attenuation device shall be conducted prior to initial use for impact pile driving. If a bubble curtain or similar measure is utilized, the performance test shall confirm the calculated pressures and flow rates at each manifold ring. The contractor shall also train personnel in the proper balancing of air flow to the bubblers. The contractor shall submit an inspection/performance report to the Navy for approval within 72 hours following the performance test. Corrections to the noise attenuation device to meet the performance stands shall occur prior to use for impact driving.

If the U.S. Fish and Wildlife Service concurs that turning off the noise attenuation will not negatively impact marbled murrelets, baseline sound measurements of steel pile driving will occur prior to the implementation of noise attenuation to evaluate the performance of a noise attenuation device. Impact pile driving without

noise attenuation will be limited to the number of piles necessary to obtain an adequate sample size for each project.

Soft-Start—The use of a soft start procedure is believed to provide additional protection to marine mammals by warning or providing a chance to leave the area prior to the hammer operating at full capacity, and typically involves a requirement to initiate sound from the hammer at reduced energy followed by a waiting period. A soft-start procedure will be used for impact pile driving at the beginning of each day's in-water pile driving or any time impact pile driving has ceased for more than 30 minutes.

The Navy will start the bubble curtain prior to the initiation of impact pile driving. The contractor will provide an initial set of strikes from the impact hammer at reduced energy, followed by a 30-second waiting period, then two subsequent sets. (The reduced energy of an individual hammer cannot be quantified because it varies by individual drivers. Also, the number of strikes will vary at reduced energy because raising the hammer at less than full power and then releasing it results in the hammer ''bouncing'' as it strikes the pile, resulting in multiple ''strikes.'')

Establishment of Shutdown Zones and Disturbance Zones—For all impact and vibratory pile driving of steel piles, shutdown and disturbance zones will be established and monitored. The Navy will focus observations within 1,000 m for all species during these activities but will record all observations. During impact driving of concrete piles the Navy will focus on monitoring within 100 m but will record all observations. The Navy will monitor and record marine mammal observations within zones and extrapolate these values across the entirety of the Level B zone as part of the final monitoring report. To the extent possible, the Navy will record and report on any marine mammal occurrences, including behavioral disturbances, beyond 1,000 m for steel pile installation and 100 m for concrete pile installation.

The shutdown zones are based on the distances from the source predicted for each threshold level. Although different functional hearing groups of cetaceans and pinnipeds were evaluated, the threshold levels used to develop the disturbance zones were selected to be conservative for cetaceans (and therefore at the lowest levels); as such, the disturbance zones for cetaceans were based on the high frequency threshold (harbor porpoise). The shutdown zones are based on the maximum calculated Level A radius for pinnipeds and cetaceans during installation of 36-inch steel and concrete piles with impact techniques, as well as during vibratory pile installation and removal. These actions serve to protect marine mammals, allow for practical implementation of the Navy's marine mammal monitoring plan and reduce the risk of a take. The shutdown zone during any non-pile driving activity will always be a minimum of 10 m (33 ft) to prevent injury from physical interaction of marine mammals with construction equipment.

During all pile driving, the shutdown, Level A, and Level B zones as shown in Tables 10, 11, and 12 will be monitored out to the greatest extent possible with a focus on monitoring within 1,000 m for steel pile and 100 m for concrete pile installation.

For steel pile impact pile driving, monitors would initiate shutdown when harbor seals approach or enter the zone. However, because of the size of the zone and the inherent difficulty in monitoring harbor seals, a highly mobile species, it may not be practical, which is why Level A take is requested.

The isopleths delineating shutdown, Level A, and Level B zones during impact driving of all steel piles are shown in Table 10. Note that the Level A isopleth is larger than the Level B isopleth for harbor porpoises.

TABLE 10—SHUTDOWN, LEVEL A, AND LEVEL B ISOPLETHS DURING IMPACT DRIVING OF STEEL PILES

Marine mammal group	Level B isopleth (meters)	Level A isopleth (meters)	Shutdown zone (meters)
Cetaceans (Harbor Porpoise)	541	740	1,000
Harbor Seal	541	217	220
Sea Lions	541	12	220

The isopleths for the shutdown, Level A, and Level B zones during vibratory driving of all steel piles are shown in Table 11.

TABLE 11—SHUTDOWN, LEVEL A, LEVEL B ISOPLETHS DURING VIBRATORY DRIVING OF STEEL PILES

Marine mammal group	Level B isopleth (meters)	Level A isopleth (meters)	Shutdown zone (meters)
Cetaceans (Harbor Porpoise)	11,700	64	100
Harbor Seal	11,700	26	30
Sea Lions	11,700	1.8	30

The shutdown, Level A, and Level B isopleths for implementation during impact driving of concrete piles are shown in Table 12. Given that the shutdown zone for all authorized species is larger than the Level A and Level B isopleths there should be no take recorded during concrete pile driving.

TABLE 12—SHUTDOWN, LEVEL A, AND LEVEL B ISOPLETHS DURING IMPACT DRIVING OF CONCRETE PILES

Marine mammal group	Level B isopleth (meters)	Level A isopleth (meters)	Shutdown zone (meters)
Cetaceans (Harbor Porpoise)	46	74	100
Harbor Seal	46	19	50
Sea Lions	46	1	50

Note that the radii of the disturbance zones may be adjusted if in-situ acoustic monitoring is conducted by the Navy to establish actual distances to the thresholds for a specific pile type and installation method. However, any proposed acoustical monitoring plan must be pre-approved by NMFS. The results of any acoustic monitoring plan must be reviewed and approved by NMFS before the radii of any disturbance zones may be revised.

The mitigation measures described above should reduce marine mammals' potential exposure to underwater noise levels which could result in injury or behavioral harassment. Based on our evaluation of the applicant's proposed measures, as well as other measures considered by NMFS, 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: Action or environment (*e.g.,* source characterization, propagation, ambient noise); (2) affected species (*e.g.,* life history, dive patterns); (3) co-occurrence of marine mammal species with the action; or (4) biological or behavioral context of exposure (*e.g.,* age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or cumulative impacts from multiple stressors;
- How anticipated responses to stressors impact either: (1) Long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (*e.g.,* marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Visual Monitoring

Marine mammal monitoring will include the following proposed requirements.

Marine Mammal Observers (MMOs) will be positioned at the best practicable vantage points, taking into consideration security, safety, and space limitations. During pile driving, one MMO will be stationed in a vessel, and at least four will be stationed on the pier, along the shore, or on the pile driving barge to maximize observation coverage. Each MMO location will have a minimum of one dedicated MMO (not including boat operators). The exact number of MMOs and the observation locations are to be determined based upon site accessibility and line of sight for adequate coverage. It is expected that a minimum of four MMOs will be required, with additional MMOs added into the protocol as deemed necessary for effective coverage. Additional standards required for visual monitoring include:

(a) Independent observers (*i.e.,* not construction personal) are required;

(b) At least one observer must have prior experience working as an observer;

(c) Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience;

(d) Where a team of three or more observers are required, one observer should be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer; and

(e) We will require submission and approval of observer CVs.

Monitoring will be conducted by qualified observers, who will monitor for marine mammals and implement shutdown/delay procedures when applicable by calling for the shutdown to the hammer operator. Qualified observers are trained biologists, with the following minimum qualifications:

(a) Visual acuity in both eyes (correction is permissible) sufficient for discernment of moving targets at the water's surface with ability to estimate target size and distance; use of binoculars may be necessary to correctly identify the target;

(b) Advanced education in biological science or related field (undergraduate degree or higher required);

(c) Experience and ability to conduct field observations and collect data according to assigned protocols (this may include academic experience);

(d) Experience or training in the field identification of marine mammals, including the identification of behaviors;

(e) Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;

(f) Writing skills sufficient to prepare a report of observations including but not limited to the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates and times when in-water construction activities were suspended to avoid potential incidental injury from construction sound of marine mammals observed within a defined shutdown zone; and marine mammal behavior; and

(g) Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

MMOs will survey the disturbance zone 15 minutes prior to initiation of pile driving through 30 minutes after completion of pile driving to ensure there are no marine mammals present. In case of reduced visibility due to weather or sea state, the MMOs must be able to see the shutdown zones or pile driving will not be initiated until visibility in these zones improves to acceptable levels. Marine Mammal Observation Record forms (Appendix A of the application) will be used to document observations. Survey boats engaged in marine mammal monitoring will maintain speeds equal to or less than 10 knots.

MMOs will use binoculars and the naked eye to search continuously for marine mammals and will have a means to communicate with each other to discuss relevant marine mammal information (*e.g.,* animal sighted but submerged with direction of last sighting). MMOs will have the ability to correctly measure or estimate the animals distance to the pile driving equipment such that records of any takes are accurate relevant to the pile size and type.

Shutdown shall occur if a species for which authorization has not been granted or for which the authorized numbers of takes have been met. The Navy shall then contact NMFS within 24 hours.

If marine mammal(s) are present within or approaching a shutdown zone prior to pile driving, the start of these activities will be delayed until the animal(s) have left the zone voluntarily and have been visually confirmed beyond the shutdown zone, or 15 minutes has elapsed without re-detection of the animal.

If animal is observed within or entering the Level B zone during pile driving, a take would be recorded, behaviors documented. However, that pile segment would be completed without cessation, unless the animal approaches or enters the shutdown Zone, at which point all pile driving activities will be halted. The MMOs shall immediately radio to alert the monitoring coordinator/construction contractor. This action will require an immediate ''all-stop'' on pile operations. Once a shutdown has been initiated, pile driving will be delayed until the animal has voluntarily left the Shutdown Zone and has been visually confirmed beyond the Shutdown Zone, or 15 minutes have passed without re-detection of the animal (*i.e.,* the zone is deemed clear of marine mammals).

All marine mammals observed within the disturbance zones during pile driving activities will be recorded by MMOs. These animals will be documented as Level A or Level B takes as appropriate. Additionally, all shutdowns shall be recorded. For vibratory driving activities, this data will be extrapolated across the full extent of the Level B ensonified zone (*i.e.* 11.7 km radii) to provide total estimated take numbers.

A draft marine mammal monitoring report would be submitted to NMFS within 90 days after the completion of pile driving and removal activities. It will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated marine mammal observation data sheets. Specifically, the report must include information as described in the Marine Mammal Monitoring Report (Appendix D of the application).

If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

In the unanticipated event that: (1) The specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA (if issued), such as an injury, serious injury or mortality; (2) an injured or dead animal is discovered and cause of death is known; or (3) an injured or dead animal is discovered and cause of death is not related to the authorized activities, the Navy will follow the protocols described in the Section 3 of Marine Mammal Monitoring Report (Appendix D of the application).

Negligible Impact Analysis and Preliminary 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).

Pile driving and extraction associated with the Navy SPE project as outlined previously have the potential to injure, disturb or displace marine mammals. Specifically, the specified activities may result in Level B harassment (behavioral disturbance) for five marine mammal species authorized for take from underwater sound generated during pile driving operations. Level A harassment in the form of PTS may also occur to limited numbers of one species. Level A harassment was conservatively authorized for harbor seals since seals can occur in high numbers near the project area, can be difficult to spot, and MMO's ability to observe the entire 217 m injury zone may be slightly impaired because of construction barges and vessels. Potential takes could occur if marine mammals are present in the Level A or Level B ensonified zones when pile driving and removal occurs.

No serious injury or mortality is anticipated given the nature of the activities and measures designed to minimize the possibility of injury to marine mammals. The potential for injury is minimized through the construction method and the implementation of the planned mitigation measures. Specifically, vibratory driving will be the primary method of installation. This driving method decreases the potential for injury due to relatively low source levels and lack of potentially injurious source characteristics. Only piles that cannot be driven to their desired depths using the vibratory hammer will be impact driven for the remainder of their required driving depth. Noise attenuating devices (*i.e.,* bubble curtain) will be used during impact hammer operations for steel piles. During impact driving, implementation of soft start and shutdown zones significantly reduces any possibility of injury. Given

sufficient ''notice'' through use of soft start (for impact driving), marine mammals are expected to move away from a sound source that is annoying prior to it becoming potentially injurious. Given the number of MMOs that will be employed, observers should have a relatively clear view of the shutdown zones, although under limited circumstances the presence of barges and vessels may impair observation of small portions of shutdown zones. This will enable a high rate of success in implementation of shutdowns to avoid injury.

The Navy's planned activities are highly localized. Only a relatively small portion of Hood Canal may be affected. The project is not expected to have significant adverse effects on marine mammal habitat. No important feeding and/or reproductive areas for marine mammals are known to be near the project area. Impacts to salmonid and forage fish populations, including ESA-listed species, will be minimized by adhering to the designated in-water work period. Project-related activities may cause some fish to leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range, but because of the relatively small area of the habitat range utilized by each species that may be affected, the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

Exposures to elevated sound levels produced during pile driving activities may cause behavioral responses by an animal, but they are expected to be mild and temporary. Effects on individuals that are taken by Level B harassment, on the basis of reports in the literature as well as monitoring from other similar activities, will likely be limited to reactions such as increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.,* Thorson and Reyff, 2006; Lerma, 2014). Most likely, individuals will simply move away from the sound source and be temporarily displaced from the areas of pile driving, although even this reaction has been observed primarily only in association with impact pile driving. These reactions and behavioral changes are expected to subside quickly when the exposures cease. The pile driving activities analyzed here are similar to, or less impactful than, numerous construction activities conducted in other similar locations including Hood Canal, which have taken place with no reported injuries or mortality to marine mammals, and no known long-term adverse consequences from behavioral harassment. Repeated exposures of individuals to levels of sound that may cause Level B harassment are unlikely to result in permanent hearing impairment or to significantly disrupt foraging behavior. Level B harassment will be reduced through use of mitigation measures described herein.

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 stocks through effects on annual rates of recruitment or survival:

- No mortality or serious injury is anticipated or authorized;
- The area of potential impacts is highly localized;
- No adverse impacts to marine mammal habitat;
- The absence of any significant habitat within the project area, including rookeries, or known areas or features of special significance for foraging or reproduction;
- Anticipated incidences of Level A harassment would be in the form of a small degree of PTS to a limited number of animals;
- Anticipated incidents of Level B harassment consist of, at worst, temporary modifications in behavior;
- The anticipated efficacy of the required mitigation measures in reducing the effects of the specified activity.

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.

Table 9 depicts the number of animals that could be exposed to Level A and Level B harassment from work associated with the SPE project. With the exception of harbor seals, the analysis provided indicates that authorized takes account for no more than 24.3 percent of the populations of the stocks that could be affected. These are small numbers of marine mammals relative to the sizes of the affected species and population stocks under consideration.

For the affected stock of harbor seals, no valid abundance estimate is available. The most recent abundance estimates for harbor seals in Washington inland waters are from 1999, and it is generally believed that harbor seal populations have increased significantly during the intervening years (*e.g.,* Mapes, 2013). However, we anticipate that takes estimated to occur for harbor seals are likely to occur only within some portion of the relevant populations, rather than to animals from the stock as a whole. For example, takes anticipated to occur at NBK Bangor would be expected to accrue to the same individual seals that routinely occur on haulouts at these locations, rather than occurring to new seals on each construction day. In summary, harbor seals taken as a result of the specified activities are expected to comprise only a limited portion of individuals comprising the overall relevant stock abundance. Therefore, we preliminarily find that small numbers of marine mammals will be taken relative to the population size of the Hood Canal stock of harbor seal.

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 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.

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

As a result of these preliminary determinations, NMFS proposes to issue an IHA to the Navy for conducting vibratory and impact pile driving associated with the proposed Service Pier Extension (SPE) at Naval Base Kitsap Bangor, Washington from October 1, 2018, to September 30, 2019, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. This section contains a draft of the IHA itself. The wording contained in this section is proposed for inclusion in the IHA (if issued).

1. This Incidental Harassment Authorization (IHA) is valid from October 1, 2018 through September 30, 2019. This IHA is valid only for pile driving and extraction activities associated with the Naval Base Kitsap Bangor SPE project.

2. General Conditions.

(a) A copy of this IHA must be in the possession of the Navy, its designees, and work crew personnel operating under the authority of this IHA.

(b) The species authorized for taking are the killer whale (*Orcinus orca;* transient only), harbor porpoise *(Phocoena phocoena vomerina),* California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus monteriensis*), and harbor seal *(Phoca vitulina richardii).*

(c) The taking, by Level A and Level B harassment, is limited to the species listed in condition 2(b). See Table 11 for numbers of Level A and Level B take authorized.

(d) The take of any other species not listed in condition 2(b) of marine mammal is prohibited and may result in the modification, suspension, or revocation of this IHA.

(e) The Navy shall conduct briefings between construction supervisors and crews, marine mammal monitoring team, acoustical monitoring team prior to the start of all pile driving activities, and when new personnel join the work, in order to explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

3. Mitigation Measures.

The holder of this Authorization is required to implement the following mitigation measures:

(a) Time Restrictions—For all in-water pile driving activities, the Navy shall operate only during daylight hours.

(b) Use of Bubble Curtain.

(i) The Navy shall employ a bubble curtain (or other sound attenuation device with proven typical performance of at least 8 dB effective attenuation) during impact pile driving of steel piles in water depths greater than 2 feet. In addition, the Navy shall implement the following performance standards.

(ii) The bubble curtain must distribute air bubbles around 100 percent of the piling perimeter for the full depth of the water column.

(iii) The lowest bubble ring shall be in contact with the mudline for the full circumference of the ring, and the weights attached to the bottom ring shall ensure 100 percent mudline contact. No parts of the ring or other objects shall prevent full mudline contact.

(iv) The Navy shall require that construction contractors train personnel in the proper balancing of air flow to the bubblers, and shall require that construction contractors submit an inspection/performance report for approval by the Navy within 72 hours following the performance test. Corrections to the attenuation device to meet the performance standards shall occur prior to impact driving.

(c) Use of Soft-Start.

(i) The project shall utilize soft start techniques for impact pile driving.

(ii) The Navy shall conduct an initial set of three strikes from the impact hammer at 40 percent energy, followed by a 1-minute waiting period, then two subsequent three strike sets.

(iii) Soft start shall be required for any impact driving, including at the beginning of the day, and at any time following a cessation of impact pile driving of 30 minutes or longer.

(d) Establishment of Shutdown Zones.

(i) The shutdown zones pertaining specific species during impact driving and vibratory driving are shown on Tables 10, 1, and 12.

(ii) If a marine mammal comes within or approaches the shutdown zone, pile driving operations shall cease.

(iii) Pile driving and removal operations shall restart once the marine mammal is visibly seen leaving the zone or after 15 minutes have passed with no sightings.

(iii) For in-water heavy machinery work other than pile driving (using, *e.g.,*standard barges, tug boats), if a marine mammal comes within 10 m, operations shall cease and vessels shall reduce speed to the minimum level required to maintain steerage and safe working conditions.

(iv) Shutdown shall occur if a species for which authorization has not been granted or for which the authorized numbers of takes have been met approaches or is observed within the pertinent take zone. The Navy shall then contact NMFS within 24 hours.

(d) Establishment of Level A and B Harassment Zones.

(i) The Level A and Level B zones pertaining to specific species during impact driving and vibratory driving are shown on Tables 12, 13, and 14.

(e) Pile driving activities shall not be conducted when weather/observer conditions do not allow for adequate sighting of marine mammals within the disturbance zone (*e.g.* lack of daylight/fog).

(i) In the event of conditions that prevent the visual detection of marine mammals, impact pile driving already underway shall be curtailed, but vibratory driving may continue if driving has already been initiated on a given pile.

4. Monitoring.

The holder of this Authorization is required to conduct visual marine mammal monitoring during pile driving activities.

(a) Visual Marine Mammal Observation—The Navy shall collect sighting data and behavioral responses to pile driving for marine mammal species observed in the region of activity during the period of activity. Visual monitoring shall include the following:

(i) Marine Mammal Observers (MMOs) shall be positioned at the best practicable vantage points, taking into consideration security, safety, and space limitations. The MMOs shall be stationed in a location that shall provide adequate visual coverage for the shutdown zones.

(ii) During pile driving, one MMO shall be stationed in a vessel, and at least four additional MMOs shall be stationed on the pier, along the shore, or on the pile driving barge to maximize observation coverage

(iii) Monitoring shall be conducted by trained observers, who shall have no other assigned tasks during monitoring periods. Trained observers shall be placed at the best vantage point(s) practicable to monitor for marine mammals and implement shutdown or delay procedures when applicable through communication with the equipment operator. The Navy shall adhere to the following additional observer qualifications:

(1) Independent observers (*i.e.,* not construction personnel) are required.

(2) At least one observer must have prior experience working as an observer.

(3) Other observers may substitute education (degree in biological science or related field) or training for experience.

(iv) Where a team of three or more observers are required, one observer shall be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer.

(v) The Navy shall submit observer CVs for approval by NMFS.

(vi) Monitoring shall take place from 15 minutes prior to initiation of pile driving activity through 30 minutes post-completion of pile driving activity.

(b) Hydroacoustic Monitoring.

(i) If approved by the U.S. Fish and Wildlife Service, baseline sound measurements of steel pile driving shall occur prior to the implementation of noise attenuation. Impact pile driving without noise attenuation shall be limited to the number of piles necessary to obtain an adequate sample size.

(ii) If the Navy elects to conduct in-situ acoustic monitoring to establish actual distances to the thresholds for a pile type and installation method, the radii of the pertaining zones may be adjusted according to collected data.

(iii) Any proposed acoustical monitoring plan and any proposed revisions to zone radii must be pre-approved by NMFS.

(iv) A final acoustic monitoring report shall be submitted to NMFS within 30 days of completing the monitoring.

5. Reporting.

(a) A draft marine mammal monitoring report shall be submitted to NMFS within 90 days after the completion of pile driving and removal activities or a minimum of 60 days prior to any subsequent IHAs. A final report shall be prepared and submitted to the NMFS within 30 days following receipt of comments on the draft report from the NMFS. A If no comments are received from NMFS within 30 days, the draft final report shall constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

(i) The report shall include an overall description of work completed, a narrative regarding marine mammal sightings, and associated marine mammal observation data sheets.

(ii) The report shall include all items identified in information described in Section 4 of the Marine Mammal Monitoring Plan (Appendix D of the application.)

(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 serious injury, or mortality, the Navy shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the West Coast Regional Stranding Coordinator, NMFS. 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, Beaufort 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 shall work with the Navy to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. The Navy may not resume their activities until notified by NMFS.

(ii) In the event that the Navy 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 Navy 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 5(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS shall work with the Navy to determine whether additional mitigation measures or modifications to the activities are appropriate.

(iii) In the event that the Navy 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 Navy 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 Navy shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS.

6. 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 draft authorization, and any other aspect of this Notice of Proposed IHA for the proposed Service Pier Extension project. 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 one-year renewal 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 renewal would allow 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; and
- 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: March 6, 2018.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2018–04857 Filed 3–9–18; 8:45 am]

BILLING CODE 3510–22–P

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Application Package for Learning Management System (LMS) Pre- and Post-Test Assessment Questions

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice of Information Collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, CNCS is seeking approval for a new information collection.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by May 11, 2018.

ADDRESSES: You may submit comments, identified by the title of the information collection activity, by any of the following methods:

(1) By mail sent to: Corporation for National and Community Service, Attention Adrienne DiTommaso, 250 E Street SW, Washington, DC, 20525.

(2) By hand delivery or by courier to the CNCS mailroom at the mail address given in paragraph (1) above, between 9:00 a.m. and 4:00 p.m. Eastern Time, Monday through Friday, except federal holidays.

(3) Electronically through *www.regulations.gov*.

Comments submitted in response to this notice may be made available to the public through regulations.gov. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comment that may be made available to the public notwithstanding the inclusion of the routine notice.

FOR FURTHER INFORMATION CONTACT: Adrienne DiTommaso, 202–606–3611, or by email at *aditommaso@cns.gov*.

SUPPLEMENTARY INFORMATION:

Title of Collection: Learning Management System (LMS) Pre- and Post-test Assessment Questions.

OMB Control Number: TBD.

Type of Review: New.

Respondents/Affected Public: Corporation for National and Community Service grantees.

Total Estimated Number of Annual Respondents: 100.

Total Estimated Annual Frequency: 12.

Total Estimated Average Response Time per Response: 5 minutes per course; 12 courses in total = 60 minutes or 1 hour maximum across all courses.

Total Estimated Number of Annual Burden Hours: 100 hours; 60 minutes × 100 respondents (max.) = 6000 minutes or 100 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Abstract: The Corporation for National and Community Service (CNCS) has procured a Learning Management System (LMS) to enhance training and technical assistance at the agency. The Office of Research and Evaluation (ORE) is using this tool to enhance existing methods of teaching and learning about program evaluation and research topics. ORE has programmed 12 Evaluation Core Curriculum courses on the LMS for users to explore interactively. In order to enhance the utility of the courses, ORE would like implement knowledge checks in the form of topically focused pre/post-test questions so that participants can identify knowledge gaps that need to be addressed with further learning. This will also enable ORE to see where common learning issues arise, and where additional resources should be targeted. CNCS also seeks to continue using the currently approved pre/post-test questions, which were cleared under a generic clearance, until the current information collection is approved by OMB. The currently approved information collection expired on October 31, 2017.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. 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. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information, to search data sources, to complete and review the collection of information; and to transmit or otherwise disclose the information. All written comments will be available for public inspection on *regulations.gov*.

Dated: March 2, 2018.

Mary Hyde,

Director of the Office of Research and Evaluation.

[FR Doc. 2018–04881 Filed 3–9–18; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Notice of Intent To Grant an Exclusive Patent License

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Notice of intent.

SUMMARY: The Department of the Air Force hereby gives notice of its intent to grant an exclusive patent license agreement to Joint Owner Florida State University Research Foundation, a non-profit, organized and in good standing with the State of Florida, having a place of business at 2000 Levy Avenue Building A., Suite 351, Tallahassee, FL 32310.

DATES: Written objections must be filed no later than fifteen (15) calendar days after the date of publication of this Notice.

ADDRESSES: Submit written objections to the Air Force Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Room 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; or Email: *afmclo.jaz.tech@us.af.mil.* Include Docket No. ARW–180111A–JA in the subject line of the message.

Authority: 35 U.S.C. 209; 37 CFR 404.

FOR FURTHER INFORMATION CONTACT: Jeff Moore, Phone 937–904–5771, Air Force

Materiel Command Law Office, AFMCLO/JAZ, 2240 B Street, Rm. 260, Wright-Patterson AFB, OH 45433–7109; Facsimile: (937) 255–3733; Email: *afmclo.jaz.tech@us.af.mil.*

SUPPLEMENTARY INFORMATION: Pursuant to the Bayh-Dole Act and implementing regulations, The Department of the Air Force intends to grant the exclusive patent license agreement for the invention described in:

—The invention disclosed and claimed in U.S. Application Serial No. 15/607,456, entitled ''Polymeric Ceramic Precursors, Apparatuses Systems, and Methods'' filed on May 27, 2017, and

—the invention disclosed and claimed in U.S. Application Serial No. 15/863,150, entitled ''Temperature and Pressure Sensors and Methods'', filed on January 5, 2018, and

—any and all U.S. patent applications and U.S. patents based on said disclosures and patents, including all divisions, continuations, continuations-in-part (only to the extent that such claims are fully supported by another patent or application in the patent filed), and national stage applications reentering U.S. from a Patent Cooperation Treaty application having at least one INVENTOR of the AIR FORCE and at least one INVENTOR of FSURF, and reissues or extensions.

The Department of the Air Force may grant the prospective license unless a timely objection is received that sufficiently shows the grant of the license would be inconsistent with the Bayh-Dole Act or implementing regulations. A competing application for a patent license agreement, completed in compliance with 37 CFR 404.8 and received by the Air Force within the period for timely objections, will be treated as an objection and may be considered as an alternative to the proposed license.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2018–04880 Filed 3–9–18; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2017–ICCD–0153]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; HBCU All Star Student Program

AGENCY: Office of the Secretary (OS), 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 11, 2018.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2017–ICCD–0153. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW, LBJ, Room 216–32, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Sedika Franklin, 202–453–5630.

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: HBCU All Star Student Program.

OMB Control Number: 1894–0016.

Type of Review: A revision of an existing information collection.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 303.

Total Estimated Number of Annual Burden Hours: 720.

Abstract: This program was designed to recognize current HBCU students for their dedication to academics, leadership and civic engagement. Nominees were asked to submit a nomination package containing a signed nomination form, unofficial transcripts, short essay, resume, and endorsement letter. Items in this package provide the tools necessary to select current HBCU students who are excelling academically and making differences in their community.

Dated: March 7, 2018.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Office of the Chief Privacy Officer, Office of Management.

[FR Doc. 2018–04856 Filed 3–9–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–3050–002.

Applicants: FirstEnergy Corp.

Description: Notice of change in status of FirstEnergy Companies.

Filed Date: 3/5/18.

Accession Number: 20180305–5382.

Comments Due: 5 p.m. ET 3/26/18.

Docket Numbers: ER12–1179–025.

Applicants: Southwest Power Pool, Inc.

Description: Compliance filing: Deficiency Response in ER12–1179–024—Order No. 745 Compliance Filing to be effective N/A.

Filed Date: 3/5/18.

Accession Number: 20180305–5357.

Comments Due: 5 p.m. ET 3/26/18.

Docket Numbers: ER15–1434–002.

Applicants: Emera Maine, ISO New England Inc.

Description: Compliance filing: Joint Offer of Settlement Regarding Bangor

Hydro District Annual Charges Update to be effective N/A.

Filed Date: 3/6/18.

Accession Number: 20180306–5065.

Comments Due: 5 p.m. ET 3/27/18.

Docket Numbers: ER18–960–000.

Applicants: Emera Maine.

Description: Emera Maine submits tariff filing per 35.13(a)(2)(iii): Offer of Settlement Regarding Maine Public District Charges [Docket No. ER15–1429–000] to be effective 6/1/2017.

Filed Date: 3/5/18.

Accession Number: 20180305–5287.

Comments Due: 5 p.m. ET 3/26/18.

Docket Numbers: ER18–964–000.

Applicants: Wisconsin Public Service Corporation.

Description: § 205(d) Rate Filing: Filing of Annual Formula Rate for PEB and PBOP Changes to be effective 4/1/2018.

Filed Date: 3/6/18.

Accession Number: 20180306–5044.

Comments Due: 5 p.m. ET 3/27/18.

Docket Numbers: ER18–965–000.

Applicants: FirstEnergy Solutions Corp.

Description: Request of FirstEnergy Solutions Corp. for Authorization to Make Wholesale Power Sales to Affiliate, Potomac Edison Company.

Filed Date: 3/5/18.

Accession Number: 20180305–5378.

Comments Due: 5 p.m. ET 3/26/18.

Docket Numbers: ER18–967–000.

Applicants: KODE Novus II, LLC

Description: § 205(d) Rate Filing: Amend Market Based Rate Tariff to be effective 5/6/2018.

Filed Date: 3/6/18.

Accession Number: 20180306–5077.

Comments Due: 5 p.m. ET 3/27/18.

Docket Numbers: ER18–968–000.

Applicants: KODE Novus I, LLC.

Description: § 205(d) Rate Filing: Amend Market Based Rate Tariff to be effective 5/6/2018.

Filed Date: 3/6/18.

Accession Number: 20180306–5081.

Comments Due: 5 p.m. ET 3/27/18.

Docket Numbers: ER18–970–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: Tri-State Construct Agmt—Monolith Tap IC Rev 1 to be effective 2/13/2018.

Filed Date: 3/6/18.

Accession Number: 20180306–5105.

Comments Due: 5 p.m. ET 3/27/18.

Take notice that the Commission received the following electric reliability filings:

Docket Numbers: RR18–3–000.

Applicants: North American Electric Reliability Corporation, Midwest Reliability Organization, SERC Reliability Corporation.

Description: Joint Petition of the North American Electric Reliability Corporation, et al. for Approvals in Connection with the Dissolution of the Southwest Power Pool Regional Entity.

Filed Date: 3/5/18.

Accession Number: 20180305–5366.

Comments Due: 5 p.m. ET 3/26/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: March 6, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–04854 Filed 3–9–18; 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: RP18–542–000.

Applicants: Natural Gas Pipeline Company of America.

Description: § 4(d) Rate Filing: Negotiated Rate Filing Macquarie Energy to be effective 4/1/2018.

Filed Date: 3/5/18.

Accession Number: 20180305–5001.

Comments Due: 5 p.m. ET 3/19/18.

Docket Numbers: RP18–543–000.

Applicants: Cheyenne Plains Gas Pipeline Company, L.L.C.

Description: § 4(d) Rate Filing: Non-Conforming Agreement Filing (Grasslands) to be effective 4/1/2018.

Filed Date: 3/5/18.

Accession Number: 20180305–5011.

Comments Due: 5 p.m. ET 3/19/18.

Docket Numbers: RP18–544–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 030518 Negotiated Rates—Freepoint Commodities LLC R–7250–21 to be effective 4/1/2018.

Filed Date: 3/5/18.

Accession Number: 20180305–5046.

Comments Due: 5 p.m. ET 3/19/18.

Docket Numbers: RP18–545–000.

Applicants: UGI Sunbury, LLC.

Description: Request for Waiver of Annual Retainage Adjustment Filing.

Filed Date: 3/1/18.

Accession Number: 20180301–5307.

Comments Due: 5 p.m. ET 3/13/18.

Docket Numbers: RP18–546–000.

Applicants: ENGIE S.A.,Global LNG S.A.S.

Description: Joint Petition of ENGIE S.A., et al. for Temporary Waivers of Capacity Release Regulations and Policies, et al.

Filed Date: 3/1/18.

Accession Number: 20180301–5308.

Comments Due: 5 p.m. ET 3/8/18.

Docket Numbers: RP18–547–000.

Applicants: High Point Gas Transmission, LLC.

Description: Annual Unaccounted for Gas Retention Filing of High Point Gas Transmission, LLC.

Filed Date: 3/1/18.

Accession Number: 20180301–5310.

Comments Due: 5 p.m. ET 3/13/18.

Docket Numbers: RP18–548–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rates—ConEd release to Median Energy to be effective 3/6/2018.

Filed Date: 3/5/18.

Accession Number: 20180305–5291.

Comments Due: 5 p.m. ET 3/19/18.

Docket Numbers: RP18–549–000.

Applicants: Texas Eastern Transmission, LP.

Description: § 4(d) Rate Filing: Negotiated Rates—ConEd release to Median Energy to be effective 3/6/2018.

Filed Date: 3/5/18.

Accession Number: 20180305–5326.

Comments Due: 5 p.m. ET 3/19/18.

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: March 6, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–04855 Filed 3–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD18–9–000]

Electric Quarterly Report Users Group Meeting; Notice of Electric Quarterly Report Users Group Meeting

Take notice that on June 5, 2018, staff of the Federal Energy Regulatory Commission (Commission) will hold the fifth biannual Electric Quarterly Report (EQR) Users Group meeting. The meeting will take place from 1:00 p.m. to 5:00 p.m. (EST) in the Commission Meeting Room at 888 First Street NE, Washington, DC 20426. All interested persons are invited to attend. For those unable to attend in person, access to the meeting will be available via webcast.

This meeting provides a forum for dialogue between Commission staff and EQR users to discuss potential improvements to the EQR program and the EQR filing process. Recent meetings have focused on issues pertaining primarily to EQR filers. However, in the upcoming meeting, staff will also include sessions for those accessing and using EQR data. Prior to the meeting, staff would like input on discussion topics. Individuals may suggest agenda topics for consideration by April 16, 2018, by emailing *EQRUsersGroup@ferc.gov*.

Please note that matters pending before the Commission and subject to ex parte limitations cannot be discussed at this meeting. An agenda of the meeting will be provided in a subsequent notice.

Due to the nature of the discussion, those interested in participating are encouraged to attend in person. All interested persons (whether attending in person or via webcast) are asked to register online at *http://www.ferc.gov/whats-new/registration/06-05-18-form.asp.* There is no registration fee. Anyone with internet access can listen to the meeting by navigating to *www.ferc.gov*'s Calendar of Events, locating the EQR Users Group Meeting on the Calendar, and clicking on the link to the webcast. The webcast will allow persons to listen to the technical conference and they can email questions during the meeting to *EQRUsersGroup@ferc.gov*.

Commission conferences are accessible under section 508 of the Rehabilitation Act of 1973. For accessibility accommodations, please send an email to *accessibility@ferc.gov* or call toll free 1–866–208–3372 (voice) or 202–502–8659 (TTY), or send a FAX to 202–208–2106 with the required accommodations.

For more information about the EQR Users Group meeting, please contact Jeff Sanders of the Commission's Office of Enforcement at (202) 502–6455, or send an email to *EQRUsersGroup@ferc.gov*.

Dated: March 6, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–04853 Filed 3–9–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0559; FRL–9974–13]

TSCA Alternative Testing Methods Draft Strategic Plan; Notice of Availability and Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: As required by the Toxic Substances Control Act (TSCA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act in June 2016, EPA is developing, pursuant to TSCA section 4(h)(2)(A), a Strategic Plan to promote the development and implementation of alternative test methods and strategies to reduce, refine or replace vertebrate animal testing. The draft Strategic Plan will be available for comment until April 26, 2018 and information obtained will be considered in the Agency's development of the final Strategic Plan which is required to be completed and published in June of 2018.

EPA is also holding a public meeting to obtain input on the Agency's draft Strategic Plan. Information obtained during this meeting will be considered in the Agency's development of the final Strategic Plan due in June of 2018.

DATES: The public meeting will be held on April 10, 2018 from 9:00 a.m. to 5:00 p.m.

Members of the public must register to make oral comments at the public meeting on or before April 3, 2018. Online requests to participate in the meeting must be received on or before April 3, 2018. On-site registration will be permitted, but seating and speaking priority will be given to those who pre-register by the deadline.

To request accommodation of a disability, please contact the meetings logistics person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

EPA will accept written comments and materials submitted to the docket EPA–HQ–OPPT–2017–0559. The docket will remain open to receive comments and materials until April 26, 2018. When submitting comments to the docket, please be as specific as possible, and please include any supporting data or other information.

ADDRESSES: The meeting will be held in the Ronald Reagan Building 1300 Pennsylvania Avenue NW, Washington, DC 20004. The meeting will also be available by remote access for registered participants. For further information, see Unit I under **SUPPLEMENTARY INFORMATION.**

To participate in the meeting on April 10, 2018, you may register online (preferred) or in person at the meeting. To register online, go to *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/alternative-test-methods-and-strategies-reduce.*

Written comments, identified by the docket ID number EPA–HQ–OPPT–2017–0559 can be submitted by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Louis Scarano, Risk Assessment Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–2851, email address: *scarano.louis@epa.gov.* In addition, progress on this activity will be periodically updated at the following page on the OPPT website at *https://www.epa.gov/assessing-and-managing-chemicals-under-tsca.*

For meeting logistics or registration contact: Klara Zimmerman, Abt Associates; telephone number: (301) 634–1722; email address: *klara_zimmerman@abtassoc.com.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are required to conduct testing of chemical substances under the Toxic Substances Control Act (TSCA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. 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:

- Basic Chemical Manufacturers (NAICS code 3251);
- Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filament Manufacturers (NAICS code 3252);
- Pesticide, Fertilizer, and Other Agricultural Chemical Manufacturers (NAICS code 3255);
- Paint, Coating, and Adhesive Manufacturers (NAICS code 3255);
- Other Chemical Product and Preparation Manufacturers (NAICS code 3259); and Petroleum Refineries (NAICS code 32411).
- Animal Welfare Groups
- Environmental non-governmental organizations
- Toxicity testing laboratories (contract labs)
- Academic/non-profit groups involved in developing and using alternative toxicity test methods

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0559, is available at *http://www.regulations.gov* or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket), Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

Meeting materials for the April 10, 2018 public meeting will be made available in the docket. (*http://www.regulations.gov;* docket number EPA–HQ–OPPT–2017–0559).

II. Background

On June 22, 2016, the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which amended the Toxic Substances Control Act (TSCA), the nation's primary chemicals management law, was signed into law. Along with new requirements and deadlines for actions related to the regulation of new and existing chemicals in the U.S., the new law includes changes to TSCA section 4 (*Testing of Chemical Substances and Mixtures*). Specifically, a new section (4(h)) has been added entitled *Reduction of Testing on Vertebrates.*

TSCA section 4 (h)(2)(A) states that EPA must ''. . . *develop a strategic plan to promote the development and implementation of alternative test methods and strategies to reduce, refine, or replace vertebrate animal testing and provide information of equivalent or better scientific quality and relevance for assessing risks of injury to health or the environment . . .*''.

The Strategic Plan must be completed by June 22, 2018. OPPT hosted a public meeting on November 2, 2017 in which a conceptual approach to this Plan was presented. The meeting materials and public comments received through January 10, 2018, when the comment period associated with the November 2, 2017 meeting closed, are available in the docket. (*http://www.regulations.gov*; docket number EPA–HQ–OPPT–2017–0559). Meeting materials for the April 10, 2018 public meeting will be made available in the docket as well.

III. Meeting

A. Remote Access

The meeting will be accessible remotely for registered participants. Registered participants will receive information on how to connect to the meeting prior to its start.

B. Public Participation at the Meeting

Members of the public may register to attend the public meeting and may also register to provide oral comments, in person or remotely, on the day of the meeting, using one of the registration methods described under **ADDRESSES**. A registered speaker is encouraged to focus on issues directly relevant to the meeting's subject matter. Depending on time and number of people registered to speak, each speaker may be limited to no more than five minutes. A speaker must be registered in order to provide oral comments. To accommodate as many registered speakers as possible, speakers may present oral comments without visual aids or written material. Persons registered to speak (as well as others) may submit written materials to the docket as described under **ADDRESSES**. An Agenda for the meeting and supporting materials will be made available in the docket and on EPA's website in advance of the meeting.

IV. How can I request to participate in this meeting?

A. Registration

To attend the meeting in person or to receive remote access, you must register online no later than April 3, 2018, using one of the methods described under **ADDRESSES**. While on-site registration will be available, seating will be on a first-come, first-served basis, with priority given to early registrants, until room capacity is reached. For registrants not able to attend in person, the meeting will also provide remote access capabilities; registered participants will be provided information on how to connect to the meetings prior to its start.

B. Required Registration Information

Members of the public may register to attend as observers or to speak if planning to offer oral comments during the scheduled public comment period. To register for the meeting online, you must provide your full name, organization or affiliation, and contact information.

V. What action is the Agency taking?

EPA is publishing a draft strategic plan, and taking comments until April 26, 2018, to promote the use and development of alternative test methods and strategies to reduce, refine or

replace vertebrate animal testing, which includes a list of new approach methodologies (NAMs) that are ''scientifically reliable, relevant, and capable of providing information of equivalent or better scientific reliability and quality to that which would be obtained from vertebrate animal testing'' along with criteria ''for considering scientific reliability and relevance'' of NAMs. See TSCA sections 4(h)(2)(C) and (D).

EPA is also holding a public meeting to obtain input on the Agency's draft Strategic Plan. Information obtained during this meeting will be considered in the Agency's development of the final Strategic Plan due in June of 2018.

Authority: 15 U.S.C. 2601 *et seq.*

Dated: March 5, 2018.

Charlotte Bertrand,

Acting Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2018–04938 Filed 3–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPPT–2017–0652; FRL–9975–24]

Agency Information Collection Activities; Proposed New Collection (EPA ICR No. 2570.01); Comment Request

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). The ICR, entitled: ''Guidance on Expanded Access to TSCA Confidential Business Information'' and identified by EPA ICR No. 2570.01 and OMB Control No. 2070—[new], represents a new request. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

DATES: Comments must be received on or before May 11, 2018.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0652, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001.
- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.html.*

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

FOR FURTHER INFORMATION CONTACT:

For technical information contact: Jessica Barkas, Environmental Assistance Division, Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 250–8880; email address: barkas.jessica@*epa.gov.*

For general information contact: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

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 estimates 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.

4. Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

II. What information collection activity or ICR does this action apply to?

Title: Guidance on Expanded Access to TSCA Confidential Business Information

ICR number: EPA ICR No. 2570.01.

OMB control number: OMB Control No. 2070—[new].

ICR status: This ICR addresses a new information collection activity. Under the PRA, an Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

Abstract: This ICR addresses the content and form of the statements of need and agreements required under TSCA section 14(d)(4), (5), and (6), which are described in the three draft guidance documents that have been developed to implement the new authorities in TSCA section 14(d)(4), (5), and (6), and include some basic logistical information on where and how to submit requests to EPA. Making a request for access to TSCA CBI is a voluntary activity, but is required in order to gain such access under TSCA section 14(d).

Burden statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 14.8 hours and cost about $868 per response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

Respondents/affected entities: Entities potentially affected by this ICR are mainly government employees (federal, state, local, tribal), as well as medical professionals, such as doctors and nurses.

Estimated total number of potential respondents: 6.

Frequency of response: On occasion.

Estimated total average number of responses for each respondent: 1.

Estimated total annual burden hours: 89 hours.

Estimated total annual costs: $5,204.11. This includes an estimated burden cost of $5,204.11 and an estimated cost of $0 for capital investment or maintenance and operational costs.

The ICR package is being submitted to OMB for review and approval pursuant to 5 CFR 1320.10.

III. What is the next step in the process for this ICR?

EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval pursuant to 5 CFR 1320.10. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

Authority: 44 U.S.C. 3501 *et seq.*

Dated: March 5, 2018.

Charlotte Bertrand,

Acting Principal Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

[FR Doc. 2018–04936 Filed 3–9–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0392, 3060–0741]

Information Collections Being Submitted for Review and Approval to the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before April 12, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicholas A. Fraser, OMB, via email *Nicholas_A._Fraser@omb.eop.gov;* and to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the OMB control number of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0392.

Title: 47 CFR 1 subpart J—Pole Attachment Complaint Procedures.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 1,775 respondents; 1,775 Responses.

Estimated Time per Response: 0.5–75 hours.

Frequency of Response: On-occasion reporting and third-party disclosure requirements.

Obligation to Respond: Required to obtain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 224.

Total Annual Burden: 2,941 hours.

Total Annual Cost: $450,000.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: No questions of a confidential nature are asked. However, respondents may request that materials or information submitted to the Commission in a complaint proceeding be withheld from public inspection under 47 CFR 0.459.

Needs and Uses: The Commission is requesting OMB approval for a revision to an existing information collection. 47 CFR 1.1424 states that the procedures for handling pole attachment complaints filed by incumbent local exchange carriers (ILECs) are the same as the procedures for handling other pole attachment complaints. Currently, OMB Collection No. 3060–0392, among other things, tracks the burdens associated with utilities defending against complaints brought by ILECs related to unreasonable rates, terms, and conditions for pole attachments. In *Accelerating Wireline Broadband*

Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17–84, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC 17–154 (rel. Nov. 29, 2017) (*Wireline Infrastructure Order*), the Commission, among other things, expanded the type of pole attachment complaints that can be filed by ILECs, now allowing them to file complaints related to a denial of pole access by utilities. The Commission will use the information collected under this revision to 47 CFR 1.1424 to hear and resolve pole access complaints brought by ILECs and to determine the merits of the complaints.

OMB Control Number: 3060–0741.

Title: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, GN Docket No. 17–84.

Form Number(s): N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 5,357 respondents; 573,928 responses.

Estimated Time per Response: 0.5–4.5 hours.

Frequency of Response: On occasion reporting requirements; recordkeeping and third-party disclosure requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 222 and 251.

Total Annual Burden: 575,448 hours.

Total Annual Cost: No cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: Section 251 of the Communications Act of 1934, as amended, 47 U.S.C. 251, is designed to accelerate private sector development and deployment of telecommunications technologies and services by spurring competition. Section 222(e) is also designed to spur competition by prescribing requirements for the sharing of subscriber list information. These information collection requirements are designed to help implement certain provisions of sections 222(e) and 251, and to eliminate operational barriers to competition in the telecommunications services market. Specifically, these information collection requirements will be used to implement (1) local exchange carriers' (''LECs'') obligations to provide their competitors with dialing parity and non-discriminatory access to certain services and functionalities; (2) incumbent local exchange carriers' (''ILECs'') duty to make network information disclosures; and (3) numbering administration. The Commission estimates that the total annual burden of the entire collection, as revised, is 575,840 hours. This revision relates to a change in one of many components of the currently approved collection—specifically, certain reporting, recordkeeping and/or third-party disclosure requirements under section 251(c)(5). In November 2017, the Commission adopted new rules concerning certain information collection requirements implemented under section 251(c)(5) of the Act, pertaining to network change disclosures. Most of the changes to those rules apply specifically to a certain subset of network change disclosures, namely notices of planned copper retirements. In addition, the changes remove a rule that prohibits incumbent LECs from engaging in useful advanced coordination with entities affected by network changes. The changes are aimed at removing unnecessary regulatory barriers to the deployment of high-speed broadband networks. As a result of these changes, the total annual burden hours have been reduced by 392 hours. The Commission estimates that the revision does not result in any additional outlays of funds for hiring outside contractors or procuring equipment.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–04946 Filed 3–9–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Privacy Act of 1974; System of Records

AGENCY: Federal Communications Commission.

ACTION: Notice of a Modified System of Records.

SUMMARY: The Federal Communications Commission (FCC or Commission or Agency) has modified an existing system of records, FCC/OMD–16, Personnel Security Files, subject to the *Privacy Act of 1974* as amended. This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice of the existence and character of records maintained by the agency. The FCC's Security Operations Center (SOC) in the Office of Managing Director (OMD) uses this system of records to cover the personally identifiable information (PII) that is associated with the administration of the policies and activities that include, but are not limited to determining compliance with Federal regulations, and/or an individual's suitability for access to classified information and/or a security clearance; evaluating an applicant's suitability to perform contractual services for the FCC; evaluating an individual's suitability for Federal internships, including access to Federal systems and information; responding to complaints of threats, harassment, violence, or other inappropriate behavior at the FCC; and documenting security violations and related activities, including insider threats.

DATES: This action will become applicable on March 12, 2018. The routine uses in this action will become applicable on April 11, 2018 unless comments are received that require a contrary determination.

ADDRESSES: Send comments to Leslie F. Smith, Privacy Manager, Information Technology (IT), Room 1–C216, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, or to *Leslie.Smith@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Leslie F. Smith, (202) 418–0217, or *Leslie.Smith@fcc.gov* (and to obtain a copy of the Narrative Statement and the Supplementary Document).

SUPPLEMENTARY INFORMATION: This notice serves to update and modify FCC/OMD–16, Personnel Security Files, to add insider threats to the list of purposes and to make other miscellaneous but necessary updates and changes since its previous publication. The substantive changes and modifications to the previously published version of the FCC/OMD–16 system of records include:

1. (a) Expansion of the system's purposes to add insider threats to the list of safety and security criteria that the Security Operations Center will use to evaluate and assign employees, contractors, and interns an appropriate security level and to guard against the potential risks posed by insider threats.

(b) Deletion of the President's Program to Eliminate Waste, Fraud, and Abuse—there is no current information that this program is still in existence.

2. Expansion of the categories of individuals to include security personnel (contractors) to the list of

individuals who are authorized to perform, provide, or use FCC facilities.

3. Expansion of the categories of records to add Taxpayer Identification Numbers (TINs), Personal Identity Verification (PIV) data, facial photographs and other biometric data, and office and personal email addresses of FCC employees; personal telephone and email address(es) of relatives who are Federal employees; financial information (in addition to tax data and credit reports) for employee background investigations; insider threat activity data concerning FCC employees; office and home email addresses of witness(es), injured parties, and others as part of an investigation of violence, threats (including insider threats), harassment, and intimidation to the PII that this system will collect, maintain, and use.

4. Replacing two routine uses: (1) Litigation by the Department of Justice and (2) A Court or Adjudicative Body, with (1) Adjudication and Litigation.

5. Updating language and/or renumbering two routine uses: (2) Law Enforcement and Investigation; (3) Congressional Inquiries; (4) Government-wide Program Management and Oversight; (5) Contract Services, Grants, or Cooperative Agreements; (11) Labor Relations; and (13) National Security and Intelligence Matters.

6. Adding eight new routine uses: (6) Non-FCC Individuals and Organizations to obtain information pertinent to an investigation from these individuals; (7) Complainants and Victims to provide the complainants and victims with information concerning an investigation involving them; (8) Office of Personnel Management (OPM) to OPM *et al.* to properly administer Federal personnel systems and related agencies' systems; (9) Employment, Clearances, Licensing, Contract, Grants, or other Benefit Decisions by the FCC to allow the Commission to obtain information relevant to a FCC decision concerning an employee; (10) Employment, Clearances, Licensing, Contract, Grants, or other Benefit Decisions by other than the FCC to allow the Commission to provide information relevant to another government agency's decision concerning an employee; (12) Security Officials and Investigators to provide information to the officials for liaison and training purposes on classified materials; and (14) Breach Notification to address the Commission's real or suspected data breach situations; and (15) Assistance to Federal Agencies and Entities for assistance with other Federal agencies' data breach situations. Routine Uses (14) and (15) are required by OMB Memorandum m–17–12.

7. Adding a new section: Reporting to a Consumer Reporting Agency to address valid and overdue debts owed by individuals to the FCC under the *Debt Collection Act,* as recommended by OMB.

The system of records is also updated to reflect various administrative changes related to the system managers and system addresses; policy and practices for storage, retrieval, and retention and disposal of the records; administrative, technical, and physical safeguards; and updated notification, records access, and contesting records procedures.

SYSTEM NAME AND NUMBER:

FCC/OMD–16, Personnel Security Files.

SECURITY CLASSIFICATION:

Most personnel identity verification records are not classified. However, in some cases, records of certain individuals, or portions of some records may have national defense/foreign policy classifications.

SYSTEM LOCATION:

Security Operations Center, Assistant Managing Director—Administrative Offices (AMD–AO), Office of Managing Director (OMD), Federal Communications Commission (FCC), 445 12th Street SW, Washington, DC 20554.

SYSTEM MANAGER(S) AND ADDRESS:

Security Operations Center (SOC), Office of the Managing Director (OMD), Federal Communications Commission (FCC), 445 12th Street SW, Washington, DC 20554.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Depending upon the purpose(s) for the investigation, the U.S. government is authorized to ask for this information under 5 U.S.C. 1303, 1304, 3301, 7902, 9101; 42 U.S.C. 2165 and 2201; 50 U.S.C. 781 to 887; 5 CFR parts 5, 732, and 736; *Executive Orders* 9397, 10450, 10865, 12196, 12333, 12356, and 12674, 13587; and *Homeland Security Presidential Directive (HSPD) 12,* Policy for a Common Identification Standard for Federal Employees and Contractors, August 27, 2004.

PURPOSE(S):

The FCC's Security Operations Center (SOC) staff uses this information to document and support decisions that include, but are not limited to:

1. Determining compliance with Federal regulations and/or making a determination about an individual's suitability, eligibility, and fitness for Federal employment, access to classified information or restricted areas, position sensitivity, security clearances, evaluations of qualifications, and loyalty to the United States, and to document such determinations;

2. Evaluating an applicant's qualifications and suitability to perform contractual services for the U.S. Government and documenting such determinations;

3. Evaluating the eligibility and suitability of students, interns, or volunteers to the extent that their duties require access to FCC and other Federal facilities, information, systems, or applications, and documenting such determinations;

4. Taking action on, or responding to a complaint about a threat, harassment, intimidation, violence, or other inappropriate behavior involving one or more FCC employees and/or contract employees, and counseling employees; and

5. Documenting security violations, including but not limited to insider threats, and the resulting management actions that would be taken.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals in this system include but are not limited to:

1. Current and former Federal Communications Commission (FCC employees; including Commission retirees and those who resigned from the Commission, other Federal employees; applicants for employment in the Federal Government or contracts; FCC contractors, experts, instructors, consultants, grantees, and all other individuals who may require regular, on-going access to the FCC's buildings and facilities, information technology (IT) systems, or information classified in the interest of national security; and individuals formerly in any of these positions;

2. Individuals who are authorized to perform, provide, or to use services in FCC facilities (either on an ongoing or occasional basis), including, but not limited to FCC credit union employees, security personnel, custodial staff, maintenance workers, food service workers, contractors, and employee assistance program staff;

3. Individuals who are neither applicants nor employees of the Federal Government, but who are or were involved in Federal programs under co-operative agreements or other arrangements (both paid and unpaid), including, but not limited to students and interns; and

4. Individuals who have been accused of security violations, including potential insider threat activity.

CATEGORIES OF RECORDS IN THE SYSTEM:

The categories of records in this system include, but are not limited to:

1. The information, as applicable, that is needed to identify an individual, including but not limited to the individual's last, first, and middle names, and former name(s), Social Security Number (SSN)/Taxpayer Identification Number (TIN), Personal Identity Verification (PIV) data, date of birth, birthplace, facial photograph(s) and/or other biometric data, home address, home telephone number(s), residential history, office and personal email address(es), organizational (bureau/office) unit, and position title;

2. Background information that includes but is not limited to the individual's citizenship, types and dates of investigations, agency conducting investigation, investigation dates, security clearance(s) [1] and grant date(s), and position sensitivity level(s), and miscellaneous investigation comments and records;

3. Names of relatives, birth date(s), home address(es), personal telephone number, email address(es), citizenship, and relatives who work for the Federal government;

4. Contact with foreign officials and foreign travel registries, as applicable;

5. Reports that include, but are not limited to information that determines the individual's qualifications for a position, including but not limited to the employee/applicant's employment/work history, summary report of investigation(s), results of suitability decision(s), employment references, and contact information, and educational/training institutions attended, degrees and certifications earned, and educational and training references;

6. Background information that includes but is not limited to what is required to investigate an individual's character, conduct, and behavior in the community where he or she lives or lived; criminal history, including but not limited to arrests and convictions for violations against the law; mental health history; drug use history; financial information that includes but is not limited to income tax return information, credit reports, and related financial information; reports that include but are not limited to information obtained from interviews with present and former supervisors, co-workers, associates, educators, and other related personal references and contact information;

7. Reports that include, but are not limited to inquiries with law enforcement agencies, employers, and reports of action after the Office of Personnel Management (OPM) or FBI Section 8(d) Full Field Investigation; Notices of Security Investigation and other information developed from ''Certificates of Clearance,'' [2] including. but not limited to date(s) of security clearances, requests for appeals, witness statements, investigator's notes, security violations, circumstances of violations, and agency action(s) taken;

8. Information needed to investigate allegations of FCC employee's misconduct, including but not limited to identifying any insider threats and related activities;

9. Information needed to investigate miscellaneous complaints not covered by the FCC's formal or informal grievance procedure;

10. Information including, but is not limited to what is needed to investigate violence, threats, harassment, intimidation, insider threat activity, or other inappropriate behavior causing an FCC employee, contractor, or visitor to fear for his/her personal safety in the FCC workplace: Case number, victim's name, office telephone number, room number, office email address, organizational unit, duty station, position, supervisor, supervisor's telephone number, location of incident, activity at time of incident, circumstances surrounding the incident, perpetrator, name(s) and telephone number(s) and email address(es) of witness(es), injured party(s), medical treatment(s), medical report, property damages, report(s) to police and/or Federal Protective Services, and related miscellaneous information; and

11. Information obtained from sources that include but are not limited to SF–85, SF–85P, SF–86, and SF–87 forms, summary reports from OPM or another Federal agency conducting background investigations, and results of adjudications, and security violations.[3]

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, all or a portion of the records or information contained in this system may be disclosed to authorized entities, as is determined to be relevant and necessary, outside the FCC as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows. In each of these cases, the FCC will determine whether disclosure of the records is compatible with the purpose(s) for which the records were collected.

1. Adjudication and Litigation—To disclose information to the Department of Justice (DOJ), or other administrative body before which the FCC is authorized to appear, when: (a) The FCC or any component thereof; (b) any employee of the FCC in his or her official capacity; (c) any employee of the FCC in his or her individual capacity where DOJ or the FCC has agreed to represent the employee; or (d) the United States is a party to litigation or has an interest in such litigation, and the use of such records by DOJ or the FCC is deemed by the FCC to be relevant and necessary to the litigation.

2. Law Enforcement and Investigation—To disclose pertinent information to the appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the FCC becomes aware of an indication of a violation or potential violation of civil or criminal law or regulation;

3. Congressional Inquiries—To provide information to a Congressional office from the record of an individual in response to an inquiry from that Congressional office made at the request of that individual;

4. Government-wide Program Management and Oversight—To the National Archives and Records Administration (NARA) for use in its records management inspections; to the Government Accountability Office (GAO) for oversight purposes; to the U.S. Department of Justice (DOJ) to obtain that department's advice regarding disclosure obligations under the Freedom of Information Act (FOIA); or to the Office of Management and Budget (OMB) to obtain that office's advice regarding obligations under the Privacy Act;

5. Contract Services, Grants, or Cooperative Agreements—To FCC contractors, grantees, or volunteers who have been engaged to assist the FCC in the performance of a contract service, grant, cooperative agreement, or other activity related to this system of records and who need to have access to the records in order to perform their activity. Recipients shall be required to comply with the requirements of the

[1] A security clearance (*i.e.,* ''Certificate of Clearance'') is a government document authorizing a specific security status granted to an individual allowing the person access to classified information (state or organizational secrets) or to restricted areas, after completion of a thorough background check).

[2] *Op. cite.*

[3] This system of records does not duplicate or supersede the Office of Personnel Management (OPM): OPM/Central-9 system of records, which covers the investigations OPM and its contractors conduct on behalf of other agencies at: *https://www.opm.gov/information-management/privacy-policy/sorn/opm-sorn-central-9-personnel-investigations-records.pdf.*

Privacy Act of 1974, as amended, 5 U.S.C. 552a.

6. Non-FCC Individuals and Organizations—To individuals, including former FCC employees, and organizations in the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

7. Complainants and Victims—To individual complainants and/or victims to the extent necessary to provide such individuals with information and explanations concerning the progress and/or results of the investigation or case arising from the matter of which they complained and/or of which they were a victim.

8. Office of Personnel Management (OPM)—To OPM management, Merit Systems Protection Board, Equal Opportunity Employment Commission, Federal Labor Relations Authority, and the Office of Special Counsel for the purpose of properly administering Federal personnel systems or other agencies' systems in accordance with applicable laws, Executive Orders, and regulations.

9. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by the FCC—To a Federal, State, local, foreign, tribal, or other public agency or authority maintaining civil, criminal, or other relevant enforcement records, or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to an investigation concerning the hiring or retention of an employee or other personnel action, the issuance or retention of a security clearance, the classifying of jobs, the letting of a contract, or the issuance or retention of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decisions on the matter.

10. Employment, Clearances, Licensing, Contract, Grant, or other Benefits Decisions by Other than the FCC—To a Federal, State, local, foreign, tribal, or other public agency or authority of the fact that this system of records contains information relevant to the hiring or retention of an employee, the issuance or retention of a security clearance, the conducting of a suitability or security investigation of an individual, the classifying of jobs, the letting of a contract, or the issuance or retention of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the agency's decision on the matter. The other agency or licensing organization may then make a request supported by the written consent of the individual for the entire records if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel, or regulatory action.

11. Labor Relations—To officials of labor organizations recognized under 5 U.S.C. Chapter 71 upon receipt of a formal request and in accord with the conditions of 5 U.S.C. 7114 when relevant and necessary to their duties of exclusive representation concerning personnel policies, practices, and matters affecting working conditions.

12. Security Officials and Investigators—To Security Officials and investigators of Federal Government agencies or departments for liaison or training purposes where appropriate during meetings, conferences, or training courses involving access to classified materials.

13. National Security and Intelligence Matters—To Federal, State, local agencies, or other appropriate entities or individuals, or through established liaison channels to selected foreign government in order to enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947, as amended, the CIA Act of 1949, as amended, Executive Order 12333 or any successor order, applicable to national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders, or directives.

14. Breach Notification—To appropriate agencies, entities, and person when (1) the Commission suspects or has confirmed that there has been a breach of the system of records; (2) the Commission has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with Commission efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

15. Assistance to Federal Agencies and Entities—To another Federal agency or Federal entity, when the Commission determines that information from this system 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, program, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

REPORTING TO A CONSUMER REPORTING AGENCY:

In addition to the routine uses listed above, the Commission may share information from this system of records with a consumer reporting agency regarding an individual who has not paid a valid and overdue debt owed to the Commission, following the procedures set out in the *Debt Collection Act,* 31 U.S.C. 3711(e).

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Information in this system is maintained as follows:

1. Electronic data, records, and files are maintained in a stand-alone computer database hosted on FCC's computer network; and

2. The paper documents, records, and files are stored in file folders in security containers in ''non-public'' rooms of the SOC office suite. These containers are locked when not in use and/or at the end of the day.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by an individual's name or Social Security Number (SSN).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records in this information system are retained and disposed of in accordance with General Records Schedule (GRS) 18, item 22a, approved by the National Archives and Records Administration (NARA). Both electronic and paper records are retained during employment or while an individual is actively involved in Federal programs. As appropriate, records are returned to investigating agencies after employment terminates; otherwise, the records are destroyed upon notification of death or not later than five years after the employee's retirement or separation from the FCC, or the employee's transfer to another Federal agency or department, whichever is applicable. Investigative files and the computer database, which show the completion of an investigation, are retained for 15 years, except for investigations involving potential actionable issue(s), which will be maintained for 25 years plus the current year from the date of the most recent investigative activity.

In accordance with NARA guidelines, the FCC destroys paper records by

shredding; and electronic records are destroyed by electronic erasure. Individuals interested in further information about retention and disposal may request a copy of the disposition instructions from the FCC's Records Management Office.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

1. The electronic records, data, and files are maintained in the FCC computer network databases, which are protected by the FCC's IT privacy safeguards, a comprehensive and dynamic set of IT safety and security protocols and features that are designed to meet all Federal IT privacy standards, including those required by the National Institute of Standard and Technology (NIST) and the *Federal Information Security Modernization Act of 2014* (FISMA). The protocols cover all electronic records, files, and data, including those that are housed in the FCC's computer network databases, and those information system databases that are housed at the FCC's authorized contractor(s).

2. The paper documents and files are stored in approved security containers, which are locked when not in use and/or at the end of the business day. The security containers are located in a secure ''non-public'' part of the Security Operations Center (SOC) office suite. All SOC access points are monitored and controlled. Admittance to the SOC office suite is limited to approved SOC and administrative personnel. Access to the IT offices is via a key and card-coded door.

3. Some paper records (limited in number and scope) are also kept in the FCC's regional offices and laboratory facilities. These records are stored in locked metal file cabinets in locked rooms, which comply with Federal security requirements.

4. Only SOC staff and authorized contractors (including the contractors who maintain the FCC's computer network) may have access to the electronic data and the paper document records and files. As a further measure, access to these electronic records is restricted to the SOC staff and contractors who have a specific role in the Personal Identity Verification (PIV) process that requires their access to background investigation information and related SOC functions. The SOC maintains an audit trail to monitor access.

5. Furthermore, as part of these privacy and security requirements, SOC staff and contractors must complete training specific to their roles to ensure that they are knowledgeable about how to protect PII.

NOTIFICATION PROCEDURE:

Under the authority granted to heads of agencies by 5 U.S.C. 552a(k), the FCC has determined (47 CFR Section 0.561) that this system of records is exempt from disclosing its notification procedure for this system of records.

RECORD ACCESS PROCEDURES:

Under the authority granted to heads of agencies by 5 U.S.C. 552a(k), the FCC has determined (47 CFR Section 0.561) that this system of records is exempt from disclosing its record access procedures for this system of records.

CONTESTING RECORD PROCEDURE:

Under the authority granted to heads of agencies by 5 U.S.C. 552a(k), the FCC has determined (47 CFR Section 0.561) that this system of records is exempt from disclosing its contesting record procedure for this system of records.

RECORD SOURCE CATEGORIES:

Under the authority granted to heads of agencies by 5 U.S.C. 552a (k), the FCC has determined (47 CFR Section 0.561) that this system of records is exempt from disclosing its record sources for this system of records.

EXEMPTION FROM CERTAIN PROVISIONS OF THE ACT:

This system of records is exempt from sections (c)(3), (d), (e)(4)(G), (H), and (I), and (f) of the Privacy Act of 1974, 5 U.S.C. 552a, and from 47 CFR Sections 0.554–0.557 of the Commission's rules. These provisions concern the notification, record access, and contesting procedures described above, and also the publication of record sources. The system is exempt from these provisions because it contains the following types of information:

1. Investigative material compiled for law enforcement purposes as defined in Section (k)(2) of the Privacy Act;

2. Properly classified information, obtained from another Federal agency during the course of a personnel investigation, which pertains to national defense and foreign policy, as stated in Section (k)(1) of the Privacy Act; and

3. Investigative material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, as described in Section (k)(5) of the Privacy Act, as amended. (Information will be withheld to the extent it identifies witnesses promised confidentiality as a condition of providing information during the course of the background investigation.)

HISTORY:

The FCC last gave full notice of this system of records, FCC/OMD–16, Personnel Security Files, by publication in the **Federal Register** on September 25, 2006 (71 FR 55787, 55790).

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2018–04943 Filed 3–9–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0745]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 11, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of

time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Nicole Ongele, FCC, via email *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Nicole Ongele at (202) 418–2991.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

OMB Control Number: 3060–0745.

Title: Implementation of the Local Exchange Carrier Tariff Streamlining Provisions in the Telecommunications Act of 1996, CC Docket No. 96–187.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents and Responses: 50 respondents; 1,536 responses.

Estimated Time per Response: .25–6 hours.

Obligation to Respond: Required to obtain or maintain benefits. Statutory authority for this information collection is contained in sections 1, 4(i), and 204(a)(3) of the Communications Act of 1934, as amended 47 U.S.C. 151, 154(i) and 204(a)(3).

Frequency of Response: On occasion reporting requirement, recordkeeping requirement and third-party disclosure requirement.

Total Annual Burden: 4,054 hours.

Total Annual Cost: $701,550.

Privacy Act Impact Assessment: No impact(s).

Nature of Extent of Confidentiality: The Commission is not requesting that the respondents submit confidential information to the FCC. Respondents may, however, request confidential treatment for information they believe to be confidential under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: This collection will be submitted as an extension to the Office of Management and Budget (OMB) in order to obtain the full three year clearance.

In CC Docket No. 96–187, the Commission adopted measures to streamline tariff filing requirements for local exchange carriers (LECs) pursuant to the Telecommunications Act of 1996. In order to achieve a streamlined and deregulatory environment for LEC tariff filings, LECs are required to file tariffs electronically. Other carriers are permitted to file their tariffs electronically. There are six information collection requirements under this OMB control number: (1) Electronic filing requirement; (2) requirement that carriers desiring tariffs proposing rate decreases to be effective in seven days file separate transmittals; (3) requirement that carriers identify transmittals filed pursuant to the streamlined provisions of the Telecommunications Act of 1996; (4) requirement that price cap LECs file their Tariff Review Plans (TRPs) prior to filing their annual access tariffs; (5) petitions and replies; and (6) standard protective orders.

The information collected under the electronic filing program will facilitate access to tariffs and associated documents by the public, especially by interested persons who do not have ready access to the Commission's public reference room, and state and federal regulators. Ready electronic access to carrier tariffs should also facilitate the compilation of aggregate data for industry analysis purposes without imposing new reporting requirements on carriers. All of the requirements will be used to ensure that LECs comply with their obligations under the Communications Act of 1934, as amended and that the Commission will be able to ensure compliance within the streamlined timeframes established by the 1996 Act.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–04944 Filed 3–9–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 18–11; FCC 18–2]

Birach Broadcasting Corporation, Applications for Renewal of Licenses of AM Radio Stations WBVA, Bayside, Virginia and WVAB, Virginia Beach, Virginia

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document commences a hearing to determine whether the applications filed by Birach Broadcasting Corporation (Birach) to renew its licenses for AM radio stations WBVA, Bayside, Virginia and WVAB, Virginia Beach, Virginia, should be granted. The applications have been designated for hearing based on the stations' extended periods of silence since April 1, 2008, when Birach became the licensee of the stations.

DATES: Persons desiring to participate as parties in the hearing shall file a petition for leave to intervene not later than April 11, 2018.

ADDRESSES: File documents with the Office of the Secretary, Federal Communications Commission, 445 12th Street SW, Washington, DC 20554, with a copy mailed to each party to the proceeding. Each document that is filed in this proceeding must display on the front page the docket number of this hearing, ''MB Docket No. 18–11.''

FOR FURTHER INFORMATION CONTACT: Albert Shuldiner, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a summary of the Hearing Designation Order (Order), MB Docket No. 18–11, FCC 18–2, adopted January 19, 2018, and released January 22, 2018. The full text of the Order is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW, Washington, DC 20554. The full text is also available online at *http://apps.fcc.gov/ecfs/.*

Summary of the Hearing Designation Order

1. The Order commences a hearing proceeding before the Commission to determine whether the applications filed by Birach Broadcasting Corporation (Birach) to renew the licenses for AM radio stations WBVA, Bayside, Virginia (WBVA Renewal Application), and WVAB(AM), Virginia Beach, Virginia (WVAB Renewal Application) should be granted pursuant to section 309(k)(1) of the

Communications Act of 1934 (Act), 47 U.S.C. 309(k)(1). The WBVA Renewal Application and the WVAB Renewal Applications are designated for hearing based on the stations' records of extended periods of silence during and following their license renewal terms.

2. A broadcast licensee's authorization to use radio spectrum in the public interest carries with it the obligation that the station serve its community, providing programming responsive to local needs and interests. Broadcast licensees also are required to operate in compliance with the Act and the Commission's rules (Rules). These requirements include the obligation to transmit potentially lifesaving national level Emergency Alert System (EAS) messages in times of emergency and to engage in periodic tests to ensure that their stations are equipped to do so.

3. The basic duty of broadcast licensees to serve their communities is reflected in the license renewal provisions of the Act. In 1996, Congress revised the Commission's license renewal process and the renewal standards for broadcast stations by adopting Section 309(k) of the Act, 47 U.S.C. 309(k). Section 309(k)(1) of the Act, 47 U.S.C. 309(k)(1), provides that the Commission shall grant a license renewal application if it finds, with respect to the applying station, that during the preceding license term: (a) The station has served the public interest, convenience, and necessity; (b) there have been no serious violations by the licensee of the Act or the Rules; and (c) there have been no other violations by the licensee of the Act or the Rules which, taken together, would constitute a pattern of abuse. Section 309(k)(2) of the Act, 47 U.S.C. 309(k)(2), provides that if a station fails to meet the foregoing standard, the Commission may deny the renewal application pursuant to section 309(k)(3), 47 U.S.C. 309(k)(3), or grant the application on appropriate terms and conditions, including a short-term renewal. Section 309(k)(3) of the Act, 47 U.S.C. 309(k)(3), provides that if the Commission determines, after notice and opportunity for hearing, that the licensee has failed to meet the standard of section 309(k)(1), 47 U.S.C. 309(k)(1), and that no mitigating factors justify the imposition of lesser sanctions, the Commission shall issue an order denying the license renewal application for the station.

4. The assignment of the licenses of WBVA and WVAB from an estate in bankruptcy to Birach was consummated on April 1, 2008. WBVA's operational history since that date is as follows: (a) Silent for 1225 days during the remaining license term from April 1, 2008 to October 1, 2011 (with 151 of those days unauthorized) and for 2186 days from October 2, 2011 to November 30, 2017 (with 141 of those days unauthorized); and (b) operating at 30 watts of power pursuant to special temporary authority (STA) for 54 days during the remaining license term in 2009–2011 (22 days in 2009, 10 days in 2010, and 22 days in 2011) and for 66 days from the end of the license term until November 30, 2017 (14 days in 2012, 6 days in 2013, 4 days in 2014, 8 days in 2015, 8 days in 2016, and 26 days in 2017).

5. WBVA is a Class C AM station licensed to operate with 1 kilowatt of power from a site in Virginia Beach, Virginia. Shortly before Birach purchased WBVA, the interim trustee in bankruptcy filed an application for STA to go silent, explaining that the station's tower had been vandalized and fallen, on or about March 15, 2008. During Birach's tenure as licensee of WBVA for the balance of the license term ending in 2011, the station was silent except for brief periods of operations from temporary sites with a power level of 30 watts. On May 18, 2011, Birach filed the WBVA Renewal Application.

6. Following the filing of the WBVA Renewal Application, WBVA continued its pattern of brief 30-watt operations followed by extended periods of silence. In 2013, Birach sought and received a construction permit for permanent full-power operation at a new transmitter site. However, that permit expired after three years. Birach stated that it was unable to obtain zoning approval to construct a tower at that site.

7. WBVA's temporary 30-watt operations were limited in the area served as well as the days of operation. Although those low-power operations provided city-grade coverage of the community of license (Bayside, Virginia), they covered approximately ten percent of the station's licensed service area, excluding areas covered by water.

8. WVAB's operational history from April 1, 2008 through November 30, 2017 is as follows: (a) Silent for 1231 days during the remaining license term from April 1, 2008 to October 1, 2011 (with 157 of those days unauthorized) and for 1943 days from October 2, 2011 to November 30, 2017 (with 153 of those days unauthorized); and (b) operating at 6 watts of power pursuant to STA for 48 days during the remaining license term in 2009–2011 (16 days in 2009, 10 days in 2010, and 22 days in 2011) and for 309 days from the end of the license term until November 30, 2017 (14 days in 2012, 6 days in 2013, 9 days in 2014, 12 days in 2015, 19 days in 2016, and 249 days in 2017).

9. WVAB is a Class C AM station licensed to operate with 5 kilowatts of power. Within the relevant time periods, WVAB has always been co-located with WBVA. WVAB's operational history has been similar to WBVA's during the time period under review, except WVAB has operated with only 6 watts of power during its STA operations. At the STA power level of 6 watts, WVAB serves only a small portion of its community of license (Virginia Beach, Virginia). A modification of a licensed AM station requires 50 percent coverage of the population and land area of the station's community of license with a city-grade signal. WVAB's STA service provides a predicted city-grade signal to only 6.3 percent of the Virginia Beach population and 1.7 percent of the Virginia Beach land area. As for overall signal coverage, WVAB's predicted coverage for its STA operation is less than two percent of its licensed coverage area.

10. Section 309(k)(3) of the Act, 47 U.S.C. 309(k)(3), requires ''notice and opportunity for a hearing as provided in subsection (e).'' Section 309(e), 47 U.S.C. 309(e), requires a ''full hearing in which the applicant and all other parties in interest shall be permitted to participate.'' The Commission and courts have held that the hearing need not be a trial-type evidentiary hearing meeting the standards of sections 554 and 556 of the Administrative Procedure Act, 5 U.S.C. 554, 556. The Commission has repeatedly observed that trial-type hearings impose significant burdens and delays, both on applicants and the agency. We have found no substantial issues of material fact or any credibility issues regarding these renewal applications. We thus believe cases such as this one can be appropriately resolved with a ''paper'' hearing.

11. We have identified no substantial and material questions of fact with respect to the WBVA Renewal Application and the WVAB Renewal Application, which present only a narrow range of issues for Commission consideration. Thus, many Subpart B rules are facially irrelevant to this proceeding. In these circumstances, we find that the use of summary procedures would expedite the resolution of this hearing while affording Birach the full hearing required by section 309, 47 U.S.C. 309, and not placing unnecessary burdens on the licensee. Accordingly, we find that the following rules are either inapplicable to or would serve no useful purpose in this proceeding: 47

CFR 1.221(c)–(h); 1.241–1.253; 1.255–1.279; 1.282(a) and (b)(2); 1.297–1.340; and 1.352–1.364.

12. Anyone seeking status as a party in interest in this proceeding must file a petition to intervene in accordance with 47 CFR 1.223(a). Anyone else seeking to participate in the hearing as a party may file a petition for leave to intervene in accordance with 47 CFR 1.223(b). Any filing in this docket must be served in accordance with 47 CFR 1.211 on all other parties, including each person or entity that has filed a petition to intervene or petition for leave to intervene, pending a ruling on each such petition. We expect that intervenor status will be granted only with respect to a specific Birach station unless a showing is made that the intervenor has standing to participate more broadly.

13. Birach shall have the right to seek reconsideration of any interlocutory action in this proceeding. Accordingly, we waive the 47 CFR 1.106(a) restriction limiting the filing of a petition for reconsideration by Birach of this hearing designation order.

14. Birach shall file in this docket, within 30 days of publication of notice of the Order in the **Federal Register**, complete copies of the following records for WBVA and WVAB (as such records exist as of the release date of the Order): (a) All station logs for the relevant license term; (b) all quarterly issues and programs lists for the relevant license term; and (c) to the extent not included in the station logs, all EAS System participant records for the relevant license term. Birach may not destroy or remove any of such records prior to such filing, or redact or modify any information in such records as they exist as of the release date of the Order. In the event that, on or after the release date of the Order, Birach creates or modifies any documents that it so provides, each such document should be prominently marked with the date that it was created or revised (identifying the revision(s)) and Birach should include in the sponsoring affidavit or declaration an explanation of who created or revised the document and when he or she did so. We otherwise will conduct the hearing without discovery, although the Commission or its staff may make inquiries or conduct investigations pursuant to Part 73 of the Rules and any reports filed in this docket as a result of such inquiries or investigations will become part of the record in this hearing.

15. We will take official notice of all publicly-available Commission records for WBVA and WVAB as part of the record in this docket. Birach has the burden of proceeding with evidence and the burden of proof in this hearing. Within 60 days of publication of notice of the Order in the **Federal Register**, Birach will file a written direct case on the designated issues for WBVA and WVAB, no longer than 50 pages, and supported by an affidavit or unsworn declaration pursuant to 47 CFR 1.16. Within 30 days of Birach's filing, any other person granted party status may file a responsive submission, no longer than 25 pages and supported by an affidavit or unsworn declaration. Within 10 days of the deadline for filing such responses, Birach may file a rebuttal submission addressing all responses, no longer than 25 pages and supported by an affidavit or unsworn declaration.

16. *Accordingly, it is ordered,* pursuant to sections 309(e) and (k)(3) and 312(g) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e), 309(k)(3) and 312(g), the captioned applications for renewal of licenses for Stations WBVA(AM) and WVAB(AM) *are designated for a hearing* upon the following issues: (a) To determine, with respect to Station WBVA(AM), Bayside, Virginia, whether, during the preceding license term, (i) the station has served the public interest, convenience, and necessity, (ii) there have been any serious violations by the licensee of the Communications Act of 1934, as amended, or the rules and regulations of the Commission, and (iii) there have been any other violations of the Communications Act of 1934, as amended, or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse; (b) In light of the evidence adduced pursuant to issue (a) above, whether the captioned application for renewal of the license for Station WBVA(AM) should be granted on such terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted, or denied due to failure to satisfy the requirements of section 309(k)(1) of the Communications Act of 1934, as amended, 47 U.S.C. 309(k)(1); (c) To determine, with respect to Station WVAB(AM), Virginia Beach, Virginia, whether, during the preceding license term, (i) the station has served the public interest, convenience, and necessity, (ii) there have been any serious violations by the licensee of the Communications Act of 1934, as amended, or the rules and regulations of the Commission, and (iii) there have been any other violations of the Communications Act of 1934, as amended, or the rules and regulations of the Commission which, taken together, would constitute a pattern of abuse; and (d) In light of the evidence adduced pursuant to issue (c) above, whether the captioned application for renewal of the license for Station WVAB(AM) should be granted on such terms and conditions as are appropriate, including renewal for a term less than the maximum otherwise permitted, or denied due to failure to satisfy the requirements of section 309(k)(1) of the Communications Act of 1934, as amended, 47 U.S.C. 309(k)(1).

17. *It is further ordered,* pursuant to section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e), and section 1.254 of the Commission's rules, 47 CFR 1.254, that the burden of proceeding with the introduction of evidence and the burden of proof with respect to the issues specified in Paragraph 22 of the Order shall be on the applicant, Birach Broadcasting Corporation.

18. *It is further ordered* that Birach Broadcasting Corporation *is made a party* to this proceeding.

19. *It is further ordered* that, to avail itself of the opportunity to be heard and the right to present evidence at a hearing in these proceedings, Birach Broadcasting Corporation shall file complete and correct copies of the documents described in Paragraph 20 of the Order, on or before the date specified. If Birach Broadcasting Corporation fails to file such documents for either WBVA(AM) or WVAB(AM) within the time specified, or a petition to accept, for good cause shown, such filing beyond the expiration of such period, its captioned license renewal application for such station shall be dismissed with prejudice for failure to prosecute and the license of such station shall be terminated.

20. *It is further ordered* that Birach Broadcasting Corporation shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, 47 U.S.C. 311(a)(2), and 47 CFR 73.3594, give notice of the hearing within the time and in the manner prescribed therein, and thereafter submit the statement described in 47 CFR 73.3594(g).

21. *It is further ordered* that a copy of this Order shall be sent by Certified Mail, Return Receipt Requested, and by regular first-class mail to Birach Broadcasting Corporation, 21700 Northwestern Highway, Tower 14, Suite 1190, Southfield MI 48075, with a copy to its counsel of record, John C. Trent, Esq., 200 South Church Street, Woodstock, VA 22664.

22. *It is further ordered* that the Secretary of the Commission shall cause

to have this Order or a summary thereof published in the **Federal Register**.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2018–04942 Filed 3–9–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

TIME AND DATE: Wednesday, March 14, 2018 at 2:00 p.m.

PLACE: 999 E Street NW, Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

CHANGES IN THE MEETING: This meeting has been moved from Tuesday, March 13 at 10:00 a.m. to Wednesday, March 14 at 2:00 p.m.

MATTERS TO BE CONSIDERED: REG 2011–02: Draft Notice of Proposed Rulemaking on internet Communication Disclaimers and Definition of ''Public Communication.''

Management and Administrative Matters.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Dayna C. Brown, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2018–05068 Filed 3–8–18; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

FEDERAL REGISTER CITATION NOTICE OF PREVIOUS ANNOUNCEMENT: 83 FR 9316 (March 5, 2018).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, March 8, 2018 at 10:00 a.m.

CHANGES IN THE MEETING: The Following Item Was Also Discussed: Draft Advisory Opinion 2018–01—Libertarian Party of Utah.

CONTACT PERSON FOR MORE INFORMATION: Judith Ingram, Press Officer; Telephone: (202) 694–1220.

Dayna C. Brown,

Secretary and Clerk of the Commission.

[FR Doc. 2018–04999 Filed 3–8–18; 11:15 am]

BILLING CODE 6715–01–P

GOVERNMENT ACCOUNTABILITY OFFICE

Comptroller General's Advisory Council on Government Auditing Standards; Notice of Meeting

The Advisory Council on Government Auditing Standards will meet Tuesday, April 10, 2018, from 9:00 a.m. to 3:15 p.m., in the Staats Briefing Room (7C13) of the U.S. Government Accountability Office building, 441 G Street NW, Washington, DC.

The Advisory Council on Government Auditing Standards will hold a meeting to discuss updates and revisions to the Government Auditing Standards. The meeting is open to the public. Members of the public will be provided an opportunity to address the Council with a brief (five-minute) presentation in the afternoon on matters directly related to the proposed update and revision.

Any interested person who plans to attend the meeting as an observer must contact Cecil Davis, Engagement Operations Assistant, 202–512–9362. A form of picture identification must be presented to the GAO Security Desk on the day of the meeting to obtain access to the GAO building. You must enter the building at the G Street entrance. For further information, please contact Ms. Davis. The meeting agenda will be available upon request one week before the meeting.

Authority: Pub. L. 67–13, 42 Stat. 20 (June 10, 1921).

James R. Dalkin,

Director, Financial Management and Assurance.

[FR Doc. 2018–04934 Filed 3–9–18; 8:45 am]

BILLING CODE 1610–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Solicitation of Nominations for Appointment to the Board of Scientific Counselors, National Center for Injury Prevention and Control, (BSC, NCIPC)

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention CDC is seeking nominations for membership on the BSC, NCIPC. The BSC, NCIPC consists of 18 experts in fields associated with surveillance, basic epidemiologic research, intervention research, and implementation, dissemination, and evaluation of promising and evidence-based strategies for the prevention of injury and violence. Nominations are being sought for individuals who have expertise and qualifications necessary to contribute to the accomplishments of the committee's objectives. Nominees will be selected based on expertise in the fields of knowledgeable in the pertinent disciplines involved in injury and violence prevention, including, but not limited to, epidemiologists, statisticians, trauma surgeons, rehabilitation medicine specialists, behavioral scientists, health economists, program evaluation specialists, political science, law, criminology and specialists in various aspects of injury management. Federal employees will not be considered for membership. Members may be invited to serve for four-year terms.

DATES: Nominations for membership on the NCIPC BSC must be received no later than June 1, 2018. Packages received after this time will not be considered for the current membership cycle.

ADDRESSES: All nominations should be emailed to *ncipcbsc@cdc.gov.*

FOR FURTHER INFORMATION CONTACT: Dr. Gwendolyn Haile Cattledge, Designated Federal Official for the NCIPC BSC, telephone (770) 488–1430, Email: *ncipcbsc@cdc.gov.*

SUPPLEMENTARY INFORMATION: The U.S. Department of Health and Human Services policy stipulates that committee membership be balanced in terms of points of view represented, and the committee's function. Appointments shall be made without discrimination on the basis of age, race, ethnicity, gender, sexual orientation, gender identity, HIV status, disability, and cultural, religious, or socioeconomic status. Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Current participation on federal workgroups or prior experience serving on a federal advisory committee does not disqualify a candidate; however, HHS policy is to avoid excessive individual service on advisory committees and multiple committee memberships. Committee members are Special Government Employees, requiring the filing of financial disclosure reports at the beginning and annually during their

terms. CDC reviews potential candidates for the BSC, NCIPC membership each year, and provides a slate of nominees for consideration to the Secretary of HHS for final selection. HHS notifies selected candidates of their appointment near the start of the term in August 31, 2019, or as soon as the HHS selection process is completed. Note that the need for different expertise varies from year to year and a candidate who is not selected in one year may be reconsidered in a subsequent year.

Nominees must be U.S. citizens, and cannot be full-time employees of the U.S. Government. Candidates should submit the following items:

- Current curriculum vitae, including complete contact information (telephone numbers, mailing address, email address)
- At least one letter of recommendation from person(s) not employed by the U.S. Department of Health and Human Services. (Candidates may submit letter(s) from current HHS employees if they wish, but at least one letter must be submitted by a person not employed by an HHS agency (*e.g.,* CDC, NIH, FDA, etc.).
- Nominations may be submitted by the candidate him- or herself, or by the person/organization recommending the candidate.

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 CDC 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. 2018–04927 Filed 3–9–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Docket No. CDC–2015–0049]

Notice of Availability of the Final Revised Environmental Assessment and a Finding of No Significant Impact for HHS/CDC Lawrenceville Campus Proposed Improvements 2015–2025, Lawrenceville, Georgia

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of Availability of the Final Revised Environmental Assessment and a Finding of No Significant Impact.

SUMMARY: The Centers for Disease Control and Prevention (CDC), within the Department of Health and Human Services (HHS) announces the availability of the Final Revised Environmental Assessment (EA) and a Finding of No Significant Impact (FONSI) for the CDC Lawrenceville Campus Proposed Improvements 2015–2025.

FOR FURTHER INFORMATION CONTACT: Stephen Klim, RA, Office of Safety, Security, and Asset Management, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS–K96, Atlanta, Georgia 30329, Telephone: (770)488–8009.

SUPPLEMENTARY INFORMATION: On February 16, 2016 CDC published a Notice of Availability for the Final Environmental Assessment (2016 Final EA) and FONSI for the HHS/CDC's Lawrenceville Campus Proposed Improvements 2015–2025 (81 FR 7800). The 2016 Final EA assessed the potential impacts associated with the undertaking of proposed improvements on the HHS/CDC's Lawrenceville Campus located at 602 Webb Gin House Road in Lawrenceville, Georgia. The proposed improvements include: (1) Building demolition; (2) new building construction, including an approximately 12,000 gross square feet (gsf) Science Support Building, a new Transshipping and Receiving Area at approximately 2,500 gsf and two new small Office Support Buildings at 8,000 gsf and 6,000 gsf; (3) expansion and relocation of parking on campus; and (4) the creation of an additional point of access to the campus.

Since the completion of the 2016 Final EA and FONSI, HHS/CDC proposed changes to the Proposed Action to include the installation of a photovoltaic system. HHS/CDC revised the EA in order to evaluate the potential environmental impacts association with the new photovoltaic system. On September 22, 2017 HHS/CDC published a NOA in the **Federal Register** announcing the availability of the Revised EA and requested public comment. The comment period ended on October 23, 2017.

CDC assessed the potential impacts of the proposed improvements on the natural and human environment and determined that the proposed action would not result in significant adverse impacts. Based on the results of the Final Revised EA, CDC has issued a FONSI indicating the proposed action will not have a significant impact on the environment. The Build Alternative will be undertaken in accordance with the best management practices (BMPs), minimization and mitigation measures as presented in the Final EA and FONSI. Copies of the FONSI and/or Final Revised EA are available by contacting Stephen Klim (please see **FOR FURTHER INFORMATION CONTACT**).

Dated: March 6, 2018.

Sandra Cashman,

Executive Secretary, Centers for Disease Control and Prevention.

[FR Doc. 2018–04902 Filed 3–9–18; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10394, CMS–10544, CMS–10008, CMS–855I, and CMS–10545]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (the PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by May 11, 2018.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' website address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10394 Application To Be Qualified Entity To Receive Medicare Data for Performance Measurement
CMS–10544 Good Cause Processes
CMS–10008 Eligibility of Drugs, Biologicals, and Radiopharmaceutical Agents for Transitional Pass-Through Status Under the Hospital
CMS–855i Medicare Enrollment Application for Physician and Non-Physician Practitioners
CMS–10545 Outcome and Assessment Information Set (OASIS) OASIS–C2/ICD–10

Under the PRA (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collection

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Application to be Qualified Entity to Receive Medicare Data for Performance Measurement; *Use:* The Patient Protection and Affordable Care Act (ACA) was enacted on March 23, 2010 (Pub. L. 111–148). ACA amends section 1874 of the Social Security Act by adding a new subsection (e) to make standardized extracts of Medicare claims data under Parts A, B, and D available to qualified entities to evaluate the performance of providers of services and suppliers. This is the application needed to determine an organization's eligibility as a qualified entity. To implement the requirements outlined in the legislation, CMS established the Qualified Entity Certification Program (QECP) to evaluate an organization's eligibility across three areas: Organizational and governance capabilities, addition of claims data from other sources (as required in the statute), and data privacy and security. This collection covers the application through which organizations provide information to CMS to determine whether they will be approved as a qualified entity. *Form Number:* CMS–10394 (OMB control number: 0938–1144); *Frequency:* Reporting—Yearly; *Affected Public:* Private Sector (State, Local, or Tribal Governments, Business or other for-profits, Not-for-Profit Institutions); *Number of Respondents:* 30; *Total Annual Responses:* 10; *Total Annual Hours:* 5,000. (For policy questions regarding this collection contact Kari Gaare at 410–786–8612.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Good Cause Processes; *Use:* Section 1851(g)(3)(B)(i) of the Act provides that MA organizations may terminate the enrollment of individuals who fail to pay basic and supplemental premiums after a grace period established by the plan. Section 1860D–1(b)(1)(B)(v) of the Act generally directs us to establish rules related to enrollment, dis-enrollment, and termination for Part D plan sponsors that are similar to those established for MA organizations under section 1851 of the Act. Consistent with these sections of the Act, subpart B in each of the Parts C and D regulations sets forth requirements with respect to involuntary dis-enrollment procedures at 42 CFR 422.74 and 423.44, respectively. In addition, section 1876(c)(3)(B) establishes that individuals may be dis-enrolled from coverage as specified in regulations. Thus, current regulations at 42 CFR 417.460 specify that a cost plan, specifically a Health Maintenance Organization (HMO) or competitive medical plan (CMP), may dis-enroll a member who fails to pay premiums or other charges imposed by the plan for deductible and coinsurance amounts. Within these regulatory provisions, individuals dis-enrolled for nonpayment of premiums are afforded a grace period in which to request reinstatement. As part of the reinstatement request process, they must demonstrate good cause for failure to pay within the initial grace period that led to their involuntary dis-enrollment and pay all overdue premiums within three calendar months after the dis-enrollment date. *Form Number:* CMS–10544 (OMB control number: 0938–1271); *Frequency:* Reporting—Monthly; *Affected Public:* Private Sector (Business or other for-profit institutions); *Number of Respondents:* 10,008; *Total Annual Responses:* 10,008; *Total Annual Hours:* 6,665. (For policy questions regarding this collection contact Carla Patterson at 410–786–1000).

3. *Type of Information Collection Request:* Reinstatement with a change of a previously approved collection; *Title of Information Collection:* Eligibility of Drugs, Biologicals, and Radiopharmaceutical Agents for Transitional Pass-Through Status under the Hospital; *Use:* Section 1833(t)(6) of the Act provides for temporary additional payments or ''transitional pass-through payments'' for certain drugs and biological agents. As originally enacted by the Balanced Budget Refinement Act (BBRA), this provision required the Secretary to make additional payments to hospitals for current orphan drugs, as designated under section 526 of the Federal Food, Drug, and Cosmetic Act (Pub. L. 107–186); current drugs and biological agents and brachytherapy used for the treatment of cancer; and current radiopharmaceutical drugs and biological products. For those drugs and biological agents referred to as

''current,'' the transitional pass-through payment began on the first date the hospital OPPS was implemented (before enactment of Benefits Improvement and Protections Act (BIPA) (Pub. L. 106–554), on December 21, 2000). Transitional pass-through payments are also required for certain ''new'' drugs, devices and biological agents that were not being paid for as a hospital outpatient department (OPD) service as of December 31, 1996, and whose cost is ''not insignificant'' in relation to the outpatient perspective payment system (OPPS) payment for the procedures or services associated with the new drug, device, or biological. Under the statute, transitional pass-through payments can be made for at least 2 years but not more than 3 years. We have qualified thousands for transitional pass-through payments through our application process. However, to keep pace with emerging new technologies and make them accessible to Medicare beneficiaries in a timely manner as the law intended, it is necessary that we continue to collect appropriate information from interested parties such as hospitals and pharmaceutical companies that bring to our attention specific new drugs, biologicals and radiopharmaceuticals to be evaluated for transitional pass-through status. *Form Number:* CMS–10008 (OMB control number: 0938–0802); *Frequency:* Yearly; *Affected Public:* Private sector (Business or other for-profit institutions); *Number of Respondents:* 30; *Total Annual Responses:* 30; *Total Annual Hours:* 480. (For policy questions regarding this collection contact Raymond Bulls at 410–786–7267).

4. *Type of Information Collection Request:* New collection (Request for new OMB control number); *Title of Information Collection:* Medicare Enrollment Application for Physician and Non-Physician Practitioners; *Use:* The application is used by Medicare contractors to collect data to ensure that the applicant has the necessary credentials to provide the health care services for which they intend to bill Medicare, including information that allows the Medicare contractor to correctly price, process and pay the applicant's claims. This application collects information to ensure that only legitimate physicians, non-physician practitioners, and other eligible professionals are enrolled in the Medicare program. It is meant to be the first line defense to protect our beneficiaries from illegitimate providers and to protect the Medicare Trust Fund against fraud. It also gathers information that allows Medicare contractors to ensure that the provider/supplier is not sanctioned from the Medicare and/or Medicaid program(s), or debarred, suspended or excluded from any other Federal agency or program. *Form Number:* CMS–855I (OMB control number: 0938—NEW); *Frequency:* On Occasion; *Affected Public:* State, Local, or Tribal Governments, Private Sector (not-for-profit institutions); *Number of Respondents:* 513,872; *Total Annual Responses:* 1,370,078; *Total Annual Hours:* 1,000,167. (For policy questions regarding this collection contact Kimberly McPhillips at 410–786–5374).

5. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Outcome and Assessment Information Set (OASIS) OASIS–C2/ICD–10; *Use:* This request is for OMB approval to modify the Outcome and Assessment Information Set (OASIS) that home health agencies (HHAs) are required to collect in order to participate in the Medicare program. The current version of the OASIS, OASIS–C2 (0938–1279) data item set was approved by the Office of Management and Budget (OMB) on December 9, 2016 and implemented on January 1, 2017. We are seeking OMB approval for the proposed revised OASIS item set, referred to hereafter as OASIS–D, scheduled for implementation on January 1, 2019. The OASIS D is being modified to: Include changes pursuant to the Improving Medicare Post-Acute Care Transformation Act of 2014 (the IMPACT Act); accommodate data element removals to reduce burden; and improve formatting throughout the document. *Form Number:* CMS–10545 (OMB control number: 0938–1279); *Frequency:* Occasionally; *Affected Public:* Private Sector (Business or other for-profit and Not-for-profit institutions); *Number of Respondents:* 12,149; *Total Annual Responses:* 18,161,942; *Total Annual Hours:* 9,943,141. (For policy questions regarding this collection contact Joan Proctor at 410–786–0949.)

Dated: March 7, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–04893 Filed 3–9–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–D–0626]

Proprietary Names for New Animal Drugs; Draft 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 draft guidance for industry #240 entitled ''Proprietary Names for New Animal Drugs.'' This draft guidance provides recommendations to help new animal drug sponsors develop proprietary names for new animal drugs that do not contribute to medication errors, negatively impact safe use of the drug, or misbrand the drug. This draft guidance proposes a framework for evaluating proposed proprietary names before submitting them for review by the Center for Veterinary Medicine (CVM or we). It also explains how new animal drug sponsors can request that CVM evaluate a proposed proprietary name.

DATES: Submit either electronic or written comments on the draft guidance by May 11, 2018 to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance.

ADDRESSES: You may submit comments on any guidance at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov*.
- If you want to submit a comment with confidential information that you

do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–D–0626 for ''Proprietary Names for New Animal Drugs.'' Received comments will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of the guidance to the Policy and Regulations Staff (HFV–6), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

FOR FURTHER INFORMATION CONTACT: Tom Modric, Center for Veterinary Medicine (HFV–216), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–402–5853, *tomislav.modric@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry #240 entitled ''Proprietary Names for New Animal Drugs.'' CVM evaluates proprietary names as a part of the new animal drug approval process. Selecting a proprietary name is a critical element in the design and development of drug product labeling because end users may rely, in part, on the proprietary name to identify which product, among thousands of available products, is intended for a given animal.

II. Significance of Guidance

This level 1 draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the current thinking of FDA on ''Proprietary Names for New Animal Drugs.'' It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations. This is not a significant regulatory action subject to Executive Order 12866.

III. Paperwork Reduction Act of 1995

This draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 514 have been approved under OMB control numbers 0910–0032 and 0910–0699; 21 CFR part 511 have been approved under OMB control number 0910–0117.

IV. Electronic Access

Persons with access to the internet may obtain the draft guidance at either *http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm* or *https://www.regulations.gov.*

Dated: March 6, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–04885 Filed 3–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Service Administration

Bright Futures Periodicity Schedule Updates

AGENCY: Health Resources and Service Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: Effective December 21, 2017, HRSA updated the HRSA-supported guidelines for infants, children, and adolescents for purposes of health insurance coverage for preventive services, as set out in the Bright Futures Periodicity Schedule. This notice serves as an announcement of the decision to update these guidelines as listed below. Please see *https://mchb.hrsa.gov/maternal-child-health-topics/child-health/bright-futures.html* for additional information.

FOR FURTHER INFORMATION CONTACT: Bethany D. Miller, LCSW–C, M.Ed., HRSA/Maternal and Child Health Bureau by calling (301) 495–5156 or emailing *BMiller@hrsa.gov.*

SUPPLEMENTARY INFORMATION: The Bright Futures program has been funded by HRSA since 1990. A primary focus of this program is for the funding recipient to maintain and update the *Bright Futures Guidelines for Health Supervision of Infants, Children and Adolescents,* a set of materials and tools that provide theory-based and evidence-driven guidance for all preventive care screenings and well-child visits. One component of these tools is the Bright Futures Periodicity Schedule, a chart

that outlines the recommended screenings, assessments, physical examinations, and procedures to be delivered during preventive checkups at each age milestone. The Bright Futures Periodicity Schedule has become the accepted schedule within the United States for preventive health services through the course of a child's development.

Section 2713 of the Public Health Service Act requires that non-grandfathered group health plans and health insurance issuers offering group or individual health insurance coverage provide coverage for certain preventive health services in four identified areas without cost sharing. Section 2713(a)(3) describes such services for infants, children, and adolescents as ''evidence-informed preventive care and screenings provided for in the comprehensive guidelines supported by HRSA.'' HHS, along with the Departments of Treasury and Labor, issued an Interim Final Rule (IFR) on July 19, 2010 (75 FR 41726–41760) that identified two specific charts as the comprehensive guidelines supported by HRSA for infants, children, and adolescents to be covered by insurance without cost sharing by non-grandfathered group health plans and health insurance issuers: (1) The Bright Futures Periodicity Schedule and (2) the Recommended Uniform Screening Panel (RUSP) of the Advisory Committee on Heritable Disorders in Newborns and Children. The IFR provided that future changes to these comprehensive guidelines are considered to be issued for purposes of Section 2713 on the date of acceptance by the HRSA Administrator or, if applicable, adoption by the Secretary.

On December 21, 2017, the HRSA Administrator accepted the proposed 2017 updates to the Bright Futures Periodicity Schedule. Therefore, all non-grandfathered group health plans and health insurance issuers offering group or individual health insurance coverage must cover the services and screenings listed on the updated Bright Futures Periodicity Schedule for plan years (in the individual market, policy years) beginning on or after December 21, 2018.

The updated 2017 Bright Futures Periodicity schedule can be accessed at the following link: *https://mchb.hrsa.gov/maternal-child-health-topics/child-health/bright-futures.html.*

Dated: February 27, 2018.

George Sigounas,

Administrator.

[FR Doc. 2018–04834 Filed 3–9–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Institute of Child Health and Human Development Special Emphasis Panel, March 2, 2018, 8:30 a.m. to March 2, 2018, 5:00 p.m., Hilton Washington/Rockville, 1750 Rockville Pike, Rockville, MD, 20852 which was published in the **Federal Register** on February 6, 2018, 83 FR 5265.

The meeting date has changed from March 2, 2018 from 8:30 a.m. to 5:00 p.m. to March 13, 2018 from 10:30 a.m. to 3:30 p.m. The meeting is closed to the public.

Dated: March 6, 2018.

Michelle Trout,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–04949 Filed 3–9–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Neurological Disorders and Stroke, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors, National Institute of Neurological Disorders and Stroke.

Date: April 15–17, 2018.

Time: 6:00 p.m. to 12:00 p.m.

Agenda: To review and evaluate personal qualifications and performance, and competence of individual investigators.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Alan P. Koretsky, Ph.D., Scientific Director, Division of Intramural Research, National Institute of Neurological Disorders and Stroke, NIH, 35 Convent Drive, Room 6A 908, Bethesda, MD 20892, (301) 435–2232, *koretskya@ninds.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS).

Dated: March 6, 2018.

Sylvia l. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–04951 Filed 3–9–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-Day Comment Request; Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery (National Institute of Nursing Research)

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995 to provide opportunity for public comment on proposed data collection projects, the National Institute of Nursing Research (NINR) will publish periodic summaries of propose projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

DATES: Comments regarding this information collection are best assured of having their full effect if received within 60 days of the date of this publication.

FOR FURTHER INFORMATION CONTACT: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Diana Finegold, Division of Science Policy and Public Liaison, NINR, NIH, 31 Center Drive, Building 31, Suite B1B55, Bethesda, MD 20892, by phone at (301) 496–0209 or email your request, including your address to: *diana.finegold@nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

SUPPLEMENTARY INFORMATION: Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 requires: Written comments and/or suggestions from the public and affected agencies are invited to address one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) Ways to enhance the quality, utility, and clarity of the information to be collected; and (4) Ways to minimizes the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Proposed collection title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery, 0925–0653, Expiration Date 4/30/2018, EXTENSION, National Institutes of Health (NIH), National Institute of Nursing Research (NINR).

Need and Use of Information Collection: There are no changes being requested for this submission. The information collection activity will continue to garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration'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.

Improving agency programs requires ongoing assessment of service delivery, by which we mean systematic review of the operation of a program compared to a set of explicit or implicit standards, as a means of contributing to the continuous improvement of the program. The Agency will collect, analyze, and interpret information gathered through this generic clearance to identify strengths and weaknesses of current services and make improvements in service delivery based on feedback. 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.

NINR 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 non-controversial 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 will be used only internally for general service improvement and program management purposes and is not intended for release outside of the agency;
- 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 will provide useful information, but it will 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 non-response 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.

OMB approval is requested for an additional 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 500.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondents	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total annual burden hours
A	General Public	500	1	30/60	250
B	Health Professionals	300	1	30/60	150
C	Educators	200	1	15/60	50
D	Students	200	1	15/60	50
Total		1,200	1,200		500

Dated: March 5, 2018,

Diana F. Finegold,

Health Communications Specialist, National Institute of Nursing Research, National Institutes of Health.

[FR Doc. 2018–04918 Filed 3–9–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Neurological Disorders and Stroke; 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: National Institute of Neurological Disorders and Stroke Special Emphasis Panel; BRAIN U19 Review.

Date: April 4–6, 2018.

Time: 7:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: St. Gregory Hotel, 2033 M Street NW, Washington, DC 20036.

Contact Person: Natalia Strunnikova, Ph.D., Scientific Review Officer, Scientific Review Branch, NINDS/NIH/DHHS, Neuroscience Center, 6001 Executive Blvd., Suite 3208, MSC 9529, Bethesda, MD 20892–9529, (301) 402–0288, *Natalia.strunnikova@nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.853, Clinical Research Related to Neurological Disorders; 93.854, Biological Basis Research in the Neurosciences, National Institutes of Health, HHS)

Dated: March 6, 2018.

Sylvia L. Neal,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–04950 Filed 3–9–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–IA–2017–0079; FF09A30000–189–FXIA16710900000]

Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora; 18th Regular Meeting; Request for Information and Recommendations on Resolutions, Decisions, and Agenda Items for Consideration

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: To implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, or the Convention), the Parties to the Convention meet periodically to review which species in international trade should be regulated and other aspects of the implementation of CITES. The 18th regular meeting of the Conference of the Parties to CITES (CoP18) is scheduled to be held in Sri Lanka from May 23, 2019, through June 3, 2019. With this notice, we invite the public to provide us with information and recommendations on resolutions, decisions, and agenda items that the United States might consider submitting for discussion at CoP18. In addition, with this notice we provide preliminary information on how to request approved observer status for nongovernmental organizations that wish to attend the meeting.

DATES: We will consider all information and comments we receive on or before May 11, 2018.

ADDRESSES: You may submit comments by one of the following methods:

- *Internet: http://www.regulations.gov.* Follow the instructions for submitting comments on Docket No. FWS–HQ–IA–2017–0079.
- *Hard copy:* Submit by U.S. mail or hand-delivery to Public Comments Processing; Attn: Docket No. FWS–HQ–IA–2017–0079; U.S. Fish and Wildlife Service Headquarters, MS: BPHC; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

FOR FURTHER INFORMATION CONTACT: For information pertaining to resolutions, decisions, and agenda items, contact Laura Noguchi, Chief, Wildlife Trade and Conservation Branch, Division of Management Authority, at 703–358–2095 (phone); or *managementauthority@fws.gov* (email). If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS) at 800–877–8339. For information pertaining to species proposals, contact Rosemarie Gnam, Chief, Division of Scientific Authority, 703–358–1708 (phone); or *scientificauthority@fws.gov* (email).

SUPPLEMENTARY INFORMATION:

Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES, or the Convention) is an international treaty designed to regulate international trade in certain animal and plant species that are now, or potentially may become, threatened with extinction. These species are included in the Appendices to CITES, which are available on the CITES Secretariat's website at *http://www.cites.org/eng/disc/species.php.*

Currently there are 183 Parties to CITES—182 countries, including the United States, and one regional economic integration organization, the European Union. The Convention calls for regular meetings of the Conference of the Parties (Conference, or CoP) every 2–3 years, unless the Conference decides otherwise. At these meetings, the Parties review the implementation of CITES, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the lists of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any Party to CITES may propose amendments to Appendices I and II, resolutions, decisions, and agenda items for consideration by all the Parties at the meeting.

This is our second in a series of **Federal Register** notices that, together with a public meeting (time and place to be announced in a future **Federal Register** notice), provide you with an opportunity to participate in the development of the U.S. submissions to, and negotiating positions for, the 18th regular meeting of the Conference of the Parties to CITES (CoP18), which is scheduled to be held in Sri Lanka from May 23, 2019, through June 3, 2019. We published our first CoP18-related **Federal Register** notice on January 23, 2018 (83 FR 3179). In that notice, we requested information and recommendations on species proposals for the United States to consider submitting for discussion at CoP18, and we also described the U.S. approach to preparations for CoP18. We intend to announce tentative species proposals that the United States is considering submitting for CoP18 and solicit further information and comments on them

when we publish our third CoP18-related **Federal Register** notice. You may obtain information on species proposals by contacting the Division of Scientific Authority at the telephone number or email address provided in **FOR FURTHER INFORMATION CONTACT**. Our regulations governing this public process are found at 50 CFR 23.87.

Request for Information and Recommendations on Resolutions, Decisions, and Agenda Items

Although we have not yet received formal notice of the provisional agenda for CoP18, we invite your input on possible agenda items that the United States could recommend for inclusion, or on possible resolutions and decisions of the Conference of the Parties that the United States could submit for consideration. Copies of the agenda and the results of the most recent, or 17th, meeting of the Conference of the Parties (CoP17) in Johannesburg, South Africa, which took place from September 24, 2016, through October 5, 2016, as well as copies of all resolutions and decisions of the Conference of the Parties currently in effect, are available on the CITES Secretariat's website (*http://www.cites.org/*).

Observers

Article XI, paragraph 7 of CITES provides: ''Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:

(a) International agencies or bodies, either governmental or nongovernmental, and national governmental agencies and bodies; and

(b) national nongovernmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.''

National agencies or organizations within the United States must obtain our approval to participate in CoP18, whereas international agencies or organizations must obtain approval directly from the CITES Secretariat. We will publish information in a future **Federal Register** notice on how to request approved observer status. A factsheet on the process is posted on our website, at *https://www.fws.gov/international/pdf/factsheet-become-observer-to-cites-meeting.pdf.*

Future Actions

As stated above, the next regular meeting of the Conference of the Parties (CoP18) is scheduled to be held in Sri Lanka from May 23, 2019, through June 3, 2019. The United States must submit any proposals to amend Appendix I or II, or any draft resolutions, decisions, or agenda items for discussion at CoP18, to the CITES Secretariat no later than 150 days (tentatively December 24, 2018) prior to the start of the meeting. In order to meet this deadline and to prepare for CoP18, we have developed a tentative U.S. schedule. Approximately 12 months prior to CoP18, we plan to publish our next CoP18-related **Federal Register** notice announcing tentative species proposals that the United States is considering submitting for CoP18 and soliciting further information and comments on them. Following publication of that notice and approximately 10 months prior to CoP18, we plan to publish a **Federal Register** notice announcing draft resolutions, draft decisions, and agenda items the United States is considering submitting for CoP18 and soliciting further information and comments on them. Approximately 5 months prior to CoP18, we will post on our website an announcement of the species proposals, draft resolutions, draft decisions, and agenda items submitted by the United States to the CITES Secretariat for consideration at CoP18.

Through a series of additional notices and website postings in advance of CoP18, we will inform you about preliminary negotiating positions on resolutions, decisions, agenda items, and amendments to the Appendices proposed by other Parties for consideration at CoP18, and about how to obtain observer status from us. We will also publish an announcement of a public meeting tentatively to be held approximately 3 months prior to CoP18. That meeting will enable us to receive public input on our positions regarding CoP18 issues. The procedures for developing U.S. documents and negotiating positions for a meeting of the Conference of the Parties to CITES are outlined in 50 CFR 23.87. As noted in paragraph (c) of that section, we may modify or suspend the procedures outlined there if they would interfere with the timely or appropriate development of documents for submission to the CoP and of U.S. negotiating positions.

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. If you submit a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review; however, we cannot guarantee that we will be able to do so.

Author

The primary author of this notice is Clifton A. Horton, Division of Management Authority, U.S. Fish and Wildlife Service.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Gregory J. Sheehan,

Principal Deputy Director.

[FR Doc. 2018–04919 Filed 3–9–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2017–N112; FXES11130900000C2–178–FF09E32000]

Endangered and Threatened Wildlife and Plants; 5-Year Status Reviews of the Coqui Llanero, Carolina Heelsplitter, Hell Creek Cave Crayfish, *Aristida chaseae*, Pelos Del Diablo, Smooth Coneflower, Cooley's Meadowrue, and Louisiana Quillwort

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of initiation of reviews; request for information.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year status reviews of eight species under the Endangered Species Act of 1973. A 5-year review is an assessment of the best scientific and commercial data available at the time of the review. Therefore, we are requesting submission of information that has become available since the last reviews of these species.

DATES: To allow us adequate time to conduct these reviews, we must receive your comments or information on or before May 11, 2018. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: For instructions on how to submit information and review information we receive on these species, see Request for New Information under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: For species-specific information, see Request for New Information under **SUPPLEMENTARY INFORMATION.**

SUPPLEMENTARY INFORMATION:

Why do we conduct 5-year reviews?

Under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), we maintain lists of endangered and threatened wildlife and plant species (referred to as the Lists) in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for wildlife) and 17.12 (for plants). Section 4(c)(2)(A) of the ESA requires us to review each listed species' status at least once every 5 years. Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species under active review. For additional information about 5-year reviews, go to *http://www.fws.gov/endangered/what-we-do/recovery-overview.html,* scroll down to ''Learn More about 5-Year Reviews,'' and click on our factsheet.

Species Under Review

This notice announces our active review of eight species that are currently listed as endangered:

Fish and Wildlife

Coqui llanero (*Eleutherodactylus juanariveroi*) (frog species)
Carolina heelsplitter (*Lasmigona decorata*) (freshwater mussel species)
Hell Creek Cave crayfish (*Cambarus zophonastes*)

Plants

Aristida chaseae (no common name)
Aristida portoricensis (Pelos del diablo)
Echinacea laevigata (Smooth coneflower)
Thalictrum cooleyi (Cooley's meadowrue)
Isoetes louisianensis (Louisiana quillwort)

What information do we consider in our review?

A 5-year review considers the best scientific and commercial data that have become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented to benefit the species;

D. Threat status and trends (see the five factors under the heading How Do We Determine Whether A Species Is Endangered or Threatened?); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

We request any new information concerning the status of any of these eight species. Information submitted should be supported by documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

Definitions

A. *Species* means any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate which interbreeds when mature.

B. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

C. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

How do we determine whether a species is endangered or threatened?

Section 4(a)(1) of the ESA requires that we determine whether a species is endangered or threatened based on one or more of the following five factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence.

Request for New Information

To do any of the following, contact the person associated with the species you are interested in below:

A. To get more information on a species;

B. To submit information on a species; or

C. To review information we receive, which will be available for public inspection by appointment, during normal business hours, at the listed addresses.

Fish and Wildlife

• Coqui llanero: Jan Zegarra, by mail at the Caribbean Ecological Services Field Office, U.S. Fish and Wildlife Service, Road 301, Km. 5.1, P.O. Box 491, Boquerón, PR 00622; by fax at 787–851–7440; by phone at 787–851–7297, ext. 220; or by email at *caribbean_es@fws.gov.*

• Carolina heelsplitter: Morgan Wolf, by mail at the South Carolina Ecological Services Field Office, U.S. Fish and Wildlife Service, 176 Croghan Spur Road, Suite 200, Charleston, SC 29412; by fax at 843–727–4218; by phone at 843–727–4707, ext. 219; or by email at *charleston_recovery@fws.gov.*

• Hell Creek Cave crayfish: Mitch Wine, by mail at Arkansas Ecological Services Field Office, U.S. Fish and Wildlife Service, 110 South Amity Road, Suite 300, Conway, AR 72032; by fax at 501–513–4480; by phone at 870–269–3228; or by email at *arkansas-es_recovery@fws.gov.*

Plants

• *Aristida chaseae* and Pelos del diablo: Carlos Pacheco, by mail at the Caribbean Ecological Services Field Office, U.S. Fish and Wildlife Service, Road 301, Km. 5.1, P.O. Box 491, Boquerón, PR 00622; by fax at 787–851–7440; by phone at 787–851–7297, ext. 221; or by email at *caribbean_es@fws.gov.*

• Cooley's meadowrue and Smooth coneflower: Dale Suiter, by mail at the Raleigh Ecological Services Field Office, U.S. Fish and Wildlife Service, 551 Pylon Drive, #F, Raleigh, NC 27606; by fax at 919–856–4556; by phone at 919–856–4520, ext. 18; or by email at *raleigh_es@fws.gov.*

• Louisiana quillwort: Scott Wiggers, by mail at the Mississippi Ecological Services Field Office, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Jackson, MS 39213; by fax at 601–965–4340; by phone at 228–475–0765; or by email at *Mississippi_field_office@fws.gov.*

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that the entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: We publish this document under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: March 2, 2018.

Mike Oetker,

Acting Regional Director, Southeast Region.

[FR Doc. 2018–04886 Filed 3–9–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–HQ–ES–2018–0004; FF09E15000–FXES111609B0000–189]

John H. Chafee Coastal Barrier Resources System; Hurricane Sandy Remapping Project for Delaware, Massachusetts, New Hampshire, and New Jersey

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments; notice of public meetings via webcast and teleconference.

SUMMARY: The Coastal Barrier Resources Reauthorization Act of 2006 requires the Secretary of the Interior to prepare digital versions of the John H. Chafee Coastal Barrier Resources System (CBRS) maps. We, the U.S. Fish and Wildlife Service, have prepared proposed digital boundaries for the first batch of CBRS units included in the Hurricane Sandy Remapping Project. This first batch of the project includes a total of 148 CBRS units (112 existing units and 36 proposed new units) located in Delaware, Massachusetts, New Hampshire, and New Jersey. This notice announces the availability of the proposed boundaries for public review and comment, and also advises the public of upcoming public meetings that will be held via webcast and teleconference.

DATES:

Comment Period: To ensure consideration, we must receive your written comments by July 10, 2018.

Public Meetings: We will hold public meetings via webcast and teleconference on May 8, 2018, and May 9, 2018; see Virtual Public Meetings and Meeting Participation Information under **SUPPLEMENTARY INFORMATION** for meeting dates, times, and registration information.

Pre-Meeting Public Registration: If you are planning to participate in one of the virtual public meetings (being offered via webcast and telephone only), we request that participants register by emailing by May 1, 2018 (see Meeting Participation Information under **SUPPLEMENTARY INFORMATION**).

ADDRESSES: You may submit written comments by one of the following methods:

- *Electronically:* Go to the Federal e-Rulemaking Portal: *http://www.regulations.gov.* Search for FWS–HQ–ES–2018–0004, which is the docket number for this notice.
- *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: Docket No. FWS–HQ–ES–2018–0004; Division of Policy, Performance, and Management Programs; U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS: BPHC; Falls Church, VA 22041–3808.

We request that you send comments by only one of the methods described above. We will post all information received on *http://www.regulations.gov.* If you provide personal identifying information in your comment, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

FOR FURTHER INFORMATION CONTACT: Katie Niemi, Coastal Barriers Coordinator, (703) 358–2071 (telephone); or *CBRA@fws.gov* (email).

SUPPLEMENTARY INFORMATION: The Coastal Barrier Resources Reauthorization Act of 2006 (section 4 of Pub. L. 109–226; CBRRA) requires the Secretary of the Interior (Secretary) to prepare digital versions of the John H. Chafee Coastal Barrier Resources System (CBRS) maps. We, the U.S. Fish and Wildlife Service (Service), have prepared proposed digital boundaries for the first batch of CBRS units included in the Hurricane Sandy Remapping Project. This first batch of the project includes a total of 148 CBRS units (112 existing units and 36 proposed new units) located in Delaware, Massachusetts, New Hampshire, and New Jersey. This notice announces the availability of the proposed boundaries for public review and comment, and also advises the public of upcoming public meetings that will be held via webcast and teleconference.

Background on the Coastal Barrier Resources System

Coastal barrier ecosystems are inherently dynamic systems located at the interface of land and sea. Coastal barriers and their associated aquatic habitat (wetlands and open water) provide important habitat for fish and wildlife, and serve as the mainland's first line of defense against the impacts of severe storms. With the passage of the CBRA in 1982 (16 U.S.C. 3501 *et seq.*), Congress recognized that certain actions and programs of the Federal Government have historically subsidized and encouraged development on storm-prone and highly dynamic coastal barriers, and the result has been the loss of natural resources; threats to human life, health, and property; and the expenditure of millions of tax dollars each year.

The CBRA established the CBRS which originally comprised 186 geographic units encompassing approximately 453,000 acres of relatively undeveloped lands and associated aquatic habitat along the Atlantic and Gulf of Mexico coasts. The CBRS was expanded by the Coastal Barrier Improvement Act of 1990 (CBIA; Pub. L. 101–591) to include additional areas along the Atlantic and Gulf of Mexico coasts, as well as areas along the coasts of the Great Lakes, the U.S. Virgin Islands, and Puerto Rico. The CBRS now comprises a total of 862 geographic units, encompassing approximately 3.5 million acres of land and associated aquatic habitat. These areas are depicted on a series of maps known as the John H. Chafee Coastal Barrier Resources System maps.

Most new Federal expenditures and financial assistance that would have the effect of encouraging development are prohibited within the CBRS. Development can still occur within the CBRS, provided that private developers or other non-Federal parties bear the full cost. In his signing statement, President Reagan stated that the CBRA ''simply adopts the sensible approach that risk associated with new private development in these sensitive areas should be borne by the private sector, not underwritten by the American taxpayer.''

The CBRS includes two types of units, System Units and Otherwise Protected Areas (OPAs). System Units contain areas that were relatively undeveloped and predominantly privately owned at the time of designation, though they may also contain areas held for conservation and/or recreation. Most new Federal expenditures and financial assistance, including Federal flood insurance, are prohibited within System Units. OPAs are predominantly comprised of conservation and/or recreation areas such as national wildlife refuges, state and national parks, and local and private conservation areas, though they may also contain private areas not held for conservation and/or recreation. OPAs are denoted with a ''P'' at the end of the unit number. The only Federal spending prohibition within OPAs is the prohibition related to Federal flood insurance.

The Secretary, through the Service, is responsible for administering the CBRA, which includes maintaining the official

maps of the CBRS, consulting with Federal agencies that propose to spend funds within the CBRS, preparing updated maps of the CBRS, and making recommendations to Congress regarding changes to the CBRS. Aside from three minor exceptions, only Congress—through legislation—can modify the maps of the CBRS to add or remove land. These exceptions, which allow the Secretary to make limited modifications to the CBRS (16 U.S.C. 3503(c)–(e)), are for: (1) Changes that have occurred to the CBRS as a result of natural forces, (2) voluntary additions to the CBRS by property owners, and (3) additions of excess Federal property to the CBRS.

When assessing potential removals from and additions to the CBRS, the Service considers a set of guiding principles and criteria which are further described in the Types of Boundary Changes section below. In cases where mapping errors are found, the Service supports changes to the maps and works with Congress and other interested parties to create comprehensively revised maps using modern digital technology.

Background on the Hurricane Sandy Remapping Project

Following Hurricane Sandy, which made landfall along the North Atlantic coast in October 2012, the Department of the Interior (Department) funded a project to modernize the maps of approximately 370 CBRS units in the nine states most affected by the storm: Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York (Long Island), Rhode Island, and Virginia (comprising approximately 44 percent of the total units and 16 percent of the total acreage within the CBRS). This project makes significant progress towards fulfilling a statutory requirement (section 4 of Pub. L. 109–226) to modernize the entire set of CBRS maps. The public review for this project will be conducted in two separate batches. The first batch includes Delaware, Massachusetts, New Hampshire, and New Jersey. The second batch will include Connecticut, Maryland, New York (Long Island), Rhode Island, and Virginia.

A list of all 148 CBRS units (112 existing units and 36 proposed new units) included in this first batch is attached to this notice as Appendix A. If adopted by Congress, the revised maps produced through this project would remove areas that were previously included within the CBRS in error and add new qualifying areas to the CBRS. This map modernization effort would also provide more accurate and accessible CBRS data for planning coastal infrastructure projects, habitat conservation efforts, and flood risk mitigation measures.

Hurricane Sandy Remapping Project Methodology

Digital Conversion of the Existing Boundaries

The boundaries of the CBRS were originally hand-drawn on paper maps. The existing CBRS maps for Delaware and New Jersey underwent a digital conversion process between 2013 and 2015 (79 FR 21787 (April 17, 2014) and 80 FR 25314 (May 4, 2015), respectively), which replaced the underlying base maps with aerial imagery and updated the boundaries to a digital format to make them compatible with modern Geographic Information Systems (GIS). The existing CBRS unit boundaries for Massachusetts were digitally converted as part of this project in accordance with the methodology described in a notice the Service published in the **Federal Register** on August 29, 2013 (78 FR 53467), though the existing boundaries for Massachusetts do not incorporate modifications to account for natural changes, voluntary additions, and additions of excess Federal property (such changes are instead reflected in the proposed boundaries). Digital conversion was not necessary for New Hampshire because it does not have any existing CBRS units.

Data Mining and Research

The Service began conducting data mining and research for this project in January of 2015. The Service procured and assessed the quality and accuracy of the data necessary to: (1) Determine whether the existing CBRS unit boundaries appropriately follow the features they were intended to follow on-the-ground, (2) determine the level of development that was on-the-ground when the areas were originally included within the CBRS (*e.g.,* dates of construction and density of development), (3) identify qualifying additions, and (4) evaluate unit type classifications (*i.e.,* System Unit or OPA).

The Service reviewed historical background records of the CBRS units, reports to Congress, public laws, legislative history, testimony from Congressional hearings, **Federal Register** notices, current and historical CBRS maps, the 1982 and 1994 CBRS Photographic Atlases (a set of aerial photography maintained by the Service with the CBRS unit boundaries overlaid), materials submitted by interested parties and their representatives in Congress, and an assortment of other data and information.

We also obtained and assessed both geospatial and non-geospatial data from a variety of Federal sources (*e.g.,* the Federal Emergency Management Agency, the National Oceanic and Atmospheric Administration, the U.S. Army Corps of Engineers, the U.S. Department of Agriculture, the U.S. Fish and Wildlife Service, and the U.S. Geological Survey), as well as State, local, and non-governmental sources. These data include but are not limited to current and historical aerial imagery, natural resource and natural hazard data (*e.g.,* wetlands data, shoreline change data, and flood hazard data), land ownership and development data (*e.g.,* property parcel data and date of construction information), and conservation and recreation area data (*e.g.,* park and wildlife refuge parcel boundaries, conservation easement data, and parcel acquisition dates). Some of these data sets were available for download on the internet or through specific requests to the data steward, while others were reviewed online through mappers, websites, and/or databases.

The proposed boundaries are based upon the best available information that the Service was able to obtain within the data mining and research timeframe for the project. There were many challenges associated with the data mining and research process. In some cases, data was unavailable, unattainable within a reasonable time frame, incomplete, outdated, and/or in conflict with other data of the same type from a different source. Dates of construction and both present and historical land ownership information were difficult to obtain and validate for certain areas (in particular, ownership information for undeveloped wetland areas). It was also difficult in some cases to determine structure type and use (*e.g.,* residential, commercial, or other).

Initial Stakeholder Outreach

During the data mining and research phase of the project, the Service conducted outreach with certain landowners and/or managers of coastal barrier areas that are ''otherwise protected'' (as defined by the CBIA), meaning within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization (defined under the Internal Revenue Code (26 U.S.C. 170(h)(3)), primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes. Such outreach was generally not conducted with the

landowners and/or managers of areas that do not meet the CBIA definition of ''otherwise protected.'' This includes areas zoned or regulated by State or local governments for the purpose of restricting the nature or density of development, but where such regulation does not necessarily reflect the intent of the property owners to protect the area for conservation and/or recreation in perpetuity. Examples of such areas include privately owned areas that are not held for conservation and/or recreation; local zoning categories such as dune districts, inlet hazard areas, and setback zones; and areas subject to conservation easements or leases that have limited restrictions.

Conservation/recreation area landowners and/or managers were contacted in cases where the following information was necessary to prepare the initial proposed boundaries: (1) The location of conservation and/or recreation area boundaries (primarily in cases where the CBRS unit boundary was intended to be coincident with that boundary and there was conflicting information about the parcel boundary location), (2) the acquisition date(s) of the conservation and/or recreation area, and/or (3) the CBRS unit type classification (*i.e.,* System Unit or OPA) for a particular conservation and/or recreation area.

Given the large number of conservation and/or recreation area stakeholders within the project area and complexities associated with mapping numerous small parcels, we generally limited our initial outreach to those stakeholders that own and/or manage conservation and/or recreation areas that are greater than approximately 10 acres in size within the existing and/or proposed System Units. See the Types of Boundary Changes section below for additional information about the mapping of conservation/recreation areas within the CBRS.

The Service reached out to approximately 90 different stakeholders in Delaware, Massachusetts, and New Jersey, including but not limited to state natural resource management agencies, state parks and recreation agencies, private conservation organizations, and local governments. Some of these organizations, due to a variety of circumstances, were unable to provide input during the initial stakeholder outreach process. Additional outreach to these groups and a broader group of stakeholders (including the State of New Hampshire, which has no existing CBRS units and only one proposed new OPA) is being conducted as part of the public review process; see the Request for Comments section below for further information.

Acreage Calculations

The Service calculates the acreage of the CBRS units to help assess the areal extent of the units and to quantify proposed changes. The total acreage of a CBRS unit is comprised of fastland (land above mean high tide) and associated aquatic habitat (wetlands and open water). For the purpose of calculating acreage for this project, the wetland/fastland acreage breakdown of the units was derived from the Service's National Wetlands Inventory (NWI) data. A shoreline was delineated (as described below) to be used in conjunction with the boundaries of the unit to calculate acreage, and only areas landward of this shoreline were included in the calculation. The associated aquatic habitat acreage numbers include open water landward of the coastal barrier, but not nearshore or offshore waters seaward of the shoreline. The offshore acreage of the units is not calculated because a fixed seaward boundary for the units is generally not drawn due to the highly dynamic nature of the littoral zone.

Although acreage for offshore areas is not calculated, the entire sand sharing system on the seaward side, including the beach and nearshore area, is included within the CBRS units. The sand sharing system of coastal barriers is normally defined by the 30-foot bathymetric contour. In the Great Lakes and in large coastal embayments (*e.g.,* Chesapeake Bay, Delaware Bay, and Narragansett Bay), the sand sharing system is more limited in extent. In these cases, the sand sharing system is defined by the 20-foot bathymetric contour or a line approximately 1 mile seaward of the shoreline, whichever is nearer the coastal barrier.

Shoreline Calculations

The Service calculates the shoreline of the units to help assess the linear extent of the CBRS and to facilitate the calculation of the acreage of the units as described above. For the purposes of this project, the Service digitized a shoreline boundary to artificially close off the units along the seaward shoreline. This shoreline boundary generally follows the wet/dry sand line along the seaward side of the unit as interpreted from the base imagery. Additionally, the shoreline boundary spans any inlets and/or other dividing water bodies within each unit. In some cases, highly convoluted shorelines were generalized. Due to the complexities of shoreline delineations, acreage numbers (rather than shoreline miles) are the most reliable way to quantify proposed changes to the CBRS for individual units.

Types of Boundary Changes

The Service applied objective mapping protocols in the preparation of proposed boundaries for the CBRS units included in this project. The Service also applied a set of guiding principles and criteria for assessing additions to and removals from the CBRS. In 1982 and 1985, the Department published guidance in the **Federal Register** (47 FR 35696 (August 16, 1982) and 50 FR 8698 (March 4, 1985)) for delineating CBRS unit boundaries. The Department's 1982 *Undeveloped Coastal Barriers: Report to Congress,* 1988 *Report to Congress: Coastal Barrier Resources System* and the Service's 2016 *Final Report to Congress: John H. Chafee Coastal Barrier Resources System Digital Mapping Pilot Project* also contain protocols, criteria, and guiding principles for CBRS mapping.

The different types of changes proposed through this project include modifications to reflect geomorphic change; alignment with geomorphic, development, and cultural features; additions to and removals from the CBRS; and modifications to CBRS boundaries in channels. Additionally, CBRS unit type classifications (and reclassifications) were determined according to a standard protocol described below.

Modifications To Reflect Geomorphic Change

The CBRA requires that at least once every 5 years the Service review the maps of the CBRS and make modifications to the boundaries of the units to account for changes caused by natural forces such as accretion and erosion (16 U.S.C. 3503(c)). This type of change can be made by the Service administratively; however, it is also incorporated into ongoing CBRS mapping efforts like this project for efficiency and cost-saving purposes. The boundaries of System Units and OPAs have been modified where appropriate to account for natural changes that have occurred since the maps were last updated.

Alignment With Geomorphic Features

CBRS boundaries are often intended to follow geomorphic features such as a shoreline or the interface between wetlands and fastlands. This applies mostly to System Units, though there are many cases where OPA boundaries follow geomorphic features. The boundaries of System Units and OPAs have been modified where appropriate

to align with underlying geomorphic features.

Alignment With Development Features

CBRS boundaries are often intended to follow development features, such as the edge of a road, a bridge, or the ''break-in-development'' that existed on-the-ground when the area was included within the CBRS. The break-in-development is where development ended, immediately adjacent to the last structure in a cluster or row of structures, or at the property parcel boundary of the last structure. This applies mostly to System Units, though there are cases where OPA boundaries follow development features. The boundaries of System Units and OPAs have been modified where appropriate to align with development features.

Alignment With Cultural Features

CBRS boundaries are often intended to follow cultural features such as roads and political boundaries (*e.g.,* state, county, and town boundaries) or conservation/recreation area boundaries. Both System Units and OPAs follow cultural features; however, this applies especially to OPAs, which often coincide with the boundaries of the underlying conservation and/or recreation areas (although there are exceptions). The boundaries of System Units and OPAs have been modified where appropriate to align with cultural features.

Additions to the CBRS

In carrying out this project, the Service found areas of undeveloped fastland and associated aquatic habitat that are not currently within the CBRS but are appropriate for inclusion (either as additions to existing units or as entirely new units). When assessing whether an area may be appropriate for addition to the CBRS, the Service considered the following guiding principles:

(1) Whether the area may reasonably be considered to be a coastal barrier feature, or related to a coastal barrier ecosystem (this generally includes areas that are inherently vulnerable to coastal hazards such as flooding, storm surge, wind, erosion, and sea level rise) and

(2) whether inclusion of the area within the CBRS is rationally related to the purposes of the CBRA (*i.e.,* to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources).

When assessing potential additions to the CBRS, the Service also considers the following criteria:

(1) The level of development on-the-ground (*i.e.,* whether the number of structures or complement of infrastructure on-the-ground exceed the threshold for the area to be considered undeveloped) (16 U.S.C. 3503(g)(1)) and/or

(2) in the case of certain additions to existing units, the location of geomorphic, cultural, and development features on-the-ground at the time the adjacent area was included within the CBRS (*i.e.,* whether the CBRS boundary lines on the maps precisely follow the underlying features they were intended to follow on-the-ground).

The boundaries of System Units and OPAs have been modified where appropriate to add undeveloped fastland and associated aquatic habitat to the CBRS (either as additions to existing units or as entirely new units). Such additions to the CBRS are consistent with Section 4(c)(3) of the 2006 CBRRA which directs the Secretary to make recommendations for expansion of the CBRS. The unit type classification (*i.e.,* System Unit versus OPA) was determined according to the protocol described below in the section entitled ''CBRS Unit Type Classification.''

Additionally, the Service accommodates requests from landowners for voluntary additions to the CBRS or reclassifications of conservation/recreation areas from OPA to System Unit status. Voluntary additions to the CBRS can be made by the Service administratively (16 U.S.C. 3503(d)); however they are also incorporated into ongoing CBRS mapping efforts like this project for efficiency and cost-saving purposes.

Removals From the CBRS

In carrying out this project, the Service found areas that were inappropriately included within the CBRS and constitute technical mapping errors. When assessing whether an area may be appropriate for removal from the CBRS, the Service considered the following guiding principles:

(1) Whether the area may reasonably be considered to be a coastal barrier feature, or related to a coastal barrier ecosystem (this generally includes areas that are inherently vulnerable to coastal hazards such as flooding, storm surge, wind, erosion, and sea level rise); and

(2) whether inclusion of the area within the CBRS is rationally related to the purposes of the CBRA (*i.e.,* to minimize the loss of human life, wasteful expenditure of Federal revenues, and damage to fish, wildlife, and other natural resources).

The Service considers a technical mapping error to be a mistake in the delineation of the CBRS boundaries that was made as a result of incorrect, outdated, or incomplete information (often stemming from inaccuracies on the original base maps). When assessing whether an area may be appropriate for removal, the Service also considers the following criteria:

(1) The level of development on-the-ground at the time the area was included within the CBRS (*i.e.,* the number of structures or complement of infrastructure on-the-ground exceeded the threshold for the area to be considered undeveloped) (16 U.S.C. 3503(g)(1)); and/or

(2) the location of geomorphic, cultural, and development features on-the-ground at the time the area was included within the CBRS (*i.e.,* the CBRS boundary lines on the maps do not precisely follow the underlying features they were intended to follow on-the-ground).

The boundaries of System Units and OPAs have been modified where appropriate to remove areas that were inappropriately included within the CBRS and constitute technical mapping errors.

Modifications to CBRS Boundaries in Channels

In carrying out this project, the Service noted that the CBRS unit boundaries following channels in some cases include the entire channel and in other cases include none of the channel within the unit. The boundaries of System Units and OPAs have been modified where appropriate to include the entire extent of the channel within the unit. In cases where a System Unit and an OPA share a coincident boundary that follows a channel located between the two units, the entire channel is generally included within the System Unit. In cases where two System Units or two OPAs fall within a channel, the coincident boundary is placed at the center of the channel. A buffer (of about 20 feet) has generally been applied along developed shorelines (*i.e.,* where structures and/or infrastructure such as bulkheads and roads are very close to and run parallel to or are coincident with the shoreline) to ensure that existing development and infrastructure located on the shoreline is not inadvertently included within the CBRS.

CBRS Unit Type Classification

In carrying out this project, the Service considered the qualifying coastal barrier feature and delineated the unit boundaries in accordance with

the protocols, criteria, and guiding principles identified above, regardless of whether the area is (or was previously) owned or managed for conservation and/or recreation. In other words, the boundaries of both System Units and OPAs were generally drawn using the same protocols, criteria, and guiding principles. The Service then determined the unit type classification (for proposed additions) and reclassification (for existing units) in accordance with the protocols below.

The unit type classification (*i.e.,* System Unit versus OPA) is based on whether or not the unit was predominantly held for conservation and/or recreation at the time of designation, and has been modified where appropriate and practicable. Such unit type modifications for areas that are currently within the CBRS are referred to as ''reclassifications.'' The reclassified areas are either added to an existing adjacent unit of the same type or assigned a new unit number. The following considerations were applied for unit type classification and reclassification:

Areas not Held for Conservation/Recreation Within OPAs: Areas that are not held for conservation/recreation, but are: (1) Interspersed with and/or adjacent to a larger conservation/recreation area, and (2) located in coastal barrier areas that were undeveloped according to the CBRA's statutory development criteria (16 U.S.C. 3503(g)(1)) at the time they were included within the CBRS (or are currently undeveloped in the case of proposed additions), may be included within OPAs. Additionally, privately held inholdings (developed or undeveloped private tracts that are contained within the exterior boundaries of the conservation and/or recreation area) may also be included within OPAs.

Conservation/Recreation Areas Within System Units:

Held for Conservation/Recreation Prior to CBRS Designation

Areas that are held for conservation/recreation and are: (1) Interspersed with and/or adjacent to a larger area that is not held for conservation/recreation, and (2) were undeveloped according to the CBRA's statutory development criteria (16 U.S.C. 3503(g)(1)) at the time they were included within the CBRS (or are currently undeveloped in the case of proposed additions), may be included within System Units.

For conservation/recreation areas greater than 10 acres, the Service coordinated with the landowners (or managers) to seek their concurrence on inclusion of their area within the System Unit. If the owners do not concur with System Unit status, the Service classifies such areas as OPA to the extent practicable. However, minor conservation/recreation areas (*i.e.,* fastland and wetlands smaller than 10 acres) and certain areas of open water would be impractical from a mapping perspective to delineate separately as an OPA and therefore may be included within System Units. Outreach was generally not conducted for these minor areas during the initial stakeholder outreach phase of the project (described in the Hurricane Sandy Remapping Project Methodology section above). Descriptions of such ''minor'' areas within System Units are included in the set of unit summaries that describe the Service's proposed changes to the CBRS. See the Availability of Proposed CBRS Boundaries and Related Information section below for information on where to access the unit summaries.

The Service's records indicate that some conservation/recreation areas were intentionally added to the CBRS as System Units in the past. The Service generally did not seek concurrence from conservation/recreation area owners (regardless of size) when there is evidence of such prior intent, including letters from the stakeholder in the Service's records indicating that the organization supported inclusion of the property within the System Unit in the past, or records of specific changes to the Department's recommended maps made by the Congressional committees that reviewed them prior to their enactment.

Held for Conservation/Recreation After Area Designated as CBRS

If an area is dedicated to conservation and/or recreation after its initial inclusion within a System Unit, it is generally not reclassified to an OPA.

Proposed Modifications to the CBRS

The Service has prepared draft revised boundaries that propose modifications to the CBRS in Delaware, Massachusetts, and New Jersey, as well as the designation of a new unit in New Hampshire. This first batch of the Hurricane Sandy Remapping Project includes a total of 148 CBRS units (112 existing units and 36 proposed new units) which are listed in Appendix A. The breakdown of units by state is as follows: 8 existing units and 3 proposed new units in Delaware, 86 existing units and 23 proposed new units in Massachusetts, 1 proposed new unit in New Hampshire, and 18 existing units and 9 proposed new units in New Jersey. Three of the existing units have no proposed changes. Ten of the 36 proposed new units are comprised either partially or mostly of areas that are currently contained within the CBRS, but are proposed for reclassification from System Unit to OPA or vice-versa. Twenty-six of the 36 proposed new units are comprised entirely of areas that are not currently contained within the CBRS. Nine of the existing 112 units are proposed for reclassification from System Unit to OPA or vice-versa, and therefore their current unit numbers are retired, resulting in 139 total proposed units.

If adopted by Congress, the proposed boundaries would remove 557 acres from the CBRS (371 acres of fastland and 186 acres of associated aquatic habitat) and add approximately 136,268 acres to the CBRS (6,051 acres of fastland and 130,217 acres of associated aquatic habitat). The proposed boundaries would remove 271 structures from the CBRS and add 199 structures to the CBRS. A summary of metrics associated with the proposed changes for each state is below. More detailed information regarding the specific proposed changes to each unit is available in a set of unit summaries. See the Availability of Proposed CBRS Boundaries and Related Information section below for information on where to access the unit summaries.

Delaware

The Service has prepared comprehensively revised proposed boundaries for 8 of the 10 existing CBRS units in Delaware. A final recommended map for the remaining two existing units (Units DE–07P and H01) was submitted to Congress in 2016 as part of the Service's Digital Mapping Pilot Project. One existing unit in Delaware has no proposed changes. The Service identified three proposed new units in Delaware, which are comprised entirely of areas that are not currently contained within the CBRS. There are 11 total proposed units in Delaware.

The proposed boundaries for Delaware would remove 113 acres from the CBRS (84 acres of fastland and 29 acres of associated aquatic habitat) and add approximately 31,216 acres to the CBRS (996 acres of fastland and 30,220 acres of associated aquatic habitat). The proposed boundaries would remove 41 structures from the CBRS and add approximately 10 structures to the CBRS.

Massachusetts

The Service has prepared comprehensively revised proposed boundaries for all of the 86 existing CBRS units in Massachusetts. Two

existing units in Massachusetts have no proposed changes. The Service identified 23 proposed new units in Massachusetts. Nine of the 23 proposed new units in Massachusetts are comprised either partially or mostly of areas that are currently contained within the CBRS, but are proposed for reclassification from System Unit to OPA or vice-versa. Fourteen of the 23 proposed new units in Massachusetts are comprised entirely of areas that are not currently contained within the CBRS. Four of the existing 86 units are proposed for reclassification from System Unit to OPA or vice-versa, and therefore their current unit numbers are retired, resulting in 105 total proposed units.

The proposed boundaries for Massachusetts would remove 304 acres from the CBRS (162 acres of fastland and 142 acres of associated aquatic habitat) and add 32,881 acres to the CBRS (2,778 acres of fastland and 30,103 acres of associated aquatic habitat). The proposed boundaries would remove 168 structures from the CBRS and add 80 structures to the CBRS.

New Hampshire

There are currently no existing CBRS units in New Hampshire. The Service identified one proposed new unit in New Hampshire. The proposed boundaries for this unit would add 679 acres to the CBRS (121 acres of fastland and 558 acres of associated aquatic habitat). The proposed boundaries would add five structures to the CBRS (these structures are all park-related).

New Jersey

The Service has prepared comprehensively revised proposed boundaries for 18 of the 24 existing CBRS units in New Jersey. The map for the remaining six New Jersey units (Units NJ–02/NJ–02P, NJ–03P, NJ–04, NJ–15P, and NJ–16P) was comprehensively reviewed and revised by the Service and adopted by Congress in 2016. The Service identified nine proposed new units in New Jersey. One of the nine proposed new units is comprised mostly of areas that are currently contained within the CBRS, but are proposed for reclassification from System Unit to OPA or vice-versa. Eight of the nine proposed new units are comprised entirely of areas that are not currently contained within the CBRS. Five of the existing 18 units are proposed for reclassification from System Unit to OPA or vice-versa, and therefore their current unit numbers are retired, resulting in 22 total proposed units.

The proposed boundaries for New Jersey would remove 140 acres from the CBRS (125 acres of fastland and 15 acres of associated aquatic habitat) and add 71,492 acres to the CBRS (2,156 acres of fastland and 69,336 acres of associated aquatic habitat). The proposed boundaries remove 62 structures from the CBRS and add 104 structures to the CBRS.

Proposed Additions to the CBRS

The draft revised boundaries for Delaware, Massachusetts, and New Jersey, and the proposed new unit in New Hampshire, would make additions to the CBRS, including the creation of 36 new units that are consistent with a directive in section 4 of Public Law 109–226 concerning recommendations for expansion of the CBRS. The proposed boundaries are based upon the best data available to the Service at the time the areas were reviewed. Our assessment indicated that any new areas proposed for addition to the CBRS were relatively undeveloped at the time the proposed boundaries were created.

Section 2 of Public Law 106–514 requires that we consider the following criteria when assessing the development status of a potential addition to the CBRS: (1) Whether the density of development is less than one structure per 5 acres of land above mean high tide (which generally suggests eligibility for inclusion within the CBRS); and (2) whether there is existing infrastructure consisting of a road, with a reinforced road bed, to each lot or building site in the area; a wastewater disposal system sufficient to serve each lot or building site in the area; electric service for each lot or building site in the area; and a fresh water supply for each lot or building site in the area (which generally suggests ineligibility for inclusion within the CBRS).

If, upon review of the proposed boundaries, interested parties find that any areas proposed for addition to the CBRS are currently developed (according to the criteria codified by section 2 of Pub. L. 106–514), they may submit supporting documentation of such development to the Service during this public comment period. For any areas proposed for addition to the CBRS, we will consider the density of development and level of infrastructure on-the-ground as of the close of the comment period on the date listed in the **DATES** section.

Request for Comments

Section 4 of Public Law 109–226 requires the Secretary to provide an opportunity for the submission of public comments. We invite the public to review and comment on the proposed CBRS boundaries for the Delaware, Massachusetts, New Hampshire, and New Jersey units listed in Appendix A. The Service is specifically notifying the following stakeholders concerning the availability of the proposed boundaries: The Chair and Ranking Member of the House of Representatives Committee on Natural Resources; the Chair and Ranking Member of the Senate Committee on Environment and Public Works; the members of the Senate and House of Representatives for the affected areas; the Governors of Delaware, Massachusetts, New Hampshire, and New Jersey; organizations that own land held for conservation and/or recreation within the existing and proposed units (where such ownership information and mailing addresses were publicly available); and other appropriate Federal, State, and local officials, and nongovernmental organizations.

Interested parties may submit written comments and accompanying data as described in the **ADDRESSES** section. Comments regarding specific CBRS unit(s) should reference the appropriate unit number(s) and unit name(s) as listed in Appendix A. We must receive comments on or before the date listed in the **DATES** section.

Following the close of the comment period, we will review all comments received on the proposed boundaries and make adjustments to the boundaries, as appropriate, based on information received through public comments, updated aerial imagery, CBRA criteria, and objective mapping protocols. We will then prepare final recommended boundaries to be submitted to Congress. The final recommended boundaries will become effective only if they are adopted by Congress through legislation.

Availability of Proposed CBRS Boundaries and Related Information

In the past, the Service has produced static PDFs of draft maps depicting proposed changes to the CBRS. However, in an effort to reduce costs, increase efficiency, and provide a more user-friendly interface for the public to view the proposed changes, the Service has created an online ''CBRS Projects Mapper'' to display the proposed CBRS boundaries in lieu of static PDFs of the draft maps. The online mapper creates greater transparency in the public review process, allowing users to zoom in further and obtain more detailed information about the type of change that is proposed for a specific area (*e.g.,* additions, removals, and reclassifications).

The CBRS Projects Mapper and unit summaries (containing historical changes and proposed changes to the individual units) can be accessed from the Service's website at *http://www.fws.gov/cbra,* or via *http://www.regulations.gov*. Public comments should be submitted at *http://www.regulations.gov* (see **ADDRESSES**). A shapefile of the proposed CBRS boundaries, which can be used with GIS software, is also available for download. The shapefile is best viewed using the base imagery to which the boundaries were drawn; the base imagery sources and dates are included in the metadata for the shapefile. The Service is not responsible for any misuse or misinterpretation of the shapefile.

Additionally, a stakeholder outreach toolkit (comprised of project fact sheets, flyers for the virtual public meetings, and other information about the project) will be made available to local officials upon request. Local officials may use this toolkit to increase awareness of the project and the virtual public meetings within the community. Local officials may contact the individual identified in the **FOR FURTHER INFORMATION CONTACT** section for further information regarding the toolkit.

Interested parties who are unable to access the proposed boundaries or other information online may contact the individual identified in the **FOR FURTHER INFORMATION CONTACT** section, and reasonable accommodations will be made.

Virtual Public Meetings

We will hold the following public meetings via webcast and teleconference only. The purpose of the meetings is to give the public an overview of the Hurricane Sandy Remapping Project and to offer an opportunity for questions and answers regarding the proposed changes to the CBRS units listed in Appendix A.

Date	Time (eastern time)	States
May 8, 2018	10 a.m.–12 p.m	Delaware and New Jersey.
May 9, 2018	10 a.m.–12 p.m	Massachusetts and New Hampshire.

Meeting Participation Information

These webcast meetings are open to the public. To ensure that enough call-in lines are available, we request that participants register by emailing *CBRA@fws.gov* by close of business on May 1, 2018. Registrants will be provided with instructions for participation via email. Members of the public requesting reasonable accommodations, such as interpretive services, should notify the person listed under **FOR FURTHER INFORMATION CONTACT** at least 1 week prior to the meeting.

Appendix A—Hurricane Sandy Remapping Project Units

Below are the affected units for each state, including unit number, unit name, county, and the status of the unit (*i.e.,* existing unit, existing unit reclassified and unit number retired, and new unit).

State	County	Unit No.	Unit name	Unit status
Delaware	Kent	DE–01	Little Creek	Existing Unit.
Delaware	Kent	DE–01P	Little Creek	Existing Unit.
Delaware	Sussex	DE–02P	Beach Plum Island	Existing Unit.
Delaware	Sussex	DE–03P	Cape Henlopen	Existing Unit.
Delaware	Sussex	DE–06	Silver Lake	Existing Unit.
Delaware	Sussex	DE–08P	Fenwick Island	Existing Unit.
Delaware	Kent, New Castle	DE–09P	Woodland Beach	New Unit.
Delaware	Kent	DE–10	Fraland Beach	New Unit.
Delaware	Kent	DE–11P	Bombay Hook	New Unit.
Delaware	Kent, Sussex	H00	Broadkill Beach	Existing Unit.
Delaware	Kent, Sussex	H00P	Broadkill Beach	Existing Unit.
Massachusetts	Essex	C00	Clark Pond	Existing Unit.
Massachusetts	Essex	C01	Wingersheek	Existing Unit.
Massachusetts	Essex	C01A	Good Harbor Beach/Milk Island	Existing Unit.
Massachusetts	Essex	C01AP	Cape Hedge Beach	New Unit.
Massachusetts	Essex	C01B	Brace Cove	Existing Unit.
Massachusetts	Suffolk	C01C	West Head Beach	Existing Unit.
Massachusetts	Suffolk	C01CP	West Head Beach	New Unit.
Massachusetts	Plymouth	C02	North Scituate	Existing Unit Reclassified and Unit Number Retired.
Massachusetts	Plymouth	C02P	North Scituate	New Unit—Partially Reclassified.
Massachusetts	Plymouth	C03	Rivermoor	Existing Unit.
Massachusetts	Plymouth	C03A	Rexhame	Existing Unit.
Massachusetts	Plymouth	C04	Plymouth Bay	Existing Unit.
Massachusetts	Plymouth	C06	Center Hill Complex	Existing Unit.
Massachusetts	Barnstable	C08	Scorton	Existing Unit.
Massachusetts	Barnstable	C09	Sandy Neck	Existing Unit.
Massachusetts	Barnstable	C09P	Sandy Neck	Existing Unit.
Massachusetts	Barnstable	C10	Freemans Pond	Existing Unit.
Massachusetts	Barnstable	C11	Namskaket Spits	Existing Unit.
Massachusetts	Barnstable	C11A	Boat Meadow	Existing Unit.
Massachusetts	Barnstable	C11AP	Boat Meadow	Existing Unit.
Massachusetts	Barnstable	C11P	Namskaket Spits	New Unit.
Massachusetts	Barnstable	C12	Chatham Roads	Existing Unit.
Massachusetts	Barnstable	C12P	Chatham Roads	New Unit—Mostly Reclassified.
Massachusetts	Barnstable	C13	Lewis Bay	Existing Unit.
Massachusetts	Barnstable	C13P	Lewis Bay	Existing Unit.
Massachusetts	Barnstable	C14	Squaw Island	Existing Unit.

State	County	Unit No.	Unit name	Unit status
Massachusetts	Barnstable	C15	Centerville	Existing Unit.
Massachusetts	Barnstable	C15P	Centerville	Existing Unit.
Massachusetts	Barnstable	C16	Dead Neck	Existing Unit.
Massachusetts	Barnstable	C17	Popponesset Spit	Existing Unit.
Massachusetts	Barnstable	C18	Waquoit Bay	Existing Unit.
Massachusetts	Barnstable	C18A	Falmouth Ponds	Existing Unit.
Massachusetts	Barnstable	C18P	Waquoit Bay	Existing Unit Reclassified and Unit Number Retired.
Massachusetts	Barnstable	C19	Black Beach	Existing Unit.
Massachusetts	Plymouth	C19A	Buzzards Bay Complex	Existing Unit.
Massachusetts	Plymouth	C19AP	Buzzards Bay Complex	New Unit—Mostly Reclassified.
Massachusetts	Barnstable	C19P	Little Sippewisset Marsh	New Unit.
Massachusetts	Nantucket	C20	Coatue	Existing Unit.
Massachusetts	Nantucket	C20P	Coatue	New Unit—Mostly Reclassified
Massachusetts	Nantucket	C21	Sesachacha Pond	Existing Unit.
Massachusetts	Nantucket	C22	Cisco Beach	Existing Unit Reclassified and Unit Number Retired.
Massachusetts	Nantucket	C22P	Cisco Beach	New Unit—Mostly Reclassified.
Massachusetts	Nantucket	C23	Esther Island Complex	Existing Unit.
Massachusetts	Nantucket	C23P	Esther Island Complex	New Unit—Mostly Reclassified.
Massachusetts	Nantucket	C24	Tuckernuck Island	Existing Unit.
Massachusetts	Nantucket	C25	Muskeget Island	Existing Unit.
Massachusetts	Dukes	C26	Eel Pond Beach	Existing Unit.
Massachusetts	Dukes	C27	Cape Poge	Existing Unit.
Massachusetts	Dukes	C28	South Beach	Existing Unit.
Massachusetts	Dukes	C29	Squibnocket Complex	Existing Unit.
Massachusetts	Dukes	C29A	James Pond	Existing Unit.
Massachusetts	Dukes	C29B	Mink Meadows	Existing Unit.
Massachusetts	Dukes	C29P	Squibnocket Complex	Existing Unit.
Massachusetts	Dukes	C31	Elizabeth Islands	Existing Unit.
Massachusetts	Bristol	C31A	West Sconticut Neck	Existing Unit.
Massachusetts	Bristol	C31AP	West Sconticut Neck	New Unit.
Massachusetts	Bristol	C31B	Harbor View	Existing Unit.
Massachusetts	Bristol	C32	Mishaum Point	Existing Unit.
Massachusetts	Bristol	C33	Little Beach	Existing Unit.
Massachusetts	Bristol	C34	Horseneck Beach	Existing Unit.
Massachusetts	Bristol	C34A	Cedar Cove	Existing Unit.
Massachusetts	Bristol	C34P	Horseneck Beach	Existing Unit.
Massachusetts	Bristol	C35	Richmond/Cockeast Ponds	Existing Unit.
Massachusetts	Essex	MA–01P	Salisbury Beach	Existing Unit.
Massachusetts	Essex	MA–02P	Plum Island	Existing Unit.
Massachusetts	Essex	MA–03	Castle Neck	Existing Unit.
Massachusetts	Essex	MA–04	West Beach	Existing Unit.
Massachusetts	Essex	MA–06	Phillips Beach	Existing Unit.
Massachusetts	Suffolk	MA–08P	Snake Island	Existing Unit.
Massachusetts	Norfolk	MA–09P	Squantum	Existing Unit.
Massachusetts	Norfolk	MA–10P	Merrymount Park	Existing Unit.
Massachusetts	Plymouth, Suffolk	MA–11	Peddocks/Rainsford Islands	Existing Unit.
Massachusetts	Norfolk, Plymouth	MA–12	Cohasset Harbor	Existing Unit.
Massachusetts	Plymouth	MA–13	Duxbury Beach	Existing Unit.
Massachusetts	Plymouth	MA–13P	Duxbury Beach	New Unit—Mostly Reclassified.
Massachusetts	Barnstable	MA–14P	Town Neck	Existing Unit.
Massachusetts	Barnstable	MA–15P	Chapin Beach	Existing Unit.
Massachusetts	Barnstable	MA–16	Nobscusset	Existing Unit.
Massachusetts	Barnstable	MA–17AP	Lieutenant Island	Existing Unit.
Massachusetts	Barnstable	MA–17P	Griffin/Great Islands Complex	Existing Unit
Massachusetts	Barnstable	MA–18	Pamet Harbor	Existing Unit Reclassified and Unit Number Retired.
Massachusetts	Barnstable	MA–18AP	Pamet Harbor	New Unit—Mostly Reclassified.
Massachusetts	Barnstable	MA–18P	Ballston Beach	Existing Unit.
Massachusetts	Barnstable	MA–19P	Provincetown	Existing Unit.
Massachusetts	Barnstable	MA–20P	Nauset Beach/Monomoy	Existing Unit.
Massachusetts	Barnstable	MA–23P	Davis Beach	Existing Unit.
Massachusetts	Dukes	MA–24	Naushon Island Complex	Existing Unit.
Massachusetts	Dukes	MA–25P	Penikese Island	Existing Unit.
Massachusetts	Dukes	MA–26	Harthaven	Existing Unit.
Massachusetts	Dukes	MA–27	Edgartown Beach	New Unit—Partially Reclassified.
Massachusetts	Dukes	MA–27P	Edgartown Beach	Existing Unit.
Massachusetts	Dukes	MA–28P	Norton Point	Existing Unit.
Massachusetts	Dukes	MA–29P	Nomans Land	Existing Unit.
Massachusetts	Barnstable	MA–30	Herring Brook	Existing Unit.
Massachusetts	Barnstable	MA–31	Squeteague Harbor	Existing Unit.
Massachusetts	Barnstable	MA–32	Bassetts Island	Existing Unit.
Massachusetts	Barnstable	MA–33	Phinneys Harbor	Existing Unit.

State	County	Unit No.	Unit name	Unit status
Massachusetts	Plymouth	MA–35	Planting Island	Existing Unit.
Massachusetts	Bristol	MA–36	Round Hill	Existing Unit.
Massachusetts	Bristol	MA–37P	Demarest Lloyd Park	Existing Unit.
Massachusetts	Barnstable	MA–38P	Scusset Beach	New Unit.
Massachusetts	Barnstable	MA–40P	Harding Beach	New Unit.
Massachusetts	Barnstable	MA–41P	Red River Beach	New Unit.
Massachusetts	Barnstable	MA–42P	Quissett Beach/Falmouth Beach	New Unit.
Massachusetts	Barnstable	MA–43	Chapoquoit Beach	New Unit.
Massachusetts	Barnstable	MA–43P	Chapoquoit Beach	New Unit.
Massachusetts	Bristol	MA–45P	Round Hill Point	New Unit.
Massachusetts	Bristol	MA–46	Teal Pond	New Unit.
Massachusetts	Bristol, Plymouth	MA–47P	Little Bay	New Unit.
New Hampshire	Rockingham	NH–01P	Odiorne Point	New Unit.
New Jersey	Monmouth	NJ–01P	Sandy Hook	Existing Unit.
New Jersey	Monmouth	NJ–04A	Navesink/Shrewsbury Complex	Existing Unit.
New Jersey	Ocean	NJ–04B	Metedeconk Neck	Existing Unit.
New Jersey	Ocean	NJ–04BP	Metedeconk Neck	Existing Unit Reclassified and Unit Number Retired.
New Jersey	Ocean	NJ–05P	Island Beach	Existing Unit.
New Jersey	Ocean	NJ–06	Cedar Bonnet Island	Existing Unit.
New Jersey	Ocean	NJ–06P	Cedar Bonnet Island	Existing Unit Reclassified and Unit Number Retired.
New Jersey	Atlantic, Burlington, Ocean	NJ–07P	Brigantine	Existing Unit.
New Jersey	Cape May	NJ–08	Corson's Inlet	New Unit—Mostly Reclassified.
New Jersey	Cape May	NJ–08P	Corson's Inlet	Existing Unit.
New Jersey	Cape May	NJ–09	Stone Harbor	Existing Unit.
New Jersey	Cape May	NJ–09P	Stone Harbor	Existing Unit Reclassified and Unit Number Retired.
New Jersey	Cape May	NJ–10P	Cape May	Existing Unit.
New Jersey	Cape May	NJ–11P	Higbee Beach	Existing Unit.
New Jersey	Cape May	NJ–12	Del Haven	Existing Unit.
New Jersey	Cape May	NJ–12P	Del Haven	Existing Unit Reclassified and Unit Number Retired.
New Jersey	Cape May	NJ–13	Kimbles Beach	Existing Unit.
New Jersey	Cape May, Cumberland	NJ–14	Moores Beach	Existing Unit.
New Jersey	Cape May, Cumberland	NJ–14P	Moores Beach	Existing Unit Reclassified and Unit Number Retired.
New Jersey	Monmouth	NJ–17P	Monmouth Cove	New Unit.
New Jersey	Monmouth	NJ–18	Ware Creek	New Unit.
New Jersey	Atlantic, Cape May	NJ–19P	Malibu Beach	New Unit.
New Jersey	Cape May	NJ–20P	Two Mile Beach	New Unit.
New Jersey	Cape May	NJ–21P	Sunray Beach	New Unit.
New Jersey	Cumberland	NJ–22P	Egg Island	New Unit.
New Jersey	Cumberland	NJ–23P	Dix	New Unit.
New Jersey	Cumberland, Salem	NJ–24P	Greenwich	New Unit.

Dated: December 4, 2017.

Gary Frazer,

Assistant Director for Ecological Services.

Editorial Note: This document was received for publication by the Office of the Federal Register on March 7, 2018.

[FR Doc. 2018–04889 Filed 3–9–18; 8:45 am]

BILLING CODE 4333–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1347–1348 (Final)]

Biodiesel From Argentina and Indonesia; Supplemental Schedule for the Subject Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: March 1, 2018.

FOR FURTHER INFORMATION CONTACT: Nathanael Comly (202–205–3174), 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 investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION: Effective August 28, 2017, the Commission established a general schedule for the conduct of the final phase of its investigations on biodiesel,[1] following preliminary determinations by the U.S. Department of Commerce (''Commerce'') that imports of the biodiesel were subsidized by the governments of Argentina and Indonesia. To date, Commerce has issued final affirmative countervailing duty determinations with respect to the biodiesel from Argentina and Indonesia [2] and most recently final affirmative antidumping duty determinations with respect to

[1] *Biodiesel From Argentina and Indonesia; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations,* 82 FR 43999, September 20, 2017.

[2] *Biodiesel From the Republic of Argentina: Final Affirmative Countervailing Duty Determination,* 82 FR 53477, November 16, 2017 and *Biodiesel From the Republic Indonesia: Final Affirmative Countervailing Duty Determination,* 82 FR 53471, November 16, 2017.

Argentina [3] and Indonesia.[4] The Commission, therefore, is issuing a supplemental schedule for its antidumping duty investigations on imports of biodiesel from Argentina and Indonesia.

The Commission's supplemental schedule is as follows: the deadline for filing supplemental party comments on Commerce's final determinations is March 14, 2018; the staff report in the final phase of these investigations will be placed in the nonpublic record on March 23, 2018; and a public version will be issued thereafter.

Supplemental party comments may address only Commerce's final antidumping duty determinations regarding of biodiesel from Argentina and Indonesia. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length.

For further information concerning these investigations see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Authority: This investigation is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: March 6, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–04849 Filed 3–9–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–593–596 and 731–TA–1401–1406 (Preliminary)]

Large Diameter Welded Pipe From Canada, China, Greece, India, Korea, and Turkey Determinations [1]

On the basis of the record [2] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of large diameter welded pipe (LDWP) from Canada, China, India, Korea, and Turkey, provided for in statistical reporting numbers 7305.11.10, 7305.11.1060, 7305.11.50, 7305.12.10, 7305.12.10, 7305.12.50, 7305.19.10, 7305.19.10, 7305.19.50, 7305.31.40, 7305.31.60, 7305.39.10, and 7305.39.50 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and to be subsidized by the governments of China, India, Korea, and Turkey. The Commission also determines, pursuant to the Act, that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Greece of LDWP that are alleged to be sold in the United States at less than fair value (''LTFV'').

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under sections 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under sections 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On January 17, 2018, American Cast Iron Pipe Company, Birmingham, Alabama; Berg Steel Pipe Corp., Panama City, Florida; Berg Spiral Pipe Corp., Mobile, Alabama; Dura-Bond Industries, Inc., Export, Pennsylvania; Skyline Steel, Newington, Virginia; and Stupp Corporation, Baton Rouge, Louisiana filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of LDWP from China, India, Korea, and Turkey and LTFV imports of LDWP from Canada, China, Greece, India, Korea, and Turkey. Accordingly, effective January 17, 2018, the Commission, pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)), instituted countervailing duty investigation Nos. 701–TA–593–596 and antidumping duty investigation Nos. 731–TA–1401–1406 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of January 23, 2018 (83 FR 3187). The conference was held in Washington, DC, on February 7, 2018, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission made these determinations pursuant to sections 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on March 6, 2018. The views of the Commission are contained in USITC Publication 4768 (March 2018), entitled *Large Diameter Welded Pipe from Canada, China, Greece, India, Korea, and Turkey: Investigation Nos. 701–TA–593–596 and 731–TA–1401–1406 (Preliminary).*

By order of the Commission.

Issued: March 6, 2018.

Lisa R. Barton,

Secretary to the Commission

[FR Doc. 2018–04848 Filed 3–9–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint

[3] *Biodiesel from Argentina: Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part,* 83 FR 8837, March 1, 2018.

[4] *Biodiesel from Indonesia: Final Determination of Sales at Less Than Fair Value,* 83 FR 8835, March 1, 2018.

[1] Due to the Federal government weather-related closure on March 2, 2018, these investigations conducted under authority of Title VII of the Tariff Act of 1930 have been tolled by one day pursuant to 19 U.S.C. 1671b(a)(2), 1673b(a)(2).

[2] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

entitled *Certain LED Lighting Devices and Components Thereof, DN 3299;* the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of Fraen Corporation on March 6, 2018. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain LED lighting devices and components thereof. The complaint names as respondents: Chauvet & Sons, Inc. of Sunrise, FL; ADJ Products, LLC of Los Angeles, CA; Elation Lighting, Inc. of Los Angeles, CA; Golden Sea Professional Equipment Co. Ltd. of China; Artfox USA, Inc. of City of Industry, CA; Artfox Electronics Co., Ltd. of China; Guangzhou Chaiyi Light Co., Ltd. d/b/a Fine Art Lighting Co., Ltd. of China; Guangzhou Xuanyi Lighting Co., Ltd. d/b/a XY E-Shine of China; Guangzhou Flystar Lighting Technology Co., Ltd. of China; and Wuxi ChangSheng Special Lighting Apparatus Factory d/b/a Roccer of China. The complainant requests that the Commission issue a general exclusion order, a limited exclusion order, cease and desist orders and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, and members of the public are invited to file comments, not to exceed five (5) pages in length, inclusive of attachments, on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the requested remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to § 210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the docket number (''Docket No. 3299) in a prominent place on the cover page and/or the first page. (*See* Handbook for Electonic Filing Procedures, Electronic Filing Procedures).[1] Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel,[2] solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.[3]

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: March 7, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–04891 Filed 3–9–18; 8:45 am]

BILLING CODE 7020–02–P

[1] Handbook for Electronic Filing Procedures: *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.*

[2] All contract personnel will sign appropriate nondisclosure agreements.

[3] Electronic Document Information System (EDIS): *https://edis.usitc.gov.*

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Countering Weapons of Mass Destruction Consortium

Notice is hereby given that, on January 31, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Countering Weapons of Mass Destruction Consortium (''CWMD Consortium'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties to the venture and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties are: 908 Devices Inc., Boston, MA; AeroClave, LLC, Winter Park, FL; Alakai Defense Systems, Inc., Largo, FL; Alion Science and Technology, Burr Ridge, IL; Applied Research Associates (ARA), Albuquerque, NM; APTIM Federal Services, LLC, Alexandria, VA; Arete Associates, Northridge, CA; Avon, Protection Systems, Inc., Belcamp, MD; Battelle Memorial Institute, Columbus, OH; Bill Baugh Associates, LLC, Millersville, MD; Blue Force Consulting, Westminster, MD; Booz Allen Hamilton, McLean, VA; Brimrose Technology Corp. Sparks, MD; Broadway Analytical, LLC, Monmouth, IL; Bruker Detection Corporation, Billerica, MA; Celina Tent Incorporated, Celina, OH; ChemImage Sensor Systems, Pittsburgh, PA; Chemring Sensors and Electronic Systems, Inc. Charlotte, NC; CogniTech Corporation, Salt Lake City, UT; Corvid Technologies, Mooresville, NC; Creare, LLC, Hanover, NH; D. Wheatley Enterprises, Inc., Belcamp, MD; DCS Corporation, Alexandria, VA; Defense Architecture Systems (DAS), Oxon Hill, MD; Domenix Corporation dba Relevant Technology, Chantilly, VA; Dynamis, Inc., Fairfax, VA; DynPort Vaccine Company LLC, a CSRA Company, Frederick, MD; El Dorado Engineering Inc., West Jordan, UT; ENSCO, Inc., Falls Church, VA; EOIR Technologies, Inc., Aberdeen Proving Ground, MD; Excet, Inc., Springfield, VA; EZ–A Consulting, LLC, Bel Air, MD; Federal Fabrics-Fibers, Lowell, MA; Federal Resources Supply, Stevensville, MD; First Line Technology, Chantilly, VA; FLIR Detection, Inc., Stillwater, OK; FORSUGO Hi-Cell, Inc., Marrero, LA; Georgia Tech Applied Research Corporation, Atlanta, GA; GeoVax, Inc., Smyrna, GA; Guild Associates, Inc., Dublin, OH; Hamilton Sundstrand Corp, UTC Aerospace Systems (UTAS), Pomona, CA; HDT Expeditionary Systems, Inc., Fredericksburg, VA; Immediate Response Technologies DBA AirBoss Defense, Landover, MD; Innovative Emergency Management, Inc. (IEM), Morrisville, NC; Integrity Consulting Engineering and Security Solutions (ICESS), Purcellville, VA; Intelagard, Lafayette, CO; Intelligent Optical Systems, Inc., Torrance, CA; Intelligent System Support, Austin, TX; INTUITIVE, Huntsville, AL; IS4S (Integrated Systems for Solutions), Huntsville, AL; iSense, LLC, Mountain View, CA; ITL LLC DBA ITL Solutions, Hampton, VA; JGW Group, Reston, VA; Joint Research and Development (JRAD), Belcamp, MD; Kiple Acquisition Science Technology Logistics & Engineering, Inc. (KASTLE), Forest Hill, MD; Knowledge Based Systems (KBSI), College Station, TX; Lealaps Consulting, LLC, Arlington, VA; Leidos, Inc., Abingdon, MD; Management Services Group, Inc., dba Global Technical Systems, Virginia Beach, VA; Mapp Biopharmaceuticals, Inc., San Diego, CA; MaXentric Technologies, LLC, Fort Lee, NJ; MESH, Inc., Oxford, PA; Microcosm, Torrance, CA; MQM Solutions, Inc., Cleveland, OH; Murtech, Inc., Glen Burnie, MD; National Strategic Research Institute (NSRI), Omaha, NE; North Carolina A & T (NC A&T), Greensboro, NC; Offset Strategic Services, Fayetteville, TN; Patricio Enterprises, Inc., Stafford, VA; Pendar Technologies, LLC, Cambridge, MA; Production Products Mfg. & Sales Co., Inc., St Louis, MO; QuickFlex, Inc., San Antonio, TX; QuickSilver Analytics, Inc., Hampstead, NC; Rigaku Analytical Devices, Inc., Wilmington, MA; SAAB Defense and Security, East Syracuse, NY; SciTech Services, Inc., Havre de Grace, MD; Scott Technologies, Monroe, NC; Signature Science, LLC, Austin, TX; SigNet Technologies, Cary, NC; Smiths Detection Inc., Edgewood, MD; Southwest Research Institute (SWRI), San Antonio, TX; Spectral Sensor Solutions, LLC, Herndon, VA; Streamline Automation, Huntsville, AL; Synertex, LLC, Purcellville, VA; T2S, LLC, Belcamp, MD; Tennessee Apparel Corp., Tullahoma, CO; Terminal Horizon Operations and Resourcing (THOR), St Petersburg, FL; The Tauri Group, Inc., Alexandria, VA; TIAX LLC, Lexington, MA; Universal Stabilization Technologies, Inc., San Diego, CA; University of Florida, Gainesville, FL; URS Federal Services, Inc., an AECOM Company, Germantown, MD; UTS Systems LLC, Fort Walton Beach, FL; Vaporsens, Inc., Salt Lake City, UT; Veterans Corps of America (VCA), O'Fallon, IL; Vibratess, LLC., Charlottesville, VA.

The general area of the CWMD Consortium's planned activity is facilitating the provision of technologies related to research, development, acquisition, fielding and life-cycle support for the following (non-inclusive) capability areas: CBRNE counter-proliferation, nonproliferation, and defense equipment; Installation and force protection; Command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) systems for WMD detection, localization, identification, and tracking and CBRNE response operations; Technologies that support the find, fix, finish, exploit, analyze, and disseminate (F3EAD) process; Preparing for and combatting improvised threats and the improvised explosive device network; WMD precursor, agent, and device defeat or neutralization; Ensuring nuclear deterrence; Manned and unmanned platforms capable of supporting CWMD operations; Technologies that enhance the effectiveness of forces that are tasked to conduct CWMD operations; and Other operations related to the CWMD mission.

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–04838 Filed 3–9–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Integrated Photonics Institute for Manufacturing Innovation Operating Under the Name of the American Institute for Manufacturing Integrated Photonics

Notice is hereby given that, on January 26, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Integrated Photonics Institute for Manufacturing Innovation operating under the name of the American Institute for Manufacturing Integrated Photonics (''AIM Photonics'') has filed written notifications simultaneously with the Attorney General and the

Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Hewlett Packard Enterprise Company, Palo Alto, CA; IQE, Inc., Bethlehem, PA; TTM Technologies, Inc., Costa Mesa, CA; National Technology and Engineering Solutions of Sandia, LLC, Albuquerque, NM; The Aerospace Corporation, El Segundo, CA; and University of Washington, Seattle, WA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AIM Photonics intends to file additional written notifications disclosing all changes in membership.

On June 16, 2016, AIM Photonics filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 25, 2016 (81 FR 48450).

The last notification was filed with the Department on October 25, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 16, 2017 (82 FR 53527).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–04839 Filed 3–9–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical Technology Enterprise Consortium

Notice is hereby given that, on January 18, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Medical Technology Enterprise Consortium (''MTEC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Bramante Bioscience, Elmira Heights, NY; California Institute of Biomedical Research (Calibr), La Jolla, CA; CIYIS, LLC, Atlanta, GA; Combat Medical Systems, Harrisburg, NC; Cortical Metrics, LLC, Carrboro, NC; Duke University, Durham, NC; Friedman Research Corporation, Austin, TX; General Dynamics Information Technology, Inc., Fairfax, VA; Indiana Biosciences Research Institute, Indianapolis, IN; Iowa State University, Ames, IA; Ischemix, Inc., North Grafton, MA; Israel Innovation Authority, Airport City, ISRAEL; Michigan State University, East Lansing, MI; NeuroRx, Inc., Wilmington, DE; Prytime Medical Devices, Inc., Boerne, TX; Rutgers, The State University of New Jersey, New Brunswick, NJ; Sheltagen Medical Ltd, Atlit, ISRAEL; Studio Kinection, Inc. dba ''Kinection'', Napa, CA; TearSolutions, Inc., Charlottesville, VA; The Johns Hopkins University Applied Physics Laboratory, LLC, Laurel, MD; The Regents of the University of Michigan, Ann Arbor, MI; The University of Alabama at Birmingham, Birmingham, AL; The University of Texas at San Antonio, San Antonio, TX; The Washington University, St. Louis, MO; TheraNova, LLC, San Francisco, CA; Thought Leadership and Innovation Foundation (TLI Foundation), McLean, VA; Tympanogen, Inc., Williamsburg, VA; United Solutions, LLC, Rockville, MD; Virginia Polytechnic Institute and State University, Blacksburg, VA; William Marsh Rice University, Houston, TX; and Williams-Jones Consulting, Greenville, SC; have been added as parties to this venture.

Also, CUBRC, Inc., Buffalo, NY; GeoVax, Inc., Smyrna, GA; KIYATEC, Inc., Greenville, SC; Manzanita Pharmaceuticals, Inc., Woodside, CA; Spherium Biomed SL, Barcelona, SPAIN, and Weinberg Medical Physics LLC, North Bethesda, MD; have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MTEC intends to file additional written notifications disclosing all changes in membership.

On May 9, 2014, MTEC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 9, 2014 (79 FR 32999).

The last notification was filed with the Department on October 6, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 6, 2017 (82 FR 51433).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–04841 Filed 3–9–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—DVD Copy Control Association

Notice is hereby given that, on February 15, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), DVD Copy Control Association (''DVD CCA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, TEAC Corp., Tokyo, JAPAN, has been added as a party to this venture.

Also, Tohei Industrial Co., Ltd., Fukushima-ken, JAPAN; Skypine Electronics (Shenzhen) Co., Ltd., Shenzhen City, PEOPLE'S REPUBLIC OF CHINA; PitsExpert Technology Co., Ltd., Taipei, TAIWAN; Jiangmen Simon Electronics Co., Ltd., Jiangmen, PEOPLE'S REPUBLIC OF CHINA; Cinram GmbH, Olyphant, PA; Societe Nouvelle Areacem (S.N.A.), Tourouvre, FRANCE; and Ziotech Corp., Chino, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DVD CCA intends to file additional written notifications disclosing all changes in membership.

On April 11, 2001, DVD CCA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on August 3, 2001 (66 FR 40727).

The last notification was filed with the Department on November 21, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the

Act on December 13, 2017 (82 FR 58653).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–04843 Filed 3–9–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—National Armaments Consortium

Notice is hereby given that, on January 31, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), National Armaments Consortium (''NAC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, AF Technologies, Inc., Arlington, TX; Agile Global Solutions LLC, Denver, NC; Airtronic USA, Inc., Spring Branch, TX; Arconic Defense Inc., New Kensington, PA; Arizona Engineering Technologies LLC, Scottsdale, AZ; ASR Corporation, Albuquerque, NM; Cintel, Inc., Huntsville, AL; Continuum Dynamics, Inc., Ewing, NJ; Decisive Analytics Corporation, Arlington, VA; Earthly Dynamics LLC, Atlanta, GA; HBM nCode Federal, LLC, Southfield, MI; Ideal Innovations Incorporated, Arlington, VA; Innoveering LLC, Ronkonkoma, NY; Kennley Corporation, North Chesterfiled, VA; LogiCare, Inc., Huntsville, AL; nMeta, LLC, New Orleans, LA; Synthio Chemicals, LLC, Boulder, CO; Ultra Electronics Ocean Systems Inc., Braintree, MA; Vista Outdoor Sales LLC, Anoka, MN; Voxtel, Inc., Beaverton, OR; and WINTEC, Incorporated, Shalimar, FL, have been added as parties to this venture.

Also, Advanced Design Consulting USA, Inc., Lansing, NY; Decision Sciences, Inc., Fort Walton Beach, FL; Enable Tech MFG, LLC, Houston, TX; Evigia Systems, Inc., Ann Arbor, MI; Excet, Inc., Springfield, VA; Grey Castle Group, LLC, Charlotte, NC; Gunwright Technologies LLC, Gilbert, AZ; Infoscitex Corporation, Waltham, MA; ManTech Advanced Systems International, Inc., Fairfax, VA; MILSPRAY, LLC, Lakewood, NJ; PolyCase Ammunition, LLC, Savannah, GA; Polymer Aging Concepts, Inc., Dahlonega, GA; R2C Support Services, Huntsville, AL; Schafer Aerospace, Inc., Albuquerque, NM; Technical Professional Services, Inc., Wayland, MI; The Regents of the University of California, Irvine, CA; and Transparent Armor Solutions, Inc., Santa Ana, CA, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and NAC intends to file additional written notifications disclosing all changes in membership.

On May 2, 2000, NAC filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section (b) of the Act on June 30, 2000 (65 FR 40693).

The last notification was filed with the Department on October 24, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 16, 2017 (82 FR 53526).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–04844 Filed 3–9–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Open Group, L.L.C.

Notice is hereby given that, on February 8, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Open Group, L.L.C. (''TOG'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Annapolis Micro Systems, Inc., Annapolis, MD; Avilution, L.L.C., Madison, AL; Avistar Consulting Ltd., Calgary, CANADA; Behlman Electronics, Inc., Hauppauge, NY; CPLANE Networks, Inc., San Carlos, CA; Dreamsoft, Inc., Del Mar, CA; E.I. duPont de Nemours and Company, Wilmington, DE; Government of Andhra Pradesh, Vijayawada, INDIA; Herrick Technology Laboratories, Inc., Germantown, MD; KEYW Corporation, Hanover, MD; KnowNXT, L.L.C., Dubai, UNITED ARAB EMIRATES; Kontron America, Inc., San Diego, CA; Leidos, Inc., Albuquerque, NM; Micro Focus International Plc., Berkshire, UNITED KINGDOM; New Paradigm, L.L.C., Pittsburgh, PA; SABIC ATC Manufacturing, Riyadh, SAUDI ARABIA; Spectranetix, Inc., Sunnyvale, CA; Statoil ASA, Stavanger, NORWAY; T–E–A–M Consulting, Ltd., Auckland, NEW ZEALAND; U.S. Army RDECOM CERDEC Intelligence and Information Warfare Directorate, Aberdeen Proving Ground, MD; and University of St. Thomas Graduate Programs in Software, St. Paul, MN, have been added as parties to this venture.

Also, 24 Learning Beijing Hua Fang Ji Ye Technology Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; ARCHIT v/Lise Gerd Pedersen, Valby, DENMARK; Azeemi Technologies, Riyadh, SAUDI ARABIA; Cirrus Link Solutions, L.L.C., Spring Hill, KS; Combitech AS, Lysaker, NORWAY; CSC, Waltham, MA; Deputy Undersecretary of Defense for Acquisition and Technology (DUSD A&T), Arlington, VA; Equinox IT, Wellington, NEW ZEALAND; Front Metrics Technologies Pvt. Ltd., Pune, INDIA; Institute for Information Industry, Taipei, TAIWAN; Kaman Precision Products, Middletown, CT; Knowledgecom Corporation Sdn. Bhd., Petaling Jaya, MALAYSIA; McLeod Consultancy Pty. Ltd., Canberra, AUSTRALIA; NxGN Pty. Ltd., Johannesburg, SOUTH AFRICA; nxtControl GmbH, Leobersdorf, AUSTRIA; and Origin Energy, Sydney, AUSTRALIA, have withdrawn as parties to this venture.

In addition, Prism Tech has changed its name to Ampro ADLINK Technology, Inc., Woburn, MA.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and TOG intends to file additional written notifications disclosing all changes in membership.

On April 21, 1997, TOG filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on June 13, 1997 (62 FR 32371).

The last notification was filed with the Department on October 26, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the

Act on November 16, 2017 (82 FR 53525).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–04845 Filed 3–9–18; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Node.js Foundation

Notice is hereby given that, on January 25, 2018, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Node.js Foundation (''Node.js Foundation'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Datreeio Ltd., Tel Aviv, ISRAEL, has been added as a party to this venture.

Also, Codefresh, Inc., Palo Alto, CA, has withdrawn as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Node.js Foundation intends to file additional written notifications disclosing all changes in membership.

On August 17, 2015, Node.js Foundation filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on September 28, 2015 (80 FR 58297).

The last notification was filed with the Department on October 26, 2017. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on November 16, 2017 (82 FR 53527).

Patricia A. Brink,

Director of Civil Enforcement, Antitrust Division.

[FR Doc. 2018–04840 Filed 3–9–18; 8:45 am]

BILLING CODE 4410–11–P

NATIONAL SCIENCE FOUNDATION

Request for Information—National Space Weather Action Plan; Extension of Comment Period

AGENCY: National Science Foundation.

ACTION: Notification of extension of comment period.

SUMMARY: The National Science Foundation published a notice on January 5, 2018, seeking inputs from the public on establishing space weather research priorities to address Action 5.5.1 in the National Space Weather Action Plan. The original comment date was to end on March 6, 2018.

DATES: Comments on this notice will now be accepted through April 6, 2018.

ADDRESSES: Comments on the on space weather research priorities may be submitted in writing through April 6, 2018 to *spwxrfi@nsf.gov*. See the **SUPPLEMENTARY INFORMATION** for comment guidelines.

FOR FURTHER INFORMATION CONTACT: Contact Michael Wiltberger at (703) 292–8519, or email to *spwxrfi@nsf.gov* for further information. Any requests for clarification must be received no later than seven (7) days prior to the close of this RFI in order receive a timely response.

SUPPLEMENTARY INFORMATION:

I. Background Information

On October 29, 2015, the White House OSTP released the National Space Weather Strategy (NSWS) and Space Weather Action Plan (SWAP). The NSWS identifies several key goals in specific areas of space weather research and operations to make the national critical infrastructure and technologies resilient to space weather events. The NSWS also calls for improving national space-weather services through advancing fundamental understanding of the underlying physical processes and their forecasting. The SWAP document, which accompanied NSWS, specifies actions to develop and continually improve predictive models through enhanced fundamental understanding of space weather and its drivers. In particular, the SWAP Action 5.5.1 directed NSF, NASA, DOC and DOD with documenting priorities for research and development (R&D) efforts to enhance the fundamental understanding of space weather and its drivers and to improve space weather forecasting capabilities.

Action 5.5.1: NSF and NASA, in collaboration with DOC and DOD, will lead an annual effort to prioritize and identify opportunities for research and development (R&D) to enhance the understanding of space weather and its sources. These activities will be coordinated with existing National-level and scientific studies. This effort will include modeling, developing, and testing models of the coupled sun-Earth system and quantifying the long- and short-term variability of space weather.

Forecasting space weather depends on understanding the fundamental processes that give rise to hazardous events. Continued support for basic research in solar and space physics is essential to achieve the level of understanding required for accurate predictions. Particularly important is the study of processes that link the Sun-Earth system and that control the flow of energy within the coupled system.

Space weather science as a discipline is still in its nascent phase. There exist significant gaps in the fundamental understanding of many physical processes and coupling mechanisms underpinning various space weather phenomena. This poses a major limiting factor for improving space weather prediction, including some of the most important and immediate operational needs. It is, therefore, essential to continue untargeted investments in basic research into areas that in unforeseeable ways can lead to a better understanding of the physical processes that drive space weather.

High priority space weather research topics and linkages to the SWAP Benchmarks (Goal 1) were assessed by the 5.5.1 interagency working group. The SWAP benchmarks are a set of physical characteristics and conditions against which a space-weather event can be measured. They describe the nature and intensity of extreme space-weather events, providing a point of reference from which to improve understanding of space-weather effects. Addressing research that would advance our physical understanding of the phenomenology behind these benchmarks will ultimately improve our predictive capability necessary for operational advancements.

II. Purpose

Successful execution of Action 5.5.1 requires definitions of research priorities in the context of benchmarks identified by NSWS Goal 1. An interagency working group developed the first set of priorities in fulfillment of this task. To ensure that an optimal list of priorities is generated, which could benefit all interested parties including Federal agencies, state and local governments, universities, policy groups, and the private sector, the broader community must weigh in. This RFI requests public comments to SWAP

Action 5.5.1 to support a public dialogue on developing research priorities to enhance fundamental understanding of space weather and its drivers to develop and continually improve predictive models.

This RFI seeks inputs from the research community on setting research priorities, which will then be used as guidance by various concerned agencies in planning for space weather related research programs. Examples of space weather research topics include ionospheric irregularities and structure, thermospheric neutral density and neutral wind response to external drivers, forecasting of GICs, radiation belt dynamics, SEP events, flare and CME initiation and propagation, forecasting of EUV and proxy F10.7, predictions of ICME amplitudes and directions, magnetosphere-ionosphere coupling during space weather events, etc.

III. Response Instructions

The specific objective of this RFI is to seek information that will assist the Action 5.5.1 Working Group in determining a list of space weather research priorities.

Disclaimer: Federal agencies may or may not use any responses to this RFI as a basis for a subsequent project, program, or funding opportunity. Responses to this RFI will not be returned. The National Science Foundation is under no obligation to acknowledge receipt of the information received, or provide feedback to respondents with respect to any information submitted under this RFI. No requests for a bid package or solicitation will be accepted; no bid package or solicitation exists. In order to protect the integrity of any possible future acquisition, no additional information will be provided and no appointments for presentations will be made in reference to this RFI. This RFI is issued solely for information and planning purposes and does not constitute a solicitation. Responders to this RFI will have no competitive advantage in receiving any awards related to the submitted input on a potential space weather-related research priority.

Confidential Information: Some contents of the submissions may be made public. Therefore, responses must be unclassified and should not contain any information that might be considered proprietary, confidential, business sensitive, or personally identifying (such as home address or social security number).

Instructions: One page documents per topic, multiple documents are allowed. Reponses must include the following sections; (1) Title—short and descriptive, (2) Brief Summary of Impacts—a bulleted list of systems impacted by the potential study, (3) Description—a succinct discussion of the topic, its importance, and relevant supporting evidence or arguments, (4) 5–10 year Imperatives—a bulleted list of the steps necessary to carry out the research including comments on relative importance to other. A section including references can be added if needed. Responses should follow the template outlined below. Responses may be no longer than 1 page type written in 12-point font.

Response Template

Title of the priority

Brief Summary of Impacts

- One sentence summary of impact 1
- One sentence summary of impact 2

Background and Relevance

A few paragraphs explaining the background of the space weather research priority, its relevance to SWAP Goal 5.5.1 and supporting justification of why this is a high priority issue.

5–10 Year Goals

Over the next 5 to 10 years it is imperative to:

- One sentence summary of goal 1
- One sentence summary of goal 2

References

Include essential references only

References:

National Space Weather Strategy, https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/final_nationalspaceweatherstrategy_20151028.pdf

National Space Weather Action Plan,https://obamawhitehouse.archives.gov/sites/default/files/microsites/ostp/final_nationalspaceweatheractionplan_20151028.pdf

Dated: March 7, 2018.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2018–04874 Filed 3–9–18; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2018–0001]

Sunshine Act Meetings

DATES: Weeks of March 12, 19, 26, April 2, 9, 16, 2018.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of March 12, 2018—Tentative

There are no meetings scheduled for the week of March 12, 2018.

Week of March 19, 2018—Tentative

There are no meetings scheduled for the week of March 19, 2018.

Week of March 26, 2018—Tentative

There are no meetings scheduled for the week of March 26, 2018.

Week of April 2, 2018—Tentative

Wednesday, April 4, 2018

10:30 a.m.

Discussion of Management and Personnel Issues (Closed Ex. 2, 6, & 9).

Thursday, April 5, 2018

10:00 a.m.

Meeting with Advisory Committee on Reactor Safeguards (Public) (Contact: Mark Banks: 301–415–3718).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 9, 2018—Tentative

Tuesday, April 10, 2018

10:00 a.m.

Briefing on the Annual Threat Environment (Closed Ex. 1).

Thursday, April 12, 2018

9:00 a.m.

Briefing on Accident Tolerant Fuel (Public) (Contact: Andrew Proffitt: 301–415–1418).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of April 16, 2018, 2018—Tentative

There are no meetings scheduled for the week of April 16, 2018.

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The schedule for Commission meetings is subject to change on short notice. For more information or to verify the status of meetings, contact Denise McGovern at 301–415–0681 or via email at *Denise.McGovern@nrc.gov.*

* * * * *

The NRC Commission Meeting Schedule can be found on the internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,*

braille, large print), please notify Kimberly Meyer-Chambers, NRC Disability Program Manager, at 301–287–0739, by videophone at 240–428–3217, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555 (301–415–1969), or you may email *Patricia.Jimenez@nrc.gov* or *Wendy.Moore@nrc.gov.*

Dated: March 7, 2018.

Denise L. McGovern,

Policy Coordinator Office of the Secretary.

[FR Doc. 2018–04980 Filed 3–8–18; 11:15 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0130]

Qualification of Safety-Related Lead Storage Batteries for Nuclear Power Plants

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory guide; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing Revision 1 to Regulatory Guide (RG) 1.158, ''Qualification of Safety-Related Vented Lead-Acid Storage Batteries for Nuclear Power Plants.'' RG 1.158 endorses (with clarifying regulatory positions) the Institute of Electrical and Electronics Engineers (IEEE) Standard (Std.) 535–2013, ''IEEE Standard for Qualification of Class 1E Vented Lead Acid Storage Batteries for Nuclear Power Generating Stations.'' IEEE 535–2013 contains procedures for qualifying batteries with duty cycles of less than 8 hours and also for batteries with duty cycles longer than 8 hours.

DATES: Revision 1 to RG 1.158 is available on March 12, 2018.

ADDRESSES: Please refer to Docket ID NRC–2017–0130 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2017–0130. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *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.

Regulatory guides are not copyrighted, and NRC approval is not required to reproduce them.

FOR FURTHER INFORMATION CONTACT: Lilliana Ramadan, telephone: 301–415–2463, email: *Liliana.Ramadan@nrc.gov,* or Stephen Burton, telephone: 301–415–7000, email: *Stephen.Burton@nrc.gov.* Both are staff of the Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC is issuing a revision to an existing guide in the NRC's ''Regulatory Guide'' series. This series was developed to describe and make available to the public information regarding methods that are acceptable to the NRC staff for implementing specific parts of the agency's regulations, techniques that the NRC staff uses in evaluating specific issues or postulated events, and data that the NRC staff needs in its review of applications for permits and licenses.

Revision 1 of RG 1.158 was issued with a temporary identification of Draft Regulatory Guide, DG–1338. This revision provides updated guidance on the methods and type-test procedures for two different battery applications. One application is for batteries with duty cycles equal to or less than 8 hours and the other application is for batteries with duty cycles longer than 8 hours. The 2013 revision of IEEE Std. 535 provides a qualification process for both applications to ensure battery performance and provides a normative annex with example testing regimens. The NRC staff determined that RG 1.158 should be revised to endorse the 2013 version of IEEE Std. 535 to support new reactor license applications, design certifications, and applications for license amendments.

II. Additional Information

The NRC published a notice of the availability of DG–1338 in the **Federal Register** on May 31, 2017 (82 FR 24996) for a 60-day public comment period. The public comment period closed on July 31, 2017. Public comments on DG–1338 and the staff responses to the public comments are available under ADAMS under Accession No. ML17256A103.

III. Congressional Review Act

This RG is a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). However, the Office of Management and Budget has not found it to be a major rule as defined in the Congressional Review Act.

IV. Backfitting and Issue Finality

Revision 1 to RG 1.158 endorses, with certain clarifications, the 2013 revision of IEEE Std. 535 which refines the methods and type-test procedures for two different battery applications. One application is for batteries with duty cycles equal to or less than 8 hours and the other application is for batteries with duty cycles longer than 8 hours. The 2013 revision of IEEE Std. 535 demonstrates and outlines the qualifying process for both applications to ensure battery performance. It also provides a comprehensive document for qualifying batteries with additional normative annexes.

Issuance of Revision 1 to RG 1.158 does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52, ''Licenses, Certifications and Approvals for Nuclear Power Plants.'' The subject of this regulatory guide, as described above, is an NRC-defined process which does not fall within the purview of subjects covered by either the Backfit Rule or the issue finality provisions in 10 CFR part 52.

Dated at Rockville, Maryland, this 6th day of March 2018.

For the Nuclear Regulatory Commission.

Thomas H. Boyce,

Chief, Regulatory Guidance and Generic Issues Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2018–04828 Filed 3–9–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7021; NRC–2011–0232]

Rapiscan Laboratories, Incorporated Sunnyvale, CA

AGENCY: Nuclear Regulatory Commission.

ACTION: License termination; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is providing public notice of the termination of Special Nuclear Materials (SNM) License No. SNM–2018. The NRC has terminated the license held by Rapiscan Laboratories, Inc. to possess and use SNM for research, development, and evaluation of Non-Intrusive Inspection Systems for the Transformational and Applied Research Directorate division of the Domestic Nuclear Detection Office, of the Department of Homeland Security (DHS).

DATES: The license termination for SNM–2018 was issued on October 20, 2017.

ADDRESSES: Please refer to Docket ID NRC–2011–0232 when contacting the NRC about the availability of information regarding this document. You may obtain publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2011–0232. Address questions about NRC dockets to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS Search.*'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that a document is referenced. For the convenience of the reader, the ADAMS accession numbers are provided in a table in the ''Availability of Documents'' section of this document.
- *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Tyrone D. Naquin, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7352; email: *Tyrone.Naquin@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Discussion

The NRC has terminated License No. SNM–2018, held by Rapiscan Laboratories, Inc. (Rapiscan), for a site in Sunnyvale, California. Rapiscan was contracted by the DHS to conduct a research program for the development of new technologies that are capable of detecting SNM. The program includes utilizing SNM placed inside fully loaded cargo containers and other concealments during testing of proprietary equipment to determine if it can locate SNM sources placed inside containers when surrounded by the cargo. The materials used consisted of Low Enriched Uranium and High Enriched Uranium constructed for DHS. The SNM was encapsulated consistent with sealed source requirements or plated in 3 to 5 millimeters of nickel and was not dispersible or soluble. The sources used under this license were constructed by and owned by the Department of Energy, who retains ownership.

The initial application for this license was received on October 22, 2010 and license was issued on September 24, 2012. Rapiscan notified the Office of Nuclear Materials Safety and Safeguards on February 17, 2017 that testing was completed. An application to terminate the license was received on May 12, 2017. Rapiscan's use of the licensed materials was for conducting only non-destructive experiments utilizing sealed SNM and therefore, consistent with part 51.22(c)(14)(v) of title 10 of the *Code of Federal Regulation* (10 CFR), the initial licensing action was categorically excluded from the need to prepare an Environmental Assessment or an Environmental Impact Statement. The NRC staff prepared a safety evaluation report for the termination of SNM–2018. This license termination complies with 10 CFR 70.38, the standards and requirements of the Atomic Energy Act of 1954, as amended, and the NRC's rules and regulations as set forth in 10 CFR chapter 1. Accordingly, this license termination was issued on October 20, 2017.

II. Availability of Documents

The documents identified in the following table are available to interested persons through the Agencywide Documents Access and Management System (ADAMS) accession numbers as indicated.

Document	ADAMS Accession No.
E-mail Notification of Request for Special Nuclear Materials License Termination, SNM–2018	ML17136A000
License Amendment Request to Terminate Materials License SNM–2018	ML17136A093
Rapiscan Laboratories, Inc. License Application	ML110970046
M. Shahabidin Letter re; Rapiscan Laboratories, Inc. Transmittal Letter for Special Nuclear Material License Application	ML113560135
Enclosure 3: Rapiscan Labs' Materials License SNM–2018, Docket No. 70–7021, Public Version	ML12255A377
Enclosure 4: Rapiscan Labs' Safety Evaluation Report for SNM–2018, Docket No. 70–7021—Public Version	ML12255A378
Approval of Amendment Request for Special Nuclear Materials License SNM–2018	ML17289A551

Dated at Rockville, Maryland, this 7th day of March 2018.

For the Nuclear Regulatory Commission.

Tyrone D. Naquin,

Project Manager, Fuel Manufacturing Branch, Division of Fuel Cycle Safety, Safeguards and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–04947 Filed 3–9–18; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Notice of Meeting of the ACRS Subcommittee on NuScale

The ACRS Subcommittee on NuScale will hold a meeting on March 21, 2018, at 11545 Rockville Pike, Room T–2B1, Rockville, Maryland 20852.

The meeting will be open to public attendance The meetings will be open to public attendance with the exception of portions that may be closed to protect information that is proprietary pursuant to 5 U.S.C. 552b(c)(4). The agenda for the subject meeting shall be as follows:

Wednesday, March 21, 2018–1:00 p.m. Until 5:00 p.m.

The Subcommittee will discuss the AREVA Topical Report ANP–10337, ''PWR Fuel Assembly Structural Response to Externally Applied Dynamic Excitations.'' The Subcommittee will hear presentations by and hold discussions with the NRC staff, Framatome staff and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Michael Snodderly (Telephone 301–415–2241 or Email: *Michael.Snodderly@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 4, 2017 (82 FR 46312).

Detailed meeting agendas and meeting transcripts are available on the NRC website at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the website cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

If attending this meeting, please enter through the One White Flint North building, 11555 Rockville Pike, Rockville, Maryland. After registering with Security, please contact Mr. Theron Brown (Telephone 301–415–6702 or 301–415–8066) to be escorted to the meeting room.

Dated: March 6, 2018.

Mark L. Banks,

Chief, Technical Support Branch, Advisory Committee on Reactor Safeguards.

[FR Doc. 2018–04837 Filed 3–9–18; 8:45 am]

BILLING CODE P

OFFICE OF PERSONNEL MANAGEMENT

Submission for Review: Life Insurance Election, Standard Form (SF) 2817

AGENCY: Office of Personnel Management.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Federal Employee Insurance Operations (FEIO), Healthcare & Insurance, Office of Personnel Management (OPM) offers the general public and other Federal agencies the opportunity to comment on a reinstatement with change of an expired information collection, Life Insurance Election, SF 2817.

DATES: Comments are encouraged and will be accepted until April 11, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503, Attention: Desk Officer for the Office of Personnel Management or sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–6974.

FOR FURTHER INFORMATION CONTACT: A copy of this information collection, with applicable supporting documentation, may be obtained by contacting the Retirement Services Publications Team, Office of Personnel Management, 1900 E Street NW, Room 3316–L, Washington, DC 20415, Attention: Cyrus S. Benson, or sent via electronic mail to *Cyrus.Benson@opm.gov* or faxed to (202) 606–0910.

SUPPLEMENTARY INFORMATION: As required by the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35) as amended by the Clinger-Cohen Act (Pub. L. 104–106), OPM is soliciting comments for this collection. The information collection (OMB No. 3206–0230) was previously published in the **Federal Register** on May 26, 2017, at 82 FR 24404, allowing for a 60-day public comment period. No comments were received for this collection. The purpose of this notice is to allow an additional 30 days for public comments. The Office of Management and Budget is particularly interested in comments that:

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.

Standard Form 2817 is used by federal employees and assignees (those who have acquired control of an employee/annuitant's coverage through an assignment or ''transfer'' of the ownership of the life insurance). Clearance of this form for use by active Federal employees is not required according to Paperwork Reduction Act. Therefore, only the use of this form by assignees, *i.e.* members of the public, is subject to the Paperwork Reduction Act.

Analysis

Agency: Federal Employee Insurance Operations, Healthcare & Insurance, Office of Personnel Management

Title: Life Insurance Election.

OMB Number: 3206–0230.

Frequency: On occasion.

Affected Public: Individual or Households.

Number of Respondents: 150.

Estimated Time per Respondent: 15 minutes.

Total Burden Hours: 38 hours.

U.S. Office of Personnel Management.

Kathleen M. McGettigan,

Acting Director.

[FR Doc. 2018–04940 Filed 3–9–18; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Rule 17f–2, SEC File No. 270–233, OMB Control No. 3235–0223

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 350l *et seq.*), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

Rule 17f–2 (17 CFR 270.17f–2), entitled ''Custody of Investments by Registered Management Investment Company,'' was adopted in 1940 under section 17(f) of the Investment Company Act of 1940 (15 U.S.C. 80a-17(f)) (the ''Act''), and was last amended materially in 1947. Rule 17f–2 establishes safeguards for arrangements in which a registered management investment company (''fund'') is deemed to maintain custody of its own assets, such as when the fund maintains its assets in a facility that provides safekeeping but not custodial services.[1] The rule includes several recordkeeping or reporting requirements. The fund's directors must prepare a resolution designating not more than five fund officers or responsible employees who may have access to the fund's assets. The designated access persons (two or more of whom must act jointly when handling fund assets) must prepare a written notation providing certain information about each deposit or withdrawal of fund assets, and must transmit the notation to another officer or director designated by the directors. An independent public accountant must verify the fund's assets three times each year, and two of those examinations must be unscheduled.[2]

Rule 17f–2's requirement that directors designate access persons is intended to ensure that directors evaluate the trustworthiness of insiders who handle fund assets. The requirements that access persons act jointly in handling fund assets, prepare a written notation of each transaction, and transmit the notation to another designated person are intended to reduce the risk of misappropriation of fund assets by access persons, and to ensure that adequate records are prepared, reviewed by a responsible third person, and available for examination by the Commission. The requirement that auditors verify fund assets without notice twice each year is intended to provide an additional deterrent to the misappropriation of fund assets and to detect any irregularities.

The Commission staff estimates that each fund makes 974 responses and spends an average of 252 hours annually in complying with the rule's requirements.[3] Commission staff estimates that on an annual basis it takes: (i) 0.5 hours of fund accounting personnel at a total cost of $102 to draft director resolutions;[4] (ii) 0.5 hours of the fund's board of directors at a total cost of $2,233 to adopt the resolution; [5] (iii) 244 hours for the fund's accounting personnel at a total cost of $65,745 to prepare written notations of transactions; [6] and (iv) 7 hours for the fund's accounting personnel at a total cost of $1,428 to assist the independent public accountants when they perform verifications of fund assets.[7] Commission staff estimates that approximately 206 funds file Form N–17f–2 each year.[8] Thus, the total annual hour burden for rule 17f–2 is estimated to be 51,912 hours.[9] Based on the total costs per fund listed above, the total cost of rule 17f–2's collection of information requirements is estimated to be approximately $13.5 million.[10]

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms. Complying with the collections of information required by rule 17f–2 is mandatory for those funds that maintain custody of their own assets. Responses will not be kept confidential. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to

[1] The rule generally requires all assets to be deposited in the safekeeping of a ''bank or other company whose functions and physical facilities are supervised by Federal or State authority.'' The fund's securities must be physically segregated at all times from the securities of any other person.

[2] The accountant must transmit to the Commission promptly after each examination a certificate describing the examination on Form N–17f–2. The third (scheduled) examination may coincide with the annual verification required for every fund by section 30(g) of the Act (15 U.S.C. 80a–29(g)).

[3] The 974 responses are: 1 (one) response to draft and adopt the resolution and 973 notations. Estimates of the number of hours are based on conversations with individuals in the fund industry. The actual number of hours may vary significantly depending on individual fund assets.

[4] This estimate is based on the following calculation: 0.5 (burden hours per fund) × $204 (senior accountant's hourly rate) = $102. Unless otherwise indicated, the hourly wage figures used herein are from the Securities Industry and Financial Markets Association's Management & Professional Earnings in the Securities Industry 2013, modified by Commission staff to account for an 1,800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

[5] The estimate for the cost of board time as a whole is derived from estimates made by the staff regarding typical board size and compensation that is based on information received from fund representatives and publicly available sources.

[6] Respondents estimated that each fund makes 974 responses on an annual basis and spends a total of 0.25 hours per response. The fund personnel involved are Accounts Payable Manager ($192 hourly rate), Operations Manager ($345 hourly rate) and Accounting Manager ($274 hourly rate). The average hourly rate of these personnel is $270. The estimated cost of preparing notations is based on the following calculation: 974 × 0.25 × $270 = $65,745.

[7] This estimate is based on the following calculation: 7 × $204 (senior accountant's hourly rate) = $1,428.

[8] On average, each year approximately 206 funds filed Form N–17f–2 with the Commission during calendar years 2015–2017.

[9] This estimate is based on the following calculation: 206 (funds) × 252 (total annual hourly burden per fund) = 51,912 hours for rule. The annual burden for rule 17f–2 does not include time spent preparing Form N–17f–2. The burden for Form N–17f–2 is included in a separate collection of information.

[10] This estimate is based on the following calculation: $65,745 (total annual cost per fund) × 206 funds = $13,543,470.

enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, C/O Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov*.

Dated: March 6, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–04904 Filed 3–9–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82817; File No. SR–MRX–2018–07]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Clarify Certain Terms Used in the Schedule of Fees

March 6, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule b–4 thereunder,[2] notice is hereby given that on February 20, 2018, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The 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 a proposed rule change to clarify certain terms used in the Schedule of Fees, and to make certain other non-substantive changes to the Schedule of Fees.

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqmrx.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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to clarify certain terms used in the Schedule of Fees, and to make certain other non-substantive changes to the Schedule of Fees. These proposed changes are designed to make it easier to understand how the Exchange charges fees under the Schedule of Fees, and have no impact on the actual fees charged to members, which will remain unchanged. While the Exchange believes that its members understand the concepts being clarified in this proposed rule change, which have been included in the Schedule of Fees in some cases since the Exchange began aggregating volume from affiliated/appointed firms in 2016,[3] the Exchange believes that this proposed rule change will avoid any future potential for member confusion.

First, the Exchange proposes to adopt explicit definitions for the following terms: (1) Market Maker, (2) Affiliated Member, and (3) Appointed Member. As proposed, a ''Market Maker'' is a market maker as defined in Nasdaq MRX Rule 100(a)(30); an ''Affiliated Member'' is a Member that shares at least 75% common ownership with a particular Member as reflected on the Member's Form BD, Schedule A;[4] and an ''Appointed Member'' is either an Appointed Market Maker or Appointed Order Flow Provider. While these terms are currently used in the Schedule of Fees, in capitalized or non-capitalized form, and are described in either the Schedule of Fees or the Nasdaq MRX Rules, as well as the proposed rule changes that adopted the relevant terminology, the Exchange believes that including these definitions in the Preface to the Schedule of Fees will make the Schedule of Fees easier for members to understand. In connection with the above changes, the Exchange also proposes to delete references to the 75% common ownership requirement in the Qualifying Tier Thresholds section of the Schedule of Fees, as this concept is now included in the definition of Affiliated Member.

Second, the Exchange proposes to amend language under the Qualifying Tier Thresholds section of the Schedule of Fees to reference more explicitly how the Exchange aggregates volume executed by Affiliated Members and Appointed Members for purposes of various average daily volume (''ADV'') categories. Currently, this section contains bullets that describe ''Total Affiliated Priority Customer ADV'' and ''Total Affiliated Member ADV,'' and separate bullets that describe how the Exchange aggregates this volume with Appointed Members. The Exchange now proposes to incorporate the Appointed Member concept into the bullets that define these ADV categories by adding the words ''and/or Appointed'' to the ADV category descriptions, and including language that indicates that these categories include volume executed by Affiliated Members and/or Appointed Members, which will be aggregated with the Member's volume in the manner described in the Schedule of Fees. In connection with these changes, the Exchange proposes to indicate that these terms ''mean'' rather than ''include'' the ADV described in the bullets to reinforce that no other volume is included in these calculations. In addition, the Exchange proposes to remove language indicating that volume executed in the PIM, Facilitation, and QCC mechanisms is included in the ADV category based on Priority Customer volume, as the current language already indicates that all Priority Customer volume in all symbols and order types is included.

Third, the Exchange proposes non-substantive changes to the defined terms ''Nasdaq MRX Appointed Market Maker,'' ''Nasdaq MRX Appointed Order Flow Provider,'' and ''Flash Order.'' Nasdaq MRX Appointed Market Maker and Nasdaq MRX Appointed Order Flow Provider will now be

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.b–4 .

[3] *See* Securities Exchange Act Release No. 77412 (March 21, 2016), 81 FR 16238 (March 25, 2016) (SR–ISEMercury–2016–06); 77841 (May 16, 2016), 81 FR 31986 (May 20, 2016) (SR–ISEMercury–2016–11).

[4] If a firm has multiple exchange memberships housed in a single legal entity (*e.g.,* a Primary Market Maker and an Electronic Access Member) those memberships would be Affiliated Members due to sharing 100% common ownership.

renamed ''Appointed Market Maker'' and ''Appointed Order Flow Provider,'' respectively, and will be updated with a proper citation to Qualifying Tier Threshold section of the Schedule of Fees, which the Exchange proposes to title ''Table 3.'' With respect to the definition of ''Flash Order,'' the Exchange proposes to change the word ''response'' to use its non-capitalized form as there is no defined term that refers to a response to a Flash Order.

Fourth, the Exchange proposes to update references to the ''Fee Schedule'' with the correct title of that document, which is the ''Schedule of Fees,'' and to use all of the defined terms described in this filing where applicable throughout the Schedule of Fees. In addition, the Exchange proposes to add language that indicates that other terms not defined in the Schedule of Fees shall have the meaning ascribed to them under Nasdaq MRX Rules. The Exchange believes that the addition of this language will aid members in interpreting the Schedule of Fees, which currently uses certain terms that are defined in Nasdaq MRX Rules—*e.g.,* the term ''Member'', which is defined in MRX Rule 100(a)(28). With respect to the definition of ''Member'' in particular, the Exchange proposes to update the text of the Schedule of Fees to use the capitalized term throughout.

Finally, the Exchange proposes to eliminate an obsolete reference to footnote 3 under Section I, Table 2, which is currently marked ''Reserved,'' and to add the word ''instead'' to footnote 2 under Section I, Table 1 to reinforce that the taker fees described in that footnote would apply instead of the regular taker fees described in Table 1. With respect to the former change, footnote 1 under Section I, Table 2 contains language stating that fees, *i.e.,* the fee for Crossing Orders, apply to the originating and contra orders, except as noted in footnote 3. Because footnote 3 is now marked reserved, this exception is no longer necessary. With respect to the latter change, footnote 2 under Section I, Table 1 describes a discounted taker fee that is applied to Members that meet specified requirements. The proposed addition of the word ''instead'' would reinforce that the fees in that footnote are instead of and not in addition to those contained in the table.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[6] in particular, in that it provides for the equitable allocation of reasonable dues, fees, and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. Specifically, the Exchange believes that the proposed rule change is reasonable, equitable, and not unfairly discriminatory as it is designed to increase transparency around the Schedule of Fees to the benefit of members and investors. The proposed rule change adopts more explicit definitions for certain terms used in the Schedule of Fees, and makes other non-substantive clarifying changes, which do not impact how the Exchange will charge fees. For the following reasons, the Exchange believes that each of the proposed changes is reasonable, equitable, and not unfairly discriminatory.

The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to adopt explicit definitions of ''Market Maker,'' ''Affiliated Member,'' and ''Appointed Member.'' The term ''Market Maker'' is already used throughout the Schedule of Fees and will refer to related definitions already included in the Exchange's rules. And the terms ''Affiliated Member'' and ''Appointed Member'' are based on current language in the Qualifying Tier Thresholds section of the Schedule of Fees. Specifically, the ''Affiliated Member'' definition replaces language that indicates how the Exchange aggregates volume from affiliates that meet the specified common ownership requirements, and the term ''Appointed Member'' refers to two types of Members that can agree to have their volume aggregated in the manner described in the Schedule of Fees.

The Exchange believes that the proposes changes related to Total Affiliated and/or Appointed Priority Customer ADV and Total Affiliated and/or Appointed Member ADV are reasonable, equitable, and not unfairly discriminatory as they reinforce the fact that volume executed by Appointed Members may be aggregated in the manner described in the Qualifying Tier Thresholds section of the Schedule of Fees. Although this is an existing concept described in the Schedule of Fees, the Exchange believes that including all of this information in the bullets that describe these ADV categories will make the Schedule of Fees easier for Members to follow. Furthermore, the other changes being proposed to these categories—including removing unnecessary references to volume executed in the PIM, Facilitation, and QCC mechanisms, and using the word ''means''—are non-substantive changes designed to make these descriptions more transparent.

The Exchange believes that the proposed changes to the defined terms ''Nasdaq MRX Appointed Market Maker,'' ''Nasdaq MRX Appointed Order Flow Provider,'' and ''Flash Order'' are reasonable, equitable, and not unfairly discriminatory. In addition to renaming Nasdaq MRX Appointed Market Maker and Nasdaq MRX Appointed Order Flow Provider to ''Appointed Market Maker'' and ''Appointed Order Flow Provider,'' respectively, these definitions will be updated with a proper citation so that members can identify where these terms are described in the Schedule of Fees. In addition, the proposed change to the definition of ''Flash Order'' is a non-substantive change to the capitalization of a word that is not defined in the Schedule of Fees.

The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to update references to the ''Fee Schedule'' with the correct title of that document, which is the ''Schedule of Fees,'' and to use all of the defined terms described in this filing where applicable throughout the Schedule of Fees as these changes are meant to ensure that defined terms are used consistently in the Schedule of Fees. Furthermore, the Exchange believes that it is reasonable, equitable, and not unfairly discriminatory add language that indicates that other terms not defined in the Schedule of Fees shall have the meaning ascribed to them under Nasdaq MRX Rules. Certain definitions contained in the Nasdaq MRX Rules are used in the Schedule of Fees, and the Exchange believes that adding this reference to the Schedule of Fees will alert members to this fact. With this change, the Exchange will also use the defined term ''Member'' throughout the Schedule of Fees to indicate that the Exchange is using the defined term contained in the Nasdaq MRX Rules.

Finally, the Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to eliminate the reference to footnote 3 under Section I, Table 2, and to add the word ''instead'' to footnote 2 under Section I, Table 1. The former change removes an obsolete reference to a footnote that is now marked ''Reserved.'' The latter reinforces that the taker fees described in that footnote would apply instead of the regular taker fees described in Table

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(4) and (5).

1. While the Exchange believes that members understand that the footnoted taker fees, which are provided to members that meet additional volume and other requirements, apply instead of rather than in addition to the taker fees charged to members that do not meet these requirements, the Exchange believes that spelling this out more explicitly will avoid any potential confusion.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will have any impact on competition as the proposed changes would merely clarify the Schedule of Fees by, among other things, adopting explicit definitions for certain common terms, and making other non-substantive changes. No changes to the actual fees charged to market participants are proposed, and members will continue to be charged the same fees as they are assessed under the Schedule of Fees today.

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

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[7] and Rule b–4 (f)(2)[8] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) Necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MRX–2018–07 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–MRX–2018–07. 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–MRX–2018–07 and should be submitted on or before April 2, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–04836 Filed 3–9–18; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A)(ii).

[8] 17 CFR 240.b–4 (f)(2).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82820; File No. SR–FICC–2018–801]

Self-Regulatory Organizations; Fixed Income Clearing Corporation; Notice of Extension of Review Period of Advance Notice To Implement Changes to the Method of Calculating Netting Members' Margin in the Government Securities Division Rulebook

March 7, 2018.

On January 12, 2018, the Fixed Income Clearing Corporation (''FICC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–FICC–2018–801 (''Advance Notice'') pursuant to Section 806(e)(1) of Title VIII of the Dodd-Frank Wall Street Reform and Consumer Protection Act, entitled the Payment, Clearing, and Settlement Supervision Act of 2010 (''Clearing Supervision Act'')[1] and Rule 19b–4(n)(1)(i) under the Securities Exchange Act of 1934 (''Exchange Act'').[2] The Advance Notice was published for comment in the **Federal Register** on March 2, 2018.[3] The Commission has received two comments on the proposal contained in the Advance Notice.[4]

[1] 12 U.S.C. 5465(e)(1). The Financial Stability Oversight Council designated FICC a systemically important financial market utility on July 18, 2012. *See* Financial Stability Oversight Council 2012 Annual Report, Appendix A, *http://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.* Therefore, FICC is required to comply with the Payment, Clearing and Settlement Supervision Act and file advance notices with the Commission. *See* 12 U.S.C. 5465(e).

[2] 17 CFR 240.19b–(n)(1)(i).

[3] Securities Exchange Act Release No. 82779 (February 26, 2018), 83 FR 9055 (March 2, 2018) (SR–FICC–2018–801). FICC also filed a related proposed rule change (SR–FICC–2018–001) with the Commission pursuant to Section 19(b)(1) of the Exchange Act and Rule 19b–4 thereunder, seeking approval of changes to its rules necessary to implement the Advance Notice (''Proposed Rule Change''). 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively. The Proposed Rule Change was published in the **Federal Register** on February 1, 2018. Securities Exchange Act Release No. 82588 (January 26, 2018), 83 FR 4687 (February 1, 2018) (SR–FICC–2018–001).

[4] *See* letter from Robert E. Pooler, Chief Financial Officer, Ronin Capital LLC, dated February 22, 2018, to Robert W. Errett, Deputy Secretary, Commission, *available at https://www.sec.gov/comments/sr-ficc-2018-001/ficc2018001-3133039-161947.pdf;* letter from Michael Santangelo, Chief Financial Officer, Amherst Pierpont Securities LLC, dated February 22, 2018, to Brent J. Fields, Secretary, Commission, *available at https://www.sec.gov/comments/sr-ficc-2018-001/ficc2018001-3130095-161938.pdf.* Since the proposal contained in the Advance Notice was also filed as a Proposed Rule Change, *supra* note 3, the Commission is considering all public comments

Continued

Section 806(e)(1)(G) of the Clearing Supervision Act provides that FICC may implement the changes if it has not received an objection to the proposed changes within 60 days of the later of (i) the date that the Commission receives the Advance Notice or (ii) the date that any additional information requested by the Commission is received,[5] unless extended as described below.

Pursuant to Section 806(e)(1)(H) of the Clearing Supervision Act, the Commission may extend the review period of an advance notice for an additional 60 days, if the changes proposed in the advance notice raise novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension.[6]

Here, as the Commission has not requested any additional information, the date that is 60 days after FICC filed the Advance Notice with the Commission is March 13, 2018. However, the Commission finds the Advance Notice complex because FICC proposes to make detailed, substantial, and numerous changes to the GSD margin calculation. Therefore, the Commission finds it appropriate to extend the review period of the Advance Notice for an additional 60 days under Section 806(e)(1)(H) of the Clearing Supervision Act.[7]

Accordingly, the Commission, pursuant to Section 806(e)(1)(H) of the Clearing Supervision Act,[8] extends the review period for an additional 60 days so that the Commission shall have until May 12, 2018 to issue an objection or non-objection to advance notice SR–FICC–2018–801.

By the Commission.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–04903 Filed 3–9–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

TIME AND DATE: Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, the Securities and Exchange Commission will hold an Open Meeting on Wednesday, March 14, 2018, at 10:30 a.m.

PLACE: The meeting will be held in Auditorium LL–002 at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will begin at 10:30 a.m. (ET) and will be open to the public. Seating will be on a first-come, first-served basis. Visitors will be subject to security checks. The meeting will be webcast on the Commission's website at *www.sec.gov.*

MATTERS TO BE CONSIDERED: The subject matters of the Open Meeting will be the Commission's consideration of:

- Whether to propose a rule under Regulation NMS to conduct a Transaction Fee Pilot in NMS stocks.
- Whether to propose amendments to Form N–PORT and Form N–1A related to disclosures of liquidity risk management for open end management investment companies.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

CONTACT PERSON FOR MORE INFORMATION: For further information and to ascertain what, if any, matters have been added, deleted or postponed; please contact Brent J. Fields from the Office of the Secretary at (202) 551–5400.

Dated: March 7, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–04967 Filed 3–8–18; 11:15 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 10355]

E.O. 13224 Designation of Ahmad Iman Ali, aka Sheikh Ahmed Iman Ali, Shaykh Ahmad Iman Ali, Ahmed Iman Ali, Abu Zinira 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 Ahmad Iman Ali, also known as Sheikh Ahmed Iman Ali, also known as Shaykh Ahmad Iman Ali, also known as Ahmed Iman Ali, also known as Abu Zinira, 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: January 17, 2018.

Rex W. Tillerson,

Secretary of State.

[FR Doc. 2018–04878 Filed 3–9–18; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 10351]

Waiver of Missile Proliferation Sanctions Against Foreign Persons

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: A determination has been made pursuant to the Arms Export Control Act and Export Administration Act (as carried out under Executive Order 13222 of August 17, 2001).

SUPPLEMENTARY INFORMATION: Consistent with section 654(c) of the Foreign Assistance Act of 1961, as amended, notice is hereby given that the Secretary of State has made a determination pursuant to Section 73 of the Arms Export Control Act (22 U.S.C. 2797b) and Section 11B(b) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)), as carried out under Executive Order 13222 of August 17, 2001, and has concluded that publication of the determination would be harmful to the national security of the United States.

Christopher A. Ford,

Assistant Secretary of State for International Security and Nonproliferation.

[FR Doc. 2018–04929 Filed 3–9–18; 8:45 am]

BILLING CODE 4710–27–P

DEPARTMENT OF STATE

[Public Notice: 10354]

E.O. 13224 Designation of Abdifatah Abubakar Abdi, aka Musa Muhajir 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

received on the proposal regardless of whether the comments were submitted to the Advance Notice or the Proposed Rule Change.

[5] 12 U.S.C. 5465(e)(1)(G).

[6] 12 U.S.C. 5465(e)(1)(H).

[7] *Id.*

[8] *Id.*

13268 of July 2, 2002, and Executive Order 13284 of January 23, 2003, I hereby determine that the person known as Abdifatah Abubakar Abdi, also known as Musa Muhajir, committed, or poses a significant risk of committing, acts of terrorism that threaten the security of U.S. nationals or the national security, foreign policy, or economy of the United States. Consistent with the determination in section 10 of Executive Order 13224 that prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously, I determine that no prior notice needs to be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: December 12, 2017.

Rex Tillerson,

Secretary of State.

[FR Doc. 2018–04873 Filed 3–9–18; 8:45 am]

BILLING CODE 4710–AD–P

DEPARTMENT OF STATE

[Public Notice: 10352]

Notice of Determinations; Culturally Significant Object Imported for Exhibition Determinations: ''Cagnacci: Painting Beauty and Death'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object to be included in the exhibition ''Cagnacci: Painting Beauty and Death,'' imported from abroad for temporary exhibition within the United States, is of cultural significance. The object is imported pursuant to a loan agreement with the foreign owner or custodian. I also determine that the exhibition or display of the exhibit object at the Cincinnati Art Museum, Cincinnati, Ohio, from on or about March 23, 2018, until on or about July 22, 2018, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

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*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–04930 Filed 3–9–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent of Waiver With Respect to Land; Fort Wayne International Airport, Fort Wayne, IN

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA is considering a proposal to change approximately 78.902 acres of airport land from aeronautical use to non-aeronautical use of airport property located at Ft. Wayne International, Ft. Wayne, IN. The aforementioned land is not needed for aeronautical use.

Fort Wayne International Airport (FWA) proposes to release approximately 78.902 acres of land located on the northeast corner of existing airport property. The land is located to the east of Keller Road and the west of Ardmore Avenue. The land to be released is comprised of Tract 7, Tract 8, and Tract 9 as described in the survey. The land is owned by the Fort Wayne-Allen County Airport Authority (FWACAA). The property was originally purchased for the purpose of economic development and to enable the Authority to ensure airport compatible development. The Sponsor is proposing to release and ultimately sell or lease these parcels per local zoning regulations. The proposed future use of the land will be for compatible commercial or industrial developments. The sale of these parcels would allow the Sponsor to further financially support airfield improvement projects. Of the tracts proposed for release, none were acquired with FAA Funding.

DATES: Comments must be received on or before April 11, 2018.

ADDRESSES: Documents are available for review by appointment at the FAA Chicago Airports District Office, Rob Esquivel, Program Manager, 2300 East Devon Avenue, Des Plaines, IL 60018, Telephone: (847) 294–7340/Fax: (847) 294–7046 and Fort Wayne Allen County Airport Authority, 3801 W. Ferguson Rd., Ste. 209, Fort Wayne, IN 46809, Telephone: (260) 446–3428.

Written comments on the Sponsor's request must be delivered or mailed to: Rob Esquivel, Program Manager, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Ste. 312, Des Plaines, IL 60018, Telephone: (847) 294–7340/Fax: (847) 294–7046.

FOR FURTHER INFORMATION CONTACT: Rob Esquivel, Program Manager, Federal Aviation Administration, Chicago Airports District Office, 2300 East Devon Avenue, Ste. 312 Des Plaines, IL 60018, Telephone: (847) 294–7340/Fax: (847) 294–7046.

SUPPLEMENTARY INFORMATION: In accordance with section 47107(h) of Title 49, United States Code, this notice is required to be published in the **Federal Register** 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

The land is owned by the Fort Wayne-Allen County Airport Authority (FWACAA). The property was originally purchased for the purpose of economic development and to enable the Authority to ensure airport compatible development. The Sponsor is proposing to release and ultimately sell or lease these parcels per local zoning regulations. The proposed future use of the land will be for compatible commercial or industrial developments.

The disposition of proceeds from the sale of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999 (64 FR 7696).

This notice announces that the FAA is considering the release of the subject airport property at the Fort Wayne International Airport, Fort Wayne, IN from federal land covenants, subject to a reservation for continuing right of flight as well as restrictions on the released property as required in FAA Order 5190.6B section 22.16. Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property

nor a determination of eligibility for grant-in-aid funding from the FAA.

Legal Description: Tract 7—25.000 Acres

Part of the Southwest Quarter and Southeast Quarter of Section 5, Township 29 North, Range 12 East of the Second Principal Meridian, Pleasant Township in Allen County, Indiana, more particularly described as follows:

Commencing at a 1″ pinched pipe marking the Northeast corner of said Southeast Quarter; thence North 89 degrees 58 minutes 31 seconds West (GPS Grid bearing and basis of bearings to follow), a distance of 689.63 feet (deed) along the North line of said Southeast Quarter to a DuraNail with a ''Miller'' identification ring set on the centerline of Indianapolis Road; thence continuing North 89 degrees 58 minutes 31 seconds West, a distance of 2864.85 feet along said North line and along the North line of said Southwest Quarter to a 5/8″ steel rebar with a ''Miller Firm #0095'' identification cap set; thence South 00 degrees 01 minutes 42 seconds West, a distance of 59.40 feet to a DuraNail with a ''Miller'' identification ring set at the POINT OF BEGINNING of the herein described tract; thence Southeasterly along a curve, concave to the Southwest, having a radius of 308.50 feet, a central angle of 44 degrees 07 minutes 33 seconds, and a chord of 231.76 feet bearing South 67 degrees 43 minutes 14 seconds East to a DuraNail with a ''Miller'' identification ring set; thence South 45 degrees 39 minutes 27 seconds East, a distance of 1008.91 feet to a DuraNail with a ''Miller'' identification ring set; thence South 45 degrees 39 minutes 27 seconds East, a distance of 491.92 feet to a DuraNail with a ''Miller'' identification ring set on a tangent curve, concave to the Northeast, having a radius of 1166.00 feet, a central angle of 12 degrees 15 minutes 31 seconds, and a chord of 249.00 feet bearing South 51 degrees 47 minutes 13 seconds East to a DuraNail with a ''Miller'' identification ring set; thence South 57 degrees 54 minutes 58 seconds East, a distance of 300.59 feet to a DuraNail with a ''Miller'' identification ring set; thence South 32 degrees 03 minutes 29 seconds West, a distance of 538.19 feet to a 5/8″ steel rebar with a ''Miller Firm #0095'' identification cap set; thence North 45 degrees 39 minutes 27 seconds West, a distance of 2730.62 feet to a DuraNail with a ''Miller'' identification ring set; thence South 89 degrees 47 minutes 01 seconds East, a distance of 500.40 feet to the Point of Beginning. Containing 25.000 Acres, more or less. Subject to easements of record.

Legal Description: Tract 8—34.606 Acres

Part of the Southwest Quarter and Southeast Quarter of Section 5, Township 29 North, Range 12 East of the Second Principal Meridian, Pleasant Township in Allen County, Indiana, more particularly described as follows:

Commencing at a 1″ pinched pipe marking the Northeast corner of said Southeast Quarter; thence North 89 degrees 58 minutes 31 seconds West (GPS Grid bearing and basis of bearings to follow), a distance of 689.63 feet (deed) along the North line of said Southeast Quarter to a DuraNail with a ''Miller'' identification ring set on the centerline of Indianapolis Road, said point also being the POINT OF BEGINNING of the herein described tract; thence South 32 degrees 03 minutes 32 seconds West, a distance of 1158.41 feet along said centerline to a DuraNail with a ''Miller'' identification ring set; thence North 62 degrees 10 minutes 45 seconds West, a distance of 62.09 feet to a DuraNail with a ''Miller'' identification ring set on a tangent curve, concave to the Northeast, having a radius of 216.00 feet, a central angle of 16 degrees 22 minutes 18 seconds, and a chord of 61.51 feet bearing North 53 degrees 59 minutes 35 seconds West to a DuraNail with a ''Miller'' identification ring set; thence North 45 degrees 48 minutes 26 seconds West, a distance of 610.87 feet to a DuraNail with a ''Miller'' identification ring set on a tangent curve, concave to the South, having a radius of 300.00 feet, a central angle of 89 degrees 47 minutes 27 seconds, and a chord of 423.49 feet bearing South 89 degrees 17 minutes 50 seconds West to a DuraNail with a ''Miller'' identification ring set; thence South 44 degrees 24 minutes 07 seconds West, a distance of 497.18 feet to a DuraNail with a ''Miller'' identification ring set; thence North 45 degrees 39 minutes 27 seconds West, a distance of 1008.91 feet to a DuraNail with a ''Miller'' identification ring set on a tangent curve, concave to the Southwest, having a radius of 308.50feet, a central angle of 44 degrees 07 minutes 33 seconds, and a chord of 231.76 feet bearing North 67 degrees 43 minutes 14 seconds West to a DuraNail with a ''Miller'' identification ring set; thence North 00 degrees 01 minutes 42 seconds East, a distance of 59.40 feet to a 5/8″ steel rebar with a ''Miller Firm #0095'' identification cap set on the North line of said Southwest Quarter; thence South 89 degrees 58 minutes 31 seconds East, a distance of 2864.85 feet along said North line and along the North line of said Southeast Quarter to the Point of Beginning. Containing 34.606 Acres, more or less. Subject to the right-of-way of Indianapolis Road and subject to easements of record.

Legal Description: Tract 9—19.296 Acres

Part of the Southeast Quarter of Section 5, Township 29 North, Range 12 East of the Second Principal Meridian, Pleasant Township in Allen County, Indiana, more particularly described as follows:

Commencing at a 1″ pinched pipe marking the Northeast corner of said Southeast Quarter; thence North 89 degrees 58 minutes 31 seconds West (GPS Grid bearing and basis of bearings to follow), a distance of 689.63 feet (deed) along the North line of said Southeast Quarter to a DuraNail with a ''Miller'' identification ring set on the centerline of Indianapolis Road; thence South 32 degrees 03 minutes 32 seconds West, a distance of 1158.41 feet along said centerline to a DuraNail with a ''Miller'' identification ring set, said point also being the POINT OF BEGINNING of the herein described tract; thence continuing South 32 degrees 03 minutes 32 seconds West, a distance of 701.53 feet along said centerline to a DuraNail with a ''Miller'' identification ring set; thence North 78 degrees 06 minutes 46 seconds West, a distance of 48.73 feet to a DuraNail with a ''Miller'' identification ring set; thence North 57 degrees 54 minutes 58 seconds West, a distance of 108.37 feet to a DuraNail with a ''Miller'' identification ring set; thence North 57 degrees 54 minutes 58 seconds West, a distance of 300.59 feet to a DuraNail with a ''Miller'' identification ring set on a tangent curve, concave to the Northeast, having a radius of 1166.00 feet, a central angle of 12 degrees 15 minutes 31 seconds, and a chord of 249.00 feet bearing North 51 degrees 47 minutes 13 seconds West to a DuraNail with a ''Miller'' identification ring set; thence North 45 degrees 39 minutes 27 seconds West, a distance of 491.92 feet to a DuraNail with a ''Miller'' identification ring set; thence North 44 degrees 24 minutes 07 seconds East, a distance of 497.18 feet to a DuraNail with a ''Miller'' identification ring set on a tangent curve, concave to the South, having a radius of 300.00 feet, a central angle of 89 degrees 47 minutes 27 seconds, and a chord of 423.49 feet bearing North 89 degrees 17 minutes 50 seconds East to a DuraNail with a ''Miller'' identification ring set; thence South 45 degrees 48 minutes 26 seconds East, a distance of 610.87 feet to a DuraNail with a ''Miller'' identification ring set on a tangent curve, concave to

the Northeast, having a radius of 216.00 feet, a central angle of 16 degrees 22 minutes 18 seconds, and a chord of 61.51 feet bearing South 53 degrees 59 minutes 35 seconds East to a DuraNail with a ''Miller'' identification ring set; thence South 62 degrees 10 minutes 45 seconds East, a distance of 62.09 feet to the Point of Beginning. Containing 19.296 Acres, more or less. Subject to the right-of-way of Indianapolis Road and subject to easements of record.

Issued in Des Plaines, IL, on February, 28th, 2018.

Deb Bartell,

Manager, Chicago Airports District Office, FAA, Great Lakes Region.

[FR Doc. 2018–04923 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Approval of New Information Collection: Generic Clearance for Customer Interactions

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval of a new information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 28, 2017.

DATES: Written comments should be submitted by April 11, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120—New.

Title: Helicopter Generic Clearance for Customer Interactions.

Form Numbers: No Forms.

Type of Review: New collection.

Background: Customer Interactions provide the Federal Aviation Administration valuable information and connect the agency to the public that we serve. In order to ensure a timely and consistent process for Paperwork Reduction Act compliance, the Federal Aviation Administration is proposing to develop a Generic Information Collection Request to be utilized for Customer Interactions that support the Agency's mission.

Customer Interactions can support the Federal Aviation Administration's mission by allowing the Agency to collect qualitative and quantitative data that can help inform scientific research; aviation assessments and monitoring efforts; validate models or tools; and enhance the quantity and quality of data collected across communities. Customer Interactions also create an avenue to incorporate local knowledge and needs, and can contribute to increased data sharing, open data, and government transparency. The Federal Aviation Administration may sponsor the collection of this type of information in connection with aviation projects. All such collections will follow Agency policies and regulations. If a new collection is not within the parameters of this generic Information Collection Request (ICR), the Agency will submit a separate information collection request to Office of Management and Budget (OMB) for approval.

Collections under this generic ICR will be from volunteers who participate on their own initiative through an open and transparent process; the collections will be low-burden for participants; collections will be low-cost for both the participants and the Federal Government; and data will be available to support the endeavors of the Agency, states, tribal or local entities where data collection occurs.

Respondents: Approximately 11,000 Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Frequency: Once per request.

Estimated Average Burden per Response: 10 minutes.

Estimated Total Annual Burden: 1,833 hours.

Issued in Fort Worth, TX, on March 2, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2018–04922 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2018–16]

Petition for Exemption; Summary of Petition Received; Embraer S.A.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 2, 2018.

ADDRESSES: Send comments identified by docket number FAA–2011–0327 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Harrison, AIR–673, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98057–3356, phone 425–227–2141, email *Michael.Harrison@faa.gov*; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, phone 202–267–4713, email *Alphonso.Pendergrass@faa.gov*.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on March 6, 2018.

Suzanne Masterson,

Acting Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2011–0327.

Petitioner: Embraer S.A.

Section(s) of 14 CFR Affected: § 25.813(e).

Description of Relief Sought: Embraer is seeking relief from 14 CFR 25.813(e), which requires that no door may be installed between any passenger seat that is occupiable for takeoff and landing and any passenger emergency exit. Specifically, Embraer is proposing to install an electrically actuated lavatory pocket door on models EMB–550 and EMB–545 airplanes operated under 14 CFR part 135.

[FR Doc. 2018–04851 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval of a new information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 15, 2017.

DATES: Written comments should be submitted by April 11, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0746.

Title: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

Form Numbers: There are no FAA forms associated with this generic information collection.

Type of Review: Renewal of a generic information collection.

Background: The information collection activity will garner qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration'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.

Feedback collected under this generic clearance will provide useful information, but it will 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 non-response 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.

Respondents: Approximately 11,000 Individuals and Households, Businesses and Organizations, State, Local or Tribal Government.

Frequency: Once per request.

Estimated Average Burden per Response: 10 minutes.

Estimated Total Annual Burden: 1,833 hours.

Issued in Fort Worth, TX, on March 2, 2018.

Barbara Hall,

FAA Information Collection Clearance Officer, IT Enterprises Business Services Division, ASP–110.

[FR Doc. 2018–04921 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2018–17]

Petition for Exemption; Summary of Petition Received; Textron Aviation Inc.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of petition for exemption received.

SUMMARY: This notice contains a summary of a petition seeking relief from specified requirements of Federal Aviation Regulations. The purpose of this notice is to improve the public's awareness of, and participation in, the FAA's exemption process. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of the petition or its final disposition.

DATES: Comments on this petition must identify the petition docket number and must be received on or before April 2, 2018.

ADDRESSES: Send comments identified by docket number FAA–2018–0095 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *http://www.dot.gov/privacy*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Deana Stedman, AIR–673, Federal Aviation Administration, 1601 Lind Avenue SW, Renton, WA 98057–3356, phone 425–227–2148, email *deana.stedman@faa.gov*; or Alphonso Pendergrass, ARM–200, Office of Rulemaking, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591, phone 202–267–4713, email *Alphonso.Pendergrass@faa.gov*.

This notice is published pursuant to 14 CFR 11.85.

Issued in Renton, Washington, on March 6, 2018.

Suzanne Masterson,

Acting Manager, Transport Standards Branch.

Petition for Exemption

Docket No.: FAA–2018–0095.

Petitioner: Textron Aviation Inc.

Section(s) of 14 CFR Affected: § 25.981(b).

Description of Relief Sought: Petitioner is seeking relief from 14 CFR 25.981(b), which states no fuel tank fleet average flammability exposure on an airplane may exceed three percent of the flammability exposure evaluation time (FEET) as defined in appendix N to part 25, or that of a fuel tank within the wing of the airplane model being evaluated, whichever is greater. If the wing is not a conventional unheated aluminum wing, the analysis must be based on an assumed equivalent conventional unheated aluminum wing tank. Specifically, petitioner requests relief for the center portion of the wing fuel tank that is covered by an aerodynamic fairing on the Textron Aviation Model 700 airplane.

[FR Doc. 2018–04852 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Pilots Convicted of Alcohol or Drug-Related Motor Vehicle Offenses Subject to State Motor Vehicle Administrative Procedure

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 29, 2017. The collection involves receiving and maintaining correspondence required to be sent to the FAA under the Code of Federal Regulations from pilots who have been involved in a drug or alcohol related motor vehicle action. The information to be collected will be used to and/or is necessary because the FAA is concerned about those airmen abusing or dependent on drugs or alcohol in regard to the safety of the National Airspace System.

DATES: Written comments should be submitted by April 11, 2018.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality

of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0543.

Title: Pilots Convicted of Alcohol or Drug-Related Motor Vehicle Offenses Subject to State Motor Vehicle Administrative Procedure.

Form Numbers: No official form is used.

Type of Review: Renewal.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on November 30, 2017 (82 FR 56852). After a study and audit conducted from the late 1970's through the 1980's by the Department of Transportation, Office of the Inspector General, (DOT/OIG), the DOT/OIG recommended the FAA find a way to track alcohol abusers and those dependent on the substance that may pose a threat to the National Airspace (NAS). Through a Congressional act issued in November of 1990, the FAA established a Driving Under the Influence (DUI) and Driving While Impaired (DWI) Investigations Branch. The final rule for this program is found in Title 14 Code of Federal Regulations (CFR)—Part 61 § 61.15.

This regulation calls for pilots certificated by the FAA to send information regarding Driving Under the Influence (or similar charges) of alcohol or drugs to the FAA within 60 days from either an administrative action against their driver's license and/or criminal conviction. Part of the regulation also calls for the FAA to seek certificate action should an airman be involved in multiple, separate drug/alcohol related motor vehicle incidents within a three-year period. Information sent by the airmen is used to confirm or refute any violations of these regulations, as well as by the Civil Aerospace Medical Institute (CAMI) for medical qualification purposes. Collection by CAMI is covered under a separate OMB control number 2120–0034.

An airman is required to provide a letter via mail or facsimile, with the following information: Name, address, date of birth, pilot certificate number, the type of violation which resulted in the conviction or administrative action, and the state which holds the records or action.

Respondents: Airmen with drug/alcohol related motor vehicle actions.

Frequency: Approximately 937 per year.

Estimated Average Burden per Response: 15 Minutes.

Estimated Total Annual Burden: 15 minutes per respondent, 234 hours total for all respondents.

Fort Worth, TX, on March 1, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–04920 Filed 3–9–18; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL REGISTER

Vol. 83 Monday,
No. 48 March 12, 2018

Part II

The President

Executive Order 13826—Federal Interagency Council on Crime Prevention and Improving Reentry

Federal Register
Vol. 83, No. 48
Monday, March 12, 2018

Presidential Documents

Title 3—

The President

Executive Order 13826 of March 7, 2018

Federal Interagency Council on Crime Prevention and Improving Reentry

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to maximize the impact of Federal Government resources to keep our communities safe, it is hereby ordered as follows:

Section 1. *Purpose.* The Federal Government must reduce crime, enhance public safety, and increase opportunity, thereby improving the lives of all Americans. In 2016, the violent crime rate in the United States increased by 3.4 percent, the largest single-year increase since 1991. Additionally, in 2016, there were more than 17,000 murders and nonnegligent manslaughters in the United States, a more than 20 percent increase in just 2 years. The Department of Justice, alongside State, local, and tribal law enforcement, has focused its efforts on the most violent criminals. Preliminary statistics indicate that, in the last year, the increase in the murder rate slowed and the violent crime rate decreased.

To further improve public safety, we should aim not only to prevent crime in the first place, but also to provide those who have engaged in criminal activity with greater opportunities to lead productive lives. The Federal Government can assist in breaking this cycle of crime through a comprehensive strategy that addresses a range of issues, including mental health, vocational training, job creation, after-school programming, substance abuse, and mentoring. Incarceration is necessary to improve public safety, but its effectiveness can be enhanced through evidence-based rehabilitation programs. These efforts will lower recidivism rates, ease incarcerated individuals' reentry into the community, reduce future incarceration costs, and promote positive social and economic outcomes.

Sec. 2. *Policy.* It is the policy of the United States to prioritize efforts to prevent youths and adults from entering or reentering the criminal justice system. While investigating crimes and prosecuting perpetrators must remain the top priority of law enforcement, crime reduction policy should also include efforts to prevent crime in the first place and to lower recidivism rates. These efforts should address a range of social and economic factors, including poverty, lack of education and employment opportunities, family dissolution, drug use and addiction, mental illness, and behavioral health conditions. The Federal Government must harness and wisely direct its considerable resources and broad expertise to identify and help implement improved crime prevention strategies, including evidence-based practices that reduce criminal activity among youths and adults. Through effective coordination among executive departments and agencies (agencies), the Federal Government can have a constructive role in preventing crime and in ensuring that the correctional facilities in the United States prepare inmates to successfully reenter communities as productive, law-abiding members of society.

Sec. 3. *Establishment of the Federal Interagency Council on Crime Prevention and Improving Reentry.* (a) There is hereby established the Federal Interagency Council on Crime Prevention and Improving Reentry (Council), cochaired by the Attorney General, the Assistant to the President for Domestic Policy, and the Senior Advisor to the President in charge of the White

House Office of American Innovation, or their respective designees. In addition to the Co-Chairs, the Council shall include the heads of the following entities, or their designees:

(i) The Department of the Treasury;

(ii) The Department of the Interior;

(iii) The Department of Agriculture;

(iv) The Department of Commerce;

(v) The Department of Labor;

(vi) The Department of Health and Human Services;

(vii) The Department of Housing and Urban Development;

(viii) The Department of Education;

(ix) The Department of Veterans Affairs;

(x) The Office of Management and Budget; and

(xi) The Office of National Drug Control Policy.

(b) As appropriate, and consistent with applicable law, the Co-Chairs may invite representatives of other agencies and Federal entities to participate in the activities of the Council.

(c) As appropriate, the Co-Chairs may invite representatives of the judicial branch to attend and participate in meetings of the Council.

(d) The Council shall engage with Federal, State, local, and tribal officials, including correctional officials, to carry out its objectives. The Council shall also engage with key stakeholders, such as law enforcement, faith-based and community groups, businesses, associations, volunteers, and other stakeholders that play a role in preventing youths and adults from entering or reentering the criminal justice system.

(e) The Attorney General, in consultation with the Co-Chairs, shall designate an Executive Director, who shall be a full-time officer or employee of the Department of Justice, to coordinate the day-to-day functions of the Council.

(f) The Co-Chairs shall convene a meeting of the Council once per quarter.

(g) The Department of Justice shall provide such funding and administrative support for the Council, to the extent permitted by law and within existing appropriations, as may be necessary for the performance of its functions.

(h) To the extent permitted by law, including the Economy Act (31 U.S.C. 1535), and within existing appropriations, other agencies may detail staff to the Council, or otherwise provide administrative support, in order to advance the Council's functions.

(i) The heads of agencies shall provide, as appropriate and to the extent permitted by law, such assistance and information as the Council may request to implement this order.

Sec. 4. *Recommendations and Report.* (a) The Council shall develop recommendations for evidence-based programmatic and other reforms, with consideration and acknowledgment of potential resource limitations, to:

(i) help prevent, through programs that reduce unlawful behavior (such as mental and behavioral health services), youths and adults from engaging in criminal activity;

(ii) improve collaboration between Federal, State, local, and tribal governments through dissemination of evidence-based best practices to reduce the rate of recidivism. In identifying these practices, the Council shall consider factors such as:

(A) inmates' access to education, educational testing, pre-apprenticeships, apprenticeships, career and technical education training, and work programs;

(B) inmates' access to mentors and mentorship services during incarceration and as they transition back into the community;

(C) inmates' access to mental and behavioral health services;

(D) treatment of substance abuse and addiction for inmates;

(E) documented trauma history assessments, victim services, violent crime prevention, community-based trauma-informed programs, and domestic violence and sexual violence support services;

(F) family support for inmates;

(G) available partnerships with law enforcement, faith-based and other community organizations, businesses, associations, and other stakeholders, especially through indirect funding mechanisms; and

(H) incentives for the private sector, small businesses, and other non-governmental entities to create job opportunities for individuals, before and after they enter the criminal justice system, using existing tax credit programs;

(iii) analyze effective ways to overcome barriers or disincentives to participation in programs related to education, housing, job placement and licensing, and other efforts to re-integrate offenders into society;

(iv) enhance coordination and reduce duplication of crime-prevention efforts across the Federal Government in order to maximize effectiveness and reduce costs to the taxpayer; and

(v) facilitate research in the areas described in this subsection, including improved access to data for research and evaluation purposes.

(b) The Council shall develop and present to the President, through the Assistant to the President for Domestic Policy:

(i) an initial report, submitted within 90 days of the date of this order, outlining a timeline and steps that will be taken to fulfill the requirements of this order; and

(ii) a full report detailing the Council's recommendations, submitted within 1 year of the date of this order, and status updates on their implementation for each year this order is in effect. The Council shall review and update its recommendations periodically, as appropriate, and shall, through the Assistant to the President for Domestic Policy, present to the President any updated findings.

Sec. 5. *Revocation.* The Presidential Memorandum of April 29, 2016 (Promoting Rehabilitation and Reintegration of Formerly Incarcerated Individuals), is hereby revoked.

Sec. 6. *Termination.* This order (with the exceptions of sections 5 and 7) and the Council it establishes shall terminate 3 years after the date of this order.

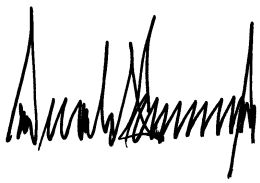
Sec. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
March 7, 2018.

[FR Doc. 2018–05113
Filed 3–9–18; 11:15 am]
Billing code 3295–F8–P

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