FEDERAL REGISTER

Vol. 83 Wednesday,

No. 60 March 28, 2018

Pages 13183–13374

OFFICE OF THE FEDERAL REGISTER

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1140

[Docket No. FDA–2018–N–0011]

Cigarettes, Smokeless Tobacco, and Covered Tobacco Products; Change of Office Name and Address; Technical Amendment

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendment.

SUMMARY: The Food and Drug Administration (FDA or Agency) is amending its Cigarettes, Smokeless Tobacco, and Covered Tobacco Products regulations to reflect a change of office name and mailing address for the Center for Tobacco Products' (CTP's) Office of Compliance and Enforcement. This action is editorial in nature and is intended to improve the accuracy of the Agency's regulations.

DATES: This rule is effective March 28, 2018.

FOR FURTHER INFORMATION CONTACT: May Nelson, Center for Tobacco Products, Food and Drug Administration, Document Control Center, 10903 New Hampshire Ave., Bldg. 71, Rm. G335, Silver Spring, MD 20993, 1–877–CTP–1373, *ctpregulations@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: FDA is amending our regulations in part 1140 (21 CFR part 1140) to reflect the change of an office name and the mailing address in the regulation. The office name was the Office of Compliance and the new office name is Office of Compliance and Enforcement. The mailing address for notices submitted under § 1140.30(a)(2) is updated to CTP's Document Control Center, 10903 New Hampshire Ave., Bldg. 71, Rm. G335, Silver Spring, MD 20993.

Publication of this document constitutes final action under the Administrative Procedure Act (5 U.S.C. 553). FDA has determined that notice and public comment are unnecessary because the amendments to the regulations provide only technical changes to correct an office name and address, and are nonsubstantive. To the extent that 5 U.S.C. 553(d) applies, FDA has determined that, for the same reasons, good cause exists for making this rule effective upon publication in the **Federal Register**.

List of Subjects in 21 CFR Part 1140

Advertising, Labeling, Smoking, Tobacco.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 1140 is amended as follows:

PART 1140—CIGARETTES, SMOKELESS TOBACCO, AND COVERED TOBACCO PRODUCTS

■ 1. The authority citation for part 1140 continues to read as follows:

Authority: 21 U.S.C. 301 *et seq.,* Sec. 102, Pub. L. 111–31, 123 Stat. 1776.

■ 2. Amend § 1140.30 by revising the last sentence of paragraph (a)(2) to read as follows:

§ 1140.30 Scope of permissible forms of labeling and advertising.

(a) * * *

(2) * * * The manufacturer, distributor, or retailer shall send this notice to the Office of Compliance and Enforcement, Center for Tobacco Products, Food and Drug Administration, Document Control Center, 10903 New Hampshire Ave., Bldg. 71, Rm. G335, Silver Spring, MD 20993.

* * * * *

Dated: March 21, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–06164 Filed 3–27–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[TD 9832]

RIN 1545–BL76

Allocation of Controlled Group Research Credit

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations and removal of temporary regulations.

SUMMARY: This document contains final regulations relating to the allocation of the credit for increasing research activities (research credit) to corporations and trades or businesses under common control (controlled groups). This document also contains final regulations relating to the allocation of the railroad track maintenance credit and the election for a reduced research credit.

DATES: *Effective date:* These regulations are effective on April 2, 2018.

Applicability date: For dates of applicability, see §§ 1.41–6(j), 1.45G–1(g), and 1.280C–4(c).

FOR FURTHER INFORMATION CONTACT: James Holmes, at (202) 317–4137; (not a toll-free number).

SUPPLEMENTARY INFORMATION:

Background

This document amends 26 CFR part 1 to provide rules relating to sections 41, 45G, and 280C of the Internal Revenue Code (Code). On April 3, 2015, the Department of the Treasury (Treasury Department) and the IRS published final and temporary regulations (TD 9717) (temporary regulations) in the **Federal Register** (80 FR 18096) and a notice of proposed rulemaking by cross-reference to the temporary regulations (REG–133489–13) in the **Federal Register** (80 FR 18171) (proposed regulations). On April 27, 2015, the Treasury Department and the IRS published corrections to TD 9717 in the **Federal Register** (80 FR 23237 and 80 FR 23238). The temporary regulations expire on April 2, 2018.

The preamble to the temporary regulations fully describes the updates to the regulations under sections 41, 45G, and 280C. *See* 80 FR 18097, April 3, 2015. The temporary regulations updated the section 41 rules in a

manner that is consistent with the amendments made to section 41(f)(1)(A)(ii) and section 41(f)(1)(B)(ii) contained in Section 301(c) of the American Taxpayer Relief Act of 2012, Public Law 112–240, H.R. 8 (ATRA). The temporary regulations also updated the regulations under § 1.45G–1(f) and an example under § 1.280C–4(b)(2) because they are based on the rules of section 41(f) in effect before the ATRA amendments.

One written comment responding to the proposed regulations was received. No requests for a public hearing were made and no public hearing was held. After consideration of the comment, the proposed regulations are adopted without change by this Treasury decision.

Summary of Comment and Explanation of Provisions

No comments were received related to the proposed regulations under section 41 or section 280C. One commenter requested the regulations under § 1.45G–1(f)(8) be amended to explicitly provide that qualified railroad track maintenance expenditures (QRTMEs) associated with a track assignment reside with the assignee (and not with the track owner) when there has been an intra-group track assignment. Revising those rules is beyond the scope of these regulations. Therefore, the Treasury Department and IRS decline to adopt the comment.

Effect on Other Documents

The temporary regulations are obsolete for taxable years beginning on or after April 2, 2018.

Special Analyses

Certain IRS regulations, including these, are exempt from the requirements of Executive Order 12866, as supplemented and reaffirmed by Executive Order 13563. Therefore, a regulatory impact assessment is not required. Because the final regulations do not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Code, the notice of proposed rulemaking that preceded the final regulations was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on their impact on small business. No comments were received on the proposed regulations.

These final regulations provide necessary guidance for corporations that file a consolidated return regarding the allocation of the group credit to members of certain controlled groups of corporations and trades or businesses under common control. It is necessary to provide this administrative relief for these controlled groups as of April 2, 2018, the expiration date of the temporary regulations, to remove impediments to claiming the research and railroad track maintenance credits and making the election for a reduced research credit. Accordingly, good cause is found for dispensing with a delayed effective date pursuant to 5 U.S.C. 553(d).

Drafting Information

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

List of Subjects in 26 CFR Part 1

Income taxes, Reporting and recordkeeping requirements.

Amendments to the Regulations

Accordingly, 26 CFR part 1 is amended as follows:

PART 1—INCOME TAXES

■ **Paragraph 1.** The authority citation for part 1 is amended by revising the sectional authority entires for §§ 1.41–6 and 1.280C–4 and adding a sectional authority for § 1.45G–1 in numerical order to read in part as follows:

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

* * * * *

Section 1.41–6 also issued under 26 U.S.C. 41(f)(1) and 1502.

* * * * *

Section 1.45G–1 also issued under 26 U.S.C. 45G(e)(2).

* * * * *

Section 1.280C–4 also issued under 26 U.S.C. 280C(c)(4).

* * * * *

■ **Par. 2.** Section 1.41–6 is amended by revising paragraphs (c), (d)(1) and (3), (e), and (j)(4) and (5) to read as follows:

§ 1.41–6 Aggregation of expenditures.

* * * * *

(c) *Allocation of the group credit.* The group credit is allocated to each member of the controlled group on a proportionate basis to its share of the aggregate of the qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums taken into account for the taxable year by such controlled group for purposes of the credit. For purposes of paragraphs (c), (d), and (e) of this section, qualified research expenses, basic research payments, and amounts paid or incurred to energy research consortiums are collectively referred to as QREs.

(d) *Special rules for consolidated groups*—(1) *In general.* For purposes of applying paragraph (c) of this section, members of a consolidated group who are members of a controlled group are treated as a single member of the controlled group.

* * * * *

(3) *Special rule for allocation of group credit among consolidated group members.* The portion of the group credit that is allocated to a consolidated group is allocated to each member of the consolidated group on a proportionate basis to its share of the aggregate of the QREs taken into account for the taxable year by such consolidated group for purposes of the credit.

(e) *Examples.* The following examples illustrate the provisions of paragraphs (c) and (d) of this section.

Example 1. Controlled group. A, B, and C are a controlled group. A had $100x, B $300x, and C $500x of qualified research expenses for the year, totaling $900x for the group. A, in the course of its trade or business, also made a payment of $100x to an energy research consortium for energy research. The group's QREs total 1000x and the group calculated its total research credit to be $60x for the year. Based on each member's proportionate share of the controlled group's aggregate QREs, A is allocated $12x, B $18x, and C $30x of the credit.

Example 2. Consolidated group is a member of controlled group. The controlled group's members are D, E, F, G, and H. F, G, and H file a consolidated return and are treated as a single member (FGH) of the controlled group. D had $240x, E $360x, and FGH $600x of qualified research expenses for the year ($1,200x aggregate). The group calculated its research credit to be $100x for the year. Based on the proportion of each member's share of QREs to the controlled group's aggregate QREs for the taxable year D is allocated $20x, E $30x, and FGH $50x of the credit. The $50x of credit allocated to FGH is then allocated to the consolidated group members based on the proportion of each consolidated group member's share of QREs to the consolidated group's aggregate QREs. F had $120x, G $240x, and H $240x of QREs for the year. Therefore, F is allocated $10x, G is allocated $20x, and H is allocated $20x.

* * * * *

(j) * * *

(4) *Taxable years beginning after December 31, 2011.* Paragraphs (c), (d)(1) and (3), (e), and (j)(4) and (5) of this section apply to taxable years beginning on or after April 2, 2018. For taxable years ending before April 2, 2018, see § 1.41–6T as contained in 26 CFR part 1, as revised April 1, 2017.

(5) *Taxable years beginning before January 1, 2012.* See § 1.41–6 as contained in 26 CFR part 1, revised April 1, 2014.

§ 1.41–6T [Removed]

■ **Par. 3.** Section 1.41–6T is removed.

■ **Par. 4.** Section 1.45G–1 is amended by revising paragraphs (f)(4) and (5) and (g)(4) and (5) to read as follows:

§ 1.45G–1 Railroad track maintenance credit.

* * * * *

(f) * * *

(4) *Allocation of the group credit.* The group credit is allocated to each member of the controlled group on a proportionate basis to its share of the aggregate of the QRTMEs taken into account for the taxable year by such controlled group for purposes of the credit.

(5) *Special rules for consolidated groups*—(i) *In general.* For purposes of applying paragraph (f)(4) of this section, members of a consolidated group who are members of a controlled group are treated as a single member of the controlled group.

(ii) *Special rule for allocation of group credit among consolidated group members.* The portion of the group credit that is allocated to a consolidated group is allocated to each member of the consolidated group on a proportionate basis to its share of the aggregate of the QRTMEs taken into account for the taxable year by such consolidated group for purposes of the credit.

* * * * *

(g) * * *

(4) *Taxable years beginning after December 31, 2011.* Paragraphs (f)(4) and (5) and (g)(4) and (5) of this section apply to taxable years beginning on or after April 2, 2018. For taxable years ending before April 2, 2018, see § 1.45G–1T as contained in 26 CFR part 1, as revised April 1, 2017.

(5) *Taxable years beginning before January 1, 2012.* See § 1.45–1 as contained in 26 CFR part 1, revised April 1, 2014.

§ 1.45G–1T [Removed]

■ **Par. 5.** Section 1.45G–1T is removed.

■ **Par. 6.** Section 1.280C–4 is amended by revising paragraphs (b)(2) and (c)(2) and (3) to read as follows:

§ 1.280C–4 Credit for increasing research activities.

* * * * *

(b) * * *

(2) *Example.* The following example illustrates an application of paragraph (b) of this section: A, B, and C, all of which are calendar year taxpayers, are members of a controlled group of corporations (within the meaning of section 41(f)(5)). A, B, and C each attach a statement to the 2012 Form 6765, ''Credit for Increasing Research Activities,'' showing A and C were the only members of the controlled group to have qualified research expenses when calculating the group credit. A and C report their allocated portions of the group credit on the 2012 Form 6765 and B reports no research credit on Form 6765. Pursuant to paragraph (a) of this section, A and B, but not C, each make an election for the reduced credit under section 280C(c)(3)(B) on the 2012 Form 6765. In December 2013, B determines it had qualified research expenses in 2012 resulting in an increased group credit. On an amended 2012 Form 6765, A, B, and C each report their allocated portions of the group credit. B reports its credit as a regular credit under section 41(a) and reduces the credit under section 280C(c)(3)(B). C may not reduce its credit under section 280C(c)(3)(B) because C did not make an election for the reduced credit with its original return.

(c) * * *

(2) *Taxable years beginning after December 31, 2011.* Paragraphs (b)(2) and (c)(2) and (3) of this section apply to taxable years beginning on or after April 2, 2018. For taxable years ending before April 2, 2018, see § 1.280C–4T as contained in 26 CFR part 1, as revised April 1, 2017.

(3) *For taxable years ending before January 1, 2012.* See § 1.280C–4 as contained in 26 CFR part 1, revised April 1, 2014.

§ 1.280C–4T [Removed]

■ **Par. 7.** Section 1.280C–4T is removed.

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

Approved: March 7, 2018.

David J. Kautter,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 2018–06241 Filed 3–27–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0229]

RIN 1625–AA00

Safety Zone; Lower Mississippi River, Port Gibson, MS

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing an emergency temporary safety zone for all navigable waters of the Lower Mississippi River, extending the entire width of the river, from mile marker (MM) 405 to MM 408. This emergency safety zone is necessary to protect persons, property, and infrastructure from potential damage and safety hazards associated with vessels transiting this area during high water. This rule prohibits persons and vessels from entering the safety zone area unless specifically authorized by the Captain of the Port Sector Lower Mississippi River (COTP) or a designated representative.

DATES: This rule is effective without actual notice from March 28, 2018 through 7 p.m. on March 31, 2018. For the purposes of enforcement, actual notice will be used from 10 a.m. on March 13, 2018 through March 28, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type USCG–2018–0229 in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Open Docket Folder'' on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Petty Officer Todd Manow, Sector Lower Mississippi River Prevention Department, U.S. Coast Guard; telephone 901–521–4813, email *Todd.M.Manow@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and contrary to the public interest. Increasing high water in this area requires immediate action to

protect persons, property and power plant infrastructure from the potential safety hazards associated with vessels transiting this area during high water. This safety zone must be established immediately to protect people and vessels associated with and resulting from the high water and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule. This safety zone may include closures and/or navigation restrictions and requirements that are vital to maintaining safe navigation on the Lower Mississippi River during the high water. Therefore, delaying the effective date for this emergency safety zone to complete the NPRM process would also be contrary to the public interest as it would delay the safety measures vital to safe navigation.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making it effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to protect personnel, vessels, and the marine environment from potential hazards created by the increasing high water.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The Captain of the Port Sector Lower Mississippi River (COTP) has determined that there are potential hazards associated with increasing high water, including possible emergency operations to repair damage to power distribution infrastructure taking place on the left descending bank of the Lower Mississippi River between MM 405 and 408 in the vicinity of the Entergy Grand Gulf Nuclear Power Facility, in Port Gibson, MS. Loss of the power distribution lines system would be catastrophic to large areas of Louisiana and Mississippi. This rule is needed to protect persons, property, and infrastructure from potential damage and safety hazards associated with vessels transiting this safety zone during high water.

IV. Discussion of the Rule

The Coast Guard is establishing a temporary safety zone for all navigable waters of the Lower Mississippi River, extending the entire width of the river, from mile marker (MM) 405 to MM 408. Transit into and through this area is prohibited for all traffic beginning at 10 a.m. on March 13, 2018 and will continue through 7 p.m. on March 31, 2018. The COTP will terminate the enforcement of this safety zone before March 31, 2018 if the high water event ceases. Entry into this safety zone is prohibited unless specifically authorized by the COTP or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Lower Mississippi River.

Requests for entry will be considered and reviewed on a case-by-case basis. The COTP may be contacted by telephone at 1–866–777–2784 or can be reached by VHF–FM channel 16. Persons and vessels permitted to transit this safety zone shall not meet, pass, or overtake any vessel currently transiting, shall maintain slowest speed for safe navigation, and shall comply with all lawful directions issued by the COTP or the designated representative.

This safety zone may include closures and/or navigation restrictions and requirements that are vital to maintaining safe navigation on the Lower Mississippi River during the high water. The COTP or a designated representative will inform the public through broadcast notices to mariners of any changes in the restrictions or the enforcement period for the safety zone.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, and duration of the safety zone. This emergency safety zone will restrict vessel traffic from entering or transiting through a three-mile section of the navigable waterways of the Lower Mississippi River from mile marker (MM) 405 to MM 408, in the vicinity of Port Gibson, MS, from 10 a.m. on March 13, 2018 through 7 p.m. on March 31, 2018. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–FM marine channel 16 about the zone, and the rule allows vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section 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 rule will not result in such 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 guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves an emergency safety zone lasting approximately nineteen days that will prohibit entry into a three-mile stretch of the Lower Mississippi River during a hazardous high-water event. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration (REC) supporting this determination will be made available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0229 to read as follows:

§ 165.T08–0229 Safety Zone; Lower Mississippi River; Port Gibson, MS.

(a) *Location.* The following area is a safety zone: All navigable waters of the Lower Mississippi River, extending the entire width of the river, from mile marker (MM) 405 to MM 408, in the vicinity of Port Gibson, MS.

(b) *Period of enforcement.* This section will be enforced from 10 a.m. on March 13, 2018 and will continue through 7 p.m. on March 31, 2018, or until the high-water event ceases, whichever occurs first.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port Sector Lower Mississippi River (COTP) or a designated representative. A designated representative is a commissioned, warrant, or petty officer of the U.S. Coast Guard assigned to units under the operational control of USCG Sector Lower Mississippi River.

(2) Vessels requiring entry into this safety zone must request permission from the COTP or a designated representative. To seek entry into the safety zone, contact the COTP or the COTP's representative by telephone at 1–866–777–2784 or on VHF–FM channel 16.

(3) Persons and vessels permitted to enter this safety zone shall not meet, pass, or overtake any vessel currently transiting, shall maintain slowest speed for safe navigation, and shall comply with all lawful directions issued by the COTP or the designated representative.

(d) *Informational Broadcasts.* This safety zone may include closures and/or navigation restrictions and requirements that are vital to maintaining safe navigation on this section of the Lower Mississippi River during the high water. The COTP or a designated representative will inform the public through broadcast notices to mariners of any changes in the enforcement period for the safety zone.

Dated: March 12, 2018.

R. Tamez,

Captain, U.S. Coast Guard, Captain of the Port Sector Lower Mississippi River.

[FR Doc. 2018–06213 Filed 3–27–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2018–0086]

RIN 1625–AA00

Safety Zone; Pensacola Bay, Pensacola, FL

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for all navigable waters on Pensacola Bay within 100 yards of each vessel participating in the Tall Ships Pensacola marine event and parade in Pensacola, FL and within 100 yards of the Port of Pensacola for the duration of the marine event and parade. This rule is necessary to provide for the safety of life and property on these navigable waters during the Tall Ships Pensacola marine event. This rule will prohibit persons and vessels from entering the safety zone unless specifically authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative.

DATES: This rule is effective from 8 a.m. on April 12, 2018 through 8 p.m. on April 15, 2018.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *http://*

www.regulations.gov, type USCG–2018–0086 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Kyle D. Berry, Sector Mobile, Waterways Management Division, U.S. Coast Guard; telephone 251–441–5940, email *Kyle.D.Berry@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The sponsor for the Tall Ships Pensacola marine event submitted an application for a marine event permit for the event that will take place from 8 a.m. on April 12, 2018 through 8 p.m. on April 15, 2018. The Captain of the Port Sector Mobile (COTP) has determined a safety zone is necessary to protect the public from the potential hazards associated with the tall ships during the organized parade, public tours, and sailings of these tall ships. In response, on February 22, 2018 the Coast Guard published a notice of proposed rulemaking (NPRM) titled Safety Zone; Pensacola Bay, Pensacola, FL (83 FR 7644). There we stated why we issued the NPRM, and invited comments on our proposed regulatory action related to this Tall Ships Pensacola marine event. During the comment period that ended March 9, 2018, we received zero comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be impracticable because immediate action is needed to respond to the potential safety hazards associated with the Tall Ships Pensacola Marine Event.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 33 U.S.C. 1231. The COTP has determined that potential hazards associated with the tall ships during the organized parade, public tours, and sailings of these tall ships on April 12, 2018 through April 15, 2018 will be a safety concern for any vessels or persons in the vicinity of waters on Pensacola Bay within 100 yards of each vessel participating in the Tall Ships Pensacola marine event and parade in Pensacola, FL and within 100 yards of the Port of Pensacola for the duration of the marine event and parade. This rule is needed to protect the public, mariners, and vessels from the potential hazards associated with the tall ships during the organized parade, public tours, and sailings of these tall ships.

IV. Discussion of the Rule

As noted above, we received no comments on our NPRM published on February 22, 2018. There are no substantive changes to the regulatory text of this rule from the proposed NPRM. There is one technical amendment in the regulatory text of this rule, which corrects the paragraph numbering in § 165.T08–0086(c).

This rule establishes a temporary safety zone on Pensacola Bay within 100 yards of each vessel participating in the Tall Ships Pensacola marine event from 8 a.m. on April 12, 2018 through 8 p.m. on April 15, 2018, covering each vessel from when the vessel arrives at Pensacola, FL, when moored at the Port of Pensacola, 30°24′07.2″ N, 87°12′44.7″ W, when underway in parade from position 30°24′07.2″ N, 87°12′44.7″ W to 30°19′52.6″ N, 87°18′31.5″ W, and when the vessel departs Pensacola, FL. The Coast Guard also is establishing a temporary safety zone on Pensacola Bay within 100 yards of the Port of Pensacola for the duration of the Tall Ships Pensacola marine event from 8 a.m. on April 12, 2018 through 8 p.m. on April 15, 2018. This rule is needed to provide for the safety of life and property on these navigable waters during the Tall Ship Pensacola marine event. This rule restricts transit into, through, and within the zone unless specifically authorized by the COTP or a designated representative. No vessel or person is permitted to enter the zone without obtaining permission from the COTP or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''. All persons and vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP or a designated representative to patrol the zone.

Spectator vessels desiring to transit the zone may do so only with prior approval of the COTP or a designated representative and when so directed by that officer must be operated at a minimum safe navigation speed in a manner which will not endanger any other vessels. No spectator vessel shall anchor, block, loiter, or impede the through transit of official patrol vessels in the zone during the effective dates and times, unless cleared for entry by or through the COTP or a designated representative. Any spectator vessel may anchor outside the zone, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the zone in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the zone and remain moored through the duration of the event.

The COTP or a designated representative may forbid and control the movement of all vessels in the zone. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the zone, citation for failure to comply, or both.

The COTP or a designated representative may terminate the operation of any vessel at any time it is deemed necessary for the protection of life or property. The COTP or a designated representative will terminate enforcement of the safety zone at the conclusion of the event.

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 protectors.

A. Regulatory Planning and Review

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

from the requirements of Executive Order 13771.

This regulatory action determination is based on size, location, and duration of the proposed rulemaking. This safety zone will take place on a small area of Pensacola Bay, lasting for only four days from April 12, 2018 through April 15, 2018. Additionally, the Coast Guard will issue Broadcast Notices to Mariners via VHF–FM marine channel 16 about the safety zone so that waterway users may plan accordingly for transits during this restriction, and the rule will allow vessels to seek permission from the COTP or a designated representative to enter the zone.

B. Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

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

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section 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 rule will not result in such 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 Directive 023–01 and Commandant Instruction M16475.1D, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone on Pensacola Bay within 100 yards of the Port of Pensacola and within 100 yards of any vessel participating in the Tall Ships Pensacola marine event and parade from April 12, 2018 through April 15, 2018. It is categorically excluded from further review under paragraph L60 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. A Record of Environmental Consideration (REC) supporting this determination is available in the docket where indicated under **ADDRESSES**.

G. Protest Activities

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

List of Subjects 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T08–0086 to read as follows:

§ 165.T08–0086 Safety Zone; Pensacola Bay, Pensacola, FL.

(a) *Location.* The following area is a safety zone: All navigable waters of the Pensacola Bay within 100 yards of each vessel participating in the Tall Ships Pensacola marine event and parade and within 100 yards of the Port of Pensacola, 30°24′07.2″ N, 87°12′44.7″ W, Pensacola, FL.

(b) *Enforcement period.* This section is effective from 8 a.m. on April 12, 2018 through 8 p.m. on April 15, 2018.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into, transiting through, or exiting from this area is prohibited unless authorized by the Captain of the Port Sector Mobile (COTP) or a designated representative. A designated representative may be a Patrol Commander (PATCOM). The PATCOM may be aboard either a Coast

Guard or Coast Guard Auxiliary vessel. The PATCOM may be contacted on Channel 16 VHF–FM (156.8 MHz) by the call sign ''PATCOM''.

(2) Persons or vessels seeking to enter into or transit through the zone must request permission from the COTP or a designated representative. They may be contacted on VHF–FM channels 16 or by telephone at 251–441–5976.

(3) If permission is granted, all persons and vessels must comply with the instructions of the COTP or designated representative.

(4) All persons and vessels not registered with the event sponsor as participants or official patrol vessels are considered spectators. The ''official patrol vessels'' consist of any Coast Guard, state, or local law enforcement and sponsor provided vessels assigned or approved by the COTP to patrol the regulated area.

(5) Spectator vessels desiring to transit the regulated area may do so only with prior approval of the COTP or a designated representative and when so directed by that officer will be operated at a minimum safe navigation speed in a manner that will not endanger participants in the zone or any other vessels.

(6) No spectator vessel shall anchor, block, loiter, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for entry by or through an official patrol vessel.

(7) Any spectator vessel may anchor outside the regulated area, but may not anchor in, block, or loiter in a navigable channel. Spectator vessels may be moored to a waterfront facility within the regulated area in such a way that they shall not interfere with the progress of the event. Such mooring must be complete at least 30 minutes prior to the establishment of the regulated area and remain moored through the duration of the event.

(8) The COTP or a designated representative may forbid and control the movement of all vessels in the regulated area. When hailed or signaled by an official patrol vessel, a vessel shall come to an immediate stop and comply with the directions given. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(9) The COTP or a designated representative may terminate the event or the operation of any vessel at any time it is deemed necessary for the protection of life or property.

(10) The Patrol Commander will terminate enforcement of the safety zone at the conclusion of the event.

(d) *Informational broadcasts.* The COTP or a designated representative will inform the public through Broadcast Notices to Mariners of the enforcement period for the temporary safety zone as well as any changes in the planned schedule.

Dated: March 20, 2018.

M.R. Mclellan,

Captain, U.S. Coast Guard, Captain of the Port Sector Mobile.

[FR Doc. 2018–06127 Filed 3–27–18; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 49 and 52

[EPA–R09–OAR–2018–0133; FRL–9975–96—Region 9]

Air Plan Revisions; Salt River Pima-Maricopa Indian Community; Navajo Nation; California; Correcting Amendments

AGENCY: Environmental Protection Agency.

ACTION: Final rule, correcting amendment.

SUMMARY: On April 29, 2011, the Environmental Protection Agency (EPA) published a direct final rule in the **Federal Register** redesignating a section in the air quality planning and management regulations for Indian Country; and on January 17, 2012, February 13, 2012, July 2, 2012, June 14, 2017, and June 21, 2017, the EPA published final rules in the **Federal Register** approving certain revisions to the California State Implementation Plan (SIP). In these final rules, the EPA included inaccurate amendatory instructions that have prevented incorporation of the final actions into the CFR. All the errors are being corrected by this action.

DATES: This action is effective on March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Kevin Gong, EPA Region IX, (415) 972–3073, *Gong.Kevin@epa.gov.*

SUPPLEMENTARY INFORMATION: This action corrects inadvertent errors in the amendatory instructions in final rulemakings affecting 40 CFR parts 49 and 52. An explanation of each correction is listed below.

Part 49—Indian County: Air Quality Planning and Management

On April 29, 2011 (76 FR 23876), the EPA published a direct final rule that, among other actions, moved sections 49.22, 49.23 and 49.24 out of subpart A (Tribal Authority), which is intended to include provisions relating generally to tribal authority regardless of the EPA Region in which a tribe is located, to sections 49.5511, 49.5512, and 49.5513, respectively, in subpart L (Implementation Plans for Tribes—Region IX) such that all implementation plan provisions that apply specifically to Region IX tribes are located together. However, the action of moving section 49.22 to 49.5511 could not be done as section 49.5511 was already in existence at that time. In this action, the EPA is redesignating section 49.22 in subpart A as section 49.5515 in subpart L. The EPA is also taking this opportunity to add certain headings in subpart L for the Salt River Pima-Maricopa Indian Community and the Navajo Nation consistent with the other tribes included in subpart L.

Part 52—Approval and Promulgation of Implementation Plans

On January 17, 2012 (77 FR 2228), the EPA published a final rule approving San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) Rule 4570 (Confined Animal Facilities) as a revision to the California SIP. However, the amendatory instruction was inaccurate. More specifically, the instructions for revisions to section 52.220 should have added paragraph (c)(388)(i)(B)(*6*) rather than paragraph (c)(388)(i)(B)(*5*), which was already in existence codifying approval of a different provision related to SJVUAPCD's rules. Thus, the approval of the SJVUAPCD Rule 4570 could not be incorporated into section 52.220(c)(388)(i)(B). The EPA is correcting the amendatory instruction for SJVUAPCD Rule 4570 in today's action.

On February 13, 2012 (77 FR 7536), the EPA published a final rule approving SJVUAPCD Rule 4612 (Motor Vehicle and Mobile Equipment Coating Operations) and Rule 4653 (Adhesives and Sealants) as revisions to the California SIP. Due to inaccurate amendatory instructions, the approval of the two rules could not be incorporated into section 52.220(c)(388)(i)(B). More specifically, the instructions for revisions to section 52.220 should have added paragraphs (c)(388)(i)(B)(*7*) and (c)(388)(i)(B)(*8*) rather than paragraphs (c)(388)(i)(B)(*2*) and (c)(388)(i)(B)(*3*), which were already in existence codifying approval of other SJVUAPCD regulatory materials. The EPA is correcting the amendatory instructions for SJVUAPCD Rules 4612 and 4653 in today's action.

On July 2, 2012 (77 FR 39181), the EPA published a final rule approving

Yolo-Solano Air Quality Management District (YSAQMD) Rule 2.43 (Biomass Boilers) as a revision to the California SIP. However, the instructions for revisions to section 52.220 should have added paragraph (c)(388)(i)(H) rather than paragraph (c)(388)(i)(F), which was already in existence for approved rules adopted by the Mojave Desert Air Quality Management District. Thus, the approval of YSAQMD Rule 2.43 could not be incorporated into section 52.220(c)(388)(i). The EPA is correcting the amendatory instructions for YSAQMD Rule 2.43 in today's action.

On June 14, 2017 (82 FR 27125), the EPA published a final rule approving the Imperial County Air Pollution Control District (ICAPCD) Rule 206 (Processing of Applications) as a revision to the California SIP. However, the instructions for revisions to section 52.220 should have added paragraph (c)(442)(i)(A)(*5*) rather than paragraph (c)(442)(i)(A)(*4*), which was already in existence. Thus, the approval of ICAPCD Rule 206 could not be incorporated into section 52.220(c)(442)(i)(A). The amendatory instruction for ICAPCD Rule 206 was corrected at 82 FR 41895, 41898–41899 (September 5, 2017); however, the correction did not make the conforming revision to paragraph (c)(279)(i)(A)(*16*), which was added in the June 14, 2017 rulemaking and which deletes (with replacement) a prior version of ICAPCD Rule 206. The EPA is making the conforming revision in today's action.

On June 21, 2017 (82 FR 28240), the EPA published a direct final rule approving Mojave Desert Air Quality Management District (MDAQMD) Rule 1118 (Aerospace Assembly, Rework and Component Manufacturing Operations) as a revision to the California SIP. However, the approval of MDAQMD Rule 1118 could not be incorporated into section 52.220(c)(485) because the instructions for revisions to section 52.220 added paragraph (c)(485)(B), which is inconsistent with the current format for adding paragraphs to 52.220(c). The instructions should have added paragraph (c)(485)(i)(B). The EPA is correcting the amendatory instructions for MDAQMD Rule 1118 in today's action.

The EPA has determined that this action falls under the ''good cause'' exemption in section 553(b)(3)(B) of the Administrative Procedures Act (APA) which, upon finding ''good cause,'' authorizes agencies to dispense with public participation where public notice and comment procedures are impracticable, unnecessary, or contrary to the public interest. Public notice and comment for this action is unnecessary because the underlying rules for which this correcting amendment have been prepared were already subject to 30-day comment periods. Further, this action is consistent with the purposes and rationales of the final rules for which inaccurate amendatory instructions are being corrected herein. Because this action does not change the EPA's analyses or overall actions, no purpose would be served by additional public notice and comment. Consequently, additional public notice and comment are unnecessary.

The EPA also finds that there is good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action. Section 553(d)(3) of the APA allows an effective date of less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' 5 U.S.C. 553(d)(3). The purpose of the 30-day waiting period prescribed in APA section 553(d)(3) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. This rule does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. This action merely corrects inaccurate amendatory instructions in previous rulemakings. For these reasons, the EPA finds good cause under APA section 553(d)(3) for this correction to become effective on the date of publication of this action.

Statutory and Executive Order Reviews

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), or require prior consultation with state officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the APA or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, the EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects

40 CFR Part 49

Environmental protection, Air pollution, Indians—lands, Indians—tribal government.

40 CFR Part 52

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

Dated: March 13, 2018.

Alexis Strauss,

Acting Regional Administrator, Region IX.

Chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 49—INDIAN COUNTRY: AIR QUALITY PLANNING AND MANAGEMENT

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

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

§ 49.22 [Redesignated as § 49.5515]

■ 2. Redesignate § 49.22 as § 49.5515, and add and reserve a new § 49.22.

Subpart L [Amended]

■ 3. Amend Subpart L by adding an undesignated center heading immediately before § 49.5512 entitled '' ''Implementation Plan for the Navajo Nation''.

■ 4. Amend Subpart L by adding immediately before the newly redesignated § 49.5515 an undesignated center heading entitled ''Implementation Plan for the Salt River Pima-Maricopa Indian Community''.

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 6. Section 52.220 is amended by:

■ a. Revising paragraph (c)(279)((i)(A)(*16*);

■ b. Adding paragraphs (c)(388)(i)(B)(6), (*7*) and (*8*);

■ c. Adding paragraph (c)(388)(i)(H); and

■ d. Adding paragraph (c)(485)(i)(B).

The additions and revisions read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(279) * * *

(i) * * *

(A) * * *

(*16*) Previously approved on January 3, 2007 in paragraph (c)(279)(i)(A)(*14*) of this section and now deleted with replacement in paragraph (c)(442)(i)(A)(*5*) of this section, Rule 206.

* * * * *

(388) * * *

(i) * * *

(B) * * *

(*6*) Rule 4570, ''Confined Animal Facilities,'' amended on October 21, 2010.

(*7*) Rule 4612, ''Motor Vehicle and Mobile Equipment Coating,'' amended on October 21, 2010.

(*8*) Rule 4653, ''Adhesives and Sealants,'' amended on September 16, 2010.

* * * * *

(H) Yolo-Solano Air Quality Management District.

(*1*) Rule 2.43, ''Biomass Boilers,'' adopted on November 10, 2010.

* * * * *

(485) * * *

(i) * * *

(B) Mojave Desert Air Quality Management District.

(*1*) Rule 1118, ''Aerospace Assembly, Rework and Component Manufacturing Operations,'' amended on October 26, 2015.

* * * * *

[FR Doc. 2018–06126 Filed 3–27–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2016–0309; FRL–9975–82—Region 3]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology for Cement Kilns, Revisions to Portland Cement Manufacturing Plant and Natural Gas Compression Station Regulations, and Removal of Nitrogen Oxides Reduction and Trading Program Replaced by Other Programs and Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving state implementation plan (SIP) revisions submitted by the State of Maryland. The revisions pertain to reasonably available control technology (RACT) for cement kilns, revisions to and recodification of certain provisions for Portland cement manufacturing plants (cement plants) and internal combustion (IC) engines at natural gas compression stations, and removal of the obsolete Nitrogen Oxides (NO_X) Reduction and Trading Program that has been replaced by other trading programs or addressed in other regulations. EPA is approving these revisions in accordance with the requirements of the Clean Air Act (CAA).

DATES: This final rule is effective on April 27, 2018.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2016–0309. 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: Marilyn Powers, (215) 814–2308, or by email at *powers.marilyn@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On November 13, 2017, (82 FR 52259), EPA published a notice of proposed rulemaking (NPR) for the State of Maryland. In the NPR, EPA proposed approval of revisions to Maryland regulations pertaining to RACT for cement kilns, revisions to and recodification of certain provisions for Portland cement plants and IC engines at natural gas compression stations, and removal of the obsolete NO_X Reduction and Trading Program that has been replaced by other trading programs or addressed in other regulations. The formal SIP revision (Maryland SIP #15–04) was submitted on November 24, 2015 by the State of Maryland, through the Maryland Department of the Environment (MDE), for approval into the Maryland SIP.

The submission is comprised of three State actions pertaining to amendments to the Code of Maryland Regulations (COMAR) 26.11.01.10, COMAR 26.11.09.08, COMAR 26.11.29, and COMAR 26.11.30. The amendments address the requirement for NO_X RACT for cement kilns for the 2008 ozone national ambient air quality standards (NAAQS), the removal of COMAR provisions related to the obsolete NO_X Budget Trading Program under the NO_X SIP Call [1] (that has been replaced by other trading programs), the consolidation of all existing and new requirements for cement kilns into one COMAR regulation, the consolidation of all existing and new requirements for IC engines into one COMAR regulation, the addition of new particulate matter (PM) monitoring requirements, and the addition of an alternate monitoring option for visible emissions at cement kilns. On February 17, 2017, MDE provided a letter to EPA clarifying the NO_X RACT limits and withdrawing from EPA's consideration a provision of its regulation for natural gas compression stations.

As explained in the NPR, three areas or portions of areas in Maryland were designated as nonattainment under the 2008 ozone NAAQS (77 FR 30088, May 21, 2012). Under section 182 of the CAA, states must review and revise the RACT requirements in their SIP to ensure that these requirements would still be considered RACT under the new, more stringent NAAQS. Major stationary sources [2] of ozone precursor

[1] *See* Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone, *63 FR 57371* (October 27, 1998).

[2] A major stationary source of NO_X in a marginal or moderate ozone nonattainment area, or in an

emissions located in ozone nonattainment areas classified as moderate and above (and sources located in the Ozone Transport Region (OTR), of which the entire state of Maryland is a part) are subject to RACT requirements. *See* sections 182(b)(2) and 184(b)(2) of the CAA. Section 182(f) of the CAA specifically requires RACT for major stationary sources of NO_X. The cement kilns in Maryland are major stationary sources of NO_X and are therefore required to be evaluated for NO_X RACT under the 2008 ozone NAAQS.

The NO_X Budget Trading Program was established under the NO_X SIP Call to allow electric generating units (EGUs) greater than 25 megawatts and industrial non-electric generating units (or non-EGUs) with a rated heat input greater than 250 million British thermal units per hour (MMBtu/hr) (referred to as large non-EGUs) to participate in a regional NO_X cap and trade program. The NO_X SIP call also established NO_X reduction requirements for other non-EGUs that were not a part of the NO_X Budget Trading Program, including cement kilns and stationary IC engines. Maryland regulations COMAR 26.11.29—NO_X Reduction Requirements and Trading Program and COMAR 26.11.30—Policies and Procedures Relating to Maryland's NO_X Reduction and Trading Program, were previously approved into the Maryland SIP to implement the NO_X Budget Trading Program and allowed EGUs and large non-EGUs in the state to participate in the regional NO_X cap and trade program established under EPA's NO_X SIP Call. COMAR 26.11.29 also included NO_X reductions, monitoring, and recordkeeping requirements for cement kilns and IC engines.

EPA discontinued administration of the NO_X Budget Trading Program in 2009 upon the start of the Clean Air Interstate Rule (CAIR) trading programs.[3] The NO_X SIP Call requirements continued to apply, and EGUs that were previously trading under the NO_X Budget Trading Program continued to meet NO_X SIP Call requirements under the more stringent requirements of the CAIR ozone season trading program. Large non-EGUs were not addressed in CAIR. Therefore, states needed to assess their state requirements and take regulatory action as necessary to ensure that all their non-EGU obligations continued to be met. After EPA discontinued the NO_X Budget Trading Program, Maryland's EGU obligations under the NO_X SIP Call continued to be addressed in Maryland regulation COMAR 26.11.28—*Clean Air Interstate Rule* and later in CSAPR. Maryland's large non-EGU reduction requirements are largely addressed in separate rulemaking actions under other COMAR regulations and discussed in more detail in the NPR for this rulemaking.

II. Summary of SIP Revision and EPA Analysis

Revised COMAR 26.11.30 establishes a limit of 3.4 pounds (lbs) of NO_X per ton of clinker (lbs NO_X/ton of clinker) for long, dry kilns, and 2.4 lbs NO_X/ton of clinker for pre-calciner kilns. Maryland's November 13, 2015 submittal explained that NO_X RACT for cement kilns, which are major stationary sources of NO_X subject to RACT requirements, was established consistent with the Ozone Transport Commission (OTC) recommended RACT requirements for the 2008 ozone NAAQS. The 2007 *OTC Technical Support Document on Identification and Evaluation of Candidate Control Measures*[4] (OTC TSD) recommended NO_X emission rates for cement kilns based on applying a 60 percent reduction to uncontrolled emissions. Maryland's February 17, 2017 supplemental submission provided additional clarification on the justification for the NO_X RACT limits for the cement kilns. MDE also provided an estimate of costs to comply with the revised NO_X rates for cement kilns, including the costs to install selective non-catalytic reduction (SNCR) controls to meet the more stringent NO_X rate limits established by its May 21, 2010 regulatory action and the additional costs to increase the amount of reagent used in the SNCR to meet the requirements in its July 10, 2015 action further lowering the NO_X emission rate.

EPA agrees with Maryland's determination of NO_X RACT for cement kilns for the 2008 ozone NAAQS, based on our analysis of the cost effectiveness associated with installation of SNCR, the cost effectiveness for additional operating costs for the increase in ammonia use, as well as the technological considerations involved with further increasing the amount of ammonia used.

The November 24, 2015 SIP revision submittal also included several state regulatory actions for inclusion into the Maryland SIP. On May 21, 2010, Maryland repealed COMAR 26.11.29 and COMAR 26.11.30, with a State effective date of May 31, 2010. The requirements for certain large non-electric generating units (EGUs), cement kilns, and IC engines pursuant to the NO_X SIP Call continue to apply, as explained in the NPR and noted previously. Therefore, Maryland recodified certain portions of the Portland cement plant and natural gas compression station provisions (formerly found at COMAR 26.11.29.15) into new COMAR 26.11.29 (with a State effective date of July 20, 2015), retitled NO_X Reduction Requirements for Non-Electric Generating Units. The cement kiln provisions necessary to address the NO_X SIP Call requirements were revised to add a compliance date of April 1, 2017 for the existing NO_X emission rate limits in the regulation and to remove an alternative control method.

COMAR 26.11.30 formerly included large non-EGUs as participants in the NO_X Reduction and Trading Program and established an ozone season allocation of 947 tons of NO_X for the large non-EGUs at the only kraft pulp mill located in Maryland. With repeal of the NO_X Reduction and Trading Program, Maryland modified its kraft pulp mill regulation in COMAR 26.11.14.07 to limit NO_X emissions from fuel burning equipment at kraft pulp mills to 947 tons per year (matching the ozone season allocation formerly in COMAR 26.11.30). Maryland is currently in the process of developing regulations for inclusion in the SIP amending the State's provisions for kraft pulp mills for addressing NO_X SIP Call obligations and also addressing the State's ongoing NO_X SIP Call obligations with respect to other large non-EGUs.

Other specific requirements of the revised Maryland COMAR regulations and the rationale for EPA's proposed action are explained in the NPR and the technical support document (TSD) for the NPR (available in the docket for this rulemaking at *www.regulations.gov*) and will not be restated here.

III. Public Comments and EPA's Response

EPA received two public comments on our November 13, 2017 action proposing to approve Maryland's SIP submittal of November 24, 2015, as supplemented on February 17, 2017.

ozone transport region, is a source that emits or has the potential to emit 100 tons of NO_X.

[3] CAIR was subsequently vacated and remanded. *See North Carolina* v. *EPA*, 531 F.3d 896 (D.C. Cir. 2008), modified by 550 F.3d 1176 (remanding CAIR). CAIR was replaced with the Cross-State Air Pollution Rule (CSAPR) (76 FR 48208, August 8, 2011), which, after legal challenges, was implemented starting in January 2015.

[4] *See* Finding of Significant Contribution and Rulemaking for Certain States in the Ozone Transport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone, 63 FR 57371 (October 27, 1998).

Comment 1—The commenter provided statements relating to greenhouse gases and climate change.

EPA Response to Comment 1—This comment is not relevant to this rulemaking action. This action pertains to RACT for cement kilns, recodification of provisions for Portland cement plants and IC engines at natural gas compression stations, and removal of obsolete trading programs that have been replaced or addressed in other regulations.

Comment 2—The commenter expressed concern over unnecessary and burdensome regulations, the regulatory process, and the associated costs of regulations, particularly those issued by EPA.

EPA Response to Comment 2—As the comment is neither supportive of, critical of, nor specific to this action, no response is provided. This action pertains to RACT for cement kilns, recodification of provisions for Portland cement plants and IC engines at natural gas compression stations, and removal of obsolete trading programs that have been replaced or addressed in other regulations.

IV. Final Action

EPA has reviewed the Maryland SIP revision submittal of November 24, 2015, as supplemented on February 17, 2017, seeking approval of revisions to Maryland regulations that establish RACT for cement kilns for the 2008 ozone NAAQS in accordance with requirements in CAA sections 172, 182 and 184, recodifies provisions for Portland cement plants and IC engines at natural gas compression stations, and removes the NO_X Budget Trading Program that has been replaced by other trading programs or addressed in other regulations. EPA is approving the submittal as a revision to the Maryland SIP in accordance with CAA section 110.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the revisions to Maryland regulations COMAR 26.11.01.10, COMAR 26.11.09.08, COMAR 26.11.29, and COMAR 26.11.30 as discussed in section I of this final action. 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.[5]

V. Statutory and Executive Order Reviews

A. General Requirements

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

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866.
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

B. Submission to Congress and the Comptroller General

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

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 29, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action.

This action approving Maryland RACT for cement kilns, removal of Maryland regulations for obsolete trading programs, and recodification of provisions related to cement plants and IC engines at natural gas compression stations may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

[5] 62 FR 27968 (May 22, 1997).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements.

Dated: March 6, 2018.

Cosmo Servidio,

Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart V—Maryland

■ 2. In § 52.1070, the table in paragraph (c) is amended by:

■ a. Revising under subheading ''26.11.01 General Administrative Provisions'' the entry ''26.11.01.10''.

■ b. Revising under subheading ''26.11.09 Control of Fuel Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations'' the entry ''26.11.09.08''.

■ c. Removing the subheading ''26.11.29 NO_X Reduction and Trading Program'' and the entries ''26.11.29.01'' through ''26.11.29.15''.

■ d. Adding the subheading ''26.11.29 Control of NO_X Emissions from Natural Gas Pipeline Stations'' and the entries ''26.11.29.01'' through ''26.11.29.04''.

■ e. Removing the subheading ''26.11.30 Policies and Procedures Relating to Maryland's NO_X Reduction and Trading Program'' and the entries ''26.11.30.01'' through ''26.11.30.09''.

■ f. Adding the subheading ''26.11.30 Control of Portland Cement Manufacturing Plants'' and the entries ''26.11.30.01'' through ''26.11.30.08''.

The additions and revision read as follows:

§ 52.1070 Identification of plan.

* * * * *

(c) * * *

EPA-Approved Regulations, Technical Memoranda, and Statutes in the Maryland SIP

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
26.11.01 General Administrative Provisions				
*	*	*	*	*
26.11.01.10	Continuous Opacity Monitoring.	7/20/2015	3/28/2018, [insert **Federal Register** citation].	1. (c)(106) Requirement to use TM 90–01 is removed. Exceptions: A(4), B(4), D(2)(c), and F. 2. Add new subsection (A)(5). 3. Add new subsection F.
*	*	*	*	*
26.11.09 Control of Fuel Burning Equipment, Stationary Internal Combustion Engines, and Certain Fuel-Burning Installations				
*	*	*	*	*
26.11.09.08	Control of NO_X Emissions for Major Stationary Sources.	7/20/2015	3/28/2018, [insert **Federal Register** citation].	1. Revise H, H(1) and H(3), remove H(2), and recodify H(4) to H(3). 2. Revise I and remove I(3) and I(4). Previous approval (81 FR 59488).
*	*	*	*	*
26.11.29 Control of NO_X Emissions from Natural Gas Pipeline Stations				
26.11.29.01	Definitions	7/20/2015	3/28/2018, [insert **Federal Register** citation].	
26.11.29.02	Applicability and General Requirements.	7/20/2015	3/28/2018, [insert **Federal Register** citation].	
26.11.29.03	Monitoring Requirements	7/20/2015	3/28/2018, [insert **Federal Register** citation].	
26.11.29.04	Demonstrating Compliance	7/20/2015	3/28/2018, [insert **Federal Register** citation].	
26.11.30 Control of Portland Cement Manufacturing Plants				
26.11.30.01	Scope	7/20/2015	3/28/2018, [insert **Federal Register** citation].	
26.11.30.02	Applicability	7/20/2015	3/28/2018 [insert **Federal Register** citation].	
26.11.30.03	Definitions	7/20/2015	3/28/2018, [insert **Federal Register** citation].	
26.11.30.04	Particulate Matter	7/20/2015	3/28/2018, [insert **Federal Register** citation].	
26.11.30.05	Visible Emissions Standards	7/20/2015	3/28/2018, [insert **Federal Register** citation].	

EPA-APPROVED REGULATIONS, TECHNICAL MEMORANDA, AND STATUTES IN THE MARYLAND SIP—Continued

Code of Maryland Administrative Regulations (COMAR) citation	Title/subject	State effective date	EPA approval date	Additional explanation/citation at 40 CFR 52.1100
26.11.30.06	Sulfur Compounds	7/20/2015	3/28/2018, [insert **Federal Register** citation].	
26.11.30.07	Nitrogen Oxides (NO_X)	7/20/2015	3/28/2018, [insert **Federal Register** citation].	
26.11.30.08	NO_X Continuous Emissions Monitoring Requirements.	7/20/2015	3/28/2018, [insert **Federal Register** citation].	
*	*	*	*	* * *

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[FR Doc. 2018–06129 Filed 3–27–18; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R08–OAR–2017–0634; FRL–9975–63—Region 8]

Approval and Promulgation of Air Quality Implementation Plans; State of Montana; Revisions to East Helena Lead SIP

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve State Implementation Plan (SIP) revisions submitted by the state of Montana on September 11, 2013. The submittal revises the portions of the State Implementation Plan (SIP) that pertain to the East Helena Lead SIP. This action is being taken under section 110 of the Clean Air Act (CAA) (Act).

DATES: This final rule is effective on April 27, 2018.

ADDRESSES: The EPA has established a docket for this action under Docket Identification Number EPA–R08–OAR–2017–0634. All documents in the docket are listed on the *http://www.regulations.gov* index. Although listed in the index, some information may not be publicly available, e.g., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically through *http://www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop Street, Denver, Colorado, 80202–1129. The EPA requests that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Kevin Leone, Air Program, U.S. Environmental Protection Agency, Region 8, Mailcode 8P–AR, 1595 Wynkoop, Denver, Colorado 80202–1129, (303) 312–6227, *leone.kevin@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The EPA is taking final action pertaining to SIP revisions that stem from a June 10, 2013, Montana Board of Environmental Review Order (Board Order) which removes a stipulated condition in an August 4, 1995 Board Order. The condition limited the allowable concentration of lead in raw feed material at the American Chemet Corporation's East Helena facility. Specifically, American Chemet requested a change to the 1995 Board Order which would eliminate Exhibit A, Section 3, Subsection B. This subsection reads:

''*Feed Material into the plant shall have a quarterly average lead content of less than 0.15%, and an average annual lead content of less than 0.10%.*''

All other East Helena Lead SIP provisions, including direct numerical limits on lead emissions from American Chemet Corporation's East Helena facility, would remain unchanged.

On January 12, 2018, the EPA published a proposed rulemaking for this action (83 FR 1602). The proposed rulemaking discussed the history of the East Helena lead SIP, including the lead in feed limits that were created in the 1995 Board Order in order to address the area's nonattainment status for the 1978 lead National Ambient Air Quality Standard (NAAQS). The principal target for curtailing lead emissions was the American Smelting and Refining Company (ASARCO) facility, which was a lead smelter located adjacent to American Chemet's East Helena facility. In addition to shutting down its operations in 2001, ASARCO demolished its stacks in 2009. The EPA subsequently promulgated a new, more stringent, lead NAAQS standard (0.15 ug/m^3). The final lead NAAQS rulemaking was published on November 12, 2008 (73 FR 66964) and effective December 31, 2011. The entire state of Montana, including the East Helena area, was designated as ''Unclassifiable/Attainment'' for the 2008 lead NAAQS.

In response to the DEQ's request for the EPA's guidance concerning modifying the 1995 Board order to eliminate Exhibit A, Section 3, Subsection B, the EPA sent a letter dated December 18, 2009 (see docket) which outlined conditions which the state of Montana must meet in order for Exhibit A, Section 3, Subsection B to be removed from the East Helena lead SIP and, as outlined in 83 FR 1602, those conditions have been met. For details, please see the January 12, 2018 notice proposing approval of the revision.

II. Response to Comments

The EPA received two public comments on our proposed action to approve Montana's September 11, 2013 SIP submittal. One comment was submitted by Neal Blossom, Director of Global Environmental and Regulatory Affairs for American Chemet Corporation. The other comment was submitted anonymously. Below is a summary of the comments and the EPA's responses.

Comment: American Chemet Corporation supports the EPA's approval of the SIP revisions submitted

by the state of Montana on September 11, 2013, because the air quality in the area will remain in compliance with the NAAQS standard, as demonstrated by the modeling analysis submitted.

Response: The EPA agrees that final approval of the revisions submitted by the state of Montana on September 11, 2013, will maintain compliance with the lead NAAQS standard, as demonstrated by the modeling analysis submitted.

Comment: The anonymous commenter made various statements about the Endangered Species Act, the National Environmental Policy Act, and cost-benefit analysis in general. The commenter also alleged unspecified impacts of unspecified regulations.

Response: After reviewing the comments, the EPA has determined that the comments are outside the scope of our proposed action or fail to identify any material issue necessitating a response.

III. Final Action

The EPA is taking final action to approve the revisions to Montana's 1995 Board Order to remove Exhibit A, Section 3, Subsection B.

Section 110(l) of the CAA prohibits the EPA from approving any SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress (RFP) or any other applicable requirement of the CAA. For the reasons explained in our January 12, 2018 proposed rulemaking notice, the removal of Exhibit A, Section 3, Subsection B satisfies the conditions set forth in section 110(l).

Section 193 of the CAA, which only applies to nonattainment areas, prohibits the modification of a SIP-approved control requirement in effect before November 15, 1990, unless the modification insures equivalent or greater emissions reductions of such air pollutant. CAA section 193 does not apply to this revision because the American Chemet limits were approved into the SIP after November 15, 1990.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of a revised State of Montana Board Order as described in section III of this preamble. The EPA has made, and will continue to make, these materials generally available through and at the EPA Region 8 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 the EPA for inclusion in the state implementation plan, have been incorporated by reference by the 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 the 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]

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state actions, provided that they meet the criteria of the CAA. Accordingly, this action merely approves some state law provisions as meeting federal requirements; this action 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 expected to be an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).
- In addition, the SIP does not apply on any Indian reservation land or in any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 29, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See CAA section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Incorporation by reference, Lead, Nitrogen dioxide, Ozone, Particulate

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

matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

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

Dated: March 22, 2018.

Douglas H. Benevento,

Regional Administrator, Region 8.

40 CFR part 52 is amended to read 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 BB—Montana

■ 2. Section 52.1370 is amended in the table in paragraph (d) under the centered heading ''(4) Lewis and Clark County'' by revising the entry for ''Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Exhibit A—American Chemet Emissions Limitations and Conditions, American Chemet Corporation, East Helena, Montana'' to read as follows:

§ 52.1370 Identification of plan.

* * * * *

(d) * * *

Title/subject	State effective date	Notice of final rule date	NFR citation
* * * * * * *			
(4) Lewis and Clark County			
* * * * * * *			
Lead NAAQS—Board Orders, Stipulations, Exhibits, and Attachments, Exhibit A—American Chemet Emissions Limitations and Conditions, American Chemet Corporation, East Helena, Montana.	06/10/2013	3/28/2018	[insert **Federal Register** citation].
* * * * * * *			

[FR Doc. 2018–06109 Filed 3–27–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[EPA–R05–OAR–2016–0593; FRL–9975–93—Region 5]

Air Plan Approval; Illinois; Redesignation of the Chicago and Granite City Areas to Attainment of the 2008 Lead Standard

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving the Illinois Environmental Protection Agency's (Illinois EPA's) request to redesignate the Chicago and Granite City nonattainment areas (hereafter also referred to as the ''areas'') to attainment for the 2008 national ambient air quality standards (NAAQS or standards) for lead, also identified as Pb. EPA is also approving, as revisions to the Illinois state implementation plan (SIP): The state's plan for maintaining the 2008 lead NAAQS in the areas for a period of ten years following these redesignations; the emissions inventories for the areas; and rules applying emission limits and other control requirements to lead sources in the areas. EPA is taking these actions in accordance with applicable regulations and guidance that address implementation of the 2008 lead NAAQS. EPA proposed this action on October 18, 2017, and received two public comments in response.

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

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2016–0593. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *i.e.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through *www.regulations.gov* or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Eric Svingen, Environmental Engineer, at (312) 353–4489 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Eric Svingen, Environmental Engineer, Attainment Planning and Maintenance Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–4489, *svingen.eric@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. This supplementary information section is arranged as follows: Is used, we mean EPA. This supplementary information section is arranged as follows:

I. What is the background for this final rule?

On November 12, 2008 (73 FR 66964), EPA established the 2008 primary and secondary lead NAAQS at 0.15 micrograms per cubic meter ($\mu g/m^3$) based on a maximum arithmetic 3-month mean concentration for a 3-year period. *See* 40 CFR 50.16.

On November 22, 2010 (75 FR 71033), and November 22, 2011 (76 FR 72097), EPA designated the Granite City and Chicago areas, respectively, as nonattainment for the 2008 lead NAAQS. *See* 40 CFR 81.314.

On January 9, 2014, Illinois EPA submitted to EPA attainment plans for the 2008 lead NAAQS. This submission included a request to incorporate into the Illinois SIP new rules for lead emission sources at Title 35 Illinois Administrative Code (Ill. Adm. Code) Part 226. On June 17, 2014, Illinois EPA supplemented this submission with

additional information regarding the state rulemaking process.

On August 24, 2015 (80 FR 51127), EPA published a clean data determination for the Chicago area, based upon air monitoring data for the 2012–2014 design period showing that the area achieved attainment of the 2008 Pb NAAQS.

On September 22, 2016, Illinois EPA requested that the Granite City and Chicago lead nonattainment areas be redesignated to attainment for the 2008 lead NAAQS and submitted maintenance plans for the areas as a proposed revision to the Illinois SIP. In this September 22, 2016, submission, Illinois EPA withdrew most parts of the previous two submissions, but did not withdraw the request that EPA approve, as a revision to the Illinois SIP, the requirements at 35 Ill. Adm. Code Part 226 to limit lead emissions in the areas. Illinois similarly did not withdraw certain attachments and support documents, such as emissions inventories and modeling data, that are relevant to the request. On February 16, 2017, Illinois EPA clarified certain details regarding the maintenance plan components of its September 22, 2016 submission.

On October 18, 2017 (82 FR 48448), EPA published a direct final rule approving Illinois EPA's request to redesignate the Chicago and Granite City nonattainment areas to attainment for the 2008 lead NAAQS, the state's maintenance plans for the areas, emissions inventories for the areas, and rules applying emission limits and other control requirements to lead sources in the areas. EPA also concurrently issued a proposal on October 18, 2017 (82 FR 48475). The direct final rule contains a detailed analysis of Illinois's submittal and the applicable requirements for purpose of redesignation. In the direct final rule, EPA stated that if adverse comments were received by November 17, 2017, the rule would be withdrawn and would not take effect. EPA received an adverse comment prior to the close of the comment period; therefore, on December 8, 2017 (82 FR 57853), EPA published a withdrawal of the direct final rule. EPA is addressing that adverse comment, as well as an additional comment, in this final action.

II. What are EPA's responses to comments?

During the comment period, EPA received two comments, one of which is adverse. A summary of both comments and EPA's responses are provided below.

Comment 1: A commenter writes that EPA ''should request to redesign [sic] Chicago and Granite City nonattainment areas because it will be good for the environment.'' The commenter further writes that ''in order to redesign the nonattainment areas in Chicago, workers should look for a solution for proper sanitation and developing a better ecosystem. Workers should focus on the factors that caused the area to become nonattainment. They should also measure the environmental conditions such as the temperature of the area.'' The commenter notes that ''high amounts of pollution can put people's health at risk'' and ''if there are high amounts of pollution in the area then the area is considered to be nonattainment.''

Response 1: This comment does not provide information that would alter EPA's evaluation of the State's request to redesignate the Chicago and Granite City areas, which is based on the applicable statutory criteria. 82 FR 48448, 48450–56. EPA agrees that high amounts of pollution can be deleterious to public health, and notes that Illinois' control measures at 35 Ill. Adm. Code Part 226 address the main factors that caused the areas to be designated as nonattainment for the 2008 lead NAAQS.

Comment 2: A commenter writes that EPA ''shouldn't approve this redesignation request due to the unachievable limits modeled for the Mayco and H. Kramer sources'' within the Granite City and Chicago areas, respectively. Specifically, the commenter identifies the following as sources with ''limits modeled that are impossible to acheive [sic] in practice'': Four sources at H. Kramer with limits of 0.0001 grains per dry standard cubic foot (gr/dscf); a wet scrubber, existing baghouse and one power vent at H. Kramer with limits of 0.00001 gr/dscf; and unspecified point sources at Mayco with limits of 0.01 and 0.001 grs/dscf. Regarding the limit of 0.00001 gr/dscf, the commenter states that ''filter cartridge manufacturers state they cannot guarantee capture efficiency or even control efficiency at such a minute standard.'' The commenter further writes that ''EPA must be able to show that these modeled limits are actually achievable in practice otherwise the redesignation request is faulted to an extraordinary degree.''

Response 2: EPA disagrees with the commenter's statements, and notes that the commenter has supplied no evidence supporting claims that the control measures applying to the H. Kramer and Mayco facilities are unachievable. EPA is not required by section 107(d)(3)(E) of the CAA to demonstrate that permanent and federally enforceable measures are achievable in practice in order to rely on those measures for purposes of redesignation. In any case, as discussed below, Illinois EPA has provided emissions test information that show the limits are achievable and are being met.

The lead limits applicable to emission units at the H. Kramer and Mayco sources are codified at 35 Ill. Adm. Code Part 226. EPA notes that the commenter has mischaracterized the limits that apply to Mayco. As shown in the modeling analysis submitted by Illinois on January 9, 2014, there is no emission unit at Mayco subject to limits of 0.01 gr/dscf. In fact, the modeling in Illinois' submission lists four emission units at Mayco: One baghouse limited to 0.001 gr/dscf, as well as three baghouses limited to 0.0001 gr/dscf. Similarly, the modeling lists seven emission units at H. Kramer: Two powered vents and two new baghouses limited to 0.0001 gr/dscf, as well as one powered vent, one older baghouse, and one wet scrubber limited to 0.00001 gr/dscf.

On December 7, 2017, and on March 14, 2018, in support of this final rulemaking, Illinois EPA provided EPA with information relevant to this comment. That information is provided in the docket for this rulemaking.

Illinois EPA's information includes reports of emissions tests from the H. Kramer and Mayco facilities, and all available results indicate compliance with the applicable limits.

Emissions tests conducted at H. Kramer in March 2016 indicate that the average concentration of lead emissions from H. Kramer's older baghouse and wet scrubber are 0.000000602 gr/dscf and 0.000000738 gr/dscf, respectively, within the applicable limit of 0.00001 gr/dscf. Tests conducted at H. Kramer in April 2012 and June 2012 indicate that the average concentration of lead emissions from powered vents labeled ''R1COOL'' AND ''R2COOL'' are 0.0000531 gr/dscf and 0.0000491 gr/dscf, respectively, within the applicable limit of 0.0001 gr/dscf, and the average concentration of lead emissions from powered vent labeled ''INGOT'' is 0.0000055 gr/dscf, within the applicable limit of 0.00001 gr/dscf. Tests conducted at H. Kramer in September 2013 indicate that the average concentration of lead emissions from new baghouses A and B are 0.000003 gr/dscf and 0.000001 gr/dscf, respectively, within the applicable limit of 0.0001 gr/dscf.

Emissions tests conducted at Mayco in April 2016 and June 2016 also indicate that the average concentration of lead emissions from all units are within applicable limits. Tests of

Baghouse 1, also identified as ''cast-refine baghouse,'' showed emissions of 0.000081 gr/dscf, within the applicable limit of 0.0001 gr/dscf. Tests of Baghouse 2, also identified as ''casting fugitives baghouse,'' showed emissions of 0.000014 gr/dscf, within the applicable limit of 0.001 gr/dscf. Tests of Baghouse 3, also identified as ''lead wool cartridge filter,'' showed emissions of 0.000023 gr/dscf, within the applicable limit of 0.0001 gr/dscf. Tests of Baghouse 6, also identified as ''shot department baghouse discharge,'' showed emissions of 0.000001 gr/dscf, within the applicable limit of 0.0001 gr/dscf.

All tests were conducted according to EPA test methods provided at 40 CFR part 60, appendix A, and all measured values are within the limits provided at 35 Ill. Adm. Code Part 226. Therefore, EPA does not agree with commenter that these limits are unachievable in practice.

Furthermore, the commenter's broad allegation regarding efficiency guarantees from cartridge manufacturers does not provide adequate support for the position that the limits are not achievable. The commenter did not include any details about what the manufacturer purportedly stated as to the control or capture efficiencies. In the information provided in December 2017, Illinois EPA noted that manufacturer statements about control and capture efficiencies usually apply to particulate matter emissions and are not specific to lead emissions. At H. Kramer and Mayco, lead is a small percentage of total particulate emitted from each point source, and lead emissions cannot be determined without additional laboratory analysis. Therefore, it is likely that any claim by a manufacturer regarding ''capture efficiency'' or ''control efficiency'' would not have been provided specifically with respect to lead in terms of gr/dscf. As such, those statements provide no relevant support for the contention that Illinois' lead limits are unachievable.

Additionally, monitoring data show that ambient levels of lead pollution in these areas have fallen to lower levels within the standard of 0.15 $\mu g/m^3$ since the emission limits and control measures in 35 Ill. Adm. Code Part 226 became effective. This supports EPA's redesignation of the areas to attainment because it shows the areas continue to attain the standard, and these improvements in air quality are due to permanent and enforceable measures that result from implementation of the SIP, which are two of the statutory criteria that EPA must demonstrate to redesignate an area under CAA section 107(d)(3)(E). 82 FR 48454.

III. What actions is EPA taking?

EPA is approving Illinois' request to redesignate the Chicago and Granite City areas from nonattainment to attainment for the 2008 lead NAAQS under section 107(d)(3)(E) of the Clean Air Act (CAA). Specifically, section 107(d)(3)(E) of the CAA allows for redesignation provided that: (1) The Administrator determines that the area has attained the applicable NAAQS based on current air quality data; (2) the Administrator has fully approved an applicable SIP for the area under section 110(k) of the CAA; (3) the Administrator determines that the improvement in air quality is due to permanent and enforceable emission reductions resulting from implementation of the applicable SIP, Federal air pollution control regulations, or other permanent and enforceable emission reductions; (4) the Administrator has fully approved a maintenance plan for the area meeting the requirements of section 175A of the CAA; and (5) the state containing the area has met all requirements applicable to the area for purposes of redesignation under section 110 and the requirements for nonattainment areas under part D of the CAA. Based upon the analysis provided in our direct final rule published on October 18, 2017 (82 FR 48448), EPA finds that Illinois has met these criteria.

Approval of this redesignation request changes the official designation of the Chicago, Illinois and Granite City, Illinois areas for the 2008 lead NAAQS, found at 40 CFR part 81, from nonattainment to attainment. This action also approves, as revisions to the Illinois SIP, the rules at 35 Ill. Adm. Code Part 226, maintenance plans for the 2008 lead standard in the Chicago and Granite City areas, and Illinois' 2012 emissions inventories for the Chicago and Granite City areas pursuant to section 172(c)(3) of the CAA.

Section 172(c)(3) of the CAA requires areas to submit a comprehensive emissions inventory including all lead sources in the nonattainment area. EPA is approving the Illinois 2012 emissions inventories outlined in Table 5 of the October 17, 2017, direct final rule for the Chicago and Granite City areas as fulfilling this requirement.

In its September 22, 2016, submission, Illinois EPA requested that EPA approve 35 Ill. Adm. Code Part 226 as a revision to the Illinois SIP as control measures to maintain attainment in the Chicago and Granite City areas. These rules control emissions from lead sources, specifically at the H. Kramer and Mayco facilities, and inclusion of these rules into the SIP makes these measures permanent and enforceable. In today's action, EPA is approving Illinois' request to modify the SIP to include these rules.

In accordance with 5 U.S.C. 553(d), EPA finds there is good cause for these actions to become effective immediately upon publication. This is because a delayed effective date is unnecessary due to the nature of a redesignation to attainment, which relieves the area from certain CAA requirements that would otherwise apply to it. The immediate effective date for this action is authorized under both 5 U.S.C. 553(d)(1), which provides that rulemaking actions may become effective less than 30 days after publication if the rule ''grants or recognizes an exemption or relieves a restriction,'' and section 553(d)(3), which allows an effective date less than 30 days after publication ''as otherwise provided by the agency for good cause found and published with the rule.'' The purpose of the 30-day waiting period prescribed in section 553(d) is to give affected parties a reasonable time to adjust their behavior and prepare before the final rule takes effect. Today's rule, however, does not create any new regulatory requirements such that affected parties would need time to prepare before the rule takes effect. Rather, today's rule relieves the state of planning requirements for these lead nonattainment area. For these reasons, EPA finds good cause under 5 U.S.C. 553(d)(3) for these actions to become effective on the date of publication of these actions.

IV. Incorporation by Reference

In this rule, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of the Illinois Regulations described in the amendments to 40 CFR part 52 set forth below. EPA has made, and will continue to make, these documents generally available through *www.regulations.gov,* and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the State implementation plan, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of EPA's approval, and will be incorporated by reference by the

Director of the Federal Register in the next update to the SIP compilation.[1]

V. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Is not an Executive Order 13771 (82 FR 9339, February 2, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA; and
- Does not provide EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

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

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by May 29, 2018. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Lead, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: March 15, 2018.

Cathy Stepp,

Regional Administrator, Region 5.

40 CFR parts 52 and 81 are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

■ 2. In § 52.720 the tables in paragraph (c) and (e) are amended:

■ a. In paragraph (c) under the subheading ''Subchapter c: Emission Standards and Limitations for Stationary Sources'' by adding the subheading ''Part 226: Standards And Limitations For Certain Sources Of Lead'' and entries for ''226.100'' through ''226.185'' in numerical order;

■ b. In paragraph (e) under the subheading ''Attainment and Maintenance Plans'' by adding an entry for ''Lead (2008) redesignation and maintenance plan'' in alphanumerical order; and

■ c. In paragraph (e) under the subheading ''Emission Inventories'' by adding the entry ''Emission inventory—2012 (2008 Lead)'' in alphanumerical order.

The additions read as follows:

§ 52.720 Identification of plan.

* * * * *

(c) * * *

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

EPA-APPROVED ILLINOIS REGULATIONS AND STATUTES

Illinois citation	Title/subject	State effective date	EPA approval date	Comments
* * * * * * *				
Subchapter c: Emission Standards and Limitations for Stationary Sources				
* * * * * * *				
Part 226: Standards and Limitations for Certain Sources of Lead				
226.100	Severability	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.105	Scope and Organization	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.110	Abbreviations and Acronyms	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.115	Definitions	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.120	Incorporations by Reference	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.125	Applicability	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.130	Compliance Date	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.140	Lead Emission Standards	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.150	Operational Monitoring for Control Device.	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.155	Total Enclosure	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.160	Operational Measurement for Total Enclosure.	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.165	Inspection	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.170	Lead Fugitive Dust Operating Program.	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.175	Emissions Testing	4/21/2014	3/28/18, [insert **Federal Register** citation].	
226.185	Recordkeeping and Reporting	4/21/2014	3/28/18, [insert **Federal Register** citation].	
* * * * * * *				

* * * * * (e) * * *

EPA-APPROVED ILLINOIS NONREGULATORY AND QUASI-REGULATORY PROVISIONS

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Comments
* * * * * * *				
Attainment and Maintenance Plans				
* * * * * * *				
Lead (2008) Redesignation and maintenance plan.	Chicago and Granite City areas.	9/22/2016	3/28/18, [insert **Federal Register** citation].	
* * * * * * *				
Emission Inventories				
* * * * * * *				
Emission inventory-2012 (2008 Lead).	Chicago and Granite City areas.	9/22/2016	3/28/18, [insert **Federal Register** citation].	

EPA-APPROVED ILLINOIS NONREGULATORY AND QUASI-REGULATORY PROVISIONS—Continued

Name of SIP provision	Applicable geographic or non-attainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*

PART 81—DESIGNATION OF AREAS FOR AIR QUALITY PLANNING PURPOSES

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

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

■ 4. Section 81.314 is amended by revising the table entitled ''Illinois—2008 Lead NAAQS'' to read as follows:

§ 81.314 Illinois.

* * * * *

ILLINOIS—2008 LEAD NAAQS

Designated area	Designation for the 2008 NAAQS [a]	
	Date [1]	Type
Chicago, IL:		
Cook County (part)	3/28/18	Attainment.
Area bounded by Damen Ave. on the west, Roosevelt Rd. on the north, the Dan Ryan Expressway on the east, and the Stevenson Expressway on the south.		
Granite City, IL:		
Madison County (part)	3/28/18	Attainment.
Area is bounded by Granite City Township and Venice Township.		
Rest of State		Unclassifiable/Attainment.

[a] Includes Indian Country located in each county or area, except as otherwise specified.
[1] December 31, 2011 unless otherwise noted.

[FR Doc. 2018–06128 Filed 3–27–18; 8:45 am]
BILLING CODE 6560–50–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 170925942–8250–02]

RIN 0648–BH30

International Fisheries; Pacific Tuna Fisheries; Revised 2018 Commercial Fishing Restrictions for Pacific Bluefin Tuna in the Eastern Pacific Ocean; 2018 Catch Limit

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

ACTION: Final rule and notice of availability of a final supplemental environmental assessment (EA).

SUMMARY: The National Marine Fisheries Service is issuing regulations under the Tuna Conventions Act to revise trip limits on the commercial catch of Pacific bluefin tuna applicable to 2018. U.S. commercial fishing vessels are subject to a biennial limit for 2017 and 2018, and the catch limit in 2018 is 114 metric tons (mt). To avoid exceeding the biennial limit, NMFS is imposing a 1-mt trip limit—except for large-mesh drift gillnet vessels, which would be subject to a 2-mt trip limit—throughout 2018 or until the 2018 catch limit is reached and the fishery is closed. This action is necessary for the United States to satisfy its obligations as a member of the Inter-American Tropical Tuna Commission. This document also announces the availability of a final supplemental Environmental Assessment that analyzed the environmental impacts of imposing a reduced trip limit.

DATES: The final rule is effective April 27, 2018.

ADDRESSES: Copies of the supplemental Environmental Assessment and other supporting documents are available via the Federal eRulemaking Portal: *http://www.regulations.gov,* docket NOAA–NMFS–2017–0128, or contact the Highly Migratory Species Branch Chief, Heidi Taylor, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802, or *RegionalAdministrator.WCRHMS@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Celia Barroso, NMFS, *Celia.Barroso@noaa.gov,* 562–432–1850.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2017, NMFS published a proposed rule in the **Federal Register** (82 FR 57699) to revise regulations at 50 CFR part 300, subpart C, for the commercial catch of Pacific bluefin tuna applicable to U.S. commercial vessels in 2018. The public comment period was open until January 8, 2018.

This final rule is implemented under the authority of the Tuna Conventions Act (16 U.S.C. 951 *et seq.*), which directs the Secretary of Commerce, after approval by the Secretary of State, to promulgate regulations as may be necessary to implement resolutions adopted by the Inter-American Tropical Tuna Commission (IATTC). This authority has been delegated to the National Marine Fisheries Service (NMFS).

The proposed rule contains additional background information, including information on the IATTC, the international obligations of the United States as a member of the IATTC, and the need for regulations. Public comments received are addressed below. The regulatory text in this final rule is unchanged from the regulatory text of the proposed rule.

New Regulations for 2018

This final rule revises the trip limits for U.S. commercial vessels that catch Pacific bluefin tuna in the Convention Area (defined as the area bounded by the coast of the Americas, the 50° N and 50° S parallels, the 150° W meridian, and the waters of the eastern Pacific Ocean (EPO)) for 2018. A 1-metric ton (mt) trip limit applicable to all U.S. commercial vessels except large-mesh drift gillnet vessels and a 2-mt trip limit applicable to large-mesh drift gillnet vessels will be in effect in 2018 or until the fishery is closed. When the 2018 catch limit of 114 mt is reached, the fishery shall be closed through the end of the 2018 calendar year.

When NMFS determines that the catch limit is expected to be reached in 2018 (based on landings receipts, data submitted in logbooks, and other available fishery information), it will prohibit commercial fishing for, or retention of, Pacific bluefin tuna for the remainder of the calendar year. NMFS will publish a notice in the **Federal Register** announcing that the targeting, retaining, transshipping, or landing of Pacific bluefin tuna will be prohibited on a specified effective date through the end of that calendar year. Upon that effective date, a commercial fishing vessel of the United States may not be used to target, retain on board, transship, or land Pacific bluefin tuna captured in the Convention Area during the period specified in the announcement; however, any Pacific bluefin tuna already on board a fishing vessel on the effective date may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided that they are landed within 14 days after the effective date.

Catch Monitoring

NMFS will provide updates on Pacific bluefin tuna catch in the Convention Area to the public via the IATTC listserv and the West Coast Region website: *http://www.westcoast.fisheries.noaa.gov/fisheries/migratory_species/bluefin_tuna_harvest_status.html.* Additionally, NMFS will report preliminary estimates of Pacific bluefin tuna catch more frequently than monthly intervals if and when commercial catch approaches the limit to allow participants in the U.S. commercial fishery plan for the possibility of a fishery closure.

Public Comments and Responses

NMFS received five written comments during the 30-day public comment period on the proposed rule that closed on January 8, 2018. Two comments expressed support for the measures. Another two comments urged a 5-mt trip limit when PBF is landed with yellowfin tuna (YFT) and the majority of the landing consists of YFT. These commenters asserted that more than 1 mt of PBF is often caught incidentally in individual purse seine sets that are targeting YFT. However, NMFS does not have data that confirms the assertion that purse seine vessels harvest between 1 and 5 mt of PBF in sets that are targeting YFT. NMFS will attempt to obtain this data and consider this request in the future management of PBF, if appropriate. Furthermore, these commenters also suggested the rule would have a significant economic impact for purposes of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* contrary to the agency's conclusion. However, available data used in the analysis do not support this position. As stated in the Classification section of the proposed rule, ''the value of Pacific bluefin tuna in coastal pelagic purse seine fishery [including as incidental catch on trips targeting yellowfin] from 2006–2015 . . . is negligible relative to the fleet's annual revenue resulting from other species.'' Additionally, this rule will apply only to 2018, so the impacts from this rule for affected entities will be limited to one year. Managers will continue to assess the relative importance of the PBF fishery to the fleet's portfolio, along with conservation and other management priorities, in future decision-making.

A fifth commenter suggested a 2-mt trip limit for all gear-types and proposed a phased approach in which, as the annual limit is neared, the trip limit gets reduced to 1 mt and then 0.5 mt. However, because processors in California are not required to submit landing receipts until 15 days after a landing, depending on the date of the landing, NMFS may not have adequate time to reduce the trip limits on time if the catch rate is increased to 2-mt per trip. Furthermore, the proposed trip limits are designed to be large enough to avoid regulatory discards throughout the year, but a 1-mt trip limit would increase the likelihood of regulatory discards for drift gillnet vessels and 0.5-mt trip limit would likely result in regulatory discards for other gear-types as well.

Classification

After consulting with the Department of State and the United States Coast Guard, the NMFS Assistant Administrator has determined that this rule is consistent with the Tuna Conventions Act and other applicable laws.

This rule was determined to be not significant for purposes of Executive Order 12866.

Although there are no new collection-of-information requirements associated with this action that are subject to the Paperwork Reduction Act, existing collection-of-information requirements associated with the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species still apply. These requirements have been approved by the Office of Management and Budget under Control Number 0648–0204. Notwithstanding any other provision of the law, no person is required to respond to, and no person shall be subject to penalty for failure to comply with, a collection-of-information subject to the requirements of the PRA, unless that collection-of-information displays a currently valid OMB control number.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration during the proposed rule stage that, for purposes of the Regulatory Flexibility Act, this action would not have a significant economic impact on a substantial number of small entities. The factual basis for the certification was published in the proposed rule and is not repeated here. NMFS received two comments on the certification and they are addressed above under the Public Comments and Responses section. No information received during the public comment period changes NMFS' analysis. Therefore, the initial certification published with the proposed rule—that this rule is not expected to have a significant economic impact on a substantial number of small entities—remains unchanged. As a result, a regulatory flexibility analysis was not required and none was prepared.

List of Subjects in 50 CFR Part 300

Administrative practice and procedure, Fish, Fisheries, Fishing, Marine resources, Reporting and recordkeeping requirements, Treaties.

Dated: March 22, 2018.

Samuel D. Rauch, III,

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

For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

Subpart C—Eastern Pacific Tuna Fisheries

■ 1. The authority citation for part 300, subpart C, continues to read as follows:

Authority: 16 U.S.C. 951 *et seq.*

■ 2. In § 300.25, revise paragraph (g)(3) to read as follows:

§ 300.25 Fisheries management.

* * * * *

(g) * * *

(3) In 2018, a 1 metric ton trip limit will be in effect, except for vessels using large-mesh (14 inch or greater stretched mesh) drift gillnet gear. In 2018, a 2 metric ton trip limit will be in effect for vessels using large-mesh drift gillnet gear.

* * * * *

[FR Doc. 2018–06148 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 170816769–8162–02]

RIN 0648–XG109

Fisheries of the Economic Exclusive Zone Off Alaska; Deep-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS is prohibiting directed fishing for species that comprise the deep-water species fishery by vessels using trawl gear in the Gulf of Alaska (GOA). This action is necessary because the first seasonal apportionment of the Pacific halibut bycatch allowance specified for the deep-water species fishery in the GOA will be reached.

DATES: Effective 1200 hours, Alaska local time March 23, 2018, through 1200 hours, A.l.t., April 1, 2018.

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

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

The first seasonal apportionment of the Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA is 85 metric tons as established by the final 2018 and 2019 harvest specifications for groundfish of the GOA (83 FR 8768, March 1, 2018), for the period 1200 hours, A.l.t., January 20, 2018, through 1200 hours, A.l.t., April 1, 2018.

In accordance with § 679.21(d)(6)(i), the Administrator, Alaska Region, NMFS, has determined that the first seasonal apportionment of the Pacific halibut bycatch allowance specified for the trawl deep-water species fishery in the GOA will be reached. Consequently, NMFS is prohibiting directed fishing for the deep-water species fishery by vessels using trawl gear in the GOA. The species and species groups that comprise the deep-water species fishery include sablefish, rockfish, deep-water flatfish, rex sole, and arrowtooth flounder.

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

Classification

This action responds to the best available information recently obtained from the fishery. The Assistant Administrator for Fisheries, NOAA (AA), finds good cause to waive the requirement to provide prior notice and opportunity for public comment pursuant to the authority set forth at 5 U.S.C. 553(b)(B) as such requirement is impracticable and contrary to the public interest. This requirement is impracticable and contrary to the public interest as it would prevent NMFS from responding to the most recent fisheries data in a timely fashion and would delay the closure of the deep-water species fishery by vessels using trawl gear in the GOA. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of March 21, 2018.

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

This action is required by § 679.21 and is exempt from review under Executive Order 12866.

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

Dated: March 22, 2018.

Jennifer M. Wallace,

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

[FR Doc. 2018–06145 Filed 3–22–18; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 83, No. 60
Wednesday, March 28, 2018

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 301

[REG–132434–17]

RIN 1545–B012

Certain Non-Government Attorneys Not Authorized To Participate in Examinations of Books and Witnesses as a Section 6103(n) Contractor

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations to amend regulations under section 7602(a) of the Internal Revenue Code relating to administrative proceedings. Current regulations permit any person authorized to receive returns and return information under section 6103(n) and the regulations thereunder to receive and review summoned books, papers, and other data, and, in the presence and under the guidance of an IRS officer or employee, participate fully in the interview of a witness in a summons interview. These proposed regulations significantly narrow the scope of the current regulations by excluding non-government attorneys from receiving summoned books, papers, records, or other data or from participating in the interview of a witness summoned by the IRS to provide testimony under oath, with a limited exception. These proposed regulations affect taxpayers involved in a federal tax examination and other persons whose books and records or testimony are sought to be examined by the IRS under section 7602(a).

DATES: Written or electronic comments and requests for a public hearing must be received by June 26, 2018.

ADDRESSES: Send submissions to: CC:PA:LPD:PR (REG–132434–17), Room 5203, Internal Revenue Service, P.O. Box 7604, Ben Franklin Station, Washington, DC 20044. Submissions may be hand-delivered Monday through Friday between the hours of 8 a.m. and 4 p.m. to CC:PA:LPD:PR (REG–132434–17), Courier's Desk, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC, or sent electronically via the Federal eRulemaking Portal at *www.regulations.gov* (IRS–REG–132434–17).

FOR FURTHER INFORMATION CONTACT: Concerning submission of comments, Regina Johnson, (202) 317–6901; concerning the proposed regulations, William V. Spatz at (202) 317–5461 (not toll-free numbers).

SUPPLEMENTARY INFORMATION:

Background

These proposed regulations amend Procedure and Administration Regulations (26 CFR part 301) under section 7602(a) of the Internal Revenue Code relating to participation by persons described in section 6103(n) and Treas. Reg. § 301.6103(n)–1(a) in receiving and reviewing summoned books, papers, records, or other data and in interviewing a summoned witness under oath. These proposed regulations narrow the scope of the current regulations by providing that certain non-government attorneys hired by the IRS are not authorized to participate in an examination.

On June 18, 2014, temporary regulations (TD 9669) regarding participation in a summons interview of a person described in section 6103(n) were published in the **Federal Register** (79 FR 34625). A notice of proposed rulemaking (REG–121542–14) cross-referencing the temporary regulations was published in the **Federal Register** (79 FR 34668) the same day. No public hearing was requested or held. The Internal Revenue Service received two comments on the proposed regulations. One comment recommended that the regulations be revised to remove the provision permitting a contractor to question a witness under oath or to ask a witness's representative to clarify an objection or assertion of privilege. The other comment recommended that the proposed and temporary regulations be withdrawn. After consideration of these comments, the proposed regulations were adopted in final regulations (TD 9778) published in the **Federal Register** (81 FR 45409) on July 14, 2016 (''Summons Interview Regulations''). The only change from the temporary regulations in the final regulations was to replace the word ''examine'' with ''review'' in the phrase describing what contractors may do with books, papers, records, or other data received by the IRS under a summons. The preamble to the final regulations explains that this was intended to clarify that the regulations do not authorize contractors to direct audits of a taxpayer's return. See 81 FR 45410.

Description of Summons Interview Regulations

The United States tax system relies upon taxpayers' self-assessment and reporting of their tax liability. The expansive information-gathering authority that Congress granted to the IRS under the Code includes the IRS's broad examination and summons authority, which allows the IRS to determine the accuracy of that self-assessment. See *United States* v. *Arthur Young & Co.*, 65 U.S. 805, 816 (1984). Section 7602(a) provides that, for the purpose of ascertaining the correctness of any return, making a return where none has been made, or determining the liability of any person for any internal revenue tax, the IRS is authorized to examine books and records, issue summonses seeking documents and testimony, and take testimony from witnesses under oath. These provisions have been part of the revenue laws since 1864.

Use of outside specialists is appropriate to assist the IRS in determining the correctness of the taxpayer's self-assessed tax liability. The assistance of persons from outside the IRS, such as economists, engineers, appraisers, industry specialists, and actuaries, promotes fair and efficient administration and enforcement of the laws administered by the IRS by providing specialized knowledge, skills, or abilities that the IRS officers or employees assigned to the examination may not possess. Section 6103(n) and Treas. Reg. § 301.6103(n)–1(a) authorize the IRS to disclose returns and return information to these contractors. The regulations under § 301.7602–1(b)(3) were issued to clarify that persons described in section 6103(n) and Treas. Reg. § 301.6103(n)–1(a) may receive and review books, papers, records, or other data summoned by the IRS and, in the presence and under the guidance of an

IRS officer or employee, participate fully in the interview of a person who the IRS has summoned as a witness to provide testimony under oath. See 81 FR 45410.

Executive Order 13789, Notice 2017–38, and the Reports to the President

Executive Order 13789, issued on April 21, 2017 (E.O. 13789, 82 FR 19317), instructs the Secretary of the Treasury (the Secretary) to review all significant tax regulations issued on or after January 1, 2016, and to take appropriate action to alleviate the burdens of regulations that (i) impose an undue financial burden on U.S. taxpayers; (ii) add undue complexity to the Federal tax laws; or (iii) exceed the statutory authority of the IRS.

E.O. 13789 further instructs the Secretary to submit to the President within 60 days a report (First Report) that identifies regulations that meet these criteria. Notice 2017–38 (2017–30 I.R.B. 147 (July 24, 2017)) included the Summons Interview Regulations in a list of eight regulations identified by the Secretary in the First Report as meeting at least one of the first two criteria specified in E.O. 13789. E.O. 13789 further instructs the Secretary to submit to the President a second report (Second Report) that recommends specific actions to mitigate the burden imposed by regulations identified in the First Report.

In response to Notice 2017–38, the Treasury Department and the IRS received seven comments from professional and business associations addressing the Summons Interview Regulations. All but one of these comments recommended removal of the regulations based primarily on the commentators' perception that the regulations create longer and less efficient examinations by improperly delegating authority to outside law firms to conduct examinations. The one commenter that did not recommend removal of the regulations in their entirety requested removal of the provisions permitting a contractor to directly question a witness during a summons interview.

As explained in the preamble to the final Summons Interview Regulations, the regulations do not delegate authority to conduct examinations or summons interviews. Rather, the regulations permit contractors authorized under section 6103(n) to review books and records and be present and ask questions during summons interviews, all under the supervision of IRS officers and employees. See 81 FR 45410–45412.

Comments in response to Notice 2017–38 also raised concerns that the regulations permit the IRS to hire law firms to receive and review summoned information and fully participate in a summons interview on behalf of the government.

On October 16, 2017, the Secretary published the Second Report in the **Federal Register** (82 FR 48013) stating that the Treasury Department and the IRS are considering proposing a prospectively effective amendment to the Summons Interview Regulations to narrow their scope to prohibit non-government attorneys from questioning witnesses on behalf of the IRS, reviewing summoned records, or playing a behind-the-scenes role in an examination, such as consulting on IRS legal strategy, with a limited exception.

The Code provides IRS officers and employees with significant and broad powers under its summons authority to question witnesses under oath and to require the production of books and records. The Summons Interview Regulations require the IRS to retain authority over important decisions when section 6103(n) contractors question witnesses, but there is a perceived risk that the IRS may not be able to maintain full control over the actions of a non-government attorney hired by the IRS when such an attorney, with the limited exception described below, questions witnesses. The actions of the non-governmental attorney while questioning witnesses could foreclose IRS officials from independently exercising their judgment. Managing an examination or summons interview is therefore best exercised solely by government employees, including government attorneys, whose only duty is to serve the public interest. These concerns outweigh the countervailing need for the IRS to use non-government attorneys, except in the limited circumstances set forth in proposed paragraph (b)(3)(ii). Treasury and the IRS remain confident that the core functions of questioning witnesses and conducting examinations are well within the expertise and ability of government attorneys and examination agents.

Explanation of Provisions

Proposed § 301.7602–1(b)(3)(i) retains the rule from the Summons Interview Regulations authorizing section 6103(n) contractors to receive and review summoned information and fully participate in the summons interview, including questioning witnesses. However, proposed § 301.7602–1(b)(3)(ii) is added to prohibit contractors who are attorneys, with the limited exception described below, from participating in the administrative process contemplated by section 7602(a). Under this prohibition, a non-government attorney, with the limited exception described below, may not review summoned books, papers, records or other data or question summoned witnesses on behalf of the IRS unless the attorney is hired by the IRS for a permitted purpose.

As a limited exception to that prohibition, proposed § 301.7602–1(b)(3)(ii) permits the IRS to hire a non-government attorney if the attorney is being hired for specialized substantive subject matter expertise in an area other than federal tax law. Specifically, proposed § 301.7602–1(b)(3)(ii) permits the IRS to hire an attorney who has specialized knowledge of foreign, state, or local law, including tax law, or who is a specialist in non-tax substantive law such as patent law, property law, or environmental law. It would not permit IRS to hire an attorney for non-substantive specialized knowledge, such as civil litigation skills. Proposed § 301.7602–1(b)(3)(ii) also permits the IRS to hire a contractor who may happen to be an attorney, but who is hired for knowledge, skills, or abilities other than providing legal services as an attorney. Further, proposed § 301.7602–1(b)(3)(ii) permits the IRS to hire an entity that employs or is owned by attorneys so long as the expertise they are providing is not prohibited by proposed § 301.7602–1(b)(3)(ii).

These changes are proposed to be effective for examinations begun and summonses served by the IRS on or after the date that these proposed regulations are published in the **Federal Register**.

Special Analyses

Certain IRS regulations, including these, are exempt from the requirements of Executive Order 12866, as supplemented and affirmed by Executive Order 13563. Therefore, a regulatory assessment is not required. Because the proposed regulations would not impose a collection of information on small entities, the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Therefore, a regulatory flexibility analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the IRS will submit the proposed regulations to the Chief Counsel for Advocacy of the Small Business Administration for comments about the regulations' impact on small businesses.

Comments and Request for a Public Hearing

Before these proposed regulations are adopted as final, the IRS will consider any written (signed original and 8

copies) or electronic comments timely submitted. The IRS requests comments on all aspects of these proposed regulations. All comments will be available for public inspection and copying. The IRS will schedule a public meeting if one is requested, in writing, by a person who submits written comments. If the IRS does schedule a public hearing, the IRS will publish notice of the date, time, and place for the public hearing in the **Federal Register**.

Drafting Information

The principal author of these regulations is William V. Spatz of the Office of Associate Chief Counsel (Procedure and Administration).

List of Subjects in 26 CFR Part 301

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

Proposed Amendments to the Regulations

Accordingly, 26 CFR part 301 is proposed to be amended as follows:

PART 301—PROCEDURE AND ADMINISTRATION

■ **Paragraph 1.** The authority citation for part 301 continues to read in part as follows:

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

■ **Par. 2.** Section 301.7602–1 is amended by revising paragraphs(b)(3) and (d) to read as follows:

§ 301.7602–1 Examination of books and witnesses.

* * * * *

(b) * * *

(3) *Participation of a person described in section 6103(n).* (i) *In general.* Except as provided in paragraph (b)(3)(ii) of this section, for purposes of this paragraph (b), a person authorized to receive returns or return information under section 6103(n) and § 301.6103(n)–1(a) of the regulations may receive and review books, papers, records, or other data produced in compliance with a summons, and, in the presence and under the guidance of an IRS officer or employee, participate fully in the interview of a witness summoned by the IRS to provide testimony under oath. Fully participating in an interview includes, but is not limited to, receipt, review, and use of summoned books, papers, records, or other data; being present during summons interviews; and questioning the person providing testimony under oath.

(ii) *Exception for certain non-governmental attorneys.* An attorney who is not an officer or employee of the United States may not be hired by the IRS to perform the activities described in paragraph (b)(3)(i) of this section unless the attorney is hired by the IRS as a specialist in foreign, state, or local law, including tax law, or in non-tax substantive law that is relevant to an issue in the examination, such as patent law, property law, or environmental law, or is hired for knowledge, skills, or abilities other than providing legal services as an attorney.

* * * * *

(d) *Applicability date.* This section is applicable after September 3, 1982, except for paragraphs (b)(1) and (2) of this section which are applicable on and after April 1, 2005 and paragraph (b)(3) of this section which applies to examinations begun or administrative summonses served by the IRS on or after March 27, 2018. For rules under paragraphs (b)(1) and (2) of this section that are applicable to summonses issued on or after September 10, 2002 or under paragraph (b)(3) of this section that are applicable to summons interviews conducted on or after June 18, 2014 and before July 14, 2016, see 26 CFR 301.7602–1T (revised as of April 1, 2016). For rules under paragraph (b)(3) of this section that are applicable to administrative summonses served by the IRS before March 27, 2018, see 26 CFR 301.7602–1 (revised as of April 1, 2017).

Kirsten Wielobob,

Deputy Commissioner for Services and Enforcement.

[FR Doc. 2018–06242 Filed 3–27–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF JUSTICE

28 CFR Part 16

[CPCLO Order No. 003–2018]

Privacy Act of 1974; Implementation

AGENCY: Office of Inspector General, United States Department of Justice.

ACTION: Notice of proposed rulemaking.

SUMMARY: Elsewhere in this issue of the **Federal Register**, the Office of Inspector General (OIG), a component within the United States Department of Justice (DOJ or Department), has published a new system of records notice, ''Data Analytics Program Records System,'' JUSTICE/OIG–006. In this notice of proposed rulemaking, OIG proposes to exempt this system of records from certain provisions of the Privacy Act in order to avoid interference with the law enforcement functions and responsibilities of OIG. For the reasons provided below, the Department proposes to amend its Privacy Act regulations by establishing an exemption for records in this system from certain provisions of the Privacy Act. Public comment is invited.

DATES: Comments must be received by April 27, 2018.

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

- *Email: privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the CPCLO Order Number in the subject line of the message.
- *Fax:* 202–307–0693. To ensure proper handling, please reference the CPCLO Order Number on the accompanying cover page.
- *Mail:* United States Department of Justice, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, National Place Building, 1331 Pennsylvania Avenue NW, Suite 1000, Washington, DC 20530. All comments sent via regular or express mail will be considered timely if postmarked on the day the comment period closes. To ensure proper handling, please reference the CPCLO Order Number in your correspondence.
- *Federal eRulemaking Portal: https://www.regulations.gov.* When submitting comments electronically, you must include the CPCLO Order Number in the subject box. Please note that the Department is requesting that electronic comments be submitted before midnight Eastern Time on the day the comment period closes.

Posting of Public Comments: Please note that all comments received are considered part of the public record and made available for public inspection online at *https://www.regulations.gov* and in the Department's public docket. Such information includes personally identifying information (such as name, address, etc.) voluntarily submitted by the commenter. If you want to submit personal identifying information as part of your comment, but do not want it to be posted online or made available in the public docket, you must include the phrase ''PERSONAL IDENTIFYING INFORMATION'' in the first paragraph of your comment. You must also place all personal identifying information that you do not want posted online or made available in the public docket in the first paragraph of your comment and identify what information you want redacted.

If you want to submit confidential business information as part of your comment, but do not want it to be

posted online or made available in the public docket, you must include the phrase ''CONFIDENTIAL BUSINESS INFORMATION'' in the first paragraph of your comment. You must also prominently identify confidential business information to be redacted within the comment. If a comment has so much confidential business information that it cannot be effectively redacted, all or part of that comment may not be posted online or made available in the public docket.

Personal identifying information and confidential business information identified and located as set forth above will be redacted and the comment, in redacted form, may be posted online and placed in the Department's public docket file. Please note that the Freedom of Information Act applies to all comments received. If you wish to inspect the agency's public docket file in person by appointment, please see the **FOR FURTHER INFORMATION CONTACT** paragraph, below.

FOR FURTHER INFORMATION CONTACT: William Blier, General Counsel, Office of the General Counsel, Office of the Inspector General, Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514–3435.

SUPPLEMENTARY INFORMATION: Under the Inspector General Act of 1978, as amended, Inspectors General, including the DOJ Inspector General, are responsible for conducting, supervising, and coordinating audits and investigations relating to programs and operations of the Federal agency for which their office is established to recognize and mitigate fraud, waste, and abuse. The Data Analytics Program Records System, JUSTICE/OIG–006, facilitates OIG's performance of this statutory responsibility by maintained records as part of a data analytics (DA) program to assist with the performance of OIG audits, investigations, and reviews, and accommodate the requirements of the Digital Accountability and Transparency Act of 2014 (DATA Act), Public Law 113–101, 128 Stat. 1146.

The DA program will provide OIG: Timely insights from the data already stored in DOJ databases that OIG has legal authorization to access and maintain; the ability to monitor and analyze data for patterns and correlations that signal wasteful, fraudulent, or abusive activities impacting Department performance and operations; the ability to find, acquire, extract, manipulate, analyze, connect, and visualize data; the capability to manage vast amounts of data; the ability to identify significant information that can improve decision quality; and the ability to mitigate risk of waste, fraud, and abuse. The DA program will also allow the OIG to obtain technology to develop risk indicators that can analyze large volumes of data and help focus the OIG's efforts to combat waste, fraud, and abuse. OIG intends to use statistical and mathematical techniques to identify areas to conduct audits and identify activities that may indicate whether an investigation is warranted. The information maintained within JUSTICE/OIG–006 will be limited to only information that OIG has legal authorization to collect and maintain as part of its responsibility to conduct, supervise, and coordinate audits and investigations of Department programs and operations to recognize and mitigate fraud, waste, and abuse.

In this rulemaking, OIG proposes to exempt JUSTICE/OIG–006 from certain provisions of the Privacy Act in order to avoid interference with the law enforcement responsibilities of OIG, as established in federal law and policy.

Additionally, as an administrative matter, this proposal will replace the current paragraphs (c) and (d) of 28 CFR 16.75, which currently exempt from certain provisions of the Privacy Act a previously rescinded OIG system of records notice (SORN), ''Office of the Inspector General, Freedom of Information/Privacy Acts (FOI/PA) Records,'' JUSTICE/OIG–003, from certain provisions of the Privacy Act. On June 4, 2001, at 77 FR 26580, the Department modified the Department-wide SORN, ''Freedom of Information Act, Privacy Act, and Mandatory Declassification Review Records,'' JUSTICE/DOJ–004, to consolidate all DOJ Freedom of Information Act, Privacy Act, Mandatory Declassification Review Request, and Administrative Appeal systems of records under one Department-wide SORN. Accordingly, the Department rescinded, among other SORNs, JUSTICE/OIG–003. OIG no longer requires exemption regulations for JUSTICE/OIG–003 and proposes to replace the existing exemption regulations with exemption regulations for JUSTICE/OIG–006.

Executive Orders 12866 and 13563

This proposed rule is not a ''significant regulatory action'' within the meaning of Executive Order 12866 and the principles reaffirmed in Executive Order 13563. Accordingly, it is not subject to review by the Office of Information and Regulatory Affairs within Office of Management and Budget, pursuant to Executive Order 12866.

Regulatory Flexibility Act

This proposed rule will only impact certain Privacy Act-protected records on individuals maintained by OIG in the above-mentioned system of records. A ''record'' for purposes of the Privacy Act is any item, collection, or grouping of information about an individual that is maintained by an agency (for example, the individual's education information, financial transactions, medical history, criminal history, or employment history) that contains the individual's name, or the identifying number, symbol, or other identifying particular assigned to the individual. Such records are personal and generally do not apply to an individual's entrepreneurial capacity, subject to limited exceptions. As such, the Chief Privacy and Civil Liberties Officer certifies that this proposed rule will not result in a significant economic impact on a substantial number of small entities, pursuant to the requirements of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–610.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, 5 U.S.C. 801 *et seq.,* requires the Department to comply with small entity requests for information and advice about compliance with statutes and regulations within the Department's jurisdiction. Any small entity that has a question regarding this document may contact the person listed in the **FOR FURTHER INFORMATION CONTACT** paragraph, above. Persons can obtain further information regarding SBREFA on the Small Business Administration's website at *https://www.sba.gov/advocacy.*

Executive Order 13132

This proposed rule does not have federalism implications warranting the application of Executive Order 13132. The proposed rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or the distribution of power and responsibilities among the various levels of government.

Executive Order 13175

This proposed rule does not have tribal implications warranting the application of Executive Order 13175. It does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and Indian tribes, or on the distribution of power and

responsibilities between the Federal government and Indian tribes.

Executive Order 12988

This proposed rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988 to eliminate drafting errors and ambiguity, minimize litigation, provide a clear legal standard for affected conduct, and promote simplification and burden reduction.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), requires the Department to consider the impact of paperwork and other information collection burdens imposed on the public. There are no current or new information collection requirements associated with this proposed rule.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100,000,000, as adjusted for inflation, or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

List of Subjects in 28 CFR Part 16

Administrative practices and procedures, Courts, Freedom of information, Privacy Act.

Pursuant to the authority vested in the Attorney General by 5 U.S.C. 552a and delegated to me by Attorney General Order 2940–2008, the Department of Justice proposes to amend 28 CFR part 16 as follows:

PART 16—PRODUCTION OR DISCLOSURE OF MATERIAL OR INFORMATION

■ 1. The authority citation for part 16 continues to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 553; 28 U.S.C. 509, 510, 534; 31 U.S.C. 3717.

Subpart E—Exemption of Records Systems Under the Privacy Act

■ 2. Amend § 16.75 by revising paragraphs (c) and (d) to read as follows:

§ 16.75 Exemption of the Office of the Inspector General Systems/Limited Access.

* * * * *

(c) The Data Analytics Program Records System (JUSTICE/OIG–006) system of records is exempt from 5 U.S.C. 552a(c)(3) and (4); (d); (e)(1), (2), (3), (5) and (8); and (g) of the Privacy Act. These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(j) and/or (k). Where compliance would not appear to interfere with or adversely affect the law enforcement process, and/or where it may be appropriate to permit individuals to contest the accuracy of the information collected, *e.g.,* public source materials, the applicable exemption may be waived, either partially or totally, by OIG.

(d) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3), the requirement that an accounting be made available to the named subject of a record, because release of disclosure accounting could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of an investigation and the fact that the individual is the subject of the investigation. Such a disclosure could also reveal investigative interest by not only OIG, but also by the recipient agency or component. Since release of such information to the subjects of an investigation would provide them with significant information concerning the nature of the investigation, release could result in the destruction of documentary evidence, improper influencing of witnesses, endangerment of the physical safety of confidential sources, witnesses, and law enforcement personnel, the fabrication of testimony, flight of the subject from the area, and other activities that could impede or compromise the investigation. In addition, providing the individual an accounting for each disclosure could result in the release of properly classified information which would compromise the national defense or disrupt foreign policy.

(2) From subsection (c)(4) notification requirements, for the same reasons that justify exempting this system from the access and amendment provisions of subsection (d), and similarly, from the accounting of disclosures provision of subsection (c)(3). The DOJ takes seriously its obligation to maintain accurate records despite its assertion of this exemption, and to the extent it, in its sole discretion, agrees to permit amendment or correction of DOJ records, it will share that information in appropriate cases.

(3) From subsection (d), the access and amendment provisions, because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation, of the existence of the investigation; of the nature and scope of the information and evidence obtained as to his activities; of the identity of confidential sources, witnesses, and law enforcement personnel, and of information that may enable the subject to avoid detection or apprehension. These factors would present a serious impediment to effective law enforcement where they prevent the successful completion of the investigation, endanger the physical safety of confidential sources, witnesses, and law enforcement personnel, and/or lead to the improper influencing of witnesses, the destruction of evidence, or the fabrication of testimony. In addition, granting access to such information could disclose security-sensitive or confidential business information or information that would constitute an unwarranted invasion of the personal privacy of third parties. Finally, access to the records could result in the release of properly classified information that would compromise the national defense or disrupt foreign policy. Amendment of the records would interfere with ongoing investigations and law enforcement activities and impose an impossible administrative burden by requiring investigations to be continuously reinvestigated.

(4) From subsection (e)(1), because the application of this provision could impair investigations and interfere with the law enforcement responsibilities of the OIG for the following reasons:

(i) It is not possible to determine the relevance or necessity of specific information in the early stages of a civil, criminal or other law enforcement investigation, case, or matter, including investigations in which use is made of properly classified information. Relevance and necessity are questions of judgment and timing, and it is only after the information is evaluated that the relevance and necessity of such information can be established.

(ii) During the course of any investigation, the OIG may obtain information concerning actual or potential violations of laws other than those within the scope of its jurisdiction. In the interest of effective law enforcement, the OIG should retain this information in accordance with applicable record retention procedures, as it may aid in establishing patterns of criminal activity, and can provide valuable leads for Federal and other law enforcement agencies.

(iii) In interviewing individuals or obtaining other forms of evidence during an investigation, information may be supplied to an investigator

which relates to matters incidental to the primary purpose of the investigation but which may also relate to matters under the investigative jurisdiction of another agency. Such information cannot readily be segregated.

(5) From subsection (e)(2), because, in some instances, the application of this provision would present a serious impediment to law enforcement for the following reasons:

(i) The subject of an investigation would be placed on notice as to the existence of an investigation and would therefore be able to avoid detection or apprehension, to improperly influence witnesses, to destroy evidence, or to fabricate testimony.

(ii) In certain circumstances the subject of an investigation cannot be required to provide information to investigators, and information relating to a subject's illegal acts, violations of rules of conduct, or any other misconduct must be obtained from other sources.

(iii) In any investigation it is necessary to obtain evidence from a variety of sources other than the subject of the investigation in order to verify the evidence necessary for successful litigation.

(6) From subsection (e)(3), because the application of this provision would provide the subject of an investigation with substantial information which could impede or compromise the investigation. Providing such notice to a subject of an investigation could interfere with an undercover investigation by revealing its existence, and could endanger the physical safety of confidential sources, witnesses, and investigators by revealing their identities.

(7) From subsection (e)(5), because the application of this provision would prevent the collection of any data not shown to be accurate, relevant, timely, and complete at the moment it is collected. In the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Material that may seem unrelated, irrelevant, or incomplete when collected may take on added meaning or significance as an investigation progresses. The restrictions of this provision could interfere with the preparation of a complete investigative report, and thereby impede effective law enforcement.

(8) From subsection (e)(8), because to require individual notice of disclosure of information due to compulsory legal process would pose an impossible administrative burden on OIG and may alert the subjects of law enforcement investigations, who might be otherwise unaware, to the fact of those investigations. Such notice could also could reveal investigative techniques, procedures, or evidence.

(9) From subsection (g), to the extent that this system is exempt from the access and amendment provisions of subsection (d), pursuant to subsections (j)(2), (k)(1), and (k)(2) of the Privacy Act.

Dated: March 15, 2018.

Katherine Harman-Stokes,

Deputy Director, Office of Privacy and Civil Liberties, United States Department of Justice.

[FR Doc. 2018–05657 Filed 3–27–18; 8:45 am]

BILLING CODE 4410–58–P

GENERAL SERVICES ADMINISTRATION

48 CFR Parts 6101 and 6102

[CBCA Case 2018–61–1; Docket No. 2018–0006; Sequence No. 1]

RIN 3090–AK02

Civilian Board of Contract Appeals; Rules of Procedure for Contract Disputes Act Cases

AGENCY: Civilian Board of Contract Appeals; General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The Civilian Board of Contract Appeals (Board) proposes to amend its rules of procedure for cases arising under the Contract Disputes Act, and for disputes between insurance companies and the Department of Agriculture's Risk Management Agency in which decisions of the Federal Crop Insurance Corporation are brought before the Board under the Federal Crop Insurance Act. The Board's current rules were issued in 2008 and were last amended in 2011.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at one of the addresses shown below on or before May 29, 2018 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to CBCA Amendment 2018–01, BCA Case 2018–61–1, by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''BCA Case 2018–61–1.'' Select the link ''Comment Now'' that corresponds with ''BCA Case 2018–61–1.'' Follow the instructions provided at the screen. Please include your name, company name (if any), and ''BCA Case 2018–61–1'' on your attached document.
- *Mail:* Civilian Board of Contract Appeals, Office of the Chief Counsel (GA), 1800 M Street NW, Sixth Floor, Washington, DC 20036.

Instructions: Please submit comments only and cite CBCA Amendment 2018–01, BCA Case 2018–61–1, in all correspondence related to this notice. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *http://www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Mr. J. Gregory Parks, Chief Counsel, Civilian Board of Contract Appeals, 1800 M Street NW, Suite 600, Washington, DC 20036; at 202–606–8787; or email at *greg.parks@cbca.gov,* for clarification of content. For information pertaining to the status or publication schedules, contact the Regulatory Secretariat at 202–501–4755. Please cite BCA Case 2018–61–1.

SUPPLEMENTARY INFORMATION:

A. Background

The Board was established within GSA by section 847 of the National Defense Authorization Act for Fiscal Year 2006, Public Law 109–163. Board members are administrative judges appointed by the Administrator of General Services under 41 U.S.C. 7105(b)(2). Among its other functions, the Board hears and decides contract disputes between Government contractors and most civilian Executive agencies under the Contract Disputes Act, 41 U.S.C. 7101–7109, and its implementing regulations, and disputes pursuant to the Federal Crop Insurance Act, 7 U.S.C. 1501 *et seq.,* between insurance companies and the Department of Agriculture's Risk Management Agency (RMA) involving actions of the Federal Crop Insurance Corporation (FCIC).

The Board's rules of procedure for Contract Disputes Act cases and Federal Crop Insurance Act cases were adopted in May 2008 (73 FR 26947) and were last amended in August 2011 (76 FR 50926). The proposed rule simplifies and modernizes access to the Board by establishing a preference for electronic filing, increases conformity between the Board's rules and the Federal Rules of

Civil Procedure, streamlines the wording of the Board's rules, and clarifies current rules and practices.

The proposed rule makes stylistic or other changes to Board Rules 1–35, 51–54, and 202. In addition, the Board will provide template forms for certain filings on its website rather than as an appendix to its rules. Proposed changes to the Board's rules of procedure include:

- Rule 4, Appeal file, is revised to make filing documentary evidence electronically in pdf format, rather than on paper, the default for Contract Disputes Act cases.
- Rule 6, governing pleadings, is revised to require the opposing party's consent to amend a pleading once without permission of the Board. This change is appropriate to practice under the Contract Disputes Act, as it will encourage opposing parties to raise any objections they may have to the Board's jurisdiction under the Act to hear new claims or defenses.
- Rule 8, Motions, is revised to, among other things, extend from 20 days to 30 days the time to file a brief in opposition to a substantive motion; set a deadline to respond to a procedural motion; and replace the term ''summary relief'' with the more common ''summary judgment.''
- Rule 9 is reorganized to clarify that the record on the basis of which the Board will decide a case under the Contract Disputes Act consists of evidence and other materials that are not evidence.
- Rule 12, Stays and dismissals, is revised to eliminate a provision for suspending (rather than staying) a case, and a provision purporting to convert a voluntary dismissal without prejudice to a dismissal with prejudice after 180 days. The provisions being eliminated are potentially misleading in light of the strict limits on the Board's jurisdiction under the Contract Disputes Act, and are rarely used.
- Several rules are revised to cross-reference and incorporate standards of corresponding Rules of the Federal Rules of Civil Procedure. See proposed Rule 13(b) and (c), concerning the scope of discovery; Rule 14(b), Interrogatories; Rule 14(d), Requests for admission; Rule 14(f), Supplementing and correcting (discovery) responses; Rule 15(b), on the use of depositions; Rule 16(b), (e), and (f), on the issuance, service, and review of subpoenas; Rule 26, Reconsideration; and Rule 27, Relief from decision or order. These changes will allow the Board to adopt and apply case law applying the relevant Federal Rules, as well as any future amendments to those Federal Rules, without revising the Board's rules again. Practicioners before the Board are familiar with or can readily research current principles of Federal civil procedure.
- The appendix is deleted. It contained Forms 1 through 5, which litigants could elect to use as templates for certain filings. These nonmandatory forms are obsolete or will be posted on the Board's website.
- Rule 202 is revised to update cross-references to the rules of procedure for Contract Disputes Act cases.

B. Regulatory Flexibility Act

GSA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 602 *et seq.,* and the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, because the proposed rule does not impose any additional costs on small or large businesses.

C. Paperwork Reduction Act

The Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.,* does not apply because proposed rule does not impose any information collection requirements that require the approval of the Office of Management and Budget.

D. Congressional Review Act

The proposed rule is exempt from Congressional review under Public Law 104–121 because it relates solely to agency organization, procedure, and practice and does not substantially affect the rights or obligations of non-agency parties.

E. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under Section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993, or E.O. 13563, Improving Regulation and Regulatory Review, dated January 18, 2011. This proposed rule is not a major rule under 5 U.S.C. 804.

F. Executive Order 13771

Executive Order 13771, dated February 3, 2017, sets deregulatory goals for agencies and requires the rescission of two regulations for each new regulation issued. This proposed rule is not a new regulation, but an update to the Board's existing rules of procedure, so Executive Order 13771 does not apply.

List of Subjects in 48 CFR Parts 6101 and 6102

Administrative practice and procedure; Government procurement; Agriculture.

Dated: March 20, 2018.

Jeri Kaylene Somers,

Chair, Civilian Board of Contract Appeals, General Services Administration.

Therefore, GSA proposes to amend 48 CFR parts 6101 and 6102 as set forth below:

■ 1. Revise part 6101 to read as follows:

PART 6101—RULES OF PROCEDURE OF THE CIVILIAN BOARD OF CONTRACT APPEALS

Sec.

Authority: 41 U.S.C. 7101–7109.

6101.1 General information; definitions [Rule 1].

(a) *Scope.* The rules of this chapter govern cases filed with the Board on or after [DATE], and all further proceedings in cases then pending, unless the Board decides that using these rules in a case pending on their effective date would be inequitable or infeasible. The Board may alter these procedures on its own initiative or on request of a party to promote the just, informal, expeditious, and inexpensive resolution of a case.

(b) *Definitions.*

Appeal; appellant. ''Appeal'' means a contract dispute filed with the Board under the Contract Disputes Act (CDA), 41 U.S.C. 7101–7109, or under a disputes clause in a non-CDA contract that allows for Board review. An ''appellant'' is the contractor filing an appeal.

Appeal file. ''Appeal file'' means the submissions to the Board under Rule 4.

Application; applicant. ''Application'' means a submission to the Board under Rule 30 of a request for an award of fees and other expenses under the Equal Access to Justice Act (EAJA), 5 U.S.C. 504, or another provision authorizing such an award. An ''applicant'' is a party filing an application.

Attorney. ''Attorney'' means a person licensed to practice law in a state, commonwealth, or territory of the United States or in the District of Columbia.

Board judge; judge. ''Board judge'' or ''judge'' means a member of the Board.

Business days and hours. The Board's business days are days other than Saturdays, Sundays, federal holidays, days on which the Board is required to close before 4:30 p.m., or days on which the Board does not open for any reason, such as inclement weather. The Board's business hours are 8:00 a.m. to 4:30 p.m. Eastern Time.

Case. ''Case'' means an appeal, petition, or application.

Clerk of the Board. The ''Clerk'' of the Board receives filings, dockets cases, and prepares official correspondence for the Board.

Efile; efiling. The Clerk accepts electronic filings (''efiles''), meaning documents submitted through the Board's email system (''efiled''). Parties may efile documents by sending an email (usually with attachments) to *cbca.efile@cbca.gov,* except for documents that are classified or submitted *in camera* or under protective order (Rule 9). Efiling occurs upon receipt by the Board's email server, except that attachments must be in .pdf format and 18 megabytes (MB) or smaller or they will be rejected.

Electronically stored information. ''Electronically stored information'' means information created, manipulated, communicated, stored, and best used in digital form with computer hardware and software.

Equal Access to Justice Act (EAJA), 5 U.S.C. 504. This statute governs applications for awards of fees and other expenses in certain cases.

Facsimile (fax) transmissions. The Board sends and accepts facsimile transmissions. A document is filed by fax at the time the Board receives all of it. The Board does not automatically extend filing deadlines if its fax machine is busy or otherwise unavailable.

Filing. A notice of appeal or application is filed upon the earlier of its receipt by the Clerk or, if mailed through the United States Postal Service (USPS), the date it is mailed to the Board. A USPS postmark is prima facie evidence of a mailing date. Any other document is filed upon receipt by the Clerk.

Party. ''Party'' means an appellant, applicant, petitioner, or respondent.

Petition; petitioner. ''Petition'' means a request that the Board direct a contracting officer to issue a written decision on a claim. A ''petitioner'' is a party submitting a petition.

Receipt. The Board deems a party's ''receipt'' of a document to occur upon the earlier of the emailing of the document to the party's email address of record (without notice of delivery failure) or the party's possession of a document sent by other means.

Respondent. A ''respondent'' is the government agency whose decision, action, or inaction is the subject of an appeal, petition, or application.

(c) *Construction.* The Board construes these rules to promote the just, informal, expeditious, and inexpensive resolution of every case. The Board may apply principles of the Federal Rules of Civil Procedure to resolve issues not covered by these rules.

(d) *Panels.* The Board assigns each case to a panel of three judges, one of whom presides. The presiding judge sets the case schedule, oversees discovery, and conducts conferences, hearings, and other proceedings. The presiding judge may without participation by other panel members decide any appeal under the small claims procedure of Rule 52, any nondispositive motion, or any petition, and may dismiss a case as permitted by Rule 12(d). The Board decides all other matters by majority vote of a panel unless the full Board decides a matter under Rule 28. Only panel and full Board decisions are precedential.

(e) *Location and addresses.* The Board is physically located at 1800 M Street NW, 6th Floor, Washington, DC 20036. The mailing address is 1800 F Street NW, Washington, DC 20405. The Clerk's telephone number is (202) 606–8800. The Clerk's fax number is (202) 606–0019. The Clerk's email address for efiling is *cbca.efile@cbca.gov.* The Board's website is *http://www.cbca.gov.*

(f) *Clerk's office hours.* The Clerk's office is open to the public during business hours (Rule 1(b)). Efilings received after midnight are considered filed the next business day. The Clerk's office is closed when the Board's physical address is closed for any reason, including any closure of the federal Government in the Washington, DC, metropolitan area.

6101.2 Filing appeals, applications, and petitions; consolidation [Rule 2].

(a) *Filing an appeal.* A notice of appeal shall be in writing; signed by the appellant, the appellant's attorney, or an authorized representative (see Rule 5); and filed with the Board, with a copy to the contracting officer who received or issued the claim, or the successor contracting officer. A notice of appeal should include:

(1) The name, telephone number, and mailing and email addresses of the appellant and/or its attorney or authorized representative;

(2) The contract number;

(3) The name of the contracting officer who received or issued the claim, with that person's telephone number, mailing address, and email address;

(4) A copy of the claim with any certification; and

(5) A copy of the contracting officer's decision on the claim or a statement that the appeal is from a failure to issue a decision (''a deemed denial'').

(b) *Filing a petition.* A petition shall be in writing; signed by the petitioner, the petitioner's attorney, or an

authorized representative (see Rule 5); and filed with the Board, with a copy to the contracting officer who received the claim, or the successor contracting officer. A petition shall ask the Board to order the contracting officer to issue a decision and should include:

(1) The name, telephone number, and mailing and email addresses of the petitioner and/or its attorney or authorized representative;

(2) The contract number;

(3) The name of the contracting officer who received the claim, with that person's telephone number, mailing address, and email address; and

(4) A copy of the claim with any certification.

(c) *Filing an EAJA application.* See Rule 30.

(d) *Time limits.*

(1) Under the CDA, a notice of appeal must be filed within 90 calendar days after the date of receipt of a contracting officer's decision on a claim.

(2) Alternatively, under the CDA, a contractor may appeal when a contracting officer has not issued a decision on a claim within the time allowed by the CDA or the time set by a tribunal acting on a petition.

(3) Under the CDA, a petition may be filed in the period between (a) receipt of notice from a contracting officer, within 60 days after the submission of a claim, that the contracting officer intends to issue a decision on the claim more than 60 days after its submission, and (b) the due date stated by the contracting officer.

(4) Under EAJA, an application must be filed within 30 days after the date that the decision in the underlying appeal becomes no longer subject to appeal.

(e) *Notice of docketing.* Upon receipt of a notice of appeal, a petition, or an application, the Clerk issues a written notice of docketing to all parties.

(f) *Consolidation.* The Board may consolidate cases wholly or in part if they involve common questions of law or fact.

6101.3 Computing and extending time [Rule 3].

(a) *Computing time.* Consistent with Rule 6 of the Federal Rules of Civil Procedure, in computing any time period, omit the day of the event from which the period begins to run. Omit nonbusiness days only if the period is less than 11 days; otherwise include them. A period ends on a business day. If a computed period would otherwise end on a nonbusiness day, it ends on the next business day.

(b) *Extensions.* Parties should act sooner than required whenever practicable. However, the Board extends time when appropriate. A motion for an extension shall be in writing and shall state the other party's position on the motion or describe the movant's effort to learn the other party's position. The Board cannot extend statutory deadlines.

6101.4 Appeal file [Rule 4].

(a) *Filing.* Within 30 days after receiving the Board's docketing notice, the respondent shall file and serve all documents relevant to the appeal, including:

(1) The contracting officer's decision on the claim;

(2) The contract, including all pertinent specifications, amendments, plans, drawings, and incorporated proposals or parts thereof;

(3) All correspondence between the parties relevant to the appeal;

(4) The claim with any certification;

(5) Relevant affidavits, witness statements, or transcripts of testimony taken before the appeal;

(6) All documents relied on by the contracting officer to decide the claim; and

(7) Relevant internal memoranda, reports, and notes.

(b) *Organization of electronic appeal file.*

(1) Unless otherwise ordered, parties shall file the appeal file and supplements thereto in an electronic storage medium (*e.g.,* hard disk or solid state drive, compact disc (CD), or digital versatile disc(DVD)), labeled with the docket number, case name, and range of exhibit numbers.

(2) A party may efile an appeal file or a supplement thereto by permission of the Board.

(3) Appeal file exhibits shall be in .pdf format or will be rejected. The appeal file index and each exhibit shall be separate documents, without embedded documents.

(4) Appeal file exhibits shall be complete, legible, arranged in chronological order, numbered, and indexed. Parties shall avoid filing duplicative exhibits and shall number exhibits continuously and consecutively from one filing to the next, so that a complete appeal file consists of one set of consecutively numbered exhibits.

(5) Parties shall number the pages of each exhibit consecutively, unless an exhibit is already paginated in another logical manner.

(6) The appeal file index shall describe each exhibit by date and content.

(7) Parties may file documents *in camera* only by permission of the Board.

(c) *Organization of paper appeal file.*

(1) Appeal files and supplements thereto may be filed on paper only by permission of the Board.

(2) Appeal file exhibits shall be complete, legible, arranged in chronological order, tabbed, and indexed. Parties shall avoid filing duplicative exhibits and shall number exhibits continuously and consecutively from one filing to the next, so a complete appeal file consists of one set of consecutively tabbed exhibits.

(3) Parties shall number the pages of each paper exhibit consecutively, unless an exhibit is already paginated in another logical manner.

(4) Parties shall file exhibits in 3-ring binders with spines no wider than 3 inches, labeled on the cover and spine with the name of the appeal, CBCA number, and tab numbers in each binder. Include in each binder the index of the entire filing.

(5) The appeal file index shall describe each exhibit by date and content.

(6) Parties shall separately file and index documents submitted *in camera* or under a protective order. However, documents may be submitted *in camera* only by permission of the Board.

(d) *Supplements.* Within 30 days after the respondent files the appeal file, the appellant may file non duplicative documents relevant to the claim, organized as instructed in Rule 4(b) or (c), starting with the next available exhibit number.

(e) *Classified or protected material.* Neither classified nor protected material may be efiled.

(f) *Submission by order.* The Board may order a party to supplement the appeal file, including by filing an exhibit in another format.

(g) *Status of exhibits.* The Board considers appeal file exhibits part of the record for decision under Rule 9(a) unless a party objects to an exhibit within the time set by the Board and the Board sustains the objection.

(h) *Other procedures.* The Board may postpone or waive the filing of an appeal file.

6101.5 Appearing; notice of appearance [Rule 5].

(a) *Appearing before the Board.*

(1) *Appellant; petitioner; applicant.* An appellant, petitioner, or applicant may appear before the Board through an attorney. An individual appellant, petitioner, or applicant may appear for himself or herself. A corporation, trust, or association may appear by one of its officers. A limited liability corporation, partnership, or joint venture may appear by one of its members. Each individual appearing on behalf of an appellant,

petitioner, or applicant must have legal authority to appear.

(2) *Respondent.* A respondent may appear before the Board through an attorney or, if allowed by the agency, by the contracting officer or the contracting officer's authorized representative.

(3) *Others.* The Board may permit a special or limited appearance of or for a nonparty, such as an *amicus curiae.*

(b) *Notice of appearance.* The Board deems the person who signed a notice of appeal, petition, or application to have appeared for the appellant, petitioner, or applicant. The Board deems the head of the respondent's litigation office to have appeared for the respondent unless otherwise notified. Other participating attorneys shall file notices of appearance including all of the information required by the sample notice of appearance posted on the Board's website. Attorneys representing parties before the Board shall list their bar numbers or other identifying data for each state bar to which they are admitted.

(c) *Withdrawal of appearance.* Anyone who has filed a notice of appearance and wishes to withdraw from a case must file a motion identifying by name, telephone number, mailing address, and email address the person who will assume responsibility for representing the party in question. The motion must state grounds for withdrawal, unless the motion represents that the party in question will meet the existing case schedule.

6101.6 Pleadings; amending pleadings [Rule 6].

(a) *Complaint.* Within 30 days after receiving the notice of docketing, the appellant shall file a complaint stating in simple, concise, and direct terms the factual basis for each claim and the amount in controversy. Alternatively, the appellant or the Board may designate as a complaint the notice of appeal, a claim submission, or any other document containing the information required in a complaint. The Board may in its discretion order a respondent asserting a claim to file a complaint.

(b) *Answer.* Within 30 days after receiving the complaint or a designation of a complaint, the respondent (or the appellant, if so ordered) shall file an answer stating in simple, concise, and direct terms its responses to the allegations of the complaint and any affirmative defenses it chooses to assert.

(c) *Amendments.* A party may amend a pleading once, before a responsive pleading is filed, with permission of the other party. Amending a pleading restarts the time to respond, if any. The Board may allow a party to amend a pleading in other circumstances.

(d) *Motion in lieu of answer.* The Board may allow a party to file a dispositive motion or to move for a more definite statement in lieu of filing an answer.

6101.7 Service of documents [Rule 7].

A party filing any document not submitted *in camera* (see Rule 9(c)(2)) shall send a copy to the other party by a method at least as fast as the filing method. The filing party shall indicate the method and address of service, otherwise the Board may consider a document not served and not properly filed.

6101.8 Motions [Rule 8].

(a) *Generally.* A party may make a motion for a Board action orally on the record in the presence of the other party or in a written filing. A written motion shall be a document titled as a motion and shall state the relief sought and the legal basis (see Rule 23(b)). Except for joint or dispositive motions, all motions shall represent that the movant tried to resolve the motion with the other party before filing. The Board may hold oral argument on a motion.

(b) *Jurisdictional motions.* A party challenging the Board's jurisdiction should file such a motion promptly.

(c) *Procedural motions.* A party may move for an extension of time (Rule 3(b)). The Board may in its discretion consider motions on other procedural matters. A procedural motion shall state the other party's position on the motion or describe the movant's effort to learn the other party's position.

(d) *Discovery motions.* See Rule 13(e).

(e) *Motions to dismiss for failure to state a claim.* A party may move to dismiss all or part of a claim for failure to state grounds on which the Board could grant relief. In deciding such motions, the Board looks to Rule 12(b)(6) of the Federal Rules of Civil Procedure for guidance.

(f) *Summary judgment motions.* A party may move for summary judgment on all or part of a claim or defense if the party believes in good faith it is entitled to judgment as a matter of law based on undisputed material facts. In deciding motions for summary judgment, the Board looks to Rule 56 of the Federal Rules of Civil Procedure for guidance.

(1) *Statement of undisputed material facts.* The movant shall file with its summary judgment motion a separate document titled, ''Statement of Undisputed Material Facts.'' This document shall set forth facts supporting the motion in separate, numbered paragraphs, citing appeal file exhibits, admissions in pleadings, and/or evidence filed with the motion.

(2) *Statement of genuine issues.* The opposing party shall file with its opposition a separate document titled, ''Statement of Genuine Issues.'' This document shall respond to specific paragraphs of the movant's Statement of Undisputed Material Facts by identifying material facts in genuine dispute, citing appeal file exhibits, admissions in pleadings, and/or evidence filed with the opposition.

(g) *Briefing.* A party may file a brief in opposition to a motion under Rule 26, Rule 27, Rule 28, or Rule 29 only by permission of the Board. Unless otherwise ordered, a brief in opposition to any other nonprocedural motion is due 30 days after receipt of the motion, and a movant's reply brief is due 15 days after receipt of an opposition brief. A nonmovant may file a surreply only by permission of the Board. Unless otherwise ordered, a brief in opposition to a procedural motion is due 5 days after receipt of the motion, and there shall be no reply.

(h) *Effect of pending motion.* Unless otherwise stated in these rules, the filing of a motion does not affect a party's obligations under the Board's rules or orders.

6101.9 Record; content and access [Rule 9].

(a) *Record for decision.* The record on which the Board will decide a case includes the following:

(1) *Evidence.* Evidence in a case includes:

a. Rule 4 appeal file exhibits other than those to which an objection is sustained;

b. Other documents or parts thereof admitted as evidence;

c. Tangible things admitted as evidence;

d. Transcripts or recordings of testimony before the Board; and

e. Factual stipulations and factual admissions.

(2) *Other material.* The Board may also rely on to decide a case:

a. The notice of appeal, petition, or application;

b. The complaint, answer, and amendments thereto;

c. Motions and briefs on motions;

d. Other briefs;

e. Demonstrative hearing exhibits; and

f. Anything else the Board may expressly admit or take notice of.

(b) *Other contents of case file.* The Board's administrative record may be broader than the record for decision. Material in the Board's case file that is not listed in Rule 9(a) is part of the administrative record but is not part of the record for decision.

(c) *Enlarging or reopening the record.* The Board may enlarge or reopen the record for decision on terms fair to the parties.

(d) *Protected and in camera submissions.* The Board may limit access to specified material in a record for decision.

(1) *Protective orders.* The Board may limit access to specified material in a record for decision if the Board finds good cause to treat the material as privileged, confidential, or otherwise sensitive.

(2) *In camera submissions.* The Board may allow a party to submit a document solely for the Board's review *in camera* if:

a. The party submits the document to explain a discovery dispute;

b. The Board denies a motion for protective order, and the movant asks that the record include a document that the party would have used in the case with a protective order, for possible later review of the Board's denial; or

c. Good cause exists to find that *in camera* review may limit or prevent needless harm to a party, witness, or other person.

(3) *Status in record.* A document submitted and accepted under a protective order or *in camera* is part of the record for decision. If the Board's decision is judicially reviewed, the Board will endeavor to preserve the protected or *in camera* nature of the document to the extent consistent with judicial review.

(e) *Review and copying.* The Clerk makes records for decision, except evidence submitted under a protective order or *in camera,* available for review on reasonable notice during business hours, and provides copies of such available documents for a reasonable fee. The Clerk will not relinquish possession of material in the Board's files.

6101.10 Admissibility of evidence [Rule 10].

The Board may in its discretion receive any evidence to which no party objects. In ruling on evidentiary objections, the Board is guided but not bound by the Federal Rules of Evidence, except that the Board generally admits hearsay unless the Board finds it unreliable.

6101.11 Conferences [Rule 11].

The Board may order a conference of the parties for any purpose. Conferences are usually telephonic and are rarely recorded or transcribed. No one may record a conference by any means without Board approval. If the Board issues a memorandum or order memorializing a conference, a party has 5 days from receipt of the memorandum or order to object in writing to the memorialization.

6101.12 Stays and dismissals [Rule 12].

(a) *Stays.* The Board may stay a case for a specific duration, or until a specific event, for good cause.

(b) *Dismissals.*

(1) *Generally.* The Board may dismiss a case or part of a case either on motion of a party or after permitting a response to an order to show cause. Dismissal is with prejudice unless a Board order or other applicable law provides otherwise.

(2) *Voluntary dismissal.* Subject to Rule 12(b)(3), the Board will dismiss all or part of a case on the terms requested if the appellant, petitioner, or applicant moves for dismissal with prejudice or moves jointly with the respondent for dismissal with or without prejudice.

(3) *For lack of jurisdiction.* If the Board finds that it lacks jurisdiction to decide all or part of a case, the Board will dismiss the case or the part of the case, regardless of the parties' positions on jurisdiction or dismissal.

(4) *For failure to prosecute.* The Board may dismiss all or part of a case for failure to prosecute.

(c) *Dismissal orders and decisions.* The presiding judge acting alone may stay a case or grant voluntary dismissal with or without prejudice. A panel or the full Board may dismiss a case on other grounds.

(d) *Admonition.* Dismissal of a party's case without prejudice does not necessarily mean that the party may later refile the case at the Board, or in another forum, under the jurisdictional and procedural laws applicable to the case.

6101.13 Discovery generally [Rule 13].

(a) *Methods.* Parties may obtain discovery by depositions, interrogatories, requests for production, and requests for admission.

(b) *Scope.* Unless otherwise ordered, the scope of discovery is the same as under Rule 26(b)(1) of the Federal Rules of Civil Procedure.

(c) *Limits.* The Board may limit the frequency or extent of discovery for a reason stated in Rule 26(b)(2) of the Federal Rules of Civil Procedure.

(d) *Timing.* The Board encourages parties to agree on a discovery plan that the Board may adopt in a scheduling order. The Board may modify an agreed discovery plan.

(e) *Disputes.*

(1) *Objections.* A party objecting to a written discovery request must make the objection in writing no later than the date that its response to the discovery request is due.

(2) *Duty to cooperate.* Parties shall try in good faith to resolve objections to discovery requests without involving the Board. The Board may impose an appropriate sanction under Rule 35 on a party that does not meet its discovery obligations.

(3) *Motions to compel.* A party may move to compel a response or a supplemental response to a discovery request. The movant shall attach to its motion a copy of each discovery request and response at issue, and shall represent in the motion that the movant complied with Rule 13(e)(2).

(f) *Subpoenas.* A party may request a subpoena under Rule 16.

6101.14 Interrogatories; requests for production; requests for admission [Rule 14].

(a) *Generally.* Interrogatories, requests for production, requests for admission, and responses thereto shall be in writing and served on the other party.

(b) *Interrogatories.* Interrogatories shall be answered or objected to separately in writing, under signed oath, within 30 days of service. A party may answer an interrogatory by specifying records from which the answer may be derived or ascertained when that response would be allowed under Rule 33(d) of the Federal Rules of Civil Procedure.

(c) *Requests for production.* Responses and objections to requests for production, inspection, and/or copying of documents, electronically stored information, or tangible things are due within 30 days of service of the requests and shall state when and how the responding party will make responsive material available.

(d) *Requests for admission.*

(1) *Content.* A party may serve requests for admission that would be proper under Rule 36(a)(1) of the Federal Rules of Civil Procedure.

(2) *Responses and failure to respond.* Responses and objections shall comply with Rule 36(a)(4) and (5) of the Federal Rules of Civil Procedure. If the served party does not respond within 30 days of service of a request, the Board may on motion deem a matter admitted and conclusively established solely for the pending case.

(3) *Relief from admission.* The Board may allow a party to withdraw or amend an admission for good cause.

(e) *Altering time to respond.* The parties may agree to alter deadlines to respond to discovery requests. The Board may alter the deadlines to meet the needs of a case.

(f) *Supplementing and correcting responses.* A party must supplement or

correct a response to a discovery request if and when this action would be required by Rule 26(e)(1) of the Federal Rules of Civil Procedure.

6101.15 Depositions [Rule 15].

(a) *Generally.* Unless otherwise ordered, parties may take depositions after service of the answer. If the parties agree in writing on the deponent, time, place, recording method, and maximum duration of a deposition, no formal deposition notice is needed. The Board may order a deposition on motion under Rule 8 or by subpoena under Rule 16.

(b) *Use.* Parties may use deposition testimony in a case to the extent that would be permitted by Rule 32(a) of the Federal Rules of Civil Procedure.

(c) *To perpetuate testimony.* If the Board has decided a case, and either the time to appeal has not expired or an appeal has been taken, the Board may for good cause grant leave to take a deposition as if the case were still before the Board in order to preserve testimony for possible further proceedings before the Board.

6101.16 Subpoenas [Rule 16].

(a) *Expectation of cooperation in lieu of subpoena.* Subpoenas should rarely be necessary, as the Board expects parties to respond cooperatively to discovery requests and to try in good faith to secure the cooperation of third parties who have or may have evidence responsive to discovery requests.

(b) *Generally.* The Board may issue a subpoena for a purpose for which a United States district court may issue a subpoena under Rule 45(a)(1) of the Federal Rules of Civil Procedure. Parties and the Board shall take all reasonable steps to avoid imposing undue burden on a person subject to a subpoena.

(c) *How requested; form.* A party may ask the Board to issue a subpoena by motion under Rule 8, substantially before the proposed compliance date. The movant shall attach to its motion a completed subpoena form for signing by a Board judge, and shall explain in the motion why the proposed subpoena scope is reasonable and how the evidence sought is relevant to the case.

(d) *Production cost.* The Board's policy is to require a requesting party to advance a subpoenaed person the reasonable cost of producing subpoenaed material.

(e) *Service.* The requesting party shall serve a subpoena and provide proof of service as would be required by Rule 45(b) of the Federal Rules of Civil Procedure.

(f) *Motion to quash or modify.* On or before the date specified for compliance, a subpoenaed person may file a motion to quash or modify the subpoena for a reason stated in Rule 45(d)(3) of the Federal Rules of Civil Procedure. The Board may rule on the motion anytime after the party that served the subpoena receives the motion.

(g) *Enforcement.* As necessary, the Board may ask the Attorney General of the United States to petition a United States district court to enforce a Board subpoena.

(h) *Letter rogatory in lieu of subpoena.* If a person to be subpoenaed resides in a foreign country, the Board may facilitate the issuance of a letter rogatory to the person by the United States Department of State under 28 U.S.C. 1781–1784.

6101.17 Exhibits [Rule 17].

(a) *Marking exhibits.* Unless otherwise ordered, parties shall, to the fullest extent practicable, submit exhibits for inclusion in the appeal file before a hearing starts under Rule 20 or before the first brief is filed when a case is submitted on the written record under Rule 19. Parties shall mark any exhibits offered in evidence thereafter as sequential additions to the appeal file. Such exhibits shall become part of the appeal file if admitted as evidence.

(b) *Copies.* The Board expects all document exhibits to be true, complete, and legible copies rather than originals. The Board may order a party to substitute a better copy or to make an original document available for inspection.

(c) *Withdrawal.* The Board may allow a party to withdraw an exhibit from the appeal file and the record for decision on terms fair to the other party.

(d) *Disposition.* Unless the Board advises the parties of another deadline, the Board may discard physical (non-electronic) exhibits in its possession 90 days after the time to appeal the Board's decision in the case expires.

6101.18 Election of hearing or record submission [Rule 18].

(a) *Generally.* The Board will hold a hearing in a case if the Board must find facts and either party elects a hearing. A party may elect to submit its case for decision on the written record under Rule 19. The presiding judge will set the deadline for an election under this rule.

(b) *Hybrid election.* A party may elect to submit its case on the written record under Rule 19 and also elect to appear at a hearing, solely to cross-examine the other party's witnesses and to object to evidence offered at the hearing.

6101.19 Record submission without a hearing [Rule 19].

(a) *Generally.* If a party elects to submit its case on the record without a hearing, the Board will set a schedule for the parties to complete the evidentiary record and file briefs.

(b) *Evidence and objections.* When a party elects submission on the record without a hearing, that party may submit material for inclusion in the record no later than the date the party files its initial brief. Unless otherwise ordered, the other party may object to the admission of such material as evidence within 5 days after receiving the submission. If one party elects a hearing and the other party elects record submission (or makes a hybrid election under Rule 18(b)), the evidentiary record shall close at the end of the hearing. The Board may rule on objections either before or in its decision.

(c) *Briefs and argument.* The Board may receive briefs and/or oral argument on a record submission. If one party elects a hearing and the other party elects record submission, the first brief of the party submitting its case on the record shall be due no later than the start of the hearing.

6101.20 Scheduling hearings [Rule 20].

(a) *Generally.* The Board will set the time, place, duration, and subject matter of a hearing in a written order after consulting with the parties.

(b) *Subject matter.* The Board may schedule for hearing all or some of the claims or issues in a case, or all or some of the claims, issues, or questions of fact or law common to more than one case.

(c) *Unexcused absence.* If a party fails without good excuse to appear at a hearing of which it received notice under this rule, the Board will deem that party to have elected to submit its case on the record under Rule 19.

6101.21 Hearing procedures [Rule 21].

(a) *Generally.* The Board generally holds hearings in public hearing rooms. Except as necessary under a protective order or *in camera* procedures, hearings are open to the public. The Board entrusts the conduct of hearings to the discretion of the presiding judge.

(b) *Witnesses, evidence, other exhibits.* A party that intends to offer testimony, other evidence, or other material for the record at a hearing shall arrange for the witness, evidence, or other material to be present in the hearing room. The Board may in its discretion allow testimony by telephone or video.

(c) *Exclusion of witnesses.* The Board may exclude witnesses from a hearing, other than one designated representative for each party or a person authorized by statute to be present, so that witnesses

are not influenced by the testimony of other witnesses.

(d) *Sworn testimony.* Hearing witnesses shall testify under oath or affirmation. If a person called as a witness refuses to so swear or affirm, the Board may receive the person's testimony under penalty of making a materially false statement in a federal proceeding under 18 U.S.C. 1001. Alternatively, the Board may disallow the testimony and may draw inferences from the person's refusal to swear or affirm.

6101.22 Transcripts [Rule 22].

The Board arranges transcription of hearings, other than hearings under the small claims procedure of Rule 52. The Board may, but generally does not, arrange transcription of conferences or other proceedings. No one may record or transcribe a Board proceeding without the Board's permission. The Board may order or acknowledge corrections to an official transcript. Each party is responsible for obtaining its own copy of a transcript.

6101.23 Briefs [Rule 23].

(a) *Generally.* The Board may order or invite briefs on any issue in a case at any time. Briefs shall be formatted for 82 by 11-inch paper, double spaced, with body and footnote text no smaller than 13 point.

(b) *Prehearing, post-hearing, and other briefs.* Prehearing and post-hearing briefs, briefs filed under Rule 19, and briefs on non-procedural motions shall cite record evidence for factual statements and legal authority for legal arguments.

6101.24 Closing the record [Rule 24].

(a) *Closing the evidentiary record.* Unless otherwise ordered, the evidence as defined in Rule 9(a)(1) is closed at the end of a hearing under Rule 20 or at the start of merits briefing when a case is submitted on the record under Rule 19.

(b) *Closing the record for decision.* Unless otherwise ordered, the record for decision as defined in Rule 9(a) is closed when the Board receives the final scheduled brief on the matters to be decided.

6101.25 Decisions and settlements [Rule 25].

(a) *Decisions.* The Board issues decisions in writing, except as allowed by Rule 52. The Board will send a copy of a decision to each party, requesting confirmation of receipt (see Rule 1), and will post the decision on its website. If a decision reserves any part of a case for later proceedings, it is conclusive as to the matters it resolves, except as provided in Rules 26 and 28.

(b) *Settlements.* Parties may settle a case by stipulating to an award. The Board may issue a decision making the stipulated award if:

(1) The Board is satisfied that it has jurisdiction, and

(2) The stipulation states that no party will seek reconsideration of, seek relief from, or appeal the Board's decision.

6101.26 Reconsideration [Rule 26].

(a) *Grounds.* The Board may on motion reconsider a decision or order for a reason recognized in Rule 59 of the Federal Rules of Civil Procedure. Arguments and evidence previously presented are not grounds for reconsideration.

(b) *Time limit for motion.* A party may move for reconsideration of a decision or order on an appeal or petition within 30 days after that party receives the decision or order. A party may move for reconsideration of a decision or order on an application within 7 days after receiving the decision or order. The Board does not extend these time limits.

(c) *Effect of motion.* A pending reconsideration motion does not affect any obligation to comply with a decision or order.

6101.27 Relief from decision or order [Rule 27].

(a) *Grounds.* The Board may grant relief, for a reason recognized in Rule 60 of the Federal Rules of Civil Procedure, from a decision or order that, alone or in conjunction with prior decisions or orders, resolves all of an appeal, petition, or application.

(b) *Time limit for motion.* A party may move for relief under this rule within 120 days after that party receives the decision or order at issue.

(c) *Effect of motion.* A pending motion for relief under this rule does not affect any obligation to comply with a decision or order.

6101.28 Full Board consideration [Rule 28].

(a) *By motion.* The full Board may consider a decision or order when necessary to maintain uniformity of Board decisions or if the matter is exceptionally important. Motions for full Board consideration are disfavored and are decided by a majority of the Board. A party may move for full Board consideration within 10 days after that party receives the decision or order at issue. An order granting full Board consideration will include concurring or dissenting opinions, if any.

(b) *By Board initiative.* A majority of the Board may initiate full Board consideration of any matter in a case, up to 10 days after a judge or panel issues a decision or order on that matter. The full Board will inform the parties by order of the matter or matters to be considered. The order will include concurring or dissenting opinions, if any.

(c) *Full Board decision.* The full Board decides matters by majority vote. A full Board decision will include concurring or dissenting opinions, if any.

(d) *Effect of motion.* A pending motion for full Board consideration does not affect any obligation to comply with a decision or order.

6101.29 Clerical mistakes; harmless error [Rule 29].

(a) *Clerical mistakes.* The Board may correct clerical mistakes while a case is pending, or within 60 days thereafter if a decision has not been appealed. If a Board decision is appealed, the Board may correct clerical mistakes only by leave of the appellate Court.

(b) *Harmless error.* The Board disregards errors that do not affect a substantive right of a party. No error in a ruling, order, or decision of the Board will be grounds for a new hearing or for vacating, reconsidering, modifying, or otherwise disturbing a decision or order unless refusing to correct the error will prejudice a party or work a substantial injustice.

6101.30 Award of fees and other expenses [Rule 30].

(a) *Application for fees and other expenses.* A party in an appeal may apply for an award of fees and other expenses as permitted under EAJA or any other provision that may entitle the party to such an award.

(b) *Time for filing.* A party may file an application for fees and other expenses only after the time to seek appellate review of a Board decision has expired. A party may file an application within 30 calendar days after that date.

(c) *Application requirements.* An application for fees and other expenses shall:

(1) Specify the applicant, appeal, and amount sought;

(2) Explain why the applicant is legally eligible for an award;

(3) Provide a schedule of fees and expenses with supporting documentation;

(4) Be signed by the applicant or a person appearing for the applicant, with a declaration under penalty of perjury that the information in the application is correct;

(5) Provide evidence of the applicant's small business status or net worth; and

(6) Justify any request for attorney fees exceeding the statutory rate.

(d) *Proceedings.*

(1) Within 30 days after receiving an application, the respondent may file an answer with any objections to the award requested, supported by facts and legal analysis.

(2) The Board may order further proceedings if necessary for a full and fair resolution of issues arising from an application.

(e) *Decision.* The Board will issue a written decision on an application.

6101.31 Payment of award [Rule 31].

When permitted by law, Board awards under contracts may be paid from the permanent indefinite judgment fund under 31 U.S.C. 1304 and 31 CFR part 256. An EAJA award is paid from funds of the respondent.

6101.32 Appeal from Board decision [Rule 32].

(a) *Notice.* A party filing a notice of appeal with the United States Court of Appeals for the Federal Circuit (or with a district court in an admiralty case) shall provide a copy of the notice to the Board.

(b) *Record on review.* The record on appellate review is the record for decision under Rule 9(a) and any other material in a case file that the appellate Court may require.

(c) *Certified list.* The Clerk will provide the clerk of the appellate Court a certified list as required by the Court's rules.

(d) *Inspection or copying of record.* The Clerk will make a record on appeal available for inspection and copying in accordance with the rules of the appellate Court.

6101.33 Remand from appellate Court [Rule 33].

If a Court remands a case to the Board for further proceedings, each party shall, within 30 days of receipt of the appellate mandate, recommend procedures to comply with the remand order. The Board will then issue an order on further proceedings.

6101.34 *Ex parte* communications [Rule 34].

No member of the Board or of the Board's staff will communicate with a party about any material issue in a case outside of the presence of the other party, and no one shall attempt such communications on behalf of a party. This rule does not bar such communications about the Board's administrative functions or procedures.

6101.35 Standards of conduct; sanctions [Rule 35].

(a) *Standards of conduct.* All parties and their representatives, attorneys, and any expert or consultant retained by them or their attorneys shall obey directions and orders of the Board and adhere to standards of conduct applicable to such parties and persons. Standards applying to an attorney include the rules of professional conduct and ethics of the jurisdictions in which the attorney is licensed to practice, to the extent that those rules are relevant to conduct affecting the integrity of the Board, its process, or its proceedings.

(b) *Sanctions.* If a party or its representative, attorney, expert, or consultant fails to comply with any direction or order of the Board (including an order to provide or permit discovery) or engages in misconduct affecting the Board, its process, or its proceedings, the Board may make such orders as are just, including the imposition of appropriate sanctions. Sanctions may include, but are not limited to:

(1) Taking the facts pertaining to the matter in dispute to be established for the purpose of the case in accordance with the contention of the party who is not at fault;

(2) Forbidding the challenge of the accuracy of any evidence;

(3) Refusing to allow the party to support or oppose designated claims or defenses;

(4) Prohibiting the party from introducing into evidence designated claims or defenses;

(5) Striking pleadings or parts thereof, or staying further proceedings until the order is obeyed;

(6) Dismissing the case or any part thereof;

(7) Enforcing the protective order and disciplining individuals subject to such order for violation thereof, including disqualifying a party's representative, attorney, expert, or consultant from further participation in the case;

(8) Drawing evidentiary inferences adverse to the party; or

(9) Imposing such other sanctions as the Board deems appropriate.

(c) *Denial of access to protected material.* The Board may in its discretion deny access to protected material to any person found to have previously violated a protective order, regardless of who issued the order.

(d) *Disciplinary proceedings.*

(1) *Sanctions.* The Board may discipline individual party representatives, attorneys, experts, or consultants for violating any Board order, direction, or standard of conduct if the violation seriously affects the integrity of the Board, its process, or its proceedings. Sanctions may be public or private, and may include admonishment, reprimand, disqualification from a particular matter, referral to an appropriate licensing authority, or other action that circumstances may warrant.

(2) *Suspension.* The Board may suspend an individual from appearing before the Board as a party representative, attorney, expert, or consultant, if, after affording such individual notice and opportunity to be heard, a majority of the members of the full Board determine such a sanction is warranted.

6101.36 Board seal [Rule 36].

The seal of the Board is a circular logo with ''Civilian Board of Contract Appeals'' on the outer margin. The seal is a means of authenticating records, notices, orders, dismissals, opinions, subpoenas, and certificates issued by the Board.

6101.37–50 [Reserved]

6101.51 Alternative procedures [Rule 51].

An appellant in an eligible case may elect the small claims procedure under Rule 52 or the accelerated procedure under Rule 53. Parties may jointly elect alternative dispute resolution under Rule 54.

6101.52 Small claims procedure [Rule 52].

(a) *Election.* The small claims procedure is available solely at an appellant's election, when there is a monetary amount in dispute and either (1) the amount in dispute is $50,000 or less, or (2) the appellant is a small business (under the Small Business Act, 15 U.S.C. 631 *et seq.,* and regulations under that Act) and the amount in dispute is $150,000 or less. An appellant may elect the small claims procedure up to 30 days after receiving the respondent's answer.

(b) *Procedure.* The respondent may object to an election, on the grounds that Rule 52(a) is not satisfied, within 10 days after receiving the election. If the small claims procedure is used, the Board will set a schedule for timely resolution of the appeal. The schedule may restrict or eliminate pleadings, discovery, and other prehearing activities.

(c) *Decision.* The presiding judge may issue a decision in summary form. A decision is final and conclusive, shall not be set aside except for fraud, and is not precedential. If possible, the Board will resolve the appeal within 120 days after the appellant elects the small claims procedure. The Board may extend the appeal schedule if an appellant does not adhere to the established schedule.

6101.53 Accelerated procedure [Rule 53].

(a) *Election.* The accelerated procedure is available solely at an appellant's election and is limited to appeals in which there is a monetary amount in dispute and that amount is $100,000 or less. The appellant may elect the accelerated procedure up to 30 days after receiving the respondent's answer.

(b) *Procedure.* The respondent may object to an election, on the grounds that Rule 53(a) is not satisfied, within 10 days after receiving the election. If the accelerated procedure is used, the Board will set a schedule for timely resolution of the appeal. The schedule may restrict or eliminate pleadings, discovery, and other prehearing activities.

(c) *Decision.* The presiding judge may issue a decision with the concurrence of at least one panel member. If the presiding judge and a panel member disagree, the panel will decide the appeal. If possible, the Board will resolve the appeal within 180 days after the appellant elects the accelerated procedure. The Board may extend the appeal schedule if an appellant does not adhere to the established schedule.

6101.54 Alternative dispute resolution [Rule 54].

(a) *Availability.* The CDA states that boards of contract appeals ''shall . . . to the fullest extent practicable provide informal, expeditious, and inexpensive resolution of disputes.'' Resolution of a dispute at the earliest stage feasible, by the fastest and least expensive method possible, benefits both parties. The Board provides alternative dispute resolution (ADR) services for pre-claim and pre-final decision matters, as well as appeals pending before the Board. The Board may also conduct ADR proceedings for any federal agency. The use of ADR proceedings does not toll any statutory time limits.

(b) *Procedures for requesting ADR.* Parties may jointly ask the Board Chair to appoint a judge as an ADR Neutral. The parties may request a particular judge or judges, to include the presiding judge. To facilitate full, frank, and open participation, a Neutral will not discuss the substance of the case or the parties' conduct in ADR with other Board personnel, and a Neutral who participates in a nonbinding ADR procedure that does not resolve the dispute is recused from further participation in the matter unless the parties agree otherwise in writing and the Board concurs.

(c) *Confidentiality.* Written material prepared for use in ADR, oral presentations made in ADR, and all discussions between the parties and the Neutral are confidential, subject to 5 U.S.C. 574, and, unless otherwise specifically agreed by the parties, inadmissible as evidence in any Board proceeding, although evidence otherwise admissible before the Board is not rendered inadmissible merely because of its use in ADR.

(d) *ADR agreement.* Parties shall agree in writing to an ADR method and the procedures and requirements for implementing it. The ADR agreement shall provide that the parties and counsel will not subpoena the Neutral in any legal action or administrative proceeding of any kind to provide documents or testimony relating to the ADR.

(e) *Types of ADR.* Parties and the Board may agree on any type of binding or nonbinding ADR suited to a dispute.

■ 2. Revise part 6102 to read as follows:

PART 6102—CROP INSURANCE CASES

Sec.

Authority: 7 U.S.C. 1501 *et seq.;* 41 U.S.C. 438(c)(2).

6102.201 Scope of rules [Rule 201].

These procedures govern the Board's resolution of disputes between insurance companies and the Department of Agriculture's Risk Management Agency (RMA) involving actions of the Federal Crop Insurance Corporation (FCIC). Prior to the creation of this Board, the Department of Agriculture Board of Contract Appeals resolved this variety of dispute pursuant to statute, 7 U.S.C. 1501 *et seq.* (the Federal Crop Insurance Act), and regulation, 7 CFR 24.4(b) and 400.169. The Board has this authority under an agreement with the Secretary of Agriculture, as permitted under section 42(c)(2) of the Office of Federal Procurement Policy Act, 41 U.S.C. 438(c)(2).

6102.202 Rules for crop insurance cases [Rule 202].

The rules of procedure for these cases are the same as the rules of procedure for Contract Disputes Act appeals, with these exceptions:

(a) *Rule 1(b).*

(1) The term ''appeal'' means a dispute between an insurance company that is a party to a Standard Reinsurance Agreement (or other reinsurance agreement) and the RMA, and the term ''appellant'' means the insurance company filing an appeal.

(2) A notice of appeal is filed upon its receipt by the Office of the Clerk of the Board, not when it is mailed.

(3) The terms ''petition'' and ''petitioner'' do not apply to FCIC cases.

(b) *Rule 2.*

(1) Rule 2(a) is replaced with the following for FCIC cases: A notice of appeal shall be in writing and shall be signed by the appellant or by the appellant's attorney or authorized representative. If the appeal is from a determination by the Deputy Administrator of Insurance Services regarding an action alleged not to be in accordance with the provisions of a Standard Reinsurance Agreement (or other reinsurance agreement), or if the appeal is from a determination by the Deputy Administrator of Compliance concerning a determination regarding a compliance matter, the notice of appeal should describe the determination in enough detail to enable the Board to differentiate that decision from any other; the appellant can satisfy this requirement by attaching to the notice of appeal a copy of the Deputy Administrator's determination. If an appeal is taken from the failure of the Deputy Administrator to make a timely determination, the notice of appeal should describe in detail the matter that the Deputy Administrator has failed to determine; the appellant can satisfy this requirement by attaching to the notice of appeal a copy of the written request for a determination it sent to the Deputy Administrator.

(2) In Rule 2(a), the references to ''contracting officer'' are references to ''Deputy Administrator.''

(3) Rule 2(b) does not apply to FCIC cases.

(4) In Rule 2(d)(1), an appeal from a determination of a Deputy Administrator shall be filed no later than 90 calendar days after the date the appellant receives that determination. The Board is authorized to resolve only those appeals that are timely filed.

(5) In Rule 2(d)(2), an appeal may be filed with the Board if the Deputy Administrator fails or refuses to issue a determination within 90 days after the appellant submits a request for a determination.

(c) *Rule 4.*

(1) In Rule 4, the references to ''contracting officer'' are references to ''Deputy Administrator.''

(2) In Rule 4(a), paragraphs (1) through (7), describing materials included in the appeal file, are replaced by the following:

(i) The determination of the Deputy Administrator that is the subject of the dispute;

(ii) The reinsurance agreement (with amendments or modifications) at issue in the dispute;

(iii) Pertinent correspondence between the parties that is relevant to the dispute, including prior administrative determinations and related submissions;

(iv) Documents and other tangible materials on which the Deputy Administrator relied in making the underlying determination; and

(v) Any additional material pertinent to the authority of the Board or the resolution of the dispute.

(3) The following subsection is added to Rule 4: Media on which appeal file is to be submitted. All appeal file submissions, including the index, shall be submitted in two forms: paper and in a text or .pdf format submitted on a compact disk. Each compact disk shall be labeled with the name and docket number of the case. The judge may delay the submission of the compact disk copy of the appeal file until the close of the evidentiary record.

(d) *Rule 5.* In Rule 5(a)(2), the references to ''contracting officer'' are references to ''Deputy Administrator.''

(e) *Rule 15.* In Rule 15(c), the final sentence does not apply to FCIC cases.

(f) *Rule 16.* Rules 16 (b) through (h) do not apply to FCIC cases. Instead, upon the written request of any party filed with the Office of the Clerk of the Board, or upon the initiative of a judge, a judge is authorized by delegation from the Secretary of Agriculture to request the appropriate United States Attorney to apply to the appropriate United States District Court for the issuance of subpoenas pursuant to 5 U.S.C. 304.

(g) *Rule 25.* In Rule 25(a), the phrase, ''except as allowed by Rule 52,'' does not apply to FCIC cases.

(h) *Rule 32.* Rule 32 (a) through (c) are replaced with the following for FCIC cases:

(1) *Finality of Board decision.* A decision of the Board is a final administrative decision.

(2) *Appeal permitted.* An appellant may file suit in the appropriate United States District Court to challenge the Board's decision. An appellant filing such a suit shall provide the Board with a copy of the complaint.

(i) *Rule 52.* Rule 52 does not apply to FCIC cases.

(j) *Rule 53.* Rule 53 does not apply to FCIC cases.

[FR Doc. 2018–06269 Filed 3–27–18; 8:45 am]

BILLING CODE 6820–AL–P

Notices

Federal Register
Vol. 83, No. 60
Wednesday, March 28, 2018

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2015–0042]

Notice of a Determination Regarding the Fever Tick Status of the State of Chihuahua, Excluding the Municipalities of Guadalupe y Calvo and Morelos

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that we have determined that the State of Chihuahua, excluding the municipalities of Guadalupe y Calvo and Morelos, is free from fever ticks. Based on an evaluation of the fever tick status of this region, which we made available to the public for review and comment through a previous notice, the Administrator has determined that this region is free from fever ticks and that ruminants imported from the region present a low risk of exposing ruminants in the United States to fever ticks.

DATES: This change in fever tick status will be recognized on April 27, 2018.

FOR FURTHER INFORMATION CONTACT: Dr. Betzaida Lopez, Senior Staff Veterinarian, National Import Export Services, VS, APHIS, 4700 River Road Unit 39, Riverdale, MD 20737; (301) 851–3300.

SUPPLEMENTARY INFORMATION: The regulations in 9 CFR part 93 prohibit or restrict the importation of certain animals, birds, and poultry into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart D of part 93 (§§ 93.400 through 93.436, referred to below as the regulations) governs the importation of ruminants; within the regulations, §§ 93.424 through 93.429 specifically address the importation of ruminants from Mexico into the United States.

The regulations in paragraph (b)(1) of § 93.427 contain conditions for the importation of ruminants from regions of Mexico that we consider free from the *Rhipicephalus* (formerly *Boophilus*) *annulatus* ticks and *Rhipicephalus microplus* ticks, known as cattle fever ticks. Fever ticks are the North American vectors for bovine babesiosis, or cattle fever. Regions of Mexico that we consider free from fever ticks are listed at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/ct_animal_disease_status.* Currently, the State of Sonora is the only region on this list.

The regulations in 9 CFR 92.2 contain requirements for requesting the recognition of the animal health status of a region or for the approval of the export of a particular type of animal or animal product to the United States from a foreign region. If, after review and evaluation of the information submitted in support of the request, the Animal and Plant Health Inspection Service (APHIS) believes the request can be safely granted, APHIS will make its evaluation available for public comment through a notice published in the **Federal Register**. Following the close of the comment period, APHIS will review all comments received and will make a final determination regarding the request that will be detailed in another notice published in the **Federal Register**.

In accordance with that process, Mexico asked APHIS to recognize the State of Chihuahua, except the municipalities of Guadalupe y Calvo and Morelos, as a region free from fever ticks. In response to this request, we prepared an evaluation of the fever tick status of this region. The evaluation concluded that the State of Chihuahua, excluding the municipalities of Guadalupe y Calvo and Morelos, is free from fever ticks, and that ruminants imported from the region pose a low risk of exposing ruminants within the United States to fever ticks.

On May 12, 2016, we published in the **Federal Register** (81 FR 29524–29525, Docket No. APHIS–2015–0042) a notice [1] in which we announced the availability for review and comment of our evaluation of the fever tick status of the State of Chihuahua, except the municipalities of Guadalupe y Calvo and Morelos. We solicited comments on the notice for 60 days ending on July 11, 2016. We received no comments on our evaluation.

Therefore, based on the findings of our evaluation and the absence of comments that would lead us to reconsider those findings, we are announcing our determination to add the State of Chihuahua, excluding the municipalities of Guadalupe y Calvo and Morelos, to the list of regions of Mexico declared free from fever ticks. This list is available on the APHIS website at *https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-and-animal-product-import-information/ct_animal_disease_status.*

Authority: 7 U.S.C. 1622 and 8301–8317; 21 U.S.C. 136 and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 22nd day of March 2018.

Kevin Shea,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2018–06131 Filed 3–27–18; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the notice and the evaluation, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2015-0042.*

DEPARTMENT OF AGRICULTURE

Forest Service

Andrew Pickens Ranger District, Sumter National Forest, South Carolina; Supplement to the 2013 AP Loblolly Pine Removal and Restoration Project

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare a Supplemental Environmental Impact Statement for the AP Loblolly Pine Removal and Restoration Project.

SUMMARY: The USDA Forest Service is preparing a Supplemental Environmental Impact Statement (SEIS) for the AP Loblolly Pine Removal and Restoration Project. The purpose of this project is to restore native vegetation typical of the Southern Appalachian Mountains in areas that were planted to non-native loblolly pine plantations in the 1970s. A number of vegetative treatments have been implemented since the Final Environmental Impact Statement was completed and the

Record of Decision was signed in 2013. Implementation monitoring and field reviews indicate that some changes are needed to the original decision.

DATES: Scoping comments for this supplement must be received by April 27, 2018. The Draft Supplemental Environmental Impact Statement (DSEIS) is expected in June 2018, and the Final Supplemental Environmental Impact Statement (FSEIS) is expected in October 2018.

ADDRESSES: Send written comments to USDA Forest Service, 112 Andrew Pickens Circle, Mountain Rest, South Carolina 29664. Comments may also be sent via email to *comments-southern-francismarion-sumter-andrewpickens@fs.fed.us,* or via facsimile to 864–638–2659.

FOR FURTHER INFORMATION CONTACT: Robbie Sitzlar (*rsitzlar@fs.fed.us*) and/or Victor Wyant (*vwyant@fs.fed.us*), 864–638–9568.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: In May 2013, the Final Environmental Impact Statement for the AP Loblolly Pine Removal and Restoration Project (2013 FEIS) was completed and a Record of Decision (2013 ROD) was signed by the Andrew Pickens District Ranger on May 22, 2013. The 2013 FEIS and 2013 ROD along with other supporting documents are available at: *https://www.fs.usda.gov/project/?project=28634.* These documents include descriptions of the purpose and need for the project and the three alternatives that were evaluated. Alternative 3 was selected by the Responsible Official for implementation. Since the 2013 ROD was signed, a number of timber sale units have been logged and subsequent implementation monitoring and field reviews indicate a need to make some changes to the decision.

Purpose and Need for Action

Additions to the purpose and need for action are based on project implementation monitoring and field reviews, as described below.

1. Field reviews have identified 1,330 acres of new loblolly stands that were not addressed in the 2013 FEIS. These stands need to be restored to native forest species appropriate for the ecological zone and loblolly pine (a non-native species) needs to be eliminated as a long term seed source.

2. Since the 2013 ROD was signed, 902 acres of loblolly stands have become commercially viable and/or have road access to them that was not available at the time of the original decision. There is a need to recover any economic value in trees to be harvested prior to restoration of native forest vegetation.

3. As a non-native species in the Southern Appalachian Mountains, loblolly pine has proven to be an aggressive competitor and seed stored in the soil germinates prolifically following harvest and hampers establishment of native forest vegetation. The herbicides currently approved for use have proven effective for hardwood control but ineffective at controlling loblolly pine regeneration. There is a need to include both prescribed burning and herbicides as site preparation treatments that are more effective at controlling loblolly pine regeneration. This would facilitate restoration of desirable native pine and hardwood species on appropriate ecological types.

4. Implementation monitoring indicates that undesirable understory hardwoods (such as red maple, sweetgum, blackgum, rhododendron, and mountain laurel) are well-established in some stands. The lack of periodic fire has allowed these species to become dominant and persistent in the understory at levels not typical for their ecological zone. In addition, past Southern pine beetle activity that killed portions of the overstory loblolly pine has also resulted in these hardwood species gaining dominance of the site at the exclusion of other desirable species such as oaks, hickories, and native pines. Loblolly pine regeneration is also present and needs to be eliminated from the stand. There is a need to treat undesirable hardwood and loblolly pine understories prior to timber harvest in some areas to facilitate reestablishment of native forest vegetation.

5. Ecological classification mapping for the district has been updated since the 2013 ROD was signed. This new information has been used to help identify potentially suitable areas for woodland management. Also, establishment of woodland areas has proven to be more labor intensive than was originally thought. There is a need to reduce the total number of acres managed as woodlands and to use ecological mapping to identify areas suitable for woodland management. This would result in some woodland areas being changed to regeneration harvest and some new areas selected for woodland management. In some cases, stands selected for woodland management contain desirable hardwood species such as oak and hickory but lack sufficient native pine species typical of the ecological zone. Woodland areas should contain a variety of ecologically suitable species of native pines (that include pitch pine, Table Mountain pine and shortleaf pine) and hardwoods with an open overstory and an understory dominated by herbaceous vegetation. Woodland restoration needs to include native pine species suitable to the ecological zone.

6. Implementation monitoring has shown the need to drop mitigation measure #1 from the 2013 FEIS. This mitigation measure provides for staggering some harvest units in identified small sub-watersheds to reduce timber harvesting effects on water quality. However, this mitigation measure has proven difficult to implement and has caused additional adverse environmental effects. Staggering harvest units has resulted in additional soil disturbance from roads. Instead of using a system road once during a timber sale and then putting it back into storage and allowing it to revegetate, another entry is needed a few years later resulting in additional disturbance in the watershed. In addition, there is an increased risk of loblolly pine seeding into the newly restored unit from the adjacent uncut stand.

7. Mitigation measure # 6c would be revised to permit log trucks to cross some perennial and intermittent streams using other methods (such as low-water crossings) in addition to temporary bridges. Implementation monitoring indicates that some crossings make it impracticable to use a temporary bridge without placing fill material on the banks of the stream. This fill material has the potential to be a sediment source once the temporary bridge is removed. The revised mitigation would require consultation with Forest Service resource specialists prior to proceeding with other crossing methods. The intent is to choose the best form of crossing to protect soil and water resources.

8. A mitigation measures would be added to protect residual trees during site preparation prescribed burn treatments and another mitigation measure would be added to require hand fireline construction near streams.

Proposed Action

The proposed action includes adding about 1,330 acres of new loblolly stand treatments, modifying loblolly treatments on 902 acres from pre-commercial to commercial treatments, reducing the acres to be managed as woodlands, adding planting of native pines in woodlands, adding two herbicides (that are already approved for

Forest Service use) to more effectively manage understory vegetation, adding prescribed fire, and modifying or adding mitigation measures to protect resources.

Regeneration Harvest, with Reserves (cut-and-remove): Commercial timber harvest would occur on an additional 1,330 acres. Unmerchantable loblolly pine and other undesirable species would be cut down by manual (saws, hand tools) or mechanized felling equipment. In addition, to cutting loblolly pine, harvest would also include Virginia pine, white pine, red maple, sourwood, blackgum, mountain laurel, rhododendron, yellow-poplar and other less desirable hardwoods. The intent of cutting from these associated species is to limit their abundance and achieve a mix of species typical of natural forest conditions. Desirable dominant and co-dominant oaks, hickories, shortleaf pine, Table Mountain pine, and pitch pine of good vigor would be retained where possible unless removal is necessary for safety or for equipment operability reasons. Site-preparation treatments would be implemented prior to tree planting. Shortleaf pine, Table Mountain pine, and pitch pine would be planted on some sites; densities would vary based on residual desirable species, site quality and consideration of the ecological zone for each stand.

Regeneration Harvest, with Reserves (treatments changed from cut and leave to cut and remove): Commercial timber harvest would occur on approximately 902 acres previously designated for non-commercial treatment. Treatments would be the same as those described for Regeneration Harvest, with Reserves (cut-and-remove).

New Woodland Stands: The woodland prescription would remove all loblolly pine and undesirable tree species including but not limited to Virginia pine, white pine, maples, and yellow poplar on 188 acres. The treatment would include thinning oaks, hickories, and shortleaf pine if necessary to a 30 to 60% canopy cover. Maintenance treatments could include prescribed burning, herbicide, manual, and mechanical methods as needed to achieve the desired species composition. Manual and mechanical methods include hand tools (chainsaws, brush saws), and/or heavy equipment (tractor with mower, gyro-track that grind up or masticate undesirable understory vegetation). Herbicides in combination with a surfactant and spray pattern indicator would also be used to control undesirable understory vegetation. Herbicides would be applied manually (between the first of July and the end of September) via directed foliar or cut surface application methods.

Stands Changed from Woodland Treatments to Regeneration Harvest, with Reserves (cut-and-remove): Commercial timber harvest would occur on approximately 282 acres. Treatments would be the same as those described for Regeneration Harvest, with Reserves (cut-and-remove).

Woodlands Planted with Native Pines: The proposed action would include the option to plant pitch pine, Table Mountain pine and shortleaf pine to supplement species diversity in newly established woodland areas (631 acres). Planting would be done manually in small patches and densities would be based on the number needed to meet woodland ecological objectives for the site.

Additional Site Preparation Treatments: The supplement would include the addition of site-preparation prescribed burning and two new herbicides that are more effective at controlling loblolly pine regeneration.

Prescribed Burning Treatment: Site-preparation burning would be used to control loblolly regeneration typically in the first growing season following harvest in regeneration stands (4,369 acres). It would also be used to reduce competition from Virginia pine, white pine, and undesirable hardwoods. Firelines would utilize natural features as practicable such as streams or constructed features such as roads. Dozer and hand constructed firelines would be needed in some places to contain the prescribed fire. Stands that overlap with larger landscape prescribed burn blocks may be burned in the growing season or dormant season subject to landscape scale burning objectives. Burning would be done manually with drip torches or with aerial ignition (*i.e.,* helicopter).

Herbicide Treatments: Chemical site preparation would be used in stands that are not prescribe burned or where burning does not have the anticipated effect at controlling competition. Glyphosate and aminopyralid herbicides would be added to the existing herbicides to control regenerating loblolly pine seedlings and undesirable species as needed in order to achieve native species composition. Herbicides would be applied manually using the foliar or hack-n-squirt methods. In addition, pre-harvest site-preparation herbicide treatments may be used to control mid and understory species composition in all regeneration areas.

Changes to Mitigation Measures: Mitigation measure #1 which required staggering of harvest units in some watersheds would be dropped and instead reliance would be placed on adherence to ''*South Carolina's Best Management Practices for Forestry* and *National Best Management Practices for Water Quality Management on National Forest System Lands*'' and standards in the Revised Land and Resource Management Plan Sumter National Forest (Forest Plan).

Mitigation measure # 6c would be revised to allow log trucks to cross perennial and intermittent streams using other methods (low-water crossing) in addition to temporary bridges as deemed practicable and effective at resource protection with approval from Forest Service specialists. Crossings would adhere to BMPs and the Forest Plan.

A new mitigation measure would be added to protect residual trees in harvest units during prescribed burn activities. Protection measures could include manual and mechanical removal of logging slash from under the drip-line to the base of residual trees. A new mitigation measure would be added to protect streams by requiring hand fireline construction within 100 feet of streams when deemed necessary during prescribed burning.

Additional Forest Service System Road Reconstruction and Maintenance: Road reconstruction and maintenance would be needed on an additional 9.4 miles of existing Forest Service system roads. Reconstruction work would consist of but not be limited to graveling road surfaces, replacing culverts—including replacements for aquatic organism passage, ditch cleaning, removing brush and trees along road rights-of-way, installing, repairing or replacing gates and correcting road safety hazards. Road maintenance would consist of but not be limited to spot gravel replacement, blading, cleaning culverts, brushing and mowing.

Temporary Roads: Approximately 12 miles of additional temporary roads would be used to access stands. Temporary roads would be closed and the area returned to resource production after the access is no longer needed.

Fireline Construction: Approximately 8 miles of dozer fireline would be needed for site preparation burning treatments. Typically, constructed line would not be needed to control fire during the growing season site preparation burning, but key locations would need it (such as along private land boundaries next to residences). Additional information including maps on the proposed action are located at the following website: *https://www.fs.usda.gov/project/?project=53047.*

Responsible Official

Andrew Pickens District Ranger, Sumter National Forest

Nature of Decision To Be Made

Whether or not to implement the Proposed Action or continue to implement the 2013 ROD.

Scoping Process

This Notice of Intent initiates the scoping process, which guides the development of the SEIS. We are inviting you to submit comments to help refine the proposed action. In addition, the Responsible Official is currently preparing an environmental analysis of the proposed action and needs your assistance to better identify issues, concerns and opportunities. Pursuant to 36 CFR 218.7(a)(2), this proposed project implements the land management plan and is subject to 36 CFR 218 subparts A and B.

Specific written comments as defined by § 218.2 should be within the scope of the proposed action, have a direct relationship to the proposed action, and must include supporting reasons for the Responsible Official to consider. It is the responsibility of all individuals and organizations to insure that their comments are received in a timely manner.

A notice and comment period will be provided at a future date (§ 218.24). Only those that respond to this request for comments will remain on the mailing list for this project.

It is important that reviewers provide their comments at such times and in such manner that they are useful to the agency's preparation of the environmental impact statement. Therefore, comments should be provided prior to the close of the comment period and should clearly articulate the reviewer's concerns and contentions.

Comments received in response to this solicitation, including names and addresses of those who comment, will be considered part of the public record on these proposed actions and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not provide the agency with the ability to provide the respondent with subsequent environmental documents.

Dated: February 28, 2018.

Chris French,

Associate Deputy Chief, National Forest System.

[FR Doc. 2018–06132 Filed 3–27–18; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Rural Broadband Access Loans and Loan Guarantees Program

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Solicitation of Applications (NOSA).

SUMMARY: The Rural Utilities Service (RUS), an Agency of the United States Department of Agriculture (USDA), announces that it is accepting applications for fiscal year (FY) 2018 for the Rural Broadband Access Loans and Loan Guarantees Program (the Broadband Program). RUS will publish on its website *https://www.rd.usda.gov/newsroom/notices-solicitation-applications-nosas* the amount of funding received through the final appropriations act.

Since the passage of the Agricultural Act of 2014 (2014 Farm Bill), RUS has only accepted applications according to discrete application windows as identified in notices published in the **Federal Register**. However, based on a review of the applications submitted since the implementation of the 2014 Farm Bill, RUS has determined that the use of application windows has not effectively supported the Agency's mission to finance improved broadband service in rural areas. As a result, RUS is accepting applications on a rolling basis throughout FY 2018. This will give RUS the ability to request additional information and modifications to a submitted application whenever necessary.

Applications will be processed on a first come, first served basis. Every ninety (90) days, RUS will conduct an evaluation of the submitted applications. During the evaluation period, applications will be ranked based on the percentage of unserved households that the applicant proposes to serve. RUS anticipates that it will conduct at least two evaluation periods for FY 2018. Because the Agency will receive applications throughout the fiscal year, subsequent evaluation periods can alter the ranking of applications.

In addition to announcing its acceptance of FY 2018 applications, RUS revises the minimum and maximum amounts for broadband loans for the fiscal year.

DATES: Applications under this NOSA will be accepted immediately through September 30, 2018. RUS will process loan applications as they are received.

Applications can only be submitted online through the RD Apply website at *https://www.rd.usda.gov/programs-services/rd-apply* through September 30, 2018.

FOR FURTHER INFORMATION CONTACT: For further information contact Shawn Arner, Deputy Assistant Administrator, Loan Origination and Approval Division, Rural Utilities Service, Room 2844, STOP 1597, 1400 Independence Avenue SW, Washington, DC 20250–1597, Telephone: (202) 720–0800, or email: *shawn.arner@wdc.usda.gov.*

SUPPLEMENTARY INFORMATION:

General Information

The Rural Broadband Access Loan and Loan Guarantee Program (the ''Broadband Program'') is authorized by the Rural Electrification Act (7 U.S.C. 901 *et seq.*), as amended by the Agricultural Act of 2014 (Pub. L. 113–79), also referred to as the 2014 Farm Bill.

During FY 2018, loans will be made available for the construction, improvement, and acquisition of facilities and equipment that will provide service at the broadband lending speed in eligible rural areas. Applications are subject to the requirements of 7 CFR part 1738.

Application Assistance

RUS offers pre-application assistance, in which National Office staff and the assigned General Field Representative review the draft application, provide detailed comments, and identify areas where an application is not meeting eligibility requirements for funding. The online application system allows RUS staff to assist an applicant with every part of an application as it is being developed. Once the application is formally submitted, the online system will timestamp the submitted version and establish the application's place in the processing queue.

Based on the order in which the applications are received, RUS will review the application for completeness. The applicant may be asked for additional information to clarify aspects of an otherwise complete application or to assist the Agency in the underwriting process. If the application is determined to be complete, RUS will review the package for eligibility and technical and financial feasibility, in accordance with 7 CFR 1738. If an application is ultimately found to be incomplete or inadequate, a detailed explanation will be provided to the applicant.

To further assist in the preparation of applications, an application guide is available online at: *https://www.rd.usda.gov/programs-services/farm-bill-broadband-loans-loan-*

guarantees. An application guide may also be requested from the RUS contact listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Application requirements: All requirements for submission of an application under the Broadband Program are subject to 7 CFR part 1738.

Application Materials/Submission: Applications must be submitted through the Agency's online application system located at *https://www.rd.usda.gov/programs-services/rd-apply.* All materials required for completing an application are included in the online system.

Minimum and Maximum Loan Amounts

Loans under this authority will not be made for less than $100,000. The maximum loan amount that will be considered for FY 2018 is $25,000,000.

Required Definitions for Broadband Program Regulation

The regulation for the Broadband Program requires that certain definitions affecting eligibility be revised and published from time to time by the Agency in the **Federal Register**. For the purposes of this NOSA, the Agency is revising the definitions of *Broadband Service* and *Broadband Lending Speed.*

Broadband Service is determined to exist if customers are able to access a minimum rate-of-data transmission of twenty-five (25) megabits downstream and three (3) megabits upstream for both mobile and fixed service. This rate is used to determine whether an area is eligible for funding.

Broadband Lending Speed is the minimum rate-of-data transmission that applicants must propose to offer the customer. The Broadband Lending Speed is twenty-five (25) megabits downstream and three (3) megabits upstream for both mobile and fixed service.

Priority for Approving Loan Applications

Applications for FY 2018 will be accepted from the publication date of this NOSA through September 30, 2018. Although review of applications will begin as they are submitted, all applications will be evaluated and ranked every 90 days based on the percentage of unserved households in the proposed funded service area. Subject to available funding, eligible applications that propose to serve a higher percentage of unserved households will receive funding offers before other eligible applications that propose to serve a lower percentage of unserved households. The amount available will be published on the Agency web page once all budgetary allocations have been completed.

Loan offers are limited to the funds available at the time of the Agency's decision to approve an application.

Applications will not be accepted after September 30, 2018, until a new application opportunity has been opened with the publication of an additional NOSA in the **Federal Register**.

Paperwork Reduction Act

In accordance with the Paperwork Reduction Act of 1995, the information collection requirements associated with Broadband loans, as covered in this NOSA, have been approved by the Office of Management and Budget (OMB) under OMB Control Number 0572–0130.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Persons with disabilities who require alternative means of communication for program information (*e.g.,* Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720–2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD–3027, found online at *http://www.ascr.usda.gov/complaint_filing_cust.html* and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632–9992. Submit your completed form or letter to USDA by: (1) *Mail:* U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250–9410, (2) *Fax:* (202) 690–7442; or (3) *Email: program.intake@usda.gov.*

USDA is an equal opportunity provider, employer, and lender.

Dated: March 22, 2018.

Christopher A. McLean,

Acting Administrator, Rural Utilities Service.

[FR Doc. 2018–06175 Filed 3–27–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: U.S. Census Bureau.

Title: American Community Survey.

OMB Control Number: 0607–0810.

Form Number(s): ACS–1, ACS–1(SP), ACS–1(PR), ACS–1(PR)SP, ACS–1(GQ), ACS–1(PR)(GQ), GQFQ, ACS CAPI (HU), ACS RI (HU), and AGQ QI, AGQ RI.

Type of Request: Regular Submission.

Number of Respondents: 3,760,000.

Average Hours Per Response: 40 minutes for the average household questionnaire.

Burden Hours: The estimate is an annual average of 2,455,868 burden hours.

Needs and Uses: The U.S. Census Bureau requests authorization from the Office of Management and Budget (OMB) for revisions to the American Community Survey (ACS).

The American Community Survey (ACS) is one of the Department of Commerce's most valuable data products, used extensively by businesses, non-governmental organizations (NGOs), local governments, and many federal agencies. In conducting this survey, the Census Bureau's top priority is respecting the time and privacy of the people providing information while preserving its value to the public.

The Census Bureau has a robust research program for the ACS focused on enhancing quality of the respondent experience, survey operations, and data. In 2017, the Census Bureau conducted the 2017 Pressure Seal Mailing Materials Test to evaluate the impact on self-response and cost of replacing letters and postcards in the American

Community Survey (ACS) mail materials with pressure seal mailers. A pressure seal mailer is a one-page document with a pre-applied adhesive that is folded and sealed with pressure. This type of mailer costs less than a letter with an envelope and more than a postcard. However, pressure seal mailers can conceal personal information while postcards cannot. Replacing a postcard with a pressure seal mailer provides an opportunity to increase the use of the internet user ID in the text of the ACS mailings. Based on the results of this test, a pressure seal mailer will be used in place of the Reminder Letter (second mailing) and the Additional Reminder Postcard (fifth mailing). This information is new since the publication of the 60-day **Federal Register** Notice, FR-Doc. 2017–26726.

The content of the proposed 2019 ACS questionnaire and data collection instruments for both Housing Unit and Group Quarters operations reflect changes to content and instructions that were proposed primarily as a result of the 2016 ACS Content Test, but also as a result of interagency consultation. The 2019 content changes cover several topics discussed below.

Telephone Service

The rise of cell phone and smartphone usage, and other complex and varied telephone services and equipment, has changed how people view and use telephones in a household. Research also suggests that some respondents, or in some cases interviewers, may not fully understand the current wording of the survey question on Telephone Service, the additional instructions that accompany the question, or what the question is intending to capture. To make the intent of the telephone service question easier to understand by respondents and interviewers, the question was made a stand-alone question and additional instructions are provided on the types of telephones and equipment respondents should include when answering the question. Currently, telephone service is asked as part of a broader question on housing characteristics.

Health Insurance

A question on Health Insurance Premiums and Subsidies will be introduced to the ACS immediately following the current question on health insurance coverage. The question on premiums and subsidies asks if a person pays a health insurance premium, and if so, if he or she received a subsidy to help pay the premium. This question will provide more accurate information about coverage categories than available from the existing ACS question on current coverage alone. These data will enhance the ability of the U.S. Department of Health and Human Services and the states to administer Medicaid, CHIP, and the exchanges, and monitor private insurance coverage.

In addition, one response option for the health insurance question will be changed as a result of consultation with the U.S. Department of Veterans Affairs (VA). In July 2017, the VA contacted the Census Bureau and requested a change to the VA response option on the health insurance question. The proposed change is to ensure the accuracy of the estimates of VA health insurance coverage. The VA response option for the health insurance question will be truncated from ''VA (including those who have ever used or enrolled for VA health care)'' to ''VA (including those who have enrolled for VA health care).'' This information is new since the publication of the 60-day **Federal Register** Notice, FR Doc. 2017–26726.

Journey to Work

Changes to the Commute Mode question were motivated by changes in public transportation infrastructure across the United States, particularly the increased prevalence of light rail systems and the need to update and clarify the terminology used to refer to commute modes that appear as categories on the ACS. To improve the Commute Mode question, some of the public transportation modes were modified. The category ''Streetcar or trolley car'' was changed to ''Light rail, street car, or trolley,'' ''Subway or elevated'' was changed to ''Subway or Elevated Rail,'' and ''Railroad'' was changed to ''Long-distance train or commuter rail.'' These three rail-related categories were also slightly reordered so that ''Subway or elevated rail,'' the most prevalent rail mode, is listed first. The phrase ''trolley bus'' was dropped and the phrase ''work at home'' was changed to ''work from home.'' The subheading of instructions was simplified to read ''Mark ONE box for the method of transportation used for most of the distance.'' The Time of Departure question has historically raised concerns about privacy because of the reference to the time a person leaves home. To phrase the question in a less intrusive way, the question was changed to ask what time the person's trip to work began and to remove the word ''home.''

Weeks Worked

The changes to the question on the number of weeks worked were made to allow the Census Bureau to provide high-quality, continuous measures for the number of weeks worked, such as means, medians, and aggregates. In addition, the changes enable additional specificity for weeks worked, particularly with hours worked, income, and occupation. Part A of the question regarding the time period of interest was rephrased from working ''50 or more weeks'' to ''EVERY week'' and additional information is provided in the second sentence. The original instruction of ''Count paid time off as work'' was changed to ''Count paid vacation, paid sick leave, and military service as work.'' For part B of the question, the response option was changed to a write-in response, the reference period (''the PAST 12 MONTHS'') is repeated, and new guidance clarifies what to count as work.

Class of Worker

Changes to the Class of Worker question improve overall question clarity, refine the definition of unpaid family workers, explicitly define a category for Active Duty military, improve question wording and categories, and improve the layout of the question. Response categories were grouped under three general headings. ''Active Duty'' was added as one of the response categories in the government section, and the ''Active Duty'' checkbox was dropped from the Employer Name question. Question and response category wording were revised for clarity. To signal that all six employment characteristics questions refer to the same job (including industry and occupation), the series was renumbered from separate questions to a single series with sub-questions. Lastly, the instructional text and heading for the series immediately preceding Class of Worker was simplified.

Industry and Occupation

Ongoing research of the Industry and Occupation question write-in responses has demonstrated that the questions were unclear and confusing to respondents, who were unable to answer at all or answer with sufficient clarity to provide useful data. To increase clarity and improve occupational specificity, these questions were revised to include new and consistent examples, in terms of content and length, and include modified question wording. The number of characters for write-in responses about ''Job Duties'' was expanded from 60 to 100 characters.

Retirement Income

Over the last 40 years, defined contribution retirement plans have become increasingly common while defined benefit plans (such as pensions) have become less so. Federal surveys have lagged in addressing these newer forms of retirement income and subsequently underreport retirement income. The Retirement, Survivor, and Disability Income question was changed to improve income reporting, increase item response rates, reduce reporting errors, and update questions on retirement income and the income generated from retirement accounts and all other assets in order to better measure retirement income data. The question was expanded to ask about ''*retirement income, pensions, survivor or disability income.*'' In addition, the instructions that accompany the question were expanded to note that income from ''*a previous employer or union, or any regular withdrawals or distributions from IRA, Roth IRA, 401(k), 403(b) or other accounts specifically designed for retirement*'' should be included.

Relationship

For several years, the Census Bureau has been testing revised relationship questions to improve the estimates of coupled households. The 1990 Census first introduced ''Unmarried partner'' as a response category to the Relationship to Householder question. The 2000 and 2010 Censuses built upon this work, changing the processing of responses to the Relationship question to more accurately represent same-sex couples. The Census Bureau discovered a statistical error in the 2010 Census data that resulted from opposite-sex couples mismarking their sex. This error had the potential to inflate the estimates of same-sex, married couple households. The Census Bureau released a set of modified state-level, same-sex household estimates from the 2010 Census because of this error, and also began new research efforts to improve the Relationship question.

The Relationship question has been revised to improve measurement of same-sex couples. The existing ''Husband or wife'' and ''Unmarried partner'' response categories were each split into two versions: ''Opposite-sex husband/wife/spouse,'' ''Opposite-sex unmarried partner,'' ''Same-sex husband/wife/spouse,'' and ''Same-sex unmarried partner.'' Additionally, the two unmarried partner categories were moved from near the end of the list of response options to near the beginning, immediately after the husband/wife/spouse options. An automated relationship/sex consistency check will be included in electronic instruments to provide respondents an opportunity to change their sex or relationship responses when there is an inconsistency in the reported sex of an individual and whether their relationship was reported as ''Opposite-sex'' or ''Same-sex'' husband/wife/spouse or unmarried partner. This check reduces the inconsistency in responses and improves the quality of the relationship data. The category ''Roomer or boarder'' has been dropped from the Relationship question.

Race and Hispanic Origin

The 2016 ACS Content Test served as an operational test of the race and ethnicity questions that were previously tested on the 2015 National Content Test (NCT). Recommendations about the race and ethnicity questions adopted for the 2020 Census and production ACS were based on the results of the census tests and decisions made in consultation with OMB; the 2016 ACS Content Test provided an opportunity to test data collection modes and examine other data not available in the 2015 NCT. The 2016 ACS Content Test evaluated interviewer-administered collection modes, assessed the race and ethnicity questions against demographic and socioeconomic data, and separately compared the race and ethnicity results to data from the ancestry question. In 2020 or later, the ACS will adopt the final version of the race and Hispanic origin questions that are implemented for the 2020 Census.

Affected Public: Individuals or households.

Frequency: Response to the ACS is on a one-time basis.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 141, 193, and 221.

This information collection request may be viewed at www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *OIRA_Submission@omb.eop.gov* or fax to (202)395–5806.

Sheleen Dumas,

Departmental Lead PRA Officer, Office of the Chief Information Officer.

[FR Doc. 2018–06166 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–891]

Carbon and Alloy Steel Wire Rod From the Republic of Korea: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that imports of carbon and alloy steel wire rod (wire rod) from the Republic of Korea (Korea) are being, or are likely to be, sold in the United States at less than fair value (LTFV). In addition, we determine that critical circumstances do not exist with respect to imports of the subject merchandise. The period of investigation (POI) is January 1, 2016, through December 31, 2016.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Lingjun Wang, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2316.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Determination* of sales of wire rod from Korea at LTFV in the **Federal Register** on October 31, 2017.[1] On November 7, 2017, Commerce postponed the final determination of this investigation.[2] On November 28, 2017, Commerce amended the *Preliminary Determination*.[3] 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

[1] *See Carbon and Alloy Steel Wire Rod from the Republic of Korea: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Negative Determination of Critical Circumstances,* 82 FR 50386 (October 31, 2017) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum.

[2] *See Carbon and Alloy Steel Wire Rod from Italy, the Republic of Korea, Spain, Turkey, and the United Kingdom: Postponement of Final Determinations of Less-Than-Fair-Value Investigation and Extension of Provisional Measures,* 82 FR 51613 (November 7, 2017).

[3] *See Carbon and Alloy Steel Wire Rod from the Republic of Korea: Amended Preliminary Determination of Sales at Less Than Fair Value,* 82 FR 56220 (November 28, 2017).

practice, the deadline will become the next business day. The revised deadline for the final determination of this investigation is now March 19, 2018.[4]

A summary of the events that occurred since the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, may be found in the accompanying Issues and Decision Memorandum, which is adopted by this notice.[5]

Scope of the Investigation

The product covered by this investigation is wire rod from Korea. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received scope comments from interested parties. Prior to the *Preliminary Determination,* Commerce issued a Preliminary Scope Decision Memorandum to address these comments.[6] Since the *Preliminary Determination,* POSCO, British Steel, and the petitioners filed scope case and rebuttal briefs.[7] On November 20, 2017, we issued the Final Scope Memorandum in which we did not change the scope of this investigation.[8]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of these issues is attached to this notice at Appendix II. 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 directly at *http://enforcement.trade.gov.* The signed and electronic versions of the Issues and Decision Memorandum are identical in content.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in November 2017, we verified the sales and cost information reported by POSCO for use in our final determination. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by POSCO.[9]

Changes Since the Preliminary Determination

Based on our analysis of comments received and our findings at verification, we made certain changes to the margin calculation for POSCO. For a discussion of these changes, *see* the ''Margin Calculation'' section of the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters shall be equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding rates that are zero, *de minimis* margins or determined entirely under section 776 of the Act. POSCO is the only respondent for which Commerce calculated an estimated weighted-average dumping margin that is not zero, *de minimis,* or based entirely on facts otherwise available. Therefore, for purposes of determining the ''all-others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the estimated weighted-average dumping margin calculated for POSCO, as referenced in the ''Final Determination'' section below. This rate is 41.10 percent.

Final Negative Determination of Critical Circumstances

For the *Preliminary Determination,* Commerce preliminarily found that critical circumstances do not exist with respect to imports of wire rod from POSCO and ''all other'' producers and exporters of subject merchandise.[10] In this final determination, Commerce continues to find that, in accordance with 735(a)(3) of the Act, critical circumstances do not exist for POSCO and ''all other'' producers and exporters in this investigation. A discussion of the determination can be found in the ''Critical Circumstances'' section of the Issues and Decision Memorandum.

Final Determination

The final estimated weighted-average dumping margins are as follows:

Exporter/producer	Estimated weighted-average dumping margin (percent)
POSCO	41.10
All-Others	41.10

Disclosure

We intend to disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, for this final determination, we will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of wire rod from Korea, as described in Appendix I to this notice, which were entered, or withdrawn from warehouse, for consumption on or after October 31, 2017, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.*

Furthermore, Commerce will instruct CBP to require a cash deposit for such entries of merchandise. Pursuant to section 735(c)(1)(B)(ii) of the Act, CBP shall require a cash deposit equal to the weighted-average amount by which

[4] *See* January 23, 2018 Memorandum re: Deadlines Affected by the Shutdown of the Federal Government (Tolling Memorandum). All deadlines in this segment of the proceeding have been extended by 3 days.

[5] *See* Memorandum re: Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Carbon and Alloy Steel Wire Rod from the Republic of Korea, dated concurrently with this determination and hereby adopted by this notice (Issues and Decision Memorandum).

[6] *See* August 7, 2017 Memorandum re: Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determinations (Preliminary Scope Memorandum).

[7] The petitioners are Gerdau Ameristeel US Inc., Nucor Corporation, Keystone Consolidated Industries, Inc., and Charter Steel (collectively, the petitioners). *See* POSCO's September 6, 2017 Letter re: Scope Issues Case Brief, British Steel's September 6, 2017 Letter re: Scope Case Brief, and the petitioners' September 13, 2017 Letter re: Rebuttal Brief in Response to the Scope Case Briefs of British Steel and POSCO.

[8] For discussion of these comments, *see* November 20, 2017 Memorandum re: Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Final Scope Memorandum (Final Scope Memorandum).

[9] For discussion of our verification findings, *see* January 12, 2018 Memorandums, ''Verification of the Cost Response of POSCO in the Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod from Korea,'' ''Verification of the Sales Response of POSCO in the Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod from Korea'' and ''Verification of the CEP Sales Response of POSCO in the Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod from Korea.''

[10] *See Preliminary Determination* at 50387.

normal value exceeds U.S. price, as follows: (1) For POSCO, the cash deposit rate will be equal to the estimated weighted-average dumping margin which Commerce determined in this final determination; (2) if the exporter is not a firm identified in this investigation but the producer is, then the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the producer of the subject merchandise; (3) the cash deposit rate for all other producers or exporters will be 41.10 percent, as discussed in the ''All-Others Rate'' section, above.

The instructions suspending liquidation will remain in effect until further notice.

U.S. International Trade Commission Notification

In accordance with section 735(d) of the Act, we will notify the U.S. International Trade Commission (ITC) of our final determination of sales at LTFV and final negative determination of critical circumstances for Korea. Because Commerce's final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation of wire rod from Korea no later than 45 days after this final determination, in accordance with section 735(b)(2) of the Act. If the ITC determines that such injury does not exist, the proceeding will be terminated and all cash deposits posted will be refunded or cancelled. If the ITC determines that such injury exists, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

This notice serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: March 19, 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

Scope of the Investigation

The products covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–06143 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–836]

Carbon and Alloy Steel Wire Rod From Italy: Final Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that carbon and alloy wire rod (wire rod) from Italy is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2016, through December 31, 2016. The final dumping margins of sales at LTFV are listed below in the ''Final Determination'' section of this notice.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Victoria Cho or Mark Flessner, 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) 482–5075 and (202) 482–6312, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2017, Commerce published the *Preliminary*

Determination of sales at LTFV of wire rod from Italy.[1] On November 7, 2017, Commerce published the postponement of the final determinations of LTFV investigations and extension of provisional measures.[2] On December 21, 2017, Commerce published the *Amended Preliminary Determination* of sales at LTFV of wire rod from Italy.[3] Commerce has 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 final determination of this investigation is now March 19, 2018.[4] A summary of the events that occurred since Commerce published the *Preliminary Determination,* 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.[5]

Scope of the Investigation

The scope of the investigation covers wire rod from Italy. For a complete description of the scope of the investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received numerous scope comments from interested parties. Prior to the *Preliminary Determination,* Commerce issued a Preliminary Scope Decision Memorandum to address these comments. As a result of these comments, Commerce made no changes to the scope of this investigation as it appeared in the *Initiation Notice*.[6]

In September 2017, we received scope case and rebuttal briefs. On November 20, 2017, we issued the Final Scope Decision Memorandum in response to these comments in which we did not change the scope of this investigation.[7]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix II. 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 B–8024 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.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended, (the Act) in November and December 2017, we conducted verification of the sales and cost information submitted by Ferriere Nord S.p.A. (Ferriere Nord) for use in our final determination. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by Ferriere Nord.[8]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations for Ferriere Nord. For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum.

Adverse Facts Available

In the *Preliminary Determination,* because mandatory respondent Ferriera Valsider S.p.A. (Ferriera Valsider) failed to respond to Commerce's questionnaire, we applied adverse facts available (AFA) to Ferriera Valsider, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. We corroborated the petition dumping margin of 18.89 percent to the extent practicable within the meaning of section 776(c) of the Act. This is the sole rate identified in the petition, and, thus, we assigned this dumping margin to Ferriera Valsider as AFA.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding any zero or *de minimis* margins, and margins determined entirely under section 776 of the Act. Ferriere Nord is the only respondent for which Commerce calculated a company-specific margin that is not zero, *de minimis,* or based entirely on facts otherwise available. Therefore, for purposes of determining the ''all-others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the dumping margin calculated for Ferriere Nord, as referenced in the ''Final Determination'' section below.

Final Determination

The final weighted-average dumping margins are as follows:

[1] *See Carbon and Alloy Steel Wire Rod from Italy: Preliminary Affirmative Determination of Sales at Less Than Fair Value,* 82 FR 50381 (October 31, 2017) (*Preliminary Determination*).

[2] *See Carbon and Alloy Steel Wire Rod from Italy, the Republic of Korea, Spain, Turkey, and the United Kingdom: Postponement of Final Determinations of Less-Than-Fair-Value Investigation and Extension of Provisional Measures,* 82 FR 51613 (November 7, 2017).

[3] *See Carbon and Alloy Steel Wire Rod from Italy: Amended Preliminary Determination of Sales at Less Than Fair Value,* 82 FR 60586 (December 21, 2017) *(Amended Preliminary Determination).*

[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* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Carbon and Alloy Steel Wire Rod from Italy,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] For discussion of these comments, *see* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determination'' (Preliminary Scope Decision Memorandum), dated August 7, 2017; *see also Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, United Arab Emirates, and United Kingdom: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 19207 (April 20, 2017) (*Initiation Notice*).

[7] For discussion of these comments, *see* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Final Scope Memorandum'' (Final Scope Decision Memorandum), dated November 20, 2017.

[8] For discussion of our verification findings, *see* the following memoranda: Memorandum, ''Verification of the Cost Response of Ferriere Nord in the Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod from Italy,'' dated January 5, 2018; and Memorandum, ''Verification of the Sales Responses of Ferriere Nord in the Antidumping Investigation of Carbon and Alloy Wire Rod from Italy,'' dated January 10, 2018.

Exporter/manufacturer	Weighted-average dumping margins (percent)
Ferriere Nord S.p.A./ Acciaierie di Verona S.p.A.[9]	12.41
Ferriera Valsider S.p.A	18.89
All Others	12.41

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of wire rod from Italy, which were entered, or withdrawn from warehouse, for consumption on or after October 31, 2017, the date of publication of the preliminary determination of this investigation in the **Federal Register**.

Further, Commerce will instruct CBP to require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price as shown above.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of wire rod from Italy no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

[9] We continue to treat Ferriere Nord and Acciaierie di Verona S.p.A. as a single entity for the final determination.

Notification Regarding Administrative Protective Orders (APO)

This notice serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: March 19, 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

Scope of the Investigation

The products covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent of more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS may also be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these proceedings is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–06134 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–421–813]

Certain Hot-Rolled Steel Flat Products From the Netherlands: Rescission of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on certain hot-rolled steel flat products from the Netherlands for the period March 22, 2016, through September 30, 2017.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla, 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) 482–3477.

SUPPLEMENTARY INFORMATION:

Background

On October 4, 2017, Commerce published a notice of opportunity to request an administrative review of the antidumping duty order on certain hot-rolled steel flat products (HR Steel) from the Netherlands for the period of review (POR) March 22, 2016, through September 30, 2017.[1] On October 31, 2017, the petitioners, AK Steel Corporation, Steel Dynamics Inc., SSAB Enterprises, LLC, ArcelorMittal USA LLC, Nucor Corporation, and United States Steel Corporation, requested an administrative review of the order with respect to Tata Steel IJmuiden B.V.

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 46217 (October 4, 2017).

(TSIJ).[2] On December 7, 2017, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act) and 19 CFR 351.221(c)(1)(i), we initiated an administrative review of the order on HR Steel from the Netherlands with respect to TSIJ.[3] 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.[4] On March 12, 2018, the petitioners timely withdrew their request for an administrative review of TSIJ.[5] No other party requested a review.

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review ''in whole or in part, if a party that requested a review withdraws the request within 90 days of the date of publication of notice of initiation of the requested review.'' The petitioners withdrew their request for review within the 90-day time limit. Because we received no other requests for review of TSIJ, and no other requests for the review of the order on HR Steel from the Netherlands, we are rescinding the administrative review of the order in full, in accordance with 19 CFR 351.213(d)(1).

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of HR Steel products from the Netherlands during the POR at rates equal to the cash deposit rate of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after publication of this notice in the **Federal Register**.

[2] *See* the petitioners' Letter, ''Re: Hot-Rolled Steel Flat Products from the Netherlands: Request for Administrative Review,'' dated October 31, 2017.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 57705 (December 7, 2017) (*Initiation Notice*).

[4] *See* Memorandum, ''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* the petitioners' Letter, ''Re Hot-Rolled Steel Flat Products from the Netherlands/Withdrawal of Request for Administrative Review,'' dated March 12, 2018.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: March 22, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–06207 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–816]

Carbon and Alloy Steel Wire Rod From Spain: Final Determination of Sales at Less Than Fair Value, and Final Determination of Critical Circumstances, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that carbon and alloy steel wire rod (wire rod) from Spain is being, or is likely to be, sold in the United States at less than fair value (LTFV). In addition, we determine that critical circumstances exist with respect to certain imports of the subject merchandise. The period of investigation (POI) is January 1, 2016 through December 31, 2016.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Davina Friedmann or Chelsey Simonovich, 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) 482–0698 and (202) 482–1979, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2017, Commerce published the *Preliminary Determination* of sales at LTFV of wire rod from Spain.[1] On November 7, 2017, Commerce published the postponement of the final determinations of LTFV investigation and extension of provisional measures.[2] On December 7, 2017, Commerce published the *Amended Preliminary Determination* of sales at LTFV of wire rod from Spain.[3] Commerce has 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 final determination of this investigation is now March 19, 2018.[4] A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, may

[1] *See Carbon and Alloy Steel Wire Rod from Spain: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Determination of Critical Circumstances, in Part,* 82 FR 50389 (October 31, 2017) (*Preliminary Determination*), and accompanying memorandum, ''Decision Memorandum for the Preliminary Determination in the Antidumping Duty Investigation of Carbon and Alloy Steel Wire Rod from Spain,'' dated October 24, 2017 (Preliminary Decision Memorandum).

[2] *See Carbon and Alloy Steel Wire Rod from Italy, the Republic of Korea, Spain, Turkey, and the United Kingdom: Postponement of Final Determinations of Less-Than-Fair-Value Investigation and Extension of Provisional Measures,* 82 FR 51613 (November 7, 2017).

[3] *See Carbon and Alloy Steel Wire Rod from Spain: Amended Preliminary Determination of Sales at Less Than Fair Value*, 82 FR 57726 (December 7, 2017) (*Amended Preliminary Determination*).

[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.

be found in the Issues and Decision Memorandum, which is hereby adopted by this notice.[5]

Scope of the Investigation

The product covered by this investigation is wire rod from Spain. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received numerous scope comments from interested parties. Prior to the *Preliminary Determination,* Commerce issued a Preliminary Scope Decision Memorandum to address these comments. As a result of these comments, Commerce made no changes to the scope of this investigation as it appeared in the *Initiation Notice*.[6]

In September 2017, we received scope case and rebuttal briefs. On November 20, 2017, we issued the Final Scope Decision Memorandum in response to the comments received.[7] We did not change the scope of this investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix II. 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 B–8024 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.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in November and December 2017, we conducted verification of the sales and cost information submitted by Global Steel Wire S.A. (GSW), CELSA Atlantic S.A., and Compañía Española de Laminación (collectively, CELSA) for use in our final determination. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by CELSA.[8]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations for CELSA. For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum.

Adverse Facts Available

In the *Preliminary Determination,* because mandatory respondent ArcelorMittal Espana S.A. (AME) failed to respond to Commerce's questionnaire, we applied adverse facts available (AFA) to AME in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308. We corroborated the petition dumping margin of 32.64 percent to the extent practicable within the meaning of section 776(c) of the Act. This is the sole rate identified in the petition, and, thus, we assigned this dumping margin to AME as AFA.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero or *de minimis* margins and margins determined entirely under section 776 of the Act. CELSA is the only respondent for which Commerce calculated a company-specific margin that is not zero, *de minimis,* or based entirely on facts otherwise available. Therefore, for purposes of determining the ''all-others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the dumping margin calculated for CELSA, as referenced in the ''Final Determination'' section below.

Final Determination

The final weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average dumping margins (percent)
Global Steel Wire S.A./ CELSA Atlantic S.A./ Compañía Española de Laminación[9]	11.08
ArcelorMittal Espana S.A	32.64
All-Others	11.08

Affirmative Determination of Critical Circumstances

In accordance with section 735(a)(3) of the Act and 19 CFR 351.206, Commerce continues to find that critical circumstances do not exist for CELSA and all-other companies, but do exist for AME, for the reasons described in the Issues and Decision Memorandum. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the ''Critical Circumstances'' section of the Issues and Decision Memorandum.

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will

[5] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Carbon and Alloy Steel Wire Rod from Spain,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[6] For discussion of these comments, *see* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determination'' (Preliminary Scope Decision Memorandum), dated August 7, 2017; *see also Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, United Arab Emirates, and United Kingdom: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 19207 (April 20, 2017) (*Initiation Notice*).

[7] For discussion of these comments, *see* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Final Scope Memorandum'' (Final Scope Decision Memorandum), dated November 20, 2017.

[8] For discussion of our verification findings, *see* the following memoranda: Memorandum, ''Verification of the Cost Response of Global Steel Wire S.A., CELSA Atlantic S.A., and Compania Espanola de Laminacion in the Less-Than-Fair-Value Investigation of Carbon and Alloy Steel Wire Rod from Spain,'' dated January 8, 2018; and Memorandum, ''Verification of the Sales Response of Global Steel Wire S.A., CELSA Atlantic S.A., and Compania Espanola de Laminacion in the Antidumping Investigation of Carbon Alloy Steel Wire Rod from Spain,'' dated January 18, 2018.

[9] No interested party commented on our preliminary determination that Global Steel Wire S.A., CELSA Atlantic S.A., and Compañía Española de Laminación are affiliated within the meaning of section 771(33)(F) of the Act, and that these companies should be treated as a single entity pursuant to 19 CFR 351.401(f). *See Preliminary Determination,* 82 FR 50389. Accordingly, we are continuing to find these companies affiliated and to treat them as a single entity for these final results.

instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of wire rod from Spain, which were entered, or withdrawn from warehouse, for consumption on or after October 31, 2017, the date of publication of the preliminary determination of this investigation in the **Federal Register**. For entries made by AME, in accordance with section 735(c)(4)(A) of the Act, because we continue to find that critical circumstances exist, we will instruct CBP to continue to suspend liquidation of all appropriate entries of wire rod from Spain which were entered, or withdrawn from warehouse, for consumption on or after August 2, 2017, which is 90 days prior to the date of publication of the preliminary determination of this investigation in the **Federal Register**.

Further, Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margins as shown above.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of wire rod from Spain sold in the United States at LTFV no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders (APO)

This notice serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: March 19, 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

Scope of the Investigation

The products covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent of more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS may also be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these proceedings is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–06147 Filed 3–27–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–836]

Glycine From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Results of the Antidumping Duty Administrative Review and Notice of Amended Final Results; 2013–2014

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Court of International Trade (CIT or Court) sustained the final remand results pertaining to the administrative review of the antidumping duty order on glycine from the People's Republic of China (China), covering the period of March 1, 2013, through February 28, 2014. The Department of Commerce (Commerce) is notifying the public that the final judgment in this case is not in harmony with Commerce's final results of the administrative review and that Commerce is amending the final results with respect to the dumping margin assigned to Baoding Mantong Fine Chemistry Co. Ltd. (Baoding Mantong).

DATES: Applicable [March 22, 2018].

FOR FURTHER INFORMATION CONTACT: Edythe Artman or Brian Davis, 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) 482–3931 or (202) 482–7924, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 15, 2015, Commerce published the *Final Results,*[1] in which it determined Baoding Mantong to have a weight-averaged dumping margin of 143.87 percent for the period under review. On August 1, 2017, the Court sustained three of Commerce's determinations in the *Final Results* but, with respect to findings for Baoding Mantong, remanded the results to Commerce for reconsideration of the surrogate value selection for liquid ammonia and the selection of companies used for the respondent's surrogate financial ratios.[2] In the Final Results of Redetermination, Commerce selected a new surrogate value for liquid ammonia and changed its selection of surrogate financial ratios; these two changes resulted in a dumping margin of zero percent.[3] On March 12, 2018, the Court sustained the Final Results of Redetermination.[4]

Timken Notice

In its decision in *Timken,*[5] as clarified by *Diamond Sawblades,*[6] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of a court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's March 12, 2018, final judgment sustaining the Final Results of Redetermination constitutes a final decision of the Court that is not in harmony with Commerce's *Final Results.* This notice is published in fulfillment of the *Timken* publication requirements. Accordingly, Commerce will continue the suspension of liquidation of the subject merchandise pending a final and conclusive court decision.

Amended Final Results of Review

Because there is now a final court decision, Commerce is amending the *Final Results* with respect to the dumping margin calculated for Baoding Mantong. Based on the Final Results of Redetermination, as sustained by the CIT, the revised dumping margin for Baoding Mantong, for the period March 1, 2013, through February 28, 2014, is as follows:

Producer or exporter	Weighted-average dumping margin (percent)
Baoding Mantong Fine Chemistry Co. Ltd	0.00

In the event the Court's ruling is not appealed or, if appealed, upheld by a final and conclusive court decision, Commerce will instruct the U.S. Customs and Border Protection (CBP) to assess antidumping duties on unliquidated entries of subject merchandise with respect to Baoding Mantong.

Cash Deposit Requirements

As Baoding Mantong's cash deposit rate has not been subject to subsequent administrative reviews, Commerce will issue revised cash deposit instructions to CBP adjusting the rate for Baoding Mantong to zero percent, effective March 22, 2018.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(e)(1), 751(a)(1), and 777(i)(1) of the Act.

Dated: March 22, 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. 2018–06149 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Glycine from the People's Republic of China: Final Results of Antidumping Duty Administrative Review and Partial Rescission of Antidumping Duty Administrative Review; 2013–2014,* 80 FR 62027 (October 15, 2015) (*Final Results*) and accompanying Issues and Decision Memorandum (Issues and Decision Memorandum).

[2] *See Evonik Rexim (Nanning) Pharmaceutical Co. Ltd.* v. *United States,* 253 F. Supp. 3d 1364 (2017). The Court consolidated actions filed by Evonik Rexim (Nanning) Pharmaceutical Co. Ltd. (Evonik) and Baoding Mantong on January 21, 2016, but later granted a motion to sever and stay one of Evonik's claims pending the final disposition of a similar claim in another segment of this antidumping duty proceeding.

[3] *See* ''*Final Results of Redetermination Pursuant to Court Remand,*'' dated October 20, 2017 (Final Results of Redetermination).

[4] *See Evonik Rexim (Nanning) Pharmaceutical Co. Ltd.* v. *United States,* Court No. 15–00296, Slip Op. 18–21 (CIT March 12, 2018).

[5] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[6] *See Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–055]

Carton-Closing Staples From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that carton-closing staples from the People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The final dumping margin of sales at LTFV is shown in the ''Final Determination'' section of this notice.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Irene Gorelik, 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) 482–6905.

SUPPLEMENTARY INFORMATION:

Background

On November 3, 2017, Commerce published in the **Federal Register** its preliminary affirmative determination in the LTFV investigation of carton-closing staples from China.[1] For a complete description of the events that followed the *Preliminary Determination, see* the Issues and Decision Memorandum that is dated concurrently with this determination and hereby adopted by this notice.[2] 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 final

[1] *See Carton-Closing Staples from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination and Extension of Provisional Measures,* 82 FR 51213 (November 3, 2017) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Carton-Closing Staples from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

determination of this investigation is now March 21, 2018.[3]

A summary of the events that occurred since Commerce published the *Preliminary Determination,* 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. 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 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/.* The signed Issues and Decision Memorandum and the electronic version are identical in content.

Period of Investigation

The period of investigation (POI) is July 1, 2016, through December 31, 2016.

Scope of the Investigation [4]

The products covered by this investigation are carton-closing staples from China. For a full description of the scope of this investigation, *see* the ''Scope of the Investigation,'' in Appendix I of this notice. The scope in Appendix I reflects the final scope language.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum accompanying this notice, which is hereby adopted by this notice. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II.

For the final determination, Commerce continues to rely upon facts otherwise available, with adverse inferences based on adverse facts available (AFA), for the China-wide entity, including Zhejiang Best Nail Industrial Co., Ltd. (Best Nail), pursuant to sections 776(a)–(b) of the Tariff Act of 1930, as amended (the Act). Furthermore, as discussed in the Issues and Decision Memorandum, Commerce continues to find, pursuant to sections 771(33)(A) and (F) of the Act, that the mandatory respondent, Shanghai Yueda Nails Co., Ltd., is affiliated with Qiushan Printing Machinery Co., Ltd., Fastnail Products Limited, and Wuhan FOPO Trading Co., Ltd., and that these companies should be treated as a single entity pursuant 19 CFR 351.401(f), hereinafter referred to as Yueda Group. However, for the final determination, we find that another company, China Dinghao Co., Limited (Dinghao), is affiliated within the meaning of section 771(33)(G) of the Act, and should, in accordance with 19 CFR 351.401(f)(2)(iii), also be treated as part of this single entity, pursuant to our verification of the Yueda Group. Based on Commerce's verification of the Yueda Group, we continue to find it entitled to a separate rate, but determine it appropriate to base Yueda Group's estimated dumping margin on AFA, pursuant to sections 776(a)–(b) of the Act.[5]

China-Wide Entity

For the final determination, we continue to find, in accordance with section 776(a) of the Act, that the China-wide entity, which includes certain Chinese exporters and/or producers [6] that did not respond to Commerce's requests for information, failed to provide necessary information, failed to provide information in a timely manner, and significantly impeded this proceeding by not submitting the requested information. We also continue to find, in accordance with section 776(b) of the Act, that the China-wide entity failed to cooperate. As a result, we continue to assign to the China-wide entity a dumping margin on the basis of AFA.

In selecting the AFA rate for Yueda Group and the China-wide entity, Commerce's practice is to select a rate that is sufficiently adverse to ensure that the uncooperative party does not obtain a more favorable result by failing to cooperate than if it had fully cooperated.[7] Specifically, it is Commerce's practice to select, as an AFA rate, the higher of: (a) The highest dumping margin alleged in the petition; or (b) the highest calculated dumping margin of any respondent in the investigation.[8] As there are no respondents for which we are calculating a separate dumping margin for the final determination, we relied upon the rates found in the Petition, which is the only information regarding the carton-closing staples industry reasonably at Commerce's disposal to determine a rate that is sufficiently adverse to induce cooperation.[9] Thus, as AFA, Commerce assigned to Yueda Group and the China-wide entity the rate of 263.40 percent, which is the highest dumping margin alleged in the Petition.[10] For the final determination, because there were no margins calculated for the mandatory respondents, to corroborate the 263.40 percent margin used as AFA for Yueda Group and the China-wide entity, to the extent appropriate information was available, we are affirming our pre-initiation analysis of the adequacy and accuracy of the information in the

[3] *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.

[4] Commerce has made no changes to the scope of the investigation as published in the *Preliminary Determination.* Further, no interested party commented on our preliminary scope determination that the mattress boxspring staples imported by Vertex Fasteners, a division of Leggett & Platt, Incorporated, are not covered by the scope of the investigation. *See Preliminary Determination* and accompanying Preliminary Decision Memorandum at pages 3–4. Accordingly, our determination remains unchanged and we continue to find that Vertex Fasteners' mattress boxspring staples, as described in the *Preliminary Determination,* are not covered by the scope of this investigation.

[5] *See* Issues and Decision Memorandum for further discussion.

[6] The China-wide entity includes Best Nail and 20 Chinese exporters and/or producers that failed to respond to our Quantity and Value Questionnaire. *See Preliminary Determination,* 82 FR at 51214 and accompanying Preliminary Decision Memorandum at 14, footnote 86.

[7] *See* Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Rep. No. 103–316 at 870 (1994) (H.R. Rep 103–316), reprinted in 1994 U.S.C.A.A.N.

[8] *See Silicon Metal from Australia: Affirmative Final Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances in Part,* 83 FR 9839 (March 8, 2018) and accompanying Issues and Decision Memorandum at Comment 1.

[9] *See, e.g., Certain Hardwood Plywood Products from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, in Part,* 82 FR 28629 (June 23, 2017) and accompanying Preliminary Decision Memorandum at pages 31–32 (revised in *Certain Hardwood Plywood Products from the People's Republic of China: Final Determination of Sales at Less Than Fair Value, and Final Affirmative Determination of Critical Circumstances, in Part,* 82 FR 53460 (November 16, 2017) because Commerce calculated a higher rate than the highest Petition rate to apply as the AFA rate)).

[10] *See* Petition for the Imposition of Antidumping Duties on Imports of Carton-Closing Staples from the People's Republic of China, dated March 31, 2017 (Petition), and Petitioner's Supplemental Questionnaire Response, dated April 6, 2017 (Petition Supplemental Response), at 19–20 and Exhibit II–SQ–9.

Petition.[11] Accordingly, we find that the rate of 263.40 percent is corroborated within the meaning of section 776(c) of the Act.

Separate Rates

For the final determination, we continue to find that Hangzhou Huayu Machinery Co., Ltd. and The Stanley Works (Langfang) Fastening Systems Co., Ltd. are entitled to a separate rate, as noted below. In the *Preliminary Determination,* we assigned, as the separate rate, the margin calculated for the single remaining mandatory respondent (Yueda Group), consistent with our practice.[12] However, because we have determined to base Yueda Group's final dumping margin on AFA, we can no longer rely on Yueda Group's preliminary calculated rate as the separate rate. Therefore, because we are determining Yueda Group's rate and the China-wide rate based on AFA, we are looking to section 735(c)(5)(A)–(B) of the Act for guidance and are, consistent with that provision, using ''any reasonable method'' to determine the rate for exporters that are not being individually examined and found to be entitled to a separate rate, as we did in the *Preliminary Determination.* As ''any reasonable method,'' we find it appropriate to assign the simple average of the Petition rates[13] (*i.e.,* 115.65 percent) to the separate rate applicants not individually examined.[14]

Combination Rates

In the *Initiation Notice,*[15] Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[16]

Final Determination

Commerce determines that carton-closing staples from China are being, or is likely to be, sold in the United States at LTFV, and that the following dumping margins exist:

Producer	Exporter	Estimated dumping margin (percent)
Yueda Group:[17] Shanghai Yueda Nails Co., Ltd., or Qiushan Printing Machinery Co., Ltd.	Yueda Group: Shanghai Yueda Nails Co., Ltd., or Fastnail Products Limited, or Wuhan FOPO Trading Co., Ltd., or China Dinghao Co., Limited.	263.40
Hangzhou Huayu Machinery Co., Ltd.	Hangzhou Huayu Machinery Co., Ltd.	115.65
The Stanley Works (Langfang) Fastening Systems Co., Ltd.	The Stanley Works (Langfang) Fastening Systems Co., Ltd.	115.65
China-Wide Entity[18]		263.40

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b). Because Commerce applied total AFA to the sole individually examined company, Yueda Group, in accordance with section 776 of the Act, and the applied AFA rate is based solely on at rate from the Petition, there are no calculations to disclose for Yueda Group. However, we will disclose the calculation of the simple average of the Petition margins, which we applied to the non-individually examined companies receiving a separate rate (*i.e.,* 115.65 percent), within five days of the date of publication of this notice to parties in this proceeding, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will direct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all entries of carton-closing staples from China, as described in Appendix I of this notice, which are entered, or withdrawn from warehouse, for consumption on or after November 3, 2017, the date of publication in the **Federal Register** of the affirmative *Preliminary Determination.* Pursuant to section 735(c)(1) of the Act, we will instruct CBP to require a cash deposit equal to the margins indicated in the chart above.[19] These suspension of liquidation instructions will remain in effect until further notice.

International Trade Commission Notification

In accordance with section 735(d) of the Act, we intend to notify the International Trade Commission (ITC) of the final affirmative determination of sales at LTFV. As Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will determine, within 45 days, whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of carton-closing staples from China, or sales (or the likelihood of sales) for importation, of carton-closing staples from China. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all securities posted

[11] *See* Issues and Decision Memorandum at pages 23–25, for the discussion regarding corroboration of the AFA rate. *See also* Petition and Petition Supplemental Response, at 19–20 and Exhibit II–SQ–9.

[12] *See Preliminary Determination,* 82 FR at 51214, and accompanying Preliminary Decision Memorandum at 12–13.

[13] *See* Petition and Petition Supplemental Response, at 19–20 and Exhibit II–SQ–9.

[14] *See* Issues and Decision Memorandum at Comment 3. *See also Galvanized Steel Wire from the People's Republic of China: Final Determination of Sales at Less Than Fair Value,* 77 FR 17430, 16432 (March 26, 2012).

[15] *See Initiation Notice,* 82 FR at 19355.

[16] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

[17] Commerce determines that Shanghai Yueda Nails Co., Ltd., Qiushan Printing Machinery Co., Ltd., China Dinghao Co., Limited, Fastnail Products Limited, and Wuhan FOPO Trading Co., Ltd., are affiliated pursuant to sections 771(33)(A) and (F) of the Act and should be treated as a single entity pursuant to 19 CFR 351.401(f). *See* Issues and Decision Memorandum at 2–5.

[18] As discussed in the *Preliminary Determination,* Best Nail, a mandatory respondent in this investigation, and certain non-responsive Chinese companies did not demonstrate that they were entitled to a separate rate. Accordingly, we continue to consider Best Nail and these companies to be part of the China-wide entity. *See Preliminary Decision Memorandum* at 14, footnote 86.

[19] *See Modification of Regulations Regarding the Practice of Accepting Bonds During the Provisional Measures Period in Antidumping and Countervailing Duty Investigations,* 76 FR 61042 (October 3, 2011).

will be refunded or canceled. If the ITC determines that such injury does exist, Commerce intends to issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders

This notice will serve as a reminder to the parties subject to administrative protective order (APO) of their responsibility concerning the disposition of propriety information disclosed under APO in accordance with 19 CFR 351.305. Timely written notification of return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

We intend to issue and publish this determination in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: March 21, 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

Scope of the Investigation

The scope of this investigation is carton-closing staples. Carton-closing staples may be manufactured from carbon, alloy, or stainless steel wire, and are included in the scope of the investigation regardless of whether they are uncoated or coated, regardless of the type of coating.

Carton-closing staples are generally made to American Society for Testing and Materials (ASTM) specification ASTM D1974/D1974M–16, but can also be made to other specifications. Regardless of specification, however, all carton-closing staples meeting the scope description are included in the scope. Carton-closing staples include stick staple products, often referred to as staple strips, and roll staple products, often referred to as coils. Stick staples are lightly cemented or lacquered together to facilitate handling and loading into stapling machines. Roll staples are taped together along their crowns. Carton-closing staples are covered regardless of whether they are imported in stick form or roll form.

Carton-closing staples vary by the size of the wire, the width of the crown, and the length of the leg. The nominal leg length ranges from 0.4095 inch to 1.375 inches and the nominal crown width ranges from 1.125 inches to 1.375 inches. The size of the wire used in the production of carton-closing staples varies from 0.029 to 0.064 inch (nominal thickness) by 0.064 to 0.100 inch (nominal width).

Carton-closing staples subject to this investigation are currently classifiable under subheadings 8305.20.00.00 and 7317.00.65.60 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS subheadings and ASTM specification are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–06206 Filed 3–27–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–832]

Carbon and Alloy Steel Wire Rod From the Republic of Turkey: Final Affirmative Countervailing Duty Determination and Final Affirmative Critical Circumstances Determination, in Part

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to exporters and producers of carbon and alloy steel wire rod (wire rod) from the Republic of Turkey (Turkey) for the period of investigation (POI), January 1, 2016, through December 31, 2016.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Justin Neuman or Omar Qureshi, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0486 or (202) 482–5307, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 5, 2017, Commerce published its affirmative *Preliminary Determination* of this countervailing duty (CVD) investigation.[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 final determination of this investigation is now March 19, 2018.[2] A summary of the events that occurred since Commerce published the *Preliminary Determination,* 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 Investigation

The scope of the investigation covers wire rod from Turkey. For a complete description of the scope of the investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received numerous scope comments from interested parties. Prior to the *Preliminary Determination,* Commerce issued a Preliminary Scope Decision Memorandum to address these comments and made no changes to the

[1] *See Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Preliminary Affirmative Countervailing Duty Determination and Preliminary Affirmative Critical Circumstances Determination, in Part,* 82 FR 41929 (September 5, 2017) (*Preliminary Determination*).

[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'', 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 Determination in the Countervailing Duty Investigation of Carbon and Alloy Steel Wire Rod from the Republic of Turkey,'' dated concurrently with this determination and hereby adopted by this notice (Issues and Decision Memorandum).

scope of the investigation as it appeared in the *Initiation Notice.*[4]

In September 2017, we received scope case and rebuttal briefs. On November 20, 2017, we issued the Final Scope Decision Memorandum in response to the comments received.[5] We did not change the scope of this investigation.

Methodology

Commerce is conducting this CVD investigation in accordance with section 701 of the Tariff Act of 1930, as amended (Act). For each of the subsidy programs found to be countervailable, we determine that there is a subsidy (*i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient) and that the subsidy is specific. For a full description of the methodology underlying our final determination, *see* the Issues and Decisions Memorandum.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix II. 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 B–8024 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.

Verification

Commerce conducted verification of the questionnaire responses submitted by the Government of Turkey, Habas Sinai Ve Tibbi Gazlar Istih (Habas), and Icdas Celik Eberji Tersane Ve Ulasim San (Icdas) between January 18, and February 9, 2018.

Adverse Facts Available

If necessary information is not available on the record, or an interested party withholds information, fails to provide requested information in a timely manner, significantly impedes a proceeding by not providing information, or information provided cannot be verified, Commerce will apply facts available, pursuant to section 776(a)(1) and (2) of the Tariff Act of 1930, as amended (the Act). For purposes of this final determination, Commerce relied, in part, on facts available and, because certain respondents did not cooperate by not acting to the best of their ability to respond to the Commerce's requests for information, we drew an adverse inference, where appropriate, in selecting from among the facts otherwise available.[6] A full discussion of our decision to rely on adverse facts available is presented in the ''Use of Facts Otherwise Available and Adverse Inferences'' section of the Issues and Decision Memorandum.

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the subsidy rate calculations since the *Preliminary Determination.* These changes are discussed in the ''Analysis of Programs'' section of the Issues and Decision Memorandum.[7]

Final Affirmative Determination of Critical Circumstances, in Part

In the *Preliminary Determination,* Commerce found that critical circumstances exist with respect to imports of wire rod from Turkey from all other exporters or producers not individually examined.[8] Following the *Preliminary Determination,* Habas did not provide requested information concerning its shipments through September 2017. As a result, we are modifying our findings for this final determination and relying, in part, on facts otherwise available with an adverse inference in arriving at our conclusion that, in accordance with section 705(a)(2) of the Act that critical circumstances exist with respect to Habas. We continue to find, as we did in the *Preliminary Determination* that critical circumstances exist with respect to imports from ''all other'' companies. For a full description of the methodology and results of Commerce's analysis, see the Issues and Decision Memorandum.

Final Determination

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated a rate for each exporter/producer of the subject merchandise individually investigated, *i.e.,* Habas and Icdas. In accordance with section 705(c)(5)(A) of the Act, for companies not individually investigated, we apply an ''all-others'' rate, which is normally calculated by weighting the subsidy rates of the individual companies selected as mandatory respondents by those companies' exports of the subject merchandise to the United States. Under section 705(c)(5)(A)(i) of the Act, the ''all-others'' rate excludes zero and *de minimis* rates calculated for the exporters and producers individually investigated, as well as rates based entirely on facts otherwise available. Where the rates for the individually investigated companies are all zero or *de minimis,* or determined entirely using facts otherwise available, section 705(c)(5)(A)(ii) of the Act instructs Commerce to establish an ''all-others'' rate using ''any reasonable method.''

In this investigation, Commerce calculated individual countervailable subsidy rates for Habas and Icdas that are not zero, *de minimis,* or based entirely on facts otherwise available. Because we do not have publicly ranged data from all company respondents with which to calculate the all-others rate using a weighted-average of the individual estimated subsidy rates, Commerce calculated the all-others rate using a simple average of the individual estimated subsidy rates calculated for the examined respondents.

The final subsidy rates are as follows:

Company	Subsidy rates (percent)
Habas Sinai Ve Tibbi Gazlar Istih	3.86
Icdas Celik Eberji Tersane Ve Ulasim San	3.81
All-Others	3.84

Disclosure

We intend to disclose the calculations performed within five days of the date of public announcement of our final determination, in accordance with 19 CFR 351.224(b).

[4] For discussion of these comments, *see* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determination'' (Preliminary Scope Decision Memorandum), dated August 7, 2017.

[5] For discussion of these comments, *see* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Final Scope Memorandum'' (Final Scope Decision Memorandum), dated November 20, 2017.

[6] *See* sections 776(a) and (b) of the Act.

[7] *See* Issues and Decision Memorandum at VII; *see also* Department Memorandum, ''Carbon and Alloy Steel Wire Rod from the Republic of Turkey: Calculations for the Final Countervailing Duty Determination,'' dated March 19, 2018.

[8] *See Preliminary Determination* at 41930.

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination,* and pursuant to section 703(d) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of any entries of merchandise under consideration from Turkey that were entered, or withdrawn from warehouse, for consumption by Habas and all other producers or exporters, other than Icdas, on or after September 5, 2017, which is the publication date in the **Federal Register** of the *Preliminary Determination.* In accordance with section 703(d) of the Act, we instructed CBP to discontinue the suspension of liquidation for CVD purposes for subject merchandise entered, or withdrawn from warehouse, on or after January 3, 2018, but to continue the suspension of liquidation of all entries from September 5, 2017, through January 2, 2018.

The Department continues to find that critical circumstances exist for the all others companies and therefore we will instruct CBP to continue to suspend liquidation of all entries of subject merchandise from the all others companies entered, or withdrawn from warehouse, for consumption on or after June 7, 2017, which is 90 days prior to the date of publication of the *Preliminary Determination.* CBP shall continue to require a cash deposit equal to the rates shown above. In addition, because we have determined for this final determination that critical circumstances exist for Habas, and section 705(c)(4) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of merchandise entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the date on which the suspension of liquidation was first ordered, we will also instruct CBP to suspend liquidation of all entries of subject merchandise from Habas entered, or withdrawn from warehouse, for consumption on or after June 7, 2017, which is 90 days before the date on which suspension of liquidation was first ordered. These instructions suspending liquidation will remain in effect until further notice.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a countervailing duty order and will require a cash deposit of estimated countervailing duties for entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

International Trade Commission Notification

In accordance with section 705(d) of the Act, we will notify the ITC of the final affirmative countervailing duty determination. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of wire rod from Turkey, no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a countervailing duty order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders (APO)

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 705(d) and 777(i) of the Act.

Dated: March 19, 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

Scope of the Investigation

The products covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 Percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–06137 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–837]

Countervailing Duty Investigation of Carbon and Alloy Steel Wire Rod From Italy: Final Affirmative Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of carbon and alloy steel wire rod (wire rod) from Italy. The period of investigation is January 1, 2016, through December 31, 2016. For information on the estimated subsidy rates, *see* the ''*Final Determination and Suspension of Liquidation*'' section of this notice.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Yasmin Bordas, 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) 482–3813.

SUPPLEMENTARY INFORMATION:

Background

On September 5, 2017, Commerce published the *Preliminary Determination*.[1] A summary of the events that occurred since Commerce published the *Preliminary Determination,* 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.[2] 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 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/.* The signed Issues and Decision Memorandum and the electronic version are identical in content.

Scope of the Investigation

The product covered by this investigation is wire rod from Italy. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

We invited parties to comment on Commerce's Preliminary Scope Memorandum.[3] Commerce reviewed the briefs submitted by interested parties, considered the arguments therein, and determined not to make any changes to the scope of the investigation. For further discussion, *see* Commerce's Final Scope Decision Memorandum.[4]

Methodology

Commerce is conducting this countervailing duty (CVD) investigation in accordance with section 701 of the Tariff Act of 1930, as amended (Act). For each of the subsidy programs found to be countervailable, we determine that there is a subsidy (*i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient) and that the subsidy is specific. For a full description of the methodology underlying our final determination, *see* the Issues and Decisions Memorandum.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation, and the issues raised in the case and rebuttal briefs submitted by the parties, are discussed in the Issues and Decision Memorandum. A list of the issues that parties raised, and to which we responded in the Issues and Decision Memorandum, is attached to this notice at Appendix II.

Verification

As provided in section 782(i) of the Act, in January 2018, we conducted verification of the questionnaire responses submitted by Ferriere Nord S.p.A. and the Government of Italy.

We issued verification reports on February 8, 2018.[5] We used standard verification procedures, including an examination of relevant accounting and financial records, and original source documents provided by Ferriere Nord S.p.A.

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, and minor corrections presented at verification, we made certain changes to the respondents' subsidy rate calculations since the *Preliminary Determination.* For a discussion of these changes, *see* the Issues and Decision Memorandum and the Final Calculation Memorandum.[6]

Adverse Facts Available (AFA)

For purposes of this final determination, we relied on facts available, and because mandatory respondent Ferriera Valsider S.p.A. (Ferriera Valsider) did not act to the best of its ability in responding to Commerce's requests for information, we drew an adverse inference, where appropriate, in selecting from among the facts otherwise available.[7] The subsidy rate for Ferriera Valsider is based totally on adverse facts available (AFA). A full discussion of our decision to rely on adverse facts available is presented in the ''Use of Facts Otherwise Available and Adverse Inferences'' section of the Issues and Decisions Memorandum.

Final Determination

In accordance with section 705(c)(1)(B)(i) of the Act, we calculated an individual rate for each producer/exporter of the subject merchandise individually investigated.

In accordance with section 705(c)(5)(A) of the Act, for companies not individually investigated, we apply an ''all-others'' rate, which is normally calculated by weighting the subsidy rates of the individual companies selected as mandatory respondents by those companies' exports of the subject merchandise to the United States. Under

[1] *See Carbon and Alloy Steel Wire Rod from Italy: Preliminary Affirmative Countervailing Duty Determination,* 82 FR 41931 (September 5, 2017) (*Preliminary Determination*).

[2] *See* Memorandum, ''Issues and Decision Memorandum for the Final Determination in the Countervailing Duty Investigation of Carbon and Alloy Steel Wire Rod from Italy,'' dated concurrently with this determination and hereby adopted by this notice (Issues and Decision Memorandum).

[3] *See* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determinations,'' dated August 7, 2017, and filed to ACCESS on August 7, 2017.

[4] *See* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Final Scope Memorandum'' (Final Scope Decision Memorandum), dated November 20, 2017.

[5] *See* Commerce Memoranda, ''Countervailing Duty Investigation: Carbon and Alloy Steel Wire Rod from Italy: Verification of the Questionnaire Responses of Ferriere Nord S.p.A., Acciaierie di Verona S.p.A. (AdV), SIAT S.p.A. (SIAT) and FIN FER S.p.A. (FIN FER),'' (Ferriere Nord Verification Report) and ''Countervailing Duty Investigation: Carbon and Alloy Steel Wire Rod from Italy: Verification of the Questionnaire Responses of the Government of Italy,'' (Government of Italy Verification Report), both dated February 8, 2018.

[6] *See* Memorandum, ''Countervailing Duty Investigation of Carbon and Alloy Steel Wire Rod from Italy: Ferriere Nord S.p.A. Final Calculation Memorandum,'' dated March 19, 2018.

[7] *See* sections 776(a) and (b) of the Act.

section 705(c)(5)(A)(i) of the Act, the ''all-others'' rate excludes zero and *de minimis* rates calculated for the exporters and producers individually investigated as well as rates based entirely on facts otherwise available. Where the rates for the individually investigated companies are all zero or *de minimis,* or determined entirely using facts otherwise available, section 705(c)(5)(A)(ii) of the Act instructs Commerce to establish an ''all-others'' rate using ''any reasonable method.''

Pursuant to section 705(c)(5)(A)(i) of the Act, we have calculated the ''all-others'' rate using the subsidy rate of Ferriere Nord, the only mandatory respondent not receiving a subsidy rate based totally on section 776 of the Act. In this investigation, Commerce assigned a rate based entirely on facts available to Ferriera Valsider. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available, is the rate calculated for Ferriere Nord. Consequently, and consistent with Commerce's practice, the rate calculated for Ferriere Nord is also assigned as the rate for all-other producers and exporters.

Company	Subsidy rate (percent)
Ferriere Nord S.p.A.[8]	4.16
Ferriera Valsider S.p.A.	44.18
All-Others	4.16

Disclosure

We intend to disclose to parties in this proceeding the calculations performed for this final determination within five days of the date of public announcement of our final determination, in accordance with 19 CFR 351.224(b).

Suspension of Liquidation

As a result of our affirmative *Preliminary Determination,* and pursuant to sections 703(d)(1)(B) and (2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of all entries of merchandise under consideration from Italy that were entered or withdrawn from warehouse, for consumption, on or after September 5, 2017, the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, effective January 3, 2018, we instructed CBP to discontinue the suspension of liquidation of all entries at that time, but to continue the suspension of liquidation of all entries from August 5, 2017, through January 2, 2018.

If the U.S. International Trade Commission (the ITC) issues a final affirmative injury determination, we will issue a CVD order, will reinstate the suspension of liquidation under section 706(a) of the Act, and will require a cash deposit of estimated CVDs for such entries of subject merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

International Trade Commission Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance.

Notification Regarding Administrative Protective Orders (APO)

In the event the ITC issues a final negative injury determination, this notice serves as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Return or Destruction of Proprietary Information

In the event the ITC issues a final negative injury determination, this notice serves as the only reminder to parties subject to an APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act.

Dated: March 19, 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

Scope of the Investigation

The products covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[8] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Ferriere Nord: FIN FER S.p.A.; Acciaierie di Verona S.p.A.; and SIAT S.p.A.

[FR Doc. 2018–06133 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–064]

Stainless Steel Flanges From People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that stainless steel flanges from People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV) during the period of investigation (POI) January 1, 2017, through June 30, 2017.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Trenton Duncan or Carrie Bethea, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3539 or (202) 482–1491, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on September 11, 2017.[1] On January 9, 2018, Commerce postponed the preliminary determination of this investigation.[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.[3] 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 determination of this investigation is now March 19, 2018.

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. 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 accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The products covered by this investigation are stainless steel flanges from China. For a complete description of the scope of this investigation see Appendix I to this notice.

Scope Comments

In accordance with the preamble to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (scope).[6] No interested party commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.* See the scope in Appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Pursuant to section 776(a) and (b) of the Act, Commerce preliminarily has relied upon facts otherwise available, with adverse inferences, for mandatory respondent, Shanxi Guanjiaying Flange Forging Group Co., Ltd (GJY). Hydro-Fluids Controls Limited (HFC), Songhai Flange Manufacturing Co., Ltd (Songhai), and Dongtai QB Stainless Steel Co., Ltd (Dongtai) were also selected as mandatory respondents, however, these companies withdrew from participation in this investigation and did not respond to our requests for information. Therefore, HFC, Songhai, and Dongtai have not demonstrated their eligibility for a separate rate and Commerce considers them to be part of the China-wide entity. For a full description of the methodology underlying Commerce's preliminary determination, *see* the Preliminary Decision Memorandum.

Combination Rates

In the *Initiation Notice,*[7] Commerce stated that it would calculate producer/exporter combination rates for the respondents that are eligible for a separate rate in this investigation. Policy Bulletin 05.1 describes this practice.[8] Because Commerce used total facts otherwise available with adverse inferences in determining the rate for the only respondent that demonstrated eligibility for a separate rate in this investigation, GJY, Commerce did not calculate producer/exporter combination rates for that company.

[1] *See Stainless Steel Flanges from India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 42649 (September 11, 2017) (*Initiation Notice*).

[2] *See Stainless Steel Flanges from India and the People's Republic of China: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 83 FR 1025 (January 9, 2018).

[3] *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.

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Stainless Steel Flanges from People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997).

[6] *See Initiation Notice.*

[7] *See Initiation Notice* at 42652–53.

[8] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' (April 5, 2005) (Policy Bulletin 05.1), available on Commerce's website at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter	Estimated weighted-average dumping margin (percent)
Shanxi Guanjiaying Flange Forging Group Co., Ltd	257.11
China-wide Entity	257.11

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, as discussed below. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the weighted average amount by which normal value exceeds U.S. price, as indicated in the chart above as follows: (1) For the producer/exporter combinations listed in the table above, the cash deposit rate is equal to the estimated weighted-average dumping margin listed for that combination in the table; (2) for all combinations of China producers/exporters of merchandise under consideration that have not established eligibility for their own separate rates, the cash deposit rate will be equal to the estimated weighted-average dumping margin established for the China-wide entity; and (3) for all third-country exporters of merchandise under consideration not listed in the table above, the cash deposit rate is the cash deposit rate applicable to the China producer/exporter combination (or the China-wide entity) that supplied that third-country exporter.

As described in the Preliminary Decision Memorandum, in this preliminary determination, no adjustments pursuant to section 777A(f) and 772(c)(1)(C) of the Act are being made for cash deposit purposes.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Normally, Commerce discloses to interested parties the calculations performed in connection with a preliminary determination within five days of its public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). However, because Commerce preliminarily applied AFA to the individually examined company participating in this investigation, in accordance with section 776 of the Act, and the applied AFA rate is based solely on the petition, there are no calculations to disclose.

Verification

Because the mandatory respondents in this investigation did not provide information requested by Commerce and Commerce preliminarily determines each of the mandatory respondents to have been uncooperative, verification will not be conducted.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 30 days after the date of publication of the preliminary determination, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[9] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation 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.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, 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. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. 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 time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

[9] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

Final Determination

Section 735(a)(1) of the Act and 19 CFR 351.210(b)(1) provide that Commerce will issue the final determination within 75 days after the date of its preliminary determination. Accordingly, Commerce will make its final determination no later than 75 days after the signature date of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination of sales at LTFV. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of the subject merchandise are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: March 19, 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

Scope of the Investigation

The products covered by this investigation are certain forged stainless steel flanges, whether unfinished, semi-finished, or finished (certain forged stainless steel flanges). Certain forged stainless steel flanges are generally manufactured to, but not limited to, the material specification of ASTM/ASME A/SA182 or comparable domestic or foreign specifications. Certain forged stainless steel flanges are made in various grades such as, but not limited to, 304, 304L, 316, and 316L (or combinations thereof). The term ''stainless steel'' used in this scope refers to an alloy steel containing, by actual weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements.

Unfinished stainless steel flanges possess the approximate shape of finished stainless steel flanges and have not yet been machined to final specification after the initial forging or like operations. These machining processes may include, but are not limited to, boring, facing, spot facing, drilling, tapering, threading, beveling, heating, or compressing. Semi-finished stainless steel flanges are unfinished stainless steel flanges that have undergone some machining processes.

The scope includes six general types of flanges. They are: (1) Weld neck, generally used in butt-weld line connection; (2) threaded, generally used for threaded line connections; (3) slip-on, generally used to slide over pipe; (4) lap joint, generally used with stub-ends/butt-weld line connections; (5) socket weld, generally used to fit pipe into a machine recession; and (6) blind, generally used to seal off a line. The sizes and descriptions of the flanges within the scope include all pressure classes of ASME B16.5 and range from one-half inch to twenty-four inches nominal pipe size. Specifically excluded from the scope of these orders are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A351.

The country of origin for certain forged stainless steel flanges, whether unfinished, semi-finished, or finished is the country where the flange was forged. Subject merchandise includes stainless steel flanges as defined above that have been further processed in a third country. The processing includes, but is not limited to, boring, facing, spot facing, drilling, tapering, threading, beveling, heating, or compressing, and/or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the stainless steel flanges.

Merchandise subject to the investigation is typically imported under headings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings and ASTM specifications are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–06153 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–877]

Stainless Steel Flanges From India: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that stainless steel flanges from India are being, or are likely to be, sold in the United States at less than fair value (LTFV) during the period of investigation (POI) July 1, 2016, through June 30, 2017.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Courtney Canales, Julia Hancock, or Jerry Huang, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4997, (202) 482–1394, or (202) 482–4047, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on September 11, 2017.[1] On January 9, 2018, Commerce postponed the preliminary determination of this investigation and Commerce also exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018.[2] Because the new deadline falls on a non-business day (*i.e.,* the weekend), pursuant to Commerce's practice, the deadline will become the next business day. The revised deadline is now March 19, 2018.

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics included in the Preliminary Decision Memorandum is included as Appendix II to this notice. 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 accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Investigation

The product covered by this investigation is stainless steel flanges from India. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] No interested party submitted timely comments on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce is not preliminarily modifying the scope language as it appeared in the *Initiation Notice.*

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Constructed export prices also have been calculated in accordance with section 772(b) of the Act. Normal value (NV) is calculated in accordance with section 773 of the Act. In addition,

[1] *See Stainless Steel Flanges from India and the People's Republic of China: Initiation of Less-Than-Fair-Value Investigations,* 82 FR 42649 (September 11, 2017) (*Initiation Notice*).

[2] *See Stainless Steel Flanges from India and the People's Republic of China: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 83 FR 1025 (January 9, 2018); *see also* 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 three days.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Stainless Steel Flanges from India'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] *See Initiation Notice.*

Commerce has preliminarily relied on partial adverse facts available, pursuant to sections 776(a) and (b) of the Act, for Chandan Steel Limited (Chandan). Furthermore, pursuant to section 776(a) and (b) of the Act, Commerce has preliminarily relied upon total adverse facts available for the Echjay single entity [6] and the Bebitz/Viraj single entity.[7] For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Affirmative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily finds that critical circumstances exist for Chandan Steel, the Bebitz/Viraj single entity, and the Echjay single entity, and all other producers and exporters. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(A)(ii) and 735(c)(5)(A) of the Act provide that in the preliminary determination Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce preliminarily assigned a rate based entirely on adverse facts available to the Bebitz/Viraj single entity and the Echjay single entity. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Chandan. Consequently, the margin calculated for Chandan is assigned as the rate for all other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
Chandan Steel Limited	18.10	[8] 13.15
Echjay Single Entity [9]	** 145.25	[10] 145.25
Bebitz/Viraj Single Entity [11]	** 145.25	[12] 145.25
All-Others	18.10	13.15

** (The AFA rate. *See* the Preliminary Decision Memorandum for how this rate was selected.)

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in Appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) The cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise, except as explained below; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Section 733(e)(2) of the Act provides that, given an affirmative determination of critical circumstances, any suspension of liquidation shall apply to unliquidated entries of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the later of (a) the date which is 90 days before the date on which the suspension of liquidation was first ordered, or (b) the date on which notice of initiation of the investigation was published. As noted above, Commerce preliminarily finds that critical circumstances exist for imports of subject merchandise produced or exported by Chandan, Bebitz/Viraj single entity, Echjay single entity, and all-others. In accordance with section 733(e)(2)(A) of the Act, the suspension of liquidation shall apply to unliquidated entries of shipments of subject merchandise from the producer(s) or exporter(s) identified in this paragraph that were entered, or withdrawn from warehouse, for consumption on or after the date which is 90 days before the publication of this notice.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce preliminarily made an affirmative

[6] Commerce preliminarily determines, pursuant to section 771(33)(A) and (F) of the Act, that Echjay Forgings Pvt Limited, Echjay Industries Private Limited, Echjay Forging Industries Private Limited, and Spire Industries Pvt. Limited are affiliated, and, pursuant to 19 CFR 351.401(f), that these companies should be treated as a single entity (Echjay single entity). *See* Preliminary Decision Memorandum.

[7] Commerce preliminarily determines, pursuant to section 771(33)(A) and (F) of the Act, that Bebitz Flanges Works Private Limited, Viraj Profiles Limited (Viraj), Flanschen werk Bebitz GmbH (FBG), Bebitz USA, Inc. (Bebitz USA), and Viraj USA, Inc. (Viraj USA) are affiliated, and, pursuant to 19 CFR 351.401(f), that these companies should be treated as a single entity (Bebitz/Viraj single entity). *See* Preliminary Decision Memorandum.

[8] *See* Memorandum, ''Calculations Performed for Chandan Steel Limited for the Preliminary Determination in the Antidumping Duty Investigation of Stainless Steel Flanges from India,'' dated concurrently with this notice (Chandan Calculation Memorandum).

[9] Commerce preliminarily determines that Echjay Forgings Pvt Limited, Echjay Industries Private Limited, Echjay Forging Industries Private Limited, and Spire Industries Pvt. Limited are a single entity. *See* Preliminary Decision Memorandum.

[10] *See* Chandan Calculation Memorandum.

[11] Commerce preliminarily determines that Bebitz Flanges Works Private Limited, Viraj Profiles Limited (Viraj), Flanschen werk Bebitz GmbH (FBG), Bebitz USA, Inc. (Bebitz USA), and Viraj USA, Inc. (Viraj USA) are a single entity. *See* Preliminary Decision Memorandum.

[12] *See* Chandan Calculation Memorandum.

determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate. Any such adjusted cash deposit rate may be found in the Preliminary Determination section above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting estimated antidumping duty cash deposits unadjusted for countervailed export subsidies at the time that the provisional CVD measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon for Chandan in making its final determination. However, because the Bebitz/Viraj single entity and the Echjay single entity did not provide information requested by Commerce, and Commerce preliminarily determines that these examined respondents to have been uncooperative within the meaing of section 776(b) of the Act, we will not conduct verification of the Bebitz/Viraj single entity and the Echjay single entity.

Public Comment

Case briefs or other written comments on Chandan may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report on Chandan is issued in this investigation. For issues related to the Bebitz/Viraj single entity and the Echjay single entity, because we are not verifying these companies, case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than 50 days after the date of publication of the preliminary determination, unless Commerce alters the time limit. Rebuttal briefs, limited to issues raised in case briefs, may be submitted no later than five days after the deadline date for case briefs.[13] Pursuant to 19 CFR 351.309(c)(2) and (d)(2), parties who submit case briefs or rebuttal briefs in this investigation 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.

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, 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. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. 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 time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On February 12 and 21, 2018, the Bebitz/Viraj single entity and the Echjay single entity requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months. In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) The preliminary determination is affirmative; (2) the requesting exporter(s) account(s) for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act and 19 CFR 351.205(c).

Dated: March 19, 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

Scope of the Investigation

The products covered by this investigation are certain forged stainless steel flanges, whether unfinished, semi-finished, or finished (certain forged stainless steel flanges). Certain forged stainless steel flanges are generally manufactured to, but not limited to, the material specification of ASTM/ASME A/SA182 or comparable domestic or foreign specifications. Certain forged stainless steel flanges are made in various grades such as, but not limited to, 304, 304L, 316, and 316L (or combinations thereof). The term ''stainless steel'' used in this scope refers to an alloy steel containing, by actual weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements.

Unfinished stainless steel flanges possess the approximate shape of finished stainless steel flanges and have not yet been machined to final specification after the initial forging or like operations. These machining processes may include, but are not limited to, boring, facing, spot facing, drilling, tapering, threading, beveling, heating, or compressing. Semi-finished stainless steel flanges are unfinished stainless steel flanges that have undergone some machining processes.

[13] *See* 19 CFR 351.309; *see also* 19 CFR 351.303 (for general filing requirements).

The scope includes six general types of flanges. They are: (1) Weld neck, generally used in butt-weld line connection; (2) threaded, generally used for threaded line connections; (3) slip-on, generally used to slide over pipe; (4) lap joint, generally used with stub-ends/butt-weld line connections; (5) socket weld, generally used to fit pipe into a machine recession; and (6) blind, generally used to seal off a line. The sizes and descriptions of the flanges within the scope include all pressure classes of ASME B16.5 and range from one-half inch to twenty-four inches nominal pipe size. Specifically excluded from the scope of this investigation are cast stainless steel flanges. Cast stainless steel flanges generally are manufactured to specification ASTM A351.

The country of origin for certain forged stainless steel flanges, whether unfinished, semi-finished, or finished is the country where the flange was forged. Subject merchandise includes stainless steel flanges as defined above that have been further processed in a third country. The processing includes, but is not limited to, boring, facing, spot facing, drilling, tapering, threading, beveling, heating, or compressing, and/or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the stainless steel flanges.

Merchandise subject to the investigation is typically imported under headings 7307.21.1000 and 7307.21.5000 of the Harmonized Tariff Schedule of the United States (HTSUS). While HTSUS subheadings and ASTM specifications are provided for convenience and customs purposes, the written description of the scope is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2018–06152 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–831]

Carbon and Alloy Steel Wire Rod From Turkey: Final Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that carbon and alloy steel wire rod (wire rod) from Turkey is being, or is likely to be, sold in the United States at less than fair value during the period of investigation (POI) is January 1, 2016, through December 31, 2016.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Ryan Mullen or Ian Hamilton, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5260 and (202) 482–4798, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2017, Commerce published the *Preliminary Determination* in the **Federal Register**.[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 final determination of this investigation is now March 19, 2018.[2] A summary of the events that occurred since Commerce published the *Preliminary Determination,* 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 Investigation

The scope of the investigation covers wire rod from Turkey. For a complete description of the scope of the investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received numerous scope comments from interested parties. Prior to the *Preliminary Determination,* Commerce issued a Preliminary Scope Decision Memorandum to address these comments and made no changes to the scope of the investigation as it appeared in the *Initiation Notice.*[4]

In September 2017, we received scope case and rebuttal briefs. On November 20, 2017, we issued the Final Scope Decision Memorandum in response to the comments received.[5] We did not change the scope of this investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix II. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty

[1] *See Carbon and Alloy Steel Wire Rod from Turkey: Preliminary Affirmative Determination of Sales at Less Than Fair Value, and Preliminary Negative Determination of Critical Circumstances,* 82 FR 50377 (October 31, 2017) (*Preliminary Determination*) and accompanying Preliminary Decision Memorandum.

[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'', 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 Affirmative Determination in the Less-Than-Fair-Value Investigation of Carbon and Alloy Steel Wire Rod from Turkey,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] For discussion of these comments, *see* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determination'' (Preliminary Scope Decision Memorandum), dated August 7, 2017.

[5] For discussion of these comments, *see* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Final Scope Memorandum'' (Final Scope Decision Memorandum), dated November 20, 2017.

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 B–8024 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.

Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended, (the Act) in November 2017 and February 2018, we conducted verification of the sales and cost information submitted by Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi A.S. (Habas) and Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S. (Icdas) for use in our final determination. We used standard verification procedures, including an examination of relevant accounting and production records, and original source documents provided by Habas and Icdas.[6]

Changes Since the Preliminary Determination

Based on our analysis of the comments received and our findings at verification, we made certain changes to the margin calculations for Habas and Icdas. For a discussion of these changes, *see* the ''Margin Calculations'' section of the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding any zero or *de minimis* margins, and margins determined entirely under section 776 of the Act. Therefore, for purposes of determining the ''all-others'' rate and pursuant to section 735(c)(5)(A) of the Act, we are using the dumping margins calculated for Habas and Icdas, as referenced in the ''Final Determination'' section below.

In this investigation, Commerce calculated estimated weighted-average dumping margins for Habas and Icdas that are not zero, *de minimis* or based entirely on facts otherwise available. Commerce calculated the all-others rate using a simple average of the estimated weighted-average dumping margins calculated for the examined respondents.[7]

Final Negative Determination of Critical Circumstances

For the *Preliminary Determination,* Commerce found that critical circumstances do not exist with respect to imports of wire rod from Habas, Icdas, and all-other exporters/producers covered by the ''all others'' rate.[8] We did not modify our critical circumstances findings for the final determination. Thus, pursuant to section 735(a)(3) of the Act, and 19 CFR 351.206(h)(1)–(2), we continue to find that critical circumstances do not exist with respect to subject merchandise produced or exported by Habas, Icdas, and ''all others.''

Final Determination

The final weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average dumping margins	Cash deposit rate adjusted for subsidy offset
Habas Sinai ve Tibbi Gazlar Istihsal Endustrisi	4.74	0.87
Icdas Celik Enerji Tersane ve Ulasim Sanayi A.S.	7.94	4.15
All Others	6.34	2.51

Disclosure

We will disclose the calculations performed within five days of the date of public announcement of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, Commerce will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of wire rod from Turkey, as described in Appendix I of this notice, which were entered, or withdrawn from warehouse, for consumption on or after October 31, 2017, the date of publication of the preliminary determination of this investigation in the **Federal Register**.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce made an affirmative determination for countervailable export subsidies, Commerce offset the estimated weighted-average dumping margin by the appropriate CVD rate. The adjusted cash deposit rate may be found in the Final Determination section above.

Further, Commerce will instruct CBP to require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price as shown above.

[6] For discussion of our verification findings, *see* the following memoranda: Memorandum, ''Antidumping Duty Investigation of Certain Carbon and Alloy Steel Wire Rod from Turkey: Verification of Habas Sinai Ve Tibbi Gazlar Istih,'' dated February 14, 2018; Memorandum, ''Verification of Icdas Celik Enerji Tersane ve Ulasim A.S., in the Antidumping Duty Investigation of Certain Carbon and Alloy Steel Wire Rod from Turkey,'' dated February 14, 2018; Memorandum, ''Verification of Habas Sinai Ve Tibbi Gazlar Istih, in the Antidumping Duty Investigation of Certain Carbon and Alloy Steel Wire Rod from Turkey,'' dated February 12, 2018; Memorandum, ''Verification of Icdas Celik Enerji Tersane ve Ulasim A.S., in the Antidumping Duty Investigation of Certain Carbon and Alloy Steel Wire Rod from Turkey,'' dated February 12, 2018.

[7] With two respondents under examination, Commerce normally calculates (A) a weighted average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010). For a complete analysis of the data, please see the All-Others' Rate Calculation Memorandum, dated concurrently with this notice.

[8] *See Preliminary Determination,* 82 FR at 50377, and accompanying Preliminary Decision Memorandum, at 18–21.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of wire rod from Turkey no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders (APO)

This notice serves as a reminder to parties subject to APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: March 19, 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

Scope of the Investigation

The products covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093; 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–06136 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–868]

Welded Stainless Pressure Pipe From India: Rescission of Countervailing Duty Administrative Review; 2016

AGENCY: Enforcement and Compliance, International Trade Administrative, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty order on welded stainless pressure pipe (WSPP) from India covering the period March 11, 2016, through December 31, 2016.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Keith A. Haynes or Laurel LaCivita at AD/CVD Operations, Office III, Enforcement & Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5139 or (202) 482–4243, respectively.

SUPPLEMENTARY INFORMATION:

Background

On January 11, 2018, based on a timely request by Sunrise Stainless Private Limited, Sun Mark Stainless Pvt. Ltd., and Shah Foils Ltd. (collectively, Sunrise Group), and Hindustan Inox Ltd., Commerce published in the **Federal Register** a notice of initiation of an administrative review of the countervailing duty order on WSPP from India with respect to two companies, Sunrise Group and Hindustan Inox Ltd.[1] On January 19, 2018, and February 3, 2018, pursuant to 19 CFR 351.213(d)(1), Sunrise Group and Hindustan Inox Ltd., respectively, timely withdrew their requests for an

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 1329 (January 11, 2018); *see also* amendment to the initiation published in *Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 83 FR 11685 (March 16, 2018).

administrative review.[2] No other party requested a review of this 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.[3]

Rescission of Administrative Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. Sunrise Group and Hindustan Inox Ltd. withdrew their respective review requests by the 90-day deadline, and no other parties requested an administrative review of this order. Therefore, we are rescinding the administrative review of the countervailing duty order on WSPP from India covering the period March 11, 2016, to December 31, 2016, in its entirety.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries. Because Commerce is rescinding this administrative review in its entirety, the entries to which this administrative review pertains shall be assessed countervailing duties that are equal to the cash deposits of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP within 15 days after the publication of this notice in the **Federal Register**.

[2] *See* Sunrise Group's Letter, ''Welded Stainless Pressure Pipe from India from India: Withdrawal of Request for Administrative Review of Countervailing Duty of Sunrise Stainless Private Limited, Sun Mark Stainless Pvt. Ltd., and Shah Foils Ltd.,'' dated January 19, 2018; *see also* Hindustan Inox Ltd.'s Letter, ''Welded Stainless Pressure Pipe from India: Withdrawal of Request for Administrative Review of Countervailing Duty of Hindustan Inox Ltd.,'' dated February 3, 2018.

[3] *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.

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, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Tariff Act of 1930, as amended, and 19 CFR 351.213(d)(4).

Dated: March 22, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–06150 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–412–826]

Carbon and Alloy Steel Wire Rod From the United Kingdom: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce

SUMMARY: The Department of Commerce (Commerce) determines that carbon and alloy steel wire rod (wire rod) from the United Kingdom is being, or is likely to be, sold in the United States at less than fair value (LTFV). In addition, we determine that critical circumstances exist with respect to imports of the subject merchandise. The period of investigation is January 1, 2016, through December 31, 2016.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Alice Maldonado, 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) 482–4682.

SUPPLEMENTARY INFORMATION:

Background

On October 31, 2017, Commerce published the *Preliminary Determination* of sales at LTFV of wire rod from the United Kingdom.[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 final determination of this investigation is now March 19, 2018.[2] A summary of the events that occurred since Commerce published the *Preliminary Determination,* 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 Investigation

The scope of the investigation covers wire rod from the United Kingdom. For a complete description of the scope of the investigation, *see* Appendix I.

Scope Comments

During the course of this investigation, Commerce received numerous scope comments from interested parties. Prior to the *Preliminary Determination,* Commerce issued a Preliminary Scope Decision Memorandum to address these comments and made no changes to the scope of the investigation as it appeared in the *Initiation Notice*.[4]

[1] *See Carbon and Alloy Steel Wire Rod from the United Kingdom: Preliminary Affirmative Determination of Sales at Less Than Fair Value and Preliminary Affirmative Determination of Critical Circumstances,* 82 FR 50394 (October 31, 2017) (*Preliminary Determination*).

[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'', 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 Affirmative Determination in the Less-Than-Fair-Value Investigation of Carbon and Alloy Steel Wire Rod from the United Kingdom,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] For discussion of these comments, *see* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Scope Comments Decision Memorandum for the Preliminary Determination'' (Preliminary Scope Decision Memorandum), dated August 7, 2017.

In September 2017, we received scope case and rebuttal briefs. On November 20, 2017, we issued the Final Scope Decision Memorandum in response to the comments received.[5] We did not change the scope of this investigation.

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues raised is attached to this notice as Appendix II. 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 B–8024 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.

Verification

British Steel Limited (British Steel) informed Commerce prior to verification that it was withdrawing from participation as a mandatory respondent in this investigation.[6] Accordingly, Commerce was unable to conduct verification under section 782(i)(1) of the Act. Moreover, Commerce determines that British Steel, by refusing to allow Commerce to verify its questionnaire responses, did not cooperate to the best of its ability in this investigation.

Adverse Facts Available

In the *Preliminary Determination,* because mandatory respondent Longs Steel UK Limited (Longs Steel) failed to respond to Commerce's questionnaire, we applied adverse facts available (AFA) to this respondent, in accordance with sections 776(a) and (b) of the Act and 19 CFR 351.308.

Commerce received no comments regarding its preliminary application of an AFA dumping margin to Longs Steel. For the final determination, Commerce has not altered its analysis or its decision to apply AFA to Longs Steel.

Additionally, due to British Steel's withdrawal from participation in this investigation prior to verification, we determine that British Steel's data cannot serve as a reliable basis for reaching a determination in this investigation because that data could not be verified. We further determine that British Steel significantly impeded the investigation and did not act to the best of its ability to comply with our requests for information. Therefore, we also find it appropriate to apply an AFA dumping margin to British Steel. For further discussion, *see* the Issues and Decision Memorandum.

All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated all-others rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated excluding any zero or *de minimis* margins, and margins determined entirely under section 776 of the Act. Pursuant to section 735(c)(5)(B) of the Act, if the estimated weighted-average dumping margins established for all exporters and producers individually examined are zero, *de minimis* or determined based entirely under section 776 of the Act, Commerce may use any reasonable method to establish the estimated dumping margin for all other producers or exporters. This includes averaging the weighted-average dumping margins for the individually investigated respondents.

As noted above, British Steel and Longs Steel are the sole mandatory respondents in this proceeding, and the margins for both companies are determined entirely under section 776 of the Act. Consequently, consistent with section 735(c)(5)(B) of the Act, we are using the margin determined for British Steel and Longs Steel as the ''all-others'' rate. This rate is 147.63 percent.

Final Affirmative Determination of Critical Circumstances

For the *Preliminary Determination,* Commerce found that critical circumstances exist with respect to imports of wire rod from British Steel, Longs Steel, and companies covered by the ''all others'' rate.[7] We made no changes to our critical circumstances preliminary determination. For further discussion, *see* the Issues and Decision Memorandum at ''Critical Circumstances.'' Thus, pursuant to section 735(a)(3) of the Act, and 19 CFR 351.206, we find that critical circumstances exist with respect to subject merchandise produced or exported by British Steel, Longs Steel, and ''all others.''

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)
British Steel Limited	147.63
Longs Steel UK Limited	147.63
All-Others	147.63

Disclosure

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

For entries made by British Steel, Longs Steel, and companies covered by the ''all others'' rate, in accordance with section 735(c)(4)(B) of the Act, because we continue to find that critical circumstances exist, we will instruct CBP to continue to suspend liquidation of all appropriate entries of wire rod from the United Kingdom which were entered, or withdrawn from warehouse, for consumption on or after August 2, 2017, which is 90 days prior to the date of publication of the preliminary determination of this investigation in the **Federal Register**.

Commerce will instruct CBP to require a cash deposit equal to the estimated amount by which the normal value exceeds the U.S. price as shown above.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of the final affirmative determination of sales at LTFV. Because the final determination in this proceeding is affirmative, in accordance with section

[5] For discussion of these comments, *see* Memorandum, ''Carbon and Alloy Steel Wire Rod from Belarus, Italy, the Republic of Korea, the Russian Federation, South Africa, Spain, the Republic of Turkey, Ukraine, the United Arab Emirates, and the United Kingdom: Final Scope Memorandum'' (Final Scope Decision Memorandum), dated November 20, 2017.

[6] *See* British Steel's Letter, ''Carbon and Certain Alloy Steel Wire Rod from the United Kingdom: British Steel's Withdrawal from Participation as a Mandatory Respondent in the Antidumping Investigation,'' dated November 1, 2017 (British Steel Withdrawal Letter).

[7] *See Preliminary Determination,* and accompanying Preliminary Decision Memorandum, at 23–24.

735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of wire rod from the United Kingdom, no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders (APO)

This notice serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination and this notice are issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: March 19, 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

Scope of the Investigation

The products covered by this investigation are certain hot-rolled products of carbon steel and alloy steel, in coils, of approximately round cross section, less than 19.00 mm in actual solid cross-sectional diameter. Specifically excluded are steel products possessing the above-noted physical characteristics and meeting the Harmonized Tariff Schedule of the United States (HTSUS) definitions for (a) stainless steel; (b) tool steel; (c) high-nickel steel; (d) ball bearing steel; or (e) concrete reinforcing bars and rods. Also excluded are free cutting steel (also known as free machining steel) products (*i.e.,* products that contain by weight one or more of the following elements: 0.1 percent or more of lead, 0.05 percent or more of bismuth, 0.08 percent or more of sulfur, more than 0.04 percent of phosphorous, more than 0.05 percent of selenium, or more than 0.01 percent of tellurium). All products meeting the physical description of subject merchandise that are not specifically excluded are included in this scope.

The products under investigation are currently classifiable under subheadings 7213.91.3011, 7213.91.3015, 7213.91.3020, 7213.91.3093, 7213.91.4500, 7213.91.6000, 7213.99.0030, 7227.20.0030, 7227.20.0080, 7227.90.6010, 7227.90.6020, 7227.90.6030, and 7227.90.6035 of the HTSUS. Products entered under subheadings 7213.99.0090 and 7227.90.6090 of the HTSUS also may be included in this scope if they meet the physical description of subject merchandise above. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this proceeding is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–06144 Filed 3–27–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–919]

Electrolytic Manganese Dioxide From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on electrolytic manganese dioxide from the People's Republic of China (China) for the period of review (POR) October 1, 2016, through September 30, 2017.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Celeste Chen or Jeffrey Pedersen, 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) 482–0890 or (202) 482–2769, respectively.

SUPPLEMENTARY INFORMATION:

Background

On October 4, 2017, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on electrolytic manganese dioxide from China for the POR October 1, 2016, through September 30, 2017.[1] On October 31, 2017, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), Duracell, Inc. (the petitioner), requested a review of the order with respect to Shenzhen Pengcheng South Industry and Trade Co., Ltd. (Shenzhen Pengcheng).[2] On December 7, 2017, in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the antidumping duty order on electrolytic manganese dioxide from China with respect to this company.[3] On February 5, 2018, Duracell timely withdrew its request for an administrative review of Shenzhen Pengcheng.[4] No other party requested a review.

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.[5]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication date of the notice of initiation of the requested review. Duracell withdrew its request

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 46217 (October 4, 2017).

[2] *See* Letter from Duracell, ''Electrolytic Manganese Dioxide from the People's Republic of China: Request for Administrative Review,'' dated October 31, 2017.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 57705 (December 7, 2017) (*Initiation Notice*).

[4] *See* Letter from Duracell, ''Antidumping Duty Administrative Review of Electrolytic Manganese Dioxide from the People's Republic of China: Withdrawal of Request for Administrative Review,'' dated February 5, 2018.

[5] *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.

for review within the 90-day deadline. Because Commerce received no other requests for review of the above-referenced company, and no other requests were made for a review of the antidumping duty order on electrolytic manganese dioxide from China with respect to other companies, we are rescinding the administrative review covering the period October 1, 2016, through September 30, 2017 in full, in accordance with 19 CFR 351.213(d)(1).

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of electrolytic manganese dioxide from China during the POR at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of the antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition 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 or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

This notice is published in accordance with section 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: March 22, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–06209 Filed 3–27–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–866]

Certain Cold-Rolled Steel Flat Products From India: Notice of Rescission of Countervailing Duty Administrative Review, 2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the countervailing duty (CVD) order on certain cold-rolled steel flat products from India for the period September 16, 2016, to December 31, 2016, based on the timely withdrawal of the request for review.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Galantucci, 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) 482–2923.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 2017, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the CVD order on certain cold-rolled steel flat products from India for the period September 16, 2016, to December 31, 2016.[1] On October 2, 2017, Commerce received a timely request, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), from ArcelorMittal USA LLC, AK Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., and United States Steel Corporation (collectively, the petitioners) to conduct an administrative review of this CVD order.[2] Based upon this request, on November 13, 2017, in accordance with section 751(a) of the Act, Commerce published in the **Federal Register** a notice of initiation of administrative review for this CVD order.[3] On December 6, 2017, the petitioners timely withdrew, in full, their request for an administrative review.[4] No other party requested a review.[5]

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.[6]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if a party who requested the review withdraws the request within 90 days of the date of publication of the notice of initiation of the requested review. As noted above, the petitioners withdrew their request for review by the 90-day deadline. No other party requested an administrative review. Accordingly, we are rescinding the administrative review of the CVD order on certain cold-rolled steel flat products from India for the period September 16, 2016, to December 31, 2016.

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation: Opportunity to Request Administrative Review,* 82 FR 41595 (September 1, 2017).

[2] *See* Letter from the petitioners to Commerce, ''Cold-Rolled Steel Flat Products from India—Request for Initiation of Countervailing Duty Administrative Review,'' dated October 2, 2017.

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 52268, 52272 (November 13, 2017).

[4] *See* Letter from the petitioners to Commerce, ''Cold-Rolled Steel Flat Products from India—Petitioners' Withdrawal of Request for Administrative Review,'' dated December 6, 2017.

[5] We note that Commerce exercised its discretion to toll all deadlines affected by the closure of the Federal Government from January 20 through 22, 2018. *See* Memorandum 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. Therefore, all deadlines in this segment of the proceeding have been extended by 3 days.

[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.

withdrawal from warehouse, for consumption, during the period September 16, 2016, to December 31, 2016, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions directly to CBP 15 days after publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of the countervailing duties occurred and the subsequent assessment of doubled countervailing duties.

Notification Regarding Administrative Protective Order

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 an APO in accordance with 19 CFR 351.305(a)(3). 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 terms of an APO is a violation which is subject to sanction. This notice is issued and published in accordance with sections 751 of the Act and 19 CFR 351.213(d)(4).

Dated: March 22, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–06219 Filed 3–27–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–075]

Plastic Decorative Ribbon From the People's Republic of China: Postponement of Preliminary Determination in the Less-Than-Fair-Value Investigation

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: David Lindgren at (202) 482–3870, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

On January 16, 2018, the Department of Commerce (Commerce) initiated a less-than-fair-value (LTFV) investigation on imports of plastic decorative ribbon from the People's Republic of China.[1] Currently, the preliminary determination is due no later than June 8, 2018.[2]

Postponement of Preliminary Determination

Section 733(b)(1)(A) of the Tariff Act of 1930, as amended (the Act), requires Commerce to issue the preliminary determination in a LTFV investigation within 140 days after the date on which Commerce initiated the investigation. However, section 733(c)(1) of the Act permits Commerce to postpone the preliminary determination, at the request of the petitioner, to no later than 190 days after the date on which the administering authority initiates the investigation. Pursuant to section 733(c)(1)(A) of the Act and 19 CFR 351.205(e), the petitioner must submit a request to postpone 25 days or more before the scheduled date of the preliminary determination, and state the request for the postponement.

On February 27, 2018, Berwick Offray, LLC (the petitioner), submitted a timely request pursuant to 19 CFR 351.205(b)(2) and (e) to fully postpone the preliminary determination from 140 to 190 days.[3] The petitioner stated that the purpose of its request is 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 do not present any compelling reasons to deny the request. Therefore, in accordance with section 733(c)(1)(A) of the Act and 19 CFR 351.205(e), we are postponing the preliminary determination in this LTFV investigation from 140 days after the date of initiation to 190 days after initation. Additionally, Commerce exercised its discretion to toll deadlines affected by the closure of the Federal Government from January 20 through 22, 2018.[5] Accordingly, Commerce is postponing the deadline for the preliminary determination to July 30, 2018.[6] Pursuant to section 735(a)(1) of the Act and 19 CFR 351.210(b)(1), the deadline for the final determination of this investigation will continue to be 75 days after the date of the preliminary determination, unless postponed.

This notice is issued and published pursuant to section 733(c)(2) of the Act and 19 CFR 351.205(f)(1).

Dated: March 20, 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. 2018–06151 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Certain Plastic Decorative Ribbon From the People's Republic of China: Initiation of Less-Than-Fair-Value Investigation,* 83 FR 3126 (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 3 days.

[3] *See* Petitioner's Letter, ''Certain Plastic Decorative Ribbon from the People's Republic of China: Request to Fully Extend Preliminary Determination,'' dated February 27, 2018.

[4] *Id.*

[5] *See* Tolling Memorandum.

[6] Note that the revised deadline reflects a full postponement to 190 days after the date on which this investigation was initiated, in addition to a 3-day extension due to closure of the Federal Government.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–865]

Certain Cold-Rolled Steel Flat Products From India: Rescission of Antidumping Duty Administrative Review; 2016–2017

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is rescinding the administrative review of the antidumping duty order on certain cold-rolled steel flat products (cold-rolled steel) from India for the period of review (POR) March 7, 2016, through August 31, 2017.

DATES: Applicable March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Aleksandras Nakutis or Drew Jackson, 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) 482–3147 or (202) 482–4406, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 1, 2017, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the antidumping duty order on cold-rolled steel from India for the POR March 7, 2016, through August 31, 2017.[1] On September 29, 2017, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.213(b), AK Steel Corporation, ArcelorMittal USA LLC, Nucor Corporation, Steel Dynamics, Inc., and United States Steel Corporation (collectively, domestic interested parties), requested a review of the order with respect to 52 companies or company groupings.[2] On November 13, 2017, in accordance with section 751(a) of the Act and 19 CFR 351.221(c)(1)(i), Commerce initiated an administrative review of the antidumping duty order on cold-rolled steel from India with respect to these companies.[3] On February 12, 2018, domestic interested parties timely withdrew their request for an administrative review of all companies named in their September 29, 2017, Administrative Review Request.[4] No other party requested a review.

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.[5]

Rescission of Review

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party that requested the review withdraws its request within 90 days of the publication date of the notice of initiation of the requested review. Domestic interested parties withdrew their request for review within the 90-day deadline. Because Commerce received no other requests for review of the above-referenced 52 companies, and no other requests were made for a review of the antidumping duty order on cold-rolled steel from India with respect to other companies, we are rescinding the administrative review covering the period March 7, 2016, through August 31, 2017, in full, in accordance with 19 CFR 351.213(d)(1).

Assessment

Commerce will instruct U.S. Customs and Border Protection (CBP) to assess antidumping duties on all appropriate entries of cold-rolled steel from India during the POR at rates equal to the cash deposit rate for estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions to CBP 15 days after the date of publication of this notice in the **Federal Register**.

Notification to Importers

This notice serves as the only reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification Regarding Administrative Protective Order

This notice also serves as the only reminder to parties subject to administrative protective orders (APO) of their responsibility concerning the disposition 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 or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: March 22, 2018.

James Maeder,

Associate Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, performing the duties of Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2018–06208 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review,* 82 FR 41595 (September 1, 2017).

[2] *See* letter, ''Cold-Rolled Steel Flat Products from India: Request for Administrative Review,'' dated September 29, 2017 (September 29, 2017, Administrative Review Request).

[3] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 52268 (November 13, 2017).

[4] *See* letter, ''Cold-Rolled Steel Flat Products from India: Withdrawal of Administrative Review Request,'' dated February 12, 2018.

[5] *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.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Integrated Drought Information System (NIDIS); Executive Council Meeting

AGENCY: Climate Program Office (CPO), Office of Oceanic and Atmospheric Research (OAR), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of open meeting.

SUMMARY: The National Integrated Drought Information System (NIDIS) Program Office will hold an organizational meeting of the NIDIS Executive Council on April 17, 2018.

DATES: The meeting will be held Tuesday, April 17, 2018 from 9:00 a.m.

EST to 4:30 p.m. EST. These times and the agenda topics are subject to change.

ADDRESSES: The meeting will be held at the Hall of the States, Room 383/385, 444 North Capitol St NW, Washington, DC 20001.

FOR FURTHER INFORMATION CONTACT: Veva Deheza, NIDIS Executive Director, David Skaggs Research Center, Room GD102, 325 Broadway, Boulder CO 80305. Email: *Veva.Deheza@noaa.gov;* or visit the NIDIS website at *www.drought.gov.*

SUPPLEMENTARY INFORMATION: The National Integrated Drought Information System (NIDIS) was established by Public Law 109–430 on December 20, 2006, and reauthorized by Public Law 113–86 on March 6, 2014, with a mandate to provide an effective drought early warning system for the United States; coordinate, and integrate as practicable, Federal research in support of a drought early warning system; and build upon existing forecasting and assessment programs and partnerships. *See* 15 U.S.C. 313d. The Public Law also calls for consultation with ''relevant Federal, regional, State, tribal, and local government agencies, research institutions, and the private sector'' in the development of NIDIS. 15 U.S.C. 313d(c). The NIDIS Executive Council provides the NIDIS Program Office with an opportunity to engage in individual consultation with senior resource officials from NIDIS's Federal partners, as well as leaders from state and local government, academia, nongovernmental organizations, and the private sector.

Status: This meeting will be open to public participation. Individuals interested in attending should register at *https://cpaess.ucar.edu/meetings/2018/spring-2018-nidis-executive-council-meeting.* Please refer to this web page for the most up-to-date meeting times and agenda. Seating at the meeting will be available on a first-come, first-served basis.

Special Accommodations: This meeting is physically accessible to people with disabilities. Requests for special accommodations may be directed no later than 12:00 p.m. on April 13, 2018, to Elizabeth Ossowski, Program Coordinator, David Skaggs Research Center, Room GD102, 325 Broadway, Boulder CO 80305; Email: *Elizabeth.Ossowski@noaa.gov.*

Matters To Be Considered: The meeting will include the following topics: (1) NIDIS implementation updates and 2018 priorities, (2) Executive Council member updates and 2018 priorities, (3) Federal coordination around drought early warning, (4) Drought Risk Management and the Water Utilities Sector, (5) National Drought Forum: Taking Stock Five Years Out, (6) Current drought research, applications, and response in the West, (7) Understanding the Midwest Drought Trade Footprint, and (8) National Coordinated Soil Moisture Monitoring Network and Public-Private Partnerships.

Dated: March 16, 2018.

David Holst,

Chief Financial Officer/Administrative Officer, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.

[FR Doc. 2018–06276 Filed 3–27–18; 8:45 am]

BILLING CODE 3510–KB–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 Segal AmeriCorps Education Award Commitment Form

AGENCY: Corporation for National and Community Service (CNCS).

ACTION: Notice.

SUMMARY: The Corporation for National and Community Service (CNCS), as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirement on respondents can be properly assessed.

Currently, CNCS is soliciting comments concerning its proposed renewal of the Segal AmeriCorps Education Award Matching Program Commitment Form. This form is submitted by institutions of higher education that provide educational benefits for AmeriCorps alumni. These benefits can include matching the AmeriCorps Education Award that members receive after successful completion of the AmeriCorps program, scholarships, and application fee waivers. Completion of this information collection is required for institutions to enroll in the Segal AmeriCorps Education Award Matching Program and appear on the Segal AmeriCorps Education Award Matching Program section of the Corporation for National and Community Service website.

Copies of the information collection request can be obtained by contacting the office listed in the **ADDRESSES** section of this Notice.

DATES: Written comments must be submitted to the individual and office listed in the **ADDRESSES** section by May 29, 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: Rhonda Taylor, 250 E Street SW, Washington, DC 20525.

(2) By hand delivery or by courier to CNCS 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.*

Individuals who use a telecommunications device for the deaf (TTY–TDD) may call 1–800–833–3722 between 8:00 a.m. and 8:00 p.m. Eastern Time, Monday through Friday.

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: Rhonda Taylor, 202–606–6721, or by email at *RTaylor@cns.gov.*

SUPPLEMENTARY INFORMATION:

Title of Collection: Segal AmeriCorps Education Award Commitment Form.

OMB Control Number: 3045–0143.

Type of Review: Renewal.

Affected Public: Institutions of higher education that provide incentives for AmeriCorps alumni such as matching the AmeriCorps Education Award that members receive after successful completion of the AmeriCorps Program

and that request to be listed on the Segal AmeriCorps Education Award Matching Program section of the Corporation for National and Community Service website.

Total Estimated Number of Annual Respondents: Two hundred colleges and universities.

Total Estimated Annual Frequency: Once every five years.

Total Estimated Average Response Time per Response: Average 30 minutes.

Total Estimated Number of Annual Burden Hours: 100 hours.

Total Burden Cost (capital/startup): None.

Total Burden Cost (operating/maintenance): None.

Abstract: The information is provided by institutions of higher education who are requesting to be listed on the Segal AmeriCorps Education Award Matching Program section of the Corporation for National and Community Service website. The information will be collected electronically by the Corporation for National and Community Service. 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 19, 2018.

Rhonda Taylor,

Director of Partnerships and Program Engagement.

[FR Doc. 2018–06173 Filed 3–27–18; 8:45 am]

BILLING CODE 6050–28–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD–2018–OS–0001]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense, DoD.

ACTION: 30-day information collection notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by April 27, 2018.

ADDRESSES: Comments and recommendations on the proposed information collection should be emailed to Ms. Jasmeet Seehra, DoD Desk Officer, at *oira_submission@omb.eop.gov.* Please identify the proposed information collection by DoD Desk Officer, Docket ID number, and title of the information collection.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493, or *whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.*

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Personnel Security Investigation Projection for Industry Census Survey; OMB Control Number 0704–0417.

Type of Request: Revision.

Number of Respondents: 10,421.

Responses per Respondent: 1.

Annual Responses: 10,421.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 5,210.50.

Needs and Uses: Executive order (E.O.) 12829, ''National Industrial Security Program (NISP),'' stipulates that the Secretary of Defense shall serve as the Executive Agent for inspecting and monitoring the contractors, licensees, and grantees who require or will require access to classified information; and for determining the eligibility for access to classified information of contractors, licensees, and grantees and their respective employees. The Under Secretary of Defense for Intelligence assigned Defense Security Service (DSS) the responsibility for central operational management of NISP personnel security investigation (PSI) workload projections, and for monitoring of NISP PSI funding and investigations. The execution of the collection instrument is an essential element of DSS' ability to plan, program and budget for the PSI needs of NISP personnel security investigations.

Affected Public: Businesses or other for-profit, not-for-profit institutions, state, local or tribal governments.

Frequency: Annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

You may also submit comments and recommendations, identified by Docket ID number and title, by the following method:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

Instructions: All submissions received must include the agency name, Docket ID number, and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at *http://www.regulations.gov* as they are received without change, including any personal identifiers or contact information.

DOD Clearance Officer: Mr. Frederick Licari.

Written requests for copies of the information collection proposal should be sent to Mr. Licari at WHS/ESD Directives Division, 4800 Mark Center Drive, East Tower, Suite 03F09, Alexandria, VA 22350–3100.

Dated: March 23, 2018.

Aaron Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2018–06238 Filed 3–27–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 17–41]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense.

ACTION: Arms sales notice.

SUMMARY: The Department of Defense is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young, (703) 697–9107, *pamela.a.young14.civ@mail.mil* or Kathy Valadez, (703) 697–9217, *kathy.a.valadez.civ@mail.mil;* DSCA/DSA–RAN.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 17–41 with attached Policy Justification and Sensitivity of Technology.

Dated: March 22, 2018.

Shelly Finke,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–06–P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAR 07 2018

The Honorable Paul D. Ryan
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 17-41, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Qatar for defense articles and services estimated to cost $197 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

Charles W. Hooper
Lieutenant General, USA
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 5001–06–C

Transmittal No. 17–41

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Qatar

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$ 1 million
Other	$196 million
Total	$197 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Qatar has requested to purchase equipment and support to upgrade the Qatari Emiri Air Force's (QEAF) Air Operation Center (AOC), to include Link 16 network and classified networks integration, to enhance the performance of integrated air defense

planning and provide US-Qatari systems interoperability.

Major Defense Equipment (MDE):

One (1) Multifunctional Information Distribution System (MIDS) Low Volume Terminal (LVT)

Non-MDE:

Also included are Global Positioning System (GPS) Selective Availability Anti-Spoofing Module (SAASM) Chips, Simple Key Loaders (SKL), High Assurance internet Protocol Encryptors (HAIPE), Ground Support System (GSS) components for Link-16, as well as the necessary infrastructure construction, integration, installation, and sustainment services, cybersecurity services, technical and support facilities, COMSEC support, secure communications equipment, encryption devices, software development, spare and repair parts, support and test equipment, publications and technical documentation, security certification and accreditation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department:* Air Force (QA–D–DAG)

(v) *Prior Related Cases, if any:* N/A

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* March 7, 2018

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Qatar—Upgrade of Qatar Air Operations Center (AOC)

The Government of Qatar has requested to purchase equipment and support to upgrade the Qatari Emiri Air Force's (QEAF) Air Operation Center (AOC) to enhance the performance of integrated air defense planning and provide US-Qatari systems interoperability. This sale includes: one (1) Multifunctional Information Distribution System (MIDS) Low Volume Terminal (LVT), Global Positioning System (GPS) Selective Availability Anti-Spoofing Module (SAASM) chips, Simple Key Loaders (SKL), High Assurance internet Protocol Encryptors (HAIPE), Ground Support System (GSS) components for Link-16 as well as the necessary infrastructure construction, integration, installation, and sustainment services, cybersecurity services, technical and support facilities, COMSEC support, secure communications equipment, encryption devices, software development, spare and repair parts, support and test equipment, publications and technical documentation, security certification and accreditation, personnel training and training equipment, U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support. The estimated cost is $197 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country that has been, and continues to be, an important force for political stability and economic progress in the Persian Gulf region. Our mutual defense interests anchor our relationship and the Qatar Emiri Air Force (QEAF) plays a predominant role in Qatar's defense.

The upgrade of the AOC will support the defensive capability of Qatar. The proposed sale will help strengthen Qatar's capability to counter current and future threats in the region and reduce dependence on U.S. forces. Qatar will have no difficulty absorbing the required equipment and capability into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be Raytheon, Waltham, MA. Qatar typically requests offsets. Any offset agreement will be defined in negotiations between Qatar and the contractor.

Implementation of this proposed sale will require the assignment of approximately five (5) additional U.S. Government and approximately fifteen (15) contractor representatives to Qatar.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 17–41

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Multifunctional Information Distribution System-Low Volume Terminal (MIDS–LVT) is an advanced Link-16 command, control, communications, and intelligence (C3I) system incorporating high-capacity, jam-resistant, digital communication links is used for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. The terminal hardware, publications, performance specifications, operational capability, parameters, vulnerabilities to countermeasures, and software documentation are classified CONFIDENTIAL. The classified information to be provided consists of that which is necessary for the operation, maintenance, and repair (through intermediate level) of the data link terminal, installed systems, and related software.

2. A Global Positioning System (GPS) Selective Availability Anti-Spoofing Module (SAASM) deploys anti-spoofing measures using cryptography to protect authorized users from false satellite signals generated by an enemy. Information revealing SAASM implementation details such as number or length of keying variables, circuit diagrams, specific quantitative measures, functions, and capabilities are classified SECRET.

3. Software, hardware, and other data/information, which is classified or sensitive, is reviewed prior to release to protect system vulnerabilities, design data, and performance parameters. Some end-item hardware, software, and other data identified above are classified at the CONFIDENTIAL and SECRET//RELEASABLE TO QATAR level. Potential compromise of these systems is controlled through management of the basic software programs of highly sensitive systems and software-controlled weapon systems on a case-by-case basis.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

5. A determination has been made that Qatar can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

6. All defense articles and services listed on this transmittal are authorized for release and export to the Government of Qatar.

[FR Doc. 2018–06146 Filed 3–27–18; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2017–OPE–0080]

Privacy Act of 1974; System of Records

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, as amended (Privacy Act), the Department of Education (the Department) publishes this notice of a modified system of records entitled ''Title VI International Research and Studies Program (IRS)'' (18–12–04). IRS contains individually identifiable information provided by individuals to determine qualifications and eligibility for award benefits and to monitor achievements of award recipients. This information is used to demonstrate the effectiveness of the IRS.

DATES: Submit your comments on this modified system of records on or before April 27, 2018.

This modified system of records will become applicable upon publication in the **Federal Register** on March 28, 2018, unless the modified system of records notice needs to be changed as a result of public comment. Modified routine uses (3), (5), (6), (7), (9), and (10) and newly proposed routine uses (13) and (14) in the paragraph entitled ''ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES'' will become applicable on April 27, 2018, unless the modified system of records notice needs to be changed as a result of public comment. The Department will publish any significant changes resulting from public comment.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''Help'' tab.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this modified system of records, address them to: Senior Director, International Foreign Language Education (IFLE), Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will supply an appropriate accommodation or auxiliary aid, such as a reader or print magnifier, to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Cheryl Gibbs, Division Director of Advanced Training and Research Division International Foreign Language Education (IFLE), Office of Postsecondary Education. Telephone: (202) 453–5690.

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

SUPPLEMENTARY INFORMATION:

Introduction: The Title VI International Research and Studies Program (18–12–04) system of records was last published in the **Federal Register** on June 4, 1999 (64 FR 30179). The Department proposes to update the system location, manager, and address to reflect the creation of the IFLE office that administers grant and fellowship programs such as IRS. The Department also proposes to update how the information is stored and safeguarded utilizing updated security hardware and software, including multiple firewalls, active intruder detection, and role-based access controls. The Department also proposes to update the record source categories and how the records are retrieved as well as to modify the section entitled ''Policies and Practices for Retention and Disposal of Records'' to reflect updated, current disposition instructions covering records in this system.

The Department proposes to update, but not to significantly change, routine use, (3) ''Litigation and Alternative Dispute Resolution Disclosure,'' (5) ''Employee Grievance, Complaint, or Conduct Disclosure,'' (6) ''Labor Organization Disclosure,'' (7) ''Freedom of Information Act and Privacy Act Advice Disclosure,'' (9) ''Contract Disclosure,'' and (10) ''Research Disclosure.'' The Department also proposes to add to this system of records notice two new routine uses. Routine use (14) entitled ''Disclosure in the Course of Responding to a Breach of Data'' and (15) entitled ''Disclosure in Assisting another Agency in Responding to a Breach of Data.'' These will allow the Department to disclose records in this system in order to assist in responding to a suspected or confirmed breach of this system's, the Department's, or another Federal agency's or entity's data.

The Department is also proposing to update the record access and notification procedures.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (*e.g.,* Braille, large print, audiotape, or compact disc) on request to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available 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 the Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Dated: March 23, 2018.

Frank T. Brogan,

Principal Deputy Assistant Secretary and Delegated the duties of the Assistant Secretary, Office of Planning, Evaluation and Policy Development, Delegated the duties of the Assistant Secretary, Office of Postsecondary Education.

For the reasons discussed in the preamble, the Acting Assistant Secretary for the Office of Postsecondary Education, U.S. Department of

Education (Department), publishes a notice of a modified system of records to read as follows:

SYSTEM NAME AND NUMBER

Title VI International Research and Studies Program (IRS) (18–12–04).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

International Foreign Language Education (IFLE), Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Ave. SW, Washington, DC 20202.

SYSTEM MANAGER(S):

Senior Director, IFLE, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The Higher Education Act of 1965, as amended, part A, title VI, section 605(a).

PURPOSE(S) OF THE SYSTEM:

The IRS awards discretionary grants to institutions, organizations, and individuals to conduct research, surveys, studies, and to develop instructional materials, including foreign language materials, to improve and strengthen instruction in modern foreign languages, study areas, and other international fields within the U.S. educational system. The information contained in this system of records is used for the following purposes: (1) To determine the qualifications and eligibility of the project directors and competitiveness of and need for the projects and to award benefits; (2) to monitor the progress of the projects, including their accomplishments; and (3) to demonstrate the program's effectiveness.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system contains records on individual project directors who have applied to be or who have been selected to be recipients of IRS awards.

CATEGORIES OF RECORDS IN THE SYSTEM:

The IRS system consists of a variety of records relating to an individual's application(s) for, and participation in, the IRS. In addition to the individual's name, the system contains the participant's address, telephone number, educational institution, citizenship, Social Security number, institutional or individual Data Universal Numbering System (DUNS) number, educational and employment background, salary, research or instructional materials, project description, project costs, field reader comments, award documents, and final project reports.

RECORD SOURCE CATEGORIES:

Information is obtained from the individuals and institutions on approved application forms, from field readers, and from other individuals or entities from which data is obtained under routine uses set forth below.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The Department may disclose information contained in a record in this system of records under the routine uses listed in this system of records without the consent of the individual if the disclosure is compatible with the purposes for which the record was collected. These disclosures may be made on a case-by-case basis, or, if the Department has complied with the computer matching requirements of the Privacy Act of 1974, as amended (Privacy Act), under a computer matching agreement.

(1) *Field Reader Disclosure.* The Department may disclose information to field readers (also referred to as peer reviewers) in order to determine the qualification and eligibility of the project director and the competitiveness of and need for the project, and to award benefits.

(2) *Enforcement Disclosure.* In the event that information in this system of records indicates, either on its face or in connection with other information, a violation or potential violation of any applicable statute, regulation, or order of a competent authority, the Department may disclose the relevant information to the appropriate agency, whether foreign, Federal, State, Tribal, or local, charged with the responsibility of investigating or prosecuting that violation or charged with enforcing or implementing the statute, Executive order, rule, regulation, or order issued pursuant thereto.

(3) *Litigation and Alternative Dispute Resolution (ADR) Disclosure.*

(a) *Introduction.* In the event that one of the parties listed in sub-paragraphs (i) through (v) is involved in judicial or administrative litigation or ADR, or has an interest in judicial or administrative litigation or ADR, the Department may disclose certain records to the parties described in paragraphs (b), (c), and (d) of this routine use under the conditions specified in those paragraphs:

(i) The Department or any of its components.

(ii) Any Department employee in his or her official capacity.

(iii) Any Department employee in his or her individual capacity if the U.S. Department of Justice (DOJ) has been requested to or has agreed to provide or arrange for representation for the employee.

(iv) Any Department employee in his or her individual capacity where the Department requests representation for or has agreed to represent the employee.

(v) The United States where the Department determines that the litigation is likely to affect the Department or any of its components.

(b) *Disclosure to DOJ.* If the Department determines that disclosure of certain records to DOJ is relevant and necessary to the litigation or ADR, the Department may disclose those records as a routine use to DOJ.

(c) *Adjudicative Disclosure.* If the Department determines that it is relevant and necessary to the litigation or ADR to disclose certain records to an adjudicative body before which the Department is authorized to appear, to a person, or to an entity designated by the Department or otherwise empowered to resolve or mediate disputes, the Department may disclose those records as a routine use to the adjudicative body, person, or entity.

(d) *Disclosure to Parties, Counsels, Representatives, or Witnesses.* If the Department determines that disclosure of certain records to a party, counsel, representative, or witness is relevant and necessary to the litigation or ADR, the Department may disclose those records as a routine use to the party, counsel, representative, or witness.

(4) *Employment, Benefit, and Contracting Disclosure.*

(a) *For Decisions by the Department.* The Department may disclose a record to a Federal, State, or local agency maintaining civil, criminal, or other relevant enforcement or other pertinent records, or to another public authority or professional organization, if necessary to obtain information relevant to a Department decision concerning the hiring or retention of an employee or other personnel action, the issuance of security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

(b) *For Decisions by Other Public Agencies and Professional Organizations.* The Department may disclose a record to a Federal, State, local, or foreign agency or other public authority or professional organization, in connection with the hiring or retention of an employee or other personnel action, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a

license, grant, or other benefit, to the extent that the record is relevant and necessary to the receiving entity's decision on the matter.

(5) *Employee Grievance, Complaint, or Conduct Disclosure.* If a record is relevant and necessary to an employee grievance, complaint, or disciplinary action involving a present or former employee of the Department, the Department may disclose a record from this system of records in the course of investigation, fact-finding, or adjudication, to any party to the grievance, complaint or action; to the party's counsel or representative; to a witness; or to a designated fact-finder, mediator, or other person designated to resolve issues or decide the matter.

(6) *Labor Organization Disclosure.* The Department may disclose records from this system of records to an arbitrator to resolve disputes under a negotiated grievance process or to officials of a labor organization recognized under 5 U.S.C. chapter 71 when relevant and necessary to their duties of exclusive representation.

(7) *Freedom of Information Act (FOIA) and Privacy Act Advice Disclosure.* The Department may disclose records to DOJ or Office of Management and Budget (OMB) if the Department concludes that disclosure is desirable or necessary in determining whether particular records are required to be disclosed under the FOIA or the Privacy Act.

(8) *Disclosure to DOJ.* The Department may disclose records to DOJ to the extent necessary for obtaining DOJ advice on any matter relevant to an audit, inspection, or other inquiry related to the programs covered by this system.

(9) *Contract Disclosure.* If the Department contracts with an entity for the purposes of performing any function that requires disclosure of records in this system to employees of the contractor, the Department may disclose the records to those employees. As part of such a contract, the Department shall require the contractor to agree to maintain safeguards to protect the security and confidentiality of the records in the system.

(10) *Research Disclosure.* The Department may disclose records to a researcher if an appropriate official of the Department determines that the individual or organization to which the disclosure would be made is qualified to carry out specific research related to functions or purposes of this system of records. The researcher must agree to maintain safeguards to protect the security and confidentiality with respect to the disclosed records.

(11) *Congressional Member Disclosure.* The Department may disclose the records of an individual to a member of Congress or the member's staff in response to an inquiry from the member made at the written request of that individual. The member's right to the information is no greater than the right of the individual who requested the inquiry.

(12) *Disclosure to OMB for Credit Reform Act (CRA).* The Department may disclose records to OMB as necessary to fulfill CRA requirements in accordance with 2 U.S.C. 661b.

(13) *Disclosure in the Course of Responding to a Breach of Data.* The Department may disclose records to appropriate agencies, entities, and persons when: (1) The Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(14) *Disclosure in Assisting Another Agency in Responding to a Breach of Data.* The Department may disclose records to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in: (1) Responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures pursuant to 5 U.S.C. 522a(b)(12): The Department may disclose to a consumer reporting agency information regarding a claim by the Department which is determined to be valid and overdue as follows: (1) The name, address, and other information necessary to establish the identity of the individual responsible for the claim; (2) the amount, status, and history of the claim; and (3) the program under which the claim arose. The Department may disclose the information specified in this paragraph under 5 U.S.C. 552a(b)(12) and the procedures contained in subsection 31 U.S.C. 3711(e). A consumer reporting agency to which these disclosures may be made is defined at 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORAGE OR RECORDS:

Records are maintained electronically in a computer database and on a web-based portal maintained by the Department.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by individual's grant number; however records are retrievable via all data elements in the system.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records are maintained and disposed of in accordance with the National Archives and Records Administration's General Records Schedule (GRS) 1.2 (Grant and Cooperative Agreement Records), Items 020 (DAA–GRS–2013–0008–0001) and 021 (DAA–GRS–2013–0008–0006). Records of successful applications shall be destroyed 10 years after final action is taken on the applicable file, but longer retention is authorized if required for business use. Records of unsuccessful applications shall be destroyed 3 years after final action is taken on the applicable file, but longer retention is authorized if required for business use.

ADMINISTRATIVE, TECHNICAL AND PHYSICAL SAFEGUARDS:

All physical access to the site where this system of records is maintained is controlled and monitored by security personnel who check each individual entering the building. The computer system offers a high degree of resistance to tampering and circumvention. This security system limits data access to Department and contract staff on a ''need-to-know'' basis, and controls individual users' ability to access and alter records within the system.

RECORD ACCESS PROCEDURES:

If you wish to request access to your records, you must contact the system manager at the address listed under SYSTEM MANAGER(S). You must provide necessary particulars, such as your full name, date of birth, Social Security number, the year of the award, the name of the grantee institution, major country in which you conducted your educational activity, and any other identifying information requested by the Department while processing the request, to distinguish between individuals with the same name. Your

request must meet the requirements of regulations in 34 CFR 5b.5, including proof of identity.

CONTESTING RECORD PROCEDURES:

If you wish to contest the content of a record regarding you in the system of records, you must contact the system manager at the address listed under SYSTEM MANAGER(S). Your request must meet the requirements of the regulations in 34 CFR 5b.7.

NOTIFICATION PROCEDURES:

If you wish to inquire whether a record exists regarding you in this system, you must contact the system manager at the address listed under SYSTEM MANAGER(S). You must provide necessary particulars, such as your name, date of birth, Social Security number, the year of the award, the name of the grantee institution, major country in which you conducted your educational activity, and any other identifying information requested by the Department while processing the request, to distinguish between individuals with the same name. Your request must meet the requirements of the Department's Privacy Act regulations at 34 CFR 5b.5, including proof of identity.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

The System of Records entitled ''Title VI International Research and Studies Program (IRS)'' (18–12–04) was last published in the **Federal Register** on June 4, 1999 (64 FR 30179).

[FR Doc. 2018–06280 Filed 3–27–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA Numbers: 84.007, 84.033, 84.038, 84.063, and 84.268.]

Free Application for Federal Student Aid (FAFSA®) Information to be Verified for the 2019–2020 Award Year

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: For each award year, the Secretary publishes in the **Federal Register** a notice announcing the FAFSA information that an institution and an applicant may be required to verify, as well as the acceptable documentation for verifying FAFSA information. This is the notice for the 2019–2020 award year.

FOR FURTHER INFORMATION CONTACT: Jacquelyn C. Butler, U.S. Department of Education, 400 Maryland Avenue SW, Room 294–10, Washington, DC 20202. Telephone: (202) 453–6088.

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

Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or compact disc) on request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**.

SUPPLEMENTARY INFORMATION: If the Secretary selects an applicant for verification, the applicant's Institutional Student Information Record (ISIR) includes flags that indicate (1) that the applicant has been selected by the Secretary for verification and (2) the Verification Tracking Group in which the applicant has been placed. The Verification Tracking Group indicates which FAFSA information needs to be verified for the applicant and, if appropriate, for the applicant's parent(s) or spouse. The Student Aid Report (SAR) provided to the applicant will indicate that the applicant's FAFSA information has been selected for verification and direct the applicant to contact the institution for further instructions for completing the verification process.

The following chart lists, for the 2019–2020 award year, the FAFSA information that an institution and an applicant and, if appropriate, the applicant's parent(s) or spouse may be required to verify under 34 CFR 668.56. The chart also lists the acceptable documentation that must, under § 668.57, be provided to an institution for that information to be verified.

LTCH QRP QUALITY MEASURES UNDER CONSIDERATION FOR FUTURE YEARS

FAFSA Information	Acceptable documentation
Income information for tax filers: a. Adjusted Gross Income (AGI) b. U.S. Income Tax Paid c. Untaxed Portions of IRA Distributions. d. Untaxed Portions of Pensions. e. IRA Deductions and Payments. f. Tax Exempt Interest Income g. Education Credits	(1) 2017 tax account information of the tax filer that the Secretary has identified as having been obtained from the Internal Revenue Service (IRS) through the IRS Data Retrieval Tool and that has not been changed after the information was obtained from the IRS; or (2) A transcript[1] obtained at no cost from the IRS or other relevant tax authority of a U.S. territory (Guam, American Samoa, the U.S. Virgin Islands) or commonwealth (Puerto Rico and the Northern Mariana Islands), or a foreign government that lists 2017 tax account information of the tax filer.
Income information for tax filers with special circumstances: a. Adjusted Gross Income (AGI). b. U.S. Income Tax Paid c. Untaxed Portions of IRA Distributions. d. Untaxed Portions of Pensions. e. IRA Deductions and Payments. f. Tax Exempt Interest Income g. Education Credits	(1) For a student, or the parent(s) of a dependent student, who filed a 2017 joint income tax return and whose income is used in the calculation of the applicant's expected family contribution and who at the time the FAFSA was completed was separated, divorced, widowed, or married to someone other than the individual included on the 2017 joint income tax return— (a) A transcript obtained from the IRS or other relevant tax authority that lists 2017 tax account information of the tax filer(s); and (b) A copy of IRS Form W–2[2] for each source of 2017 employment income received or an equivalent document.[2] (2) For an individual who is required to file a 2017 IRS income tax return and has been granted a filing extension by the IRS beyond the automatic six-month extension for tax year 2017— (a) A copy of IRS Form 4868,[3] ''Application for Automatic Extension of Time to File U.S. Individual Income Tax Return,'' that the individual filed with the IRS for tax year 2017; (b) A copy of the IRS's approval of an extension beyond the automatic six-month extension for tax year 2017; (c) Confirmation of nonfiling from the IRS dated on or after October 1, 2018;

LTCH QRP QUALITY MEASURES UNDER CONSIDERATION FOR FUTURE YEARS—Continued

FAFSA Information	Acceptable documentation
	(d) A copy of IRS Form W–2 [2] for each source of 2017 employment income received or an equivalent document [2]; and (e) If self-employed, a signed statement certifying the amount of AGI and U.S. income tax paid for tax year 2017. **Note:** An institution may require that, after the income tax return is filed, an individual granted a filing extension beyond the automatic six-month extension submit tax information using the IRS Data Retrieval Tool or by obtaining a transcript from the IRS that lists 2017 tax account information. When an institution receives such information, it must be used to reverify the FAFSA information included on the transcript. (3) For an individual who was the victim of IRS tax-related identity theft— (a) A Tax Return DataBase View (TRDBV) transcript obtained from the IRS; and (b) A statement signed and dated by the tax filer indicating that he or she was a victim of IRS tax-related identity theft and that the IRS has been made aware of the tax-related identity theft. **Note:** Tax filers may inform the IRS of the tax-related identity theft and obtain a TRDBV transcript by calling the IRS's Identity Protection Specialized Unit (IPSU) at 1–800–908–4490. Tax filers who cannot obtain a TRDBV transcript may instead submit another official IRS transcript or equivalent document provided by the IRS if it includes all of the income and tax information required to be verified. Unless the institution has reason to suspect the authenticity of the TRDBV transcript or an equivalent document provided by the IRS, a signature or stamp or any other validation from the IRS is not needed. (4) For an individual who filed an amended tax return with the IRS— (a) A transcript obtained from the IRS that lists 2017 tax account information of the tax filer(s); and (b) A signed copy of the IRS Form 1040X that was filed with the IRS.
Income information for nontax filers:	
Income earned from work	For an individual who has not filed and, under IRS or other relevant tax authority rules (*e.g.,* the Republic of the Marshall Islands, the Republic of Palau, the Federated States of Micronesia, a U.S. territory or commonwealth or a foreign government), is not required to file a 2017 income tax return— (1) A signed statement certifying— (a) That the individual has not filed and is not required to file a 2017 income tax return; and (b) The sources of 2017 income earned from work and the amount of income from each source; (2) A copy of IRS Form W–2 [2] for each source of 2017 employment income received or an equivalent document [2]; and (3) Except for dependent students, confirmation of nonfiling from the IRS or other relevant tax authority dated on or after October 1, 2018.
Number of Household Members	A statement signed by the applicant and, if the applicant is a dependent student, by one of the applicant's parents, that lists the name and age of each household member for the 2019–2020 award year and the relationship of that household member to the applicant. **Note:** Verification of number of household members is not required if— • For a dependent student, the household size indicated on the ISIR is two and the parent is single, separated, divorced, or widowed, or the household size indicated on the ISIR is three if the parents are married or unmarried and living together; or • For an independent student, the household size indicated on the ISIR is one and the applicant is single, separated, divorced, or widowed, or the household size indicated on the ISIR is two if the applicant is married.
Number in College	(1) A statement signed by the applicant and, if the applicant is a dependent student, by one of the applicant's parents listing the name and age of each household member who is or will be attending an eligible postsecondary educational institution as at least a half-time student in the 2019–2020 award year in a program that leads to a degree or certificate and the name of that educational institution. (2) If an institution has reason to believe that the signed statement provided by the applicant regarding the number of household members enrolled in eligible postsecondary institutions is inaccurate, the institution must obtain documentation from each institution named by the applicant that the household member in question is, or will be, attending on at least a half-time basis unless— (a) The applicant's institution determines that such documentation is not available because the household member in question has not yet registered at the institution the household member plans to attend; or (b) The institution has documentation indicating that the household member in question will be attending the same institution as the applicant. **Note:** Verification of the number of household members in college is not required if the number in college indicated on the ISIR is "1."
High School Completion Status	The applicant's high school completion status when the applicant attends the institution in 2019–2020. (1) *High School Diploma* (a) A copy of the applicant's high school diploma; (b) A copy of the applicant's final official high school transcript that shows the date when the diploma was awarded; or (c) A copy of the "secondary school leaving certificate" (or other similar document) for students who completed secondary education in a foreign country and are unable to obtain a copy of their high school diploma or transcript. **Note:** Institutions that have the expertise may evaluate foreign secondary school credentials to determine their equivalence to U.S. high school diplomas. Institutions may also use a foreign diploma evaluation service for this purpose. (2) *Recognized Equivalent of a High School Diploma* (a) General Educational Development (GED) Certificate or GED transcript;

LTCH QRP QUALITY MEASURES UNDER CONSIDERATION FOR FUTURE YEARS—Continued

FAFSA Information	Acceptable documentation
	(b) A State certificate or transcript received by a student after the student has passed a State-authorized examination (HiSET, TASC, or other State-authorized examination) that the State recognizes as the equivalent of a high school diploma; (c) An academic transcript that indicates the student successfully completed at least a two-year program that is acceptable for full credit toward a bachelor's degree at any participating institution; or (d) For a person who is seeking enrollment in an educational program that leads to at least an associate degree or its equivalent and who excelled academically in high school but did not complete high school, documentation from the high school that the student excelled academically and documentation from the postsecondary institution that the student has met its written policies for admitting such students. (3) *Homeschool* (a) If the State where the student was homeschooled requires by law that such students obtain a secondary school completion credential for homeschool (other than a high school diploma or its recognized equivalent), a copy of that credential; or (b) If such State law does not require the credential noted in 3(a), a transcript or the equivalent signed by the student's parent or guardian that lists the secondary school courses the student completed and documents the successful completion of a secondary school education in a homeschool setting. **Note:** In cases where documentation of an applicant's completion of a secondary school education is unavailable, *e.g.,* the secondary school is closed and information is not available from another source, such as the local school district or a State Department of Education, or in the case of homeschooling, the parent(s)/guardian(s) who provided the homeschooling is deceased, an institution may accept alternative documentation to verify the applicant's high school completion status (*e.g.,* DD Form 214 Certificate of Release or Discharge From Active Duty that indicates the individual is a high school graduate or equivalent). When documenting an applicant's high school completion status, an institution may rely on documentation it has already collected for purposes other than the Title IV verification requirements (e.g., high school transcripts maintained in the admissions office) if the documentation meets the criteria outlined above. Verification of high school completion status is not required if the institution successfully verified and documented the applicant's high school completion status for a prior award year.
Identity/Statement of Educational Purpose.	(1) An applicant must appear in person and present the following documentation to an institutionally authorized individual to verify the applicant's identity: (a) An unexpired valid government-issued photo identification [4] such as, but not limited to, a driver's license, non-driver's identification card, other State-issued identification, or U.S. passport. The institution must maintain an annotated copy of the unexpired valid government-issued photo identification that includes— i. The date the identification was presented; and ii. The name of the institutionally authorized individual who reviewed the identification; and (b) A signed statement using the exact language as follows, except that the student's identification number is optional if collected elsewhere on the same page as the statement: **Statement of Educational Purpose** I certify that I _____ am (Print Student's Name) the individual signing this Statement of Educational Purpose and that the Federal student financial assistance I may receive will only be used for educational purposes and to pay the cost of attending _____ for 2019–2020. (Name of Postsecondary Educational Institution) _____ _____ (Student's Signature) (Date) _____ (Student's ID Number) (2) If an institution determines that an applicant is unable to appear in person to present an unexpired valid photo identification and execute the Statement of Educational Purpose, the applicant must provide the institution with— (a) A copy of an unexpired valid government-issued photo identification [4] such as, but not limited to, a driver's license, non-driver's identification card, other State-issued identification, or U.S. passport that is acknowledged in a notary statement or that is presented to a notary; and (b) An original notarized statement signed by the applicant using the exact language as follows, except that the student's identification number is optional if collected elsewhere on the same page as the statement: **Statement of Educational Purpose** I certify that I _____ am (Print Student's Name) the individual signing this Statement of Educational Purpose and that the Federal student financial assistance I may receive will only be used for educational purposes and to pay the cost of attending _____ for 2019–2020. (Name of Postsecondary Educational Institution) _____ _____ (Student's Signature) (Date)

LTCH QRP QUALITY MEASURES UNDER CONSIDERATION FOR FUTURE YEARS—Continued

FAFSA Information	Acceptable documentation
	(Student's ID Number)

[1] In lieu of obtaining a transcript whenever mentioned in the above chart, an institution may accept from the tax filer a copy of the 2017 income tax return that was submitted to the IRS or other tax authority only—
(a) When the Secretary issues guidance permitting such submission; or
(b) When the tax authority of a U.S. territory (Guam, American Samoa, the U.S. Virgin Islands) or commonwealth (Puerto Rico and the Northern Mariana Islands) or a foreign government does not provide the required information at no charge to the tax filer.
The copy of the 2017 income tax return must include the signature of the tax filer, or one of the filers of a joint income tax return, or the signed, stamped, typed, or printed name and address of the preparer of the income tax return and the preparer's Social Security Number, Employer Identification Number, or Preparer Tax Identification Number.
For a tax filer who filed an income tax return other than an IRS form, such as a foreign or Puerto Rican tax form, the institution must use the income information (converted to U.S. dollars) from the lines of that form that correspond most closely to the income information reported on a U.S. income tax return.
An individual who did not retain a copy of his or her 2017 tax account information, and for whom that information cannot be located by the IRS or other relevant tax authority, must submit to the institution—
(a) Copies of all IRS Form W–2s for each source of 2017 employment income or equivalent documents; or
(b) If the individual is self-employed or filed an income tax return with a government of a U.S. territory or commonwealth or a foreign government, a signed statement certifying the amount of AGI and income taxes paid for tax year 2017; and
(c) Documentation from the IRS or other relevant tax authority that indicates the individual's 2017 tax account information cannot be located; and
(d) A signed statement that indicates that the individual did not retain a copy of his or her 2017 tax account information.
[2] An individual who is required to submit an IRS Form W–2 or an equivalent document but did not maintain a copy should request a duplicate from the employer who issued the original or from the government agency that issued the equivalent document. If the individual is unable to obtain a duplicate W–2 or an equivalent document in a timely manner, the institution may permit that individual to provide a signed statement, in accordance with 34 CFR 668.57(a)(6), that includes—
(a) The amount of income earned from work;
(b) The source of that income; and
(c) The reason why the IRS Form W–2, or an equivalent document, is not available in a timely manner.
[3] For an individual who was called up for active duty or for qualifying National Guard duty during a war or other military operation or national emergency, in lieu of IRS Form 4868, an institution must accept a statement from the individual certifying that he or she has not filed an income tax return or a request for a filing extension because of that service.
[4] An unexpired valid government-issued photo identification is one issued by the U.S. government, any of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, a federally recognized American Indian and Alaska Native Tribe, American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or the Republic of Palau.

Verification Requirements for Individuals Who Are Eligible for an Auto Zero Expected Family Contribution (EFC)

Only the following FAFSA/ISIR information must be verified:

For dependent students—

- The parents' AGI if the parents were tax filers;
- The parents' income earned from work if the parents were nontax filers; and
- The student's high school completion status and identity/statement of educational purpose, if selected.

For independent students—

- The student's and spouse's AGI if they were tax filers;
- The student's and spouse's income earned from work if they were nontax filers;
- The student's high school completion status and identity/statement of educational purpose, if selected; and
- The number of household members to determine if the independent student has one or more dependents other than a spouse.

Other Sources for Detailed Information

We provide a more detailed discussion on the verification process in the following resources:

- *2019–2020 Application and Verification Guide.*
- *2019–2020 ISIR Guide.*
- *2019–2020 SAR Comment Codes and Text.*
- *2019–2020 COD Technical Reference.*
- Program Integrity Information—Questions and Answers on Verification at *http://www2.ed.gov/policy/highered/reg/hearulemaking/2009/verification.html.*

These publications are on the Information for Financial Aid Professionals website at *www.ifap.ed.gov.*

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* 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.

Program Authority: 20 U.S.C. 1070a, 1070a–1, 1070b–1070b–4, 1070c–1070c–4, 1070g, 1071–1087–2, 1087a–1087j, and 1087aa–1087ii; 42 U.S.C. 2751–2756b.

Dated: March 23, 2018.

Frank T. Brogan,

Principal Deputy Assistant Secretary and Delegated the duties of the Assistant Secretary, Office of Planning, Evaluation and Policy Development, Delegated the duties of the Assistant Secretary, Office of Postsecondary Education.

[FR Doc. 2018–06278 Filed 3–27–18; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Biological and Environmental Research Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the DOE/Biological and Environmental Research Advisory Committee (BERAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES:

Wednesday, April 25, 2018; 8:30 a.m.–5:30 p.m.

Thursday, April 26, 2018; 8:30 a.m.–12:30 p.m.

ADDRESSES: Hilton Washington DC North/Gaithersburg, 620 Perry Parkway, Gaithersburg, MD 20877.

FOR FURTHER INFORMATION CONTACT: Dr. Tristram West, Designated Federal Officer, BERAC, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, SC–23/Germantown Building, 1000 Independence Avenue SW, Washington, DC 20585–1290. Phone 301–903–5155; fax (301) 903–5051 or email: *tristram.west@science.doe.gov.* The most current information concerning this meeting can be found on the website: *http://science.energy.gov/ber/berac/meetings/.*

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: To provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the Biological and Environmental Research Program.

Tentative Agenda Topics

- News from the Office of Science
- News from the Office of Biological and Environmental Research (BER)
- News from the Biological Systems Science and Climate and Environmental Sciences Divisions
- Response to the report by the Biological Systems Science Division Committee of Visitors
- Updates on data science programs
- Scientific workshop outbriefs
- Science talks
- New business
- Public comment

Public Participation: The day and a half meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Tristram West at *tristram.west@science.doe.gov* (email) or 301–903–5051 (fax). You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will be limited to five minutes each.

Minutes: The minutes of this meeting will be available for public review and copying within 45 days at the BERAC website: *http://science.energy.gov/ber/berac/meetings/berac-minutes/.*

Issued in Washington, DC on March 22, 2018.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–06198 Filed 3–27–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, April 11, 2018, 6:00 p.m.

ADDRESSES: Department of Energy Information Center, Office of Science and Technical Information, 1 Science.gov Way, Oak Ridge, Tennessee 37831.

FOR FURTHER INFORMATION CONTACT: Melyssa P. Noe, Alternate Deputy Designated Federal Officer, U.S. Department of Energy, Oak Ridge Office of Environmental Management (OREM), P.O. Box 2001, EM–942, Oak Ridge, TN 37831. Phone (865) 241–3315; Fax (865) 241–6932; E-Mail: *Melyssa.Noe@orem.doe.gov.* Or visit the website at: *https://energy.gov/orem/services/community-engagement/oak-ridge-site-specific-advisory-board.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

- Welcome and Announcements
- Comments from the Deputy Designated Federal Officer (DDFO)
- Comments from the DOE, Tennessee Department of Environment and Conservation, and Environmental Protection Agency Liaisons
- Public Comment Period
- Presentation: Overview of the Ongoing Effort to Assure Waste Disposal Capacity
- Motions/Approval of February 14, 2018 Meeting Minutes
- Status of Outstanding Recommendations
- Alternate DDFO Report
- Committee Reports
- Adjourn

Public Participation: The EM SSAB, Oak Ridge, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Melyssa P. Noe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to the agenda item should contact Melyssa P. Noe at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Melyssa P. Noe at the address and phone number listed above. Minutes will also be available at the following website: *https://energy.gov/orem/listings/oak-ridge-site-specific-advisory-board-meetings.*

Issued at Washington, DC, on March 22, 2018.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–06197 Filed 3–27–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Northern New Mexico

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a combined meeting of the Environmental Monitoring and Remediation Committee

and Waste Management Committee of the Environmental Management Site-Specific Advisory Board (EM SSAB), Northern New Mexico (known locally as the Northern New Mexico Citizens' Advisory Board [NNMCAB]). The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Wednesday, April 18, 2018 1:00 p.m.–4:00 p.m.

ADDRESSES: NNMCAB Office, 94 Cities of Gold Road, Pojoaque, NM 87506.

FOR FURTHER INFORMATION CONTACT: Menice Santistevan, Northern New Mexico Citizens' Advisory Board, 94 Cities of Gold Road, Santa Fe, NM 87506. Phone (505) 995–0393; Fax (505) 989–1752 or Email: *menice.santistevan@em.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Purpose of the Environmental Monitoring and Remediation Committee (EM&R): The EM&R Committee provides a citizens' perspective to NNMCAB on current and future environmental remediation activities resulting from historical Los Alamos National Laboratory (LANL) operations and, in particular, issues pertaining to groundwater, surface water and work required under the New Mexico Environment Department Order on Consent. The EM&R Committee will keep abreast of DOE–EM and site programs and plans. The committee will work with the NNMCAB to provide assistance in determining priorities and the best use of limited funds and time. Formal recommendations will be proposed when needed and, after consideration and approval by the full NNMCAB, may be sent to DOE–EM for action.

Purpose of the Waste Management (WM) Committee: The WM Committee reviews policies, practices and procedures, existing and proposed, so as to provide recommendations, advice, suggestions and opinions to the NNMCAB regarding waste management operations at the Los Alamos site.

Tentative Agenda

- Call to Order and Introductions
- Approval of Agenda
- Approval of Minutes from February 28, 2018
- Old Business
  - Energy Communities Alliance's Waste Disposition Report and Discussion of Draft NNMCAB Recommendation
  - Other Items
- New Business
- Update from NNMCAB Chair
- Update from Deputy Designated Federal Officer
- Public Comment Period
- Remediated Nitrate Salts and Un-remediated Nitrate Salts Close-out and Lessons Learned
- Adjourn

Public Participation: The NNMCAB's Committees welcome the attendance of the public at their combined committee meeting and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Menice Santistevan at least seven days in advance of the meeting at the telephone number listed above. Written statements may be filed with the Committees either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Menice Santistevan at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Menice Santistevan at the address or phone number listed above. Minutes and other Board documents are on the internet at: *http://energy.gov/em/nnmcab/meeting-materials.*

Issued at Washington, DC on March 23, 2018.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–06199 Filed 3–27–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Extension

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice.

SUMMARY: EIA submitted an information collection request for extension as required by the Paperwork Reduction Act of 1995. The information collection requests a three-year extension with no changes to Form EIA–111, ''*Quarterly Electricity Imports and Exports Report*,'' under OMB Control Number 1905–0208. The collection will collect U.S. electricity import and export data for the purpose of measuring the flow of electricity into and out of the United States from Canada and Mexico.

DATES: EIA must receive all comments on this proposed information collection no later than April 27, 2018. If you anticipate any difficulties in submitting your comments by the deadline, contact the DOE Desk Officer at 202–395–4718.

ADDRESSES: Written comments should be sent to:

DOE Desk Officer: James Tyree, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 9249, 735 17th Street NW, Washington, DC 20503, *James.N.Tyree@omb.eop.gov*

and to

Tosha Beckford, U.S. Department of Energy, U.S. Energy Information Administration, 1000 Independence Ave. SW, Washington, DC 20585, *Electricity2018@eia.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions, should be directed to Tosha Beckford at 202–287–6597, or email it to *Tosha.Beckford@eia.gov.* You can view Form EIA–111, *Quarterly Electricity Imports and Exports Report* online at *https://www.eia.gov/survey/#eia-111.*

SUPPLEMENTARY INFORMATION:

This information collection request contains:

(1) *OMB No.:* 1905–0208.

(2) *Information Collection Request Title:* Quarterly Electricity Imports and Exports Report.

(3) *Type of Request:* Three-year extension.

(4) *Purpose:* Form EIA–111 collects U.S. electricity import and export data. The data are used to generate accurate estimates of the flow of electricity into and out of the United States from Canada and Mexico. The import and export data are reported by U.S. purchasers, sellers, and transmitters of wholesale sales of electricity, including persons authorized by Presidential Permit to construct, operate, maintain, or connect electric power transmission lines that cross the U.S. international border, and U.S. Balancing Authorities that are interconnected with foreign Balancing Authorities. Such entities

report monthly flows of electricity received or delivered across the U.S. border, the cost associated with the transactions, and actual and implemented interchange.

(5) *Annual Estimated Number of Respondents:* 176.

(6) *Annual Estimated Number of Total Responses:* 704.

(7) *Annual Estimated Number of Burden Hours:* 1,056.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* The cost of the burden hours is estimated to be $79,929 (1,056 burden hours times $75.69 per hour). EIA estimates that there are no additional costs to respondents associated with the surveys other than the costs associated with the burden hours.

Statutory Authority: Section 13(b) of the Federal Energy Administration Act of 1974, Pub. L. 93–275, codified as 15 U.S.C. 772(b) and the DOE Organization Act of 1977, Pub. L. 95–91, codified at 42 U.S.C. 7101 *et seq.*

Issued in Washington, DC, on March 13, 2018.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2018–06192 Filed 3–27–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC18–59–000]

Edison Electric Institute; Notice of Filing

Take notice that on March 19, 2018, Edison Electric Institute filed a request approval for electric companies to use Account 439, recently authorized by the Financial Accounting Standards Board.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comments: 5:00 p.m. Eastern Time on April 18, 2018.

Dated: March 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06182 Filed 3–27–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 11006–007]

City of Lewiston, Maine; Notice of Application for Surrender of License, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Proceeding:* Application for surrender of license.

b. *Project No.:* 11006–007.

c. *Date Filed:* March 20, 2018.

d. *Licensee:* City of Lewiston, Maine.

e. *Name of Project:* Upper Androscoggin Project.

f. *Location:* The project is located on the Androscoggin River in the town of Lewiston, Androscoggin County, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Licensee Contact:* Mr. Edward Barrett, City Administrator, City Hall, 27 Pine Street, Lewiston, ME 04240, (207) 513–3121, *ebarrett@lewistonmaine.gov.*

i. *FERC Contact:* Ms. Rebecca Martin, (202) 502–6012, *Rebecca.martin@ferc.gov.*

j. Deadline for filing comments, interventions, and protests is 30 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file motions to intervene, protests and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. The first page of any filing should include docket number P–11006–007.

k. *Description of Project Facilities:* The project consists of: (a) A concrete intake structure along the upper canal having steel trashracks; (b) a wooden gatehouse containing three hand-operated timber headgates; (c) three steel penstocks with diameters of 10, 8, and 7 feet; (d) a brick and concrete powerhouse containing three generating units—Unit No. 1 with a nameplate capacity of 700 kilowatts (kW), Unit No. 2 with a nameplate capacity of 800 kW that is limited to an installed capacity of 515 kW by the unit's turbine, and Unit No. 3 with a nameplate capacity of 500 kW that is limited to an installed capacity of 480 kW by the unit's turbine—for a total installed capacity of 1,695 kW; (e) a stone tailrace; (f) electrical switchgear; and (g) appurtenant facilities.

l. *Description of Request:* The licensee proposes to surrender the project because it no longer intends to generate power. The licensee would permanently retire the generating station by disconnecting the generation equipment and securing the facilities. The project facilities would continue to be owned by the licensee and would be used for non-project, non-generating purposes, as part of the City's plans to redevelop the Lewiston Canal System for commercial and public use. The proposal would have no impact on the generating or water control capabilities of the downstream Lewiston Falls Project (FERC No. 2302).

m. This filing may be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects.

For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction in the Commission's Public Reference Room located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .212 and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

p. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to the surrender application that is the subject of this notice. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

q. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described proceeding. If any agency does not file comments within the time specified for filing comments, it will be presumed to have no comments.

Dated: March 22, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06189 Filed 3–27–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2514–180]

Appalachian Power Company; Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Non-capacity amendment of license.

b. *Project No.:* 2514–180.

c. *Date Filed:* March 15, 2018.

d. *Applicant:* Appalachian Power Company.

e. *Name of Project:* Byllesby and Buck Hydroelectric Project.

f. *Location:* The project is located on the New River in Carroll County, Virginia.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Ms. Elizabeth B. Parcell, Appalachian Power, P.O. Box 2021, Roanoke, VA 24022, (703) 985–2300.

i. *FERC Contact:* Steven Sachs, (202) 502–8666, *Steven.Sachs@ferc.gov*.

j. Deadline for filing comments, motions to intervene, and protests is 30 days from the issuance of this notice by the Commission. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/doc-sfiling/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–2514–180.

k. *Description of Request:* The applicant intends to drawdown the reservoir at the Byllesby development to 8 feet below the normal minimum reservoir elevation to facilitate replacing wooden flashboards with inflatable Obermeyer gates. The applicant plans to begin the drawdown on April 30, 2018, and return the reservoir to the normal elevation by November 16, 2018. The applicant would close the Byllesby public boat access and the Byllesby portage during the duration of the drawdown, and would notify the public of these closings via local media and signage.

l. *Locations of the Applications:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 502–8371. The filing may also be viewed on the Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Motions to Intervene, or Protests:* Anyone may submit comments, a motion to intervene, or a protest in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, motions to intervene, or protests must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''MOTION TO INTERVENE'', or ''PROTEST'' as

applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the temporary variance request. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: March 22, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06188 Filed 3–27–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–108–000]

Florida Southeast Connection, LLC; Notice of Application

Take notice that on March 9, 2018, Florida Southeast Connection, LLC (FSC), 700 Universe Boulevard, Juno Beach, Florida 33408, filed an application under sections 7(c) and 7(e) of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations, requesting authorization to acquire, operate, and maintain approximately 38 miles of existing natural gas pipeline, three 3,500 brake horsepower (bhp) electric-powered compressors, and related facilities (Riviera Lateral), located in Martin and Palm Beach Counties, Florida, which are currently owned by Florida Power & Light Company (FPL) and operated as non-jurisdictional facilities. The facilities currently have a capacity of 384 million cubic feet per day (MMcf/d), all as more fully set forth in the application which is on file with the Commission and open for public inspection.

The filing may also be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, (202) 502–8659.

Any questions regarding the proposed project should be directed to William Lavarco, Attorney, Florida Southeast Connection, LLC, 700 Universe Boulevard, Juno Beach, Florida 33408, or by calling (202) 347–7127 or by email at *William.lavarco@nee.com.*

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

Comment Date: 5:00 p.m. Eastern Time on April 12, 2018.

Dated: March 22, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06186 Filed 3–27–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AC18–55–000]

Xcel Energy Services Inc.; Notice of Application

Take notice that on February 28, 2018, Xcel Energy Services Inc. filed a request to change the accounting for the transmission related billings under the Restated Agreement to Coordinate Planning and Operations and Interchange Power and Energy between Northern States Power Company (Minnesota) and Northern States Power Company (Wisconsin).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the eFiling link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the eLibrary link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an eSubscription link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comments: 5:00 p.m. Eastern Time on April 9, 2018.

Dated: March 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06190 Filed 3–27–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ17–10–003]

City of Dover, Delaware; Notice of Filing

Take notice that on March 12, 2018, the City of Dover, Delaware submitted its tariff filing: Compliance Filing Docket Nos. NJ17–10–002 and EL17–78–000 to be effective 6/1/2017.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant and all the parties in this proceeding.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for electronic review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the website that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on April 2, 2018.

Dated: March 22, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06187 Filed 3–27–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC18–3–000]

Commission Information Collection Activities (FERC–725F); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–725F (Mandatory Reliability Standard for Nuclear Plant Interface Coordination) and submitting the information collection to the Office of Management and Budget (OMB) for review. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission published a Notice in the **Federal Register** in Docket No. IC18–3–000 (82 FR 60980, December 26, 2017) requesting public comments. FERC received no comments in response to the Notice and is indicating that in its submittal to the OMB.

DATES: Comments on the collection of information are due April 27, 2018.

ADDRESSES: Comments filed with OMB, identified by OMB Control No. 1902–0249, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov.* Attention: Federal Energy Regulatory Commission Desk Officer.

A copy of the comments should also be sent to the Commission, in Docket No. IC18–3–000, by either of the following methods:

- *eFiling at Commission's website: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–8663, and fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC 725F, Mandatory Reliability Standard for Nuclear Plant Interface Coordination.

OMB Control No.: 1902–0249.

Type of Request: Three-year extension of the FERC–725F information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission requires the information collected by the FERC–725F to implement the statutory provisions of section 215 of the Federal Power Act (FPA) (16 U.S.C. 824o). On August 8, 2005, the Electricity Modernization Act of 2005, which is Title XII, Subtitle A, of the Energy Policy Act of 2005 (EPAct 2005), was enacted into law.[1] EPAct 2005 added a new section 215 to the FPA, which required a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight, or the Commission can independently enforce Reliability Standards.[2]

On February 3, 2006, the Commission issued Order No. 672, implementing section 215 of the FPA.[3] Pursuant to Order No. 672, the Commission certified one organization, North American Electric Reliability Corporation (NERC), as the ERO. The Reliability Standards developed by the ERO and approved by the Commission apply to users, owners and operators of the Bulk-Power System as set forth in each Reliability Standard.

On November 19, 2007, NERC filed its petition for Commission approval of the Nuclear Plant Interface Coordination Reliability Standard, designated NUC–001–1. In Order No. 716, issued October 16, 2008, the Commission approved the standard while also directing certain revisions.[4] Revised Reliability Standard, NUC–001–2, was filed with the Commission by NERC in August 2009 and subsequently approved by the Commission January 21, 2010.[5] On November 4, 2014, in Docket No. RD14–13, the Commission approved revised Reliability Standard NUC–001–3.[6]

The purpose of Reliability Standard NUC -001–3 is to require coordination between Nuclear Plant Generator Operators and Transmission Entities for the purpose of ensuring nuclear plant safe operation and shutdown.[7] The Nuclear Reliability Standard applies to nuclear plant generator operators (generally nuclear power plant owners and operators, including licensees) and transmission entities, defined in the Reliability Standard as including a nuclear plant's suppliers of off-site power and related transmission and distribution services. To account for the variations in nuclear plant design and grid interconnection characteristics, the Reliability Standard defines transmission entities as all entities that are responsible for providing services related to Nuclear Plant Interface Requirements (NPIRs), and lists eleven types of functional entities (heretofore described as transmission entities) that could provide services related to NPIRs.[8]

FERC–725F information collection requirements include establishing and maintaining interface agreements, including record retention requirements. These agreements are not filed with FERC, but with the appropriate entities as established by the Reliability Standard.

Type of Respondents: Nuclear operators, nuclear plants, transmission entities.

Estimate of Annual Burden:[9] The Commission estimates the average annual burden and cost[10] for this information collection as follows.

FERC–725F	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden hours & cost per response ($) (rounded) (4)	Total annual burden hours & total annual cost ($) (rounded) (3)*(4)=(5)	Cost per respondent ($) (rounded) (5)÷(1)
New or Modifications to Existing Agreements (Reporting).	60 nuclear plants + 120 transmission entities[11].	2	360	66.67 hrs.; $5,616	24,001 hrs.; $2,021,621.	$11,231
New or Modifications to Existing Agreements (Record Keeping).	60 nuclear plants + 120 transmission entities.	2	360	6.67 hrs.; $218	2,401 hrs.; $78,615 ..	$437

[1] Energy Policy Act of 2005, Public Law 109–58, Title XII, Subtitle A, 119 Stat. 594, 941 (2005), 16 U.S.C. 824o.

[2] 16 U.S.C. 824o(e)(3).

[3] *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards,* Order No. 672, FERC Stats. & Regs. ¶ 31,204, *order on reh'g,* Order No. 672–A, FERC Stats. & Regs. 31,212 (2006).

[4] *Mandatory Reliability Standard for Nuclear Plant Interface Coordination,* Order No. 716, 125 FERC 61,065, at P 189 & n.90 (2008), *order on reh'g,* Order No. 716–A, 126 FERC 61,122 (2009).

[5] *North American Electric Reliability Corporation,* 130 FERC 61,051 (2010). When the revised Reliability Standard was approved, the Commission did not go to OMB for approval. It is assumed that the changes made did not substantively affect the information collection and therefore a formal submission to OMB was not needed.

The most recent OMB approval for FERC–725F was issued on 6/15/2015.

[6] The Letter Order is posted at *https://elibrary.ferc.gov/idmws/common/OpenNat.asp?fileID=13675845.*

[7] See Reliability Standard NUC–001–3 at *http://www.nerc.com/pa/Stand/Reliability%20Standards/NUC-001-3.pdf.*

[8] The list of functional entities consists of transmission operators, transmission owners, transmission planners, transmission service providers, balancing authorities, reliability coordinators, planning coordinators, distribution providers, load-serving entities, generator owners and generator operators.

[9] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. Refer to 5 CFR 1320.3 for additional information.

[10] The wage and benefit figures are based on the Bureau of Labor Statistics (BLS) data (at *https://www.bls.gov/oes/current/naics2_22.htm*) for May 2016 for Sector 22, Utilities. (The benefits figure is based on BLS data as of September 8, 2017, which indicates that wages are 69.6% and benefits are 30.4% of total salary (*http://www.bls.gov/news.release/ecec.nr0.htm*).)

The estimated hourly cost (for wages plus benefits) for reporting requirements is $84.23/hour, based on the average for an electrical engineer (occupation code 17–2071, $68.12/hour), legal (occupation code 23–0000, $143.68/hour), and office and administrative support (occupation code 43–0000, $40.89/hour).

The estimated hourly cost (wages plus benefits) for record keeping is $32.74/hour for a file clerk (occupation code 43–4071).

FERC–725F	Number of respondents (1)	Annual number of responses per respondent (2)	Total number of responses (1)*(2)=(3)	Average burden hours & cost per response ($) (rounded) (4)	Total annual burden hours & total annual cost ($) (rounded) (3)*(4)=(5)	Cost per respondent ($) (rounded) (5)÷(1)
Total			[12] 360		26,402 hrs.;[13] $2,100,236.	

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

Dated: March 20, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–06191 Filed 3–27–18; 8:45 am]

BILLING CODE 6717–01–P

EXPORT-IMPORT BANK

[Public Notice: 2018–6008]

Agency Information Collection Activities: Final Collection; Comment Request

AGENCY: Export-Import Bank of the United States.

ACTION: Submission for OMB review and comments request.

SUMMARY: The Export-Import Bank of the United States (EXIM), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

This form will enable EXIM to identify the specific details of the proposed co-financing transaction between a U.S. exporter, EXIM, and a foreign export credit agency; the information collected includes vital facts such as the amount of U.S.-made content in the export, the amount of financing requested from EXIM, and the proposed financing amount from the foreign export credit agency. These details are necessary for approving this unique transaction structure and coordinating our support with that of the foreign export credit agency to ultimately complete the transaction and support U.S. exports—and U.S. jobs.

DATES: Comments should be received on or before May 29, 2018 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* (EIB 11–04) or by email to *Mia.Johnson@exim.gov,* or by mail to Mia L. Johnson, Export-Import Bank of the United States, 811 Vermont Ave. NW, Washington, DC 20571. The form can be viewed at: *https://www.exim.gov/sites/default/files/pub/pending/eib11-04.pdf.*

SUPPLEMENTARY INFORMATION:

Titles and Form Number: EIB11–04, Co-Financing with Foreign Export Credit Agency.

OMB Number: 3048–0037.

Type of Review: Regular.

Need and Use: The information collected will provide information needed to determine compliance and creditworthiness for transaction requests submitted to the Export Import Bank under its insurance, guarantee, and direct loan programs.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 60.

Estimated Time per Respondent: 15 minutes.

Annual Burden Hours: 15 hours.

Frequency of Reporting or Use: As needed.

Government Expenses:

Reviewing Time per Year: 15 hours.

Average Wages per Hour: $42.50.

Average Cost per Year: $637.50 (time * wages).

Benefits and Overhead: 20%.

Total Government Cost: $765.

Bassam Doughman,

IT Specialist.

[FR Doc. 2018–06171 Filed 3–27–18; 8:45 am]

BILLING CODE 6690–01–P

[11] This figure of 120 transmission entities is based on the assumption that each agreement will be between 1 nuclear plant and 2 transmission entities (60 × 2 = 120). However, there is some double counting in this figure because some transmission entities may be party to multiple agreements with multiple nuclear plants. The double counting does not affect the burden estimate, and the correct number of unique respondents will be reported to OMB.

[12] The 180 respondents affected by the reporting requirements are also affected by the recordkeeping requirements.

[13] The reporting requirements have not changed. The decrease in the number of respondents is due to: a) normal fluctuations in industry (*e.g.,* companies merging and splitting, and coming into and going out of business), and b) no new agreements being issued due to the lack of new nuclear plants being developed.

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1003]

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees. The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office

of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before May 29, 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: 3060–1003.

Title: Communications Disaster Information Reporting System (DIRS).

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions; Federal Government; and/or State, local or tribal governments.

Number of Respondents and Responses: 5,000 respondents; 40,900 responses.

Estimated Time per Response: 0.10–0.50 hours.

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Voluntary. Statutory authority for this information collection is contained in 47. U.S.C. Sections 154(i), 218 and 303(r) of the Communications Act of 1934, as amended.

Total Annual Burden: 6,950 hours.

Total Annual Cost: No Cost.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: DIRS filings consists of sensitive information that for national security and/or commercial reasons, the Commission will treat the filings at the time of receipt as non-public and presumptively confidential. However, DIRS filings will be shared with the Department of Homeland Security and the other Federal agencies authorized to participate in the National Response Framework Emergency Support Function-2 (ESF–2)(Communications). The Commission may publish or otherwise share anonymized summaries of DIRS filings at its discretion.

Needs and Uses: In response to the events of September 11, 2001, the Federal Communications Commission (Commission or FCC) created an Emergency Contact Information System to assist the Commission in ensuring rapid restoration of communications capabilities after disruption by a terrorist threat or attack, and to ensure that public safety, public health, and other emergency and defense personnel have effective communications services available to them in the immediate aftermath of any terrorist attack within the United States. The Commission submitted, and OMB approved, a collection through which key communications providers could voluntarily provide contact information. The Commission's Public Safety and Homeland Security Bureau (PSHSB) developed the Disaster Information Reporting System (DIRS) that uses electronic forms to collect Emergency Contact Information forms and through which participants may inform the Commission of damage to communications infrastructure and facilities due to major emergencies and may request resources for restoration. The Commission updated the process by increasing the number of reporting entities to ensure inclusion of wireless, wireline, broadcast, cable, VoIP, and broadband internet access communications providers. The Commission is requesting a renewal of the currently approved collection. It is imperative that the Disaster Information Reporting System be in place so that the Commission has an accurate picture of the communications landscape during disasters.

Statutory authority for this collection of information is contained in 47 U.S.C. 154(i), 218, 303(r) and 47 CFR Section 0.181(h).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–06180 Filed 3–27–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–1158]

Information Collection 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 27, 2018. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts listed below as soon as possible.

ADDRESSES: Submit PRA comments to OMB via email: *OIRA_Submission@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: 3060–1158.

Title: Transparency Rule Disclosures, Restoring Internet Freedom, Report and Order, WC Docket No. 17–108, FCC 17–166.

Form Number: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit entities, Not-for-profit entities; State, local, or Tribal governments.

Number of Respondents and Responses: 1,919 respondents; 1,919 responses.

Estimated Time per Response: 26 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Mandatory. Statutory authority for these collections is contained in Section 257 of the Communications Act of 1934, as amended, 47 U.S.C. Section 257.

Total Annual Burden: 49,894 hours.

Total Annual Cost: $560,000.

Privacy Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this information collection.

Needs and Uses: The *Restoring Internet Freedom Report and Order (Restoring Internet Freedom Order*) revises the information collection requirements applicable to Internet service providers (ISPs). The *Open Internet Order,* adopted in 2010, required ISPs to disclose certain network management processes, performance characteristics, and other attributes of broadband Internet access service. These disclosure requirements were significantly increased by the *Title II Order,* adopted in 2015. The *Restoring Internet Freedom Order* eliminates the additional collection imposed by the *Title II Order* and adds a few discrete elements to the *Open Internet Order's* information collection requirements. The *Restoring Internet Freedom Order* requires an ISP to publicly disclose network management practices, performance, and commercial terms of its broadband internet access service sufficient to enable consumers to make informed choices regarding the purchase and use of such services, and entrepreneurs and other small businesses to develop, market, and maintain internet offerings. As part of these disclosures, the rule requires ISPs to disclose their congestion management, application-specific behavior, device attachment rules, and security practices, as well as any blocking, throttling, affiliated prioritization, or paid prioritization in which they engage. The rule also requires ISPs to disclose performance characteristics, including a service description and the impact of non-broadband internet access services data services. Finally, the rule requires ISPs to disclose the price of the service, privacy policies, and redress options. The rule requires ISPs to make such disclosure available either via a publicly available, easily accessible website or through transmittal to the Commission, which will make such disclosures available via a publicly available, easily accessible website. The information collection will assist the Commission in its statutory obligation to report to Congress on market entry barriers in the telecommunications market. The Commission anticipates that the revised disclosures will empower consumers and businesses with information about their broadband internet access service, protecting the openness of the internet. Although this collection was bifurcated in 2016 with respect to fixed and mobile ISPs, the Commission seeks to have this collection encompass both fixed and mobile ISPs.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–06181 Filed 3–27–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreements Filed

The Commission hereby gives notice of the filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments on the agreements to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. Copies of the agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 012470–001.

Title: COSCO SHIPPING/PIL Slot Exchange Agreement—PNW/PSW.

Parties: COSCO Shipping Co., Ltd. and Pacific International Lines (PTE) Ltd.

Filing Party: Eric Jeffrey; Nixon Peabody LLP; 799 9th Street NW, Suite 500; Washington, DC 20001.

Synopsis: The amendment adds two services to the exchange, revises some of the allocations, and updates the termination date of the Agreement.

Agreement No.: 011539–021.

Title: HLAG/NYK/MSC Vessel Sharing Agreement.

Parties: Hapag-Lloyd AG; MSC Mediterranean Shipping Company SA; and Ocean Network Express Pte. Ltd.

Filing Party: Wayne Rohde; Cozen O'Connor; 1200 Nineteenth Street NW, Washington, DC 20036.

Synopsis: The Amendment revises the Agreement to provide for the transition that will occur following the combination of the container liner

operations of Kawasaki Kisen Kaisha, Ltd.; Mitsui O.S.K. Lines, Ltd.; and Nippon Yusen Kaisha into a new company known as Ocean Network Express Pte. Ltd. effective April 1, 2018. Accordingly, Ocean Network Express Pte. Ltd. is added as a party. In addition, Companhia Libra de Navegacao is deleted as a party to the Agreement. The parties request expedited review.

Dated: March 23, 2018.

Rachel E. Dickon,

Secretary.

[FR Doc. 2018–06217 Filed 3–27–18; 8:45 am]

BILLING CODE 6731–AA–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 23, 2018.

A. Federal Reserve Bank of Minneapolis (Mark A. Rauzi, Vice President), 90 Hennepin Avenue, Minneapolis, Minnesota 55480–0291:

1. *Choice Financial Holdings, Inc., Fargo, North Dakota;* to acquire 100 percent of Venture Bank, Bloomington, Minnesota.

Board of Governors of the Federal Reserve System, March 23, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–06193 Filed 3–27–18; 8:45 am]

BILLING CODE 6210–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0080; Docket No. 2018–0001; Sequence No. 3]

Information Collection; General Services Administration Acquisition Regulation; Information Collection; Contract Financing Final Payment (GSA Form 1142 Release of Claims)

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice of request for public comments regarding an extension to an existing OMB clearance.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an extension of a previously approved information collection requirement and the reinstatement of GSA Form 1142, Release of Claims, regarding final payment under construction and building services contract. GSA Contracting Officers have used this form to achieve uniformity and consistency in the release of claims process.

DATES: Submit comments on or before: May 29, 2018.

ADDRESSES: Submit comments identified by Information Collection 3090–0080,Contract Financing Final Payment; (GSA Form 1142, Release of Claims) by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for Information Collection 3090–0080. Select the link ''Comment Now'' that corresponds with ''Information Collection 3090–0080, Contract Financing Final Payment; (GSA Form 1142, Release of Claims)''. Follow the instructions on the screen. Please include your name, company name (if any), and ''Information Collection 3090–0080, Contract Financing Final Payment; (GSA Form 1142, Release of Claims)'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405. ATTN: Ms. Mandell/IC 3090–0080, Contract Financing Final Payment; (GSA Form 1142, Release of Claims).

Instructions: Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two-to-three business days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Leah Price, Procurement Analyst, General Services Acquisition Policy Division, GSA, by phone at 202–714–9482 or by email at *leah.price@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

The General Services Administration Acquisition Regulation (GSAR) clause 552.232–72 requires construction and building services contractors to submit a release of claims before final payment is made to ensure contractors are paid in accordance with their contract requirements and for work performed. GSA Form 1142, Release of Claims, is used to achieve uniformity and consistency in the release of claims process.

B. Annual Reporting Burden

Respondents: 7,500.

Responses per Respondent: 1.

Annual Responses: 7,500.

Hours per Response: .10.

Total Burden Hours: 750.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate and based on valid assumptions and methodology; and ways to enhance the quality, utility, and clarity of the information to be collected.

Obtaining Copies of Proposals: Requesters may obtain a copy of the information collection documents from the General Services Administration, Regulatory Secretariat Division (MVCB), 1800 F Street NW, Washington, DC 20405, telephone 202–501–4755. Please cite OMB Control No. 3090–0080, Contract Financing Final Payment;

(GSA Form 1142, Release of Claims), in all correspondence.

Jeffrey A. Koses,

Director, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2018–06170 Filed 3–27–18; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–1880]

Agency Information Collection Activities: Submission for OMB Review; 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 (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 a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate 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 on the collection(s) of information must be received by the OMB desk officer by April 27, 2018.

ADDRESSES: When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–5806 *OR* Email: *OIRA_submission@omb.eop.gov*.

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 website address at *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.html*.

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: Reports Clearance Office at (410) 786–1326.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. 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 (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-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 that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Certification as a Supplier of Portable X-Ray and Portable X-Ray Survey Report Form and Supporting Regulations; *Use:* CMS–1880 is initially completed by suppliers of portable X-ray services, expressing an interest in and requesting participation in the Medicare program. This form initiates the process of obtaining a decision as to whether the conditions of coverage are met as a portable X-ray supplier. It also promotes data reduction or introduction to, and retrieval from, the Certification and Survey Provider Enhanced Reporting (CASPER) by the CMS Regional Offices (ROs). *Form Numbers:* CMS–1880 (OMB control number: 0938–0027); *Frequency:* Occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 86; *Total Annual Responses:* 86; *Total Annual Hours:* 22. (For policy questions regarding this collection contact Peter Ajounoma at 410–786–3580.)

Dated: March 23, 2018.

William N. Parham, III,

Director, Paperwork Reduction Staff, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2018–06221 Filed 3–27–18; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0878]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Premarket Notification for a New Dietary Ingredient

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Fax written comments on the collection of information by April 27, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0330. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Premarket Notification for a New Dietary Ingredient—21 CFR 190.6

OMB Control Number 0910–0330—Extension

This information collection supports Agency regulations and accompanying guidance. Specifically, section 413(a) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 350b(a)) provides that at least 75 days before the introduction or delivery for introduction into interstate commerce of a dietary supplement that contains a new dietary ingredient, the manufacturer or distributor of the dietary supplement or of the new dietary ingredient is to submit to FDA (as delegate for the Secretary of Health and Human Services) information upon which the manufacturer or distributor has based its conclusion that a dietary supplement containing the new dietary ingredient will reasonably be expected to be safe. FDA's implementing regulation, § 190.6 (21 CFR 190.6), requires this information to be submitted to the Office of Nutrition, Labeling, and Dietary Supplements (ONLDS) in the form of a notification. Under § 190.6(b), the notification must include the following: (1) the name and complete address of the manufacturer or distributor, (2) the name of the new dietary ingredient, (3) a description of the dietary supplement(s) that contain the new dietary ingredient, including the level of the new dietary ingredient in the dietary supplement and the dietary supplement's conditions of use, (4) the history of use or other evidence of safety establishing that the new dietary ingredient will reasonably be expected to be safe when used under the conditions recommended or suggested in the labeling of the dietary supplement, and (5) the signature of a responsible person designated by the manufacturer or distributor.

These premarket notification requirements are designed to enable us to monitor the introduction into the marketplace of new dietary ingredients and dietary supplements that contain new dietary ingredients in order to protect consumers from ingredients and products whose safety is unknown. FDA uses the information collected in new dietary ingredient notifications to evaluate the safety of new dietary ingredients in dietary supplements and to support regulatory action against ingredients and products that are potentially unsafe.

FDA has developed an electronic portal that respondents may use to electronically submit their notifications to ONLDS via FDA Unified Registration and Listing Systems. Firms that prefer to submit a paper notification in a format of their own choosing still have the option to do so; however, Form FDA 3880 prompts a submitter to input the elements of a new dietary ingredient notification (NDIN) in a standard format and helps the respondent organize its NDIN to focus on the information needed for FDA's safety review. Safety information may be submitted via a supplemental form entitled ''New Dietary Ingredient Safety Information.'' This form provides a standard format to describe the history of use or other evidence of safety on which the manufacturer or distributor bases its conclusion that the new dietary ingredient is reasonably expected to be safe under the conditions of use recommended or suggested in the labeling of the dietary supplement, as well as related identity information that is necessary to demonstrate safety by showing that the new dietary ingredient and dietary supplement(s) that are the subject of the notification are the same or similar to the ingredients and products for which safety data and information have been provided. We continue to invite comment on Form FDA 3880 and the supplemental safety information form, which may be found on our website at *https://www.fda.gov/Food/DietarySupplements/NewDietaryIngredientsNotificationProcess/default.htm*.

In the **Federal Register** of November 17, 2017 (82 FR 54355), we published a 60-day notice requesting public comment on the proposed extension of this collection of information. One comment suggested ways FDA might assist respondents by developing ''specific guidance pertaining to the use and submission of master files to help determine whether a dietary ingredient should be the subject of an NDIN or exempted from notification.'' A second comment suggested that FDA: (1) Failed to account for the cost of removing from the market dietary supplements suddenly deemed New Dietary Ingredients for the first time in the Guidance [2]; (2) substantially underestimated the number and cost of New Dietary Ingredient submissions that must be filed to comply with the Guidance; and (3) grossly and dangerously undervalued the economic impact the Guidance will have on the dietary supplement industry and the economy as a whole.

FDA appreciates this feedback. As noted, FDA has issued a draft guidance on Dietary Supplements: New Dietary Ingredient Notifications and Related Issues and will take the comment on additional guidance into consideration when finalizing the draft guidance. As resources allow, FDA may consider revised or additional guidance to assist respondents to the information collection. Relatedly, with regard to comments about costs or economic impact, FDA notes that, consistent with our regulations at 21 CFR part 10.115 (Good Guidance Practices), recommendations found in the draft guidance document are for comment only. In addition, the data analysis proffered regarding costs does not provide a basis upon which we can revise our burden estimate under the PRA. Notices published in the **Federal Register** in compliance with the PRA seek to improve information collection activities by evaluating our need for the information discussed in the notice and specific ways we might utilize technology and/or enhance our collection techniques and mechanisms to minimize burden on respondents who are subject to the applicable regulatory requirements.

We therefore retain the following estimate:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR Section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
190.6; Dietary Supplements	55	1	55	20	1,100

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

[2] The ''Guidance'' refers to a draft guidance published for comment in August 2016 and available at: *https://www.fda.gov/Food/GuidanceRegulation/GuidanceDocumentsRegulatoryInformation/ucm257563.htm*.

We have made no adjustments to the currently approved burden estimate for the information collection. While we have received comments previously suggesting our burden estimate may be too low, the comments did not discuss the basis for such a conclusion. We therefore specifically invite individual respondent experience with the information collection and associated collection burden.

Based on our experience with the information collection over the past 3 years, we estimate that 55 respondents will submit 1 premarket notification each. We assume that extracting and summarizing relevant information from existing files and presenting it in a format that meets the requirements of § 190.6 will take approximately 20 hours of work per notification. We have carefully considered the burden associated with the premarket notification requirement and believe that estimates greater than 20 hours are likely to include burden associated with researching and generating safety data for a new dietary ingredient. We believe that the burden of the premarket notification requirement on industry is minimal and reasonable because we are requesting only safety and identity information that the manufacturer or distributor should already have developed to satisfy itself that a dietary supplement containing a new dietary ingredient is in compliance with the FD&C Act. Under section 413(a)(2) of the FD&C Act, a dietary supplement that contains a new dietary ingredient is deemed to be adulterated unless there is a history of use or other evidence of safety establishing that the new dietary ingredient will reasonably be expected to be safe under the conditions of use recommended or suggested in the labeling of the dietary supplement. This requirement is separate from and additional to the requirement to submit a premarket notification for the new dietary ingredient. FDA's regulation on new dietary ingredient notifications, § 190.6(a), requires the manufacturer or distributor of the dietary supplement or of the new dietary ingredient to submit to FDA the information that forms the basis for its conclusion that a dietary supplement containing the new dietary ingredient will reasonably be expected to be safe. Thus, § 190.6 only requires the manufacturer or distributor to extract and summarize information that should have already been developed to meet the safety requirement in section 413(a)(2) of the FD&C Act.

Dated: March 22, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–06155 Filed 3–27–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1184]

Gastrointestinal Drugs Advisory Committee and the Pediatric Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA) announces a forthcoming public advisory committee meeting of the Gastrointestinal Drugs Advisory Committee and the Pediatric Advisory Committee. The general function of the committees is to provide advice and recommendations to FDA on regulatory issues. The meeting will be open to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held on May 3, 2018, from 8 a.m. to 4:30 p.m.

ADDRESSES: DoubleTree by Hilton Hotel Bethesda—Washington DC, Grand Ballroom, 8120 Wisconsin Ave., Bethesda, MD 20814–3624. The conference center's telephone number is 301–652–2000. Answers to commonly asked questions about FDA Advisory Committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm.* Information about the DoubleTree by Hilton Hotel Bethesda—Washington DC Conference Center can be accessed at: *http://doubletree3.hilton.com/en/hotels/maryland/doubletree-by-hilton-hotel-bethesda-washington-dc-WASBHDT/index.html.*

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2018–N–1184. The docket will close on May 2, 2018. Submit either electronic or written comments on this public meeting by May 2, 2018. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 2, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of May 2, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Comments received on or before April 19, 2018, will be provided to the committee. Comments received after that date will be taken into consideration by FDA.

You may submit comments as follows:

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–1184 for ''Gastrointestinal Drugs Advisory Committee and the Pediatric Advisory Committee; Notice of Meeting; Establishment of a Public

Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

• *Confidential Submissions*—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Jay R. Fajiculay, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–9001, Fax: 301–847–8533, email: *GIDAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The committees will discuss new drug application (NDA) 209904 for stannsoporfin injection, for intramuscular use, submitted by InfaCare Pharmaceutical Corporation, proposed for the treatment of neonates greater than or equal to 35 weeks of gestational age with indicators of hemolysis who are at risk of developing severe hyperbilirubinemia.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's website after the meeting. Background material is available at *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committees. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before April 19, 2018, will be provided to the committees. Oral presentations from the public will be scheduled between approximately 1:15 p.m. and 2:15 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before April 11, 2018. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by April 12, 2018.

Persons attending FDA's advisory committee meetings are advised that FDA is not responsible for providing access to electrical outlets.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require special accommodations due to a disability, please contact Jay R. Fajiculay (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: March 22, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–06168 Filed 3–27–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2018–N–1129]

Agency Information Collection Activities; Proposed Collection; Comment Request; National Agriculture and Food Defense Strategy Survey

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements for a voluntary survey for the U.S. Department of

Health and Human Services (HHS), the U.S. Department of Agriculture (USDA), and the U.S. Department of Homeland Security (DHS), which will inform the FDA Food Safety Modernization Act (FSMA), National Agriculture and Food Defense Strategy (NAFDS) Report to Congress that is required by April 2019. The proposed survey will be used to determine what food defense activities, if any, State Agencies have completed to date.

DATES: Submit either electronic or written comments on the collection of information by May 29, 2018.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. Electronic comments must be submitted on or before May 29, 2018. The *https://www.regulations.gov* electronic filing system will accept comments until midnight Eastern Time at the end of May 29, 2018. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are postmarked or the delivery service acceptance receipt is on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2018–N–1129 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; National Agriculture and Food Defense Strategy Survey.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.gpo.gov/fdsys/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: 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. ''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 (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

National Agriculture and Food Defense Strategy Survey

OMB Control Number—0910—New

We are seeking OMB approval of the NAFDS under FSMA, section 108. This is a voluntary survey of State governments intended to gauge government activities in food and agriculture defense from intentional contamination and emerging threats. The collected information will be included in the mandatory 2019 NAFDS followup Report to Congress. The authority for FDA to collect the information derives from the

Commissioner of Food and Drugs' authority provided in section 1003(d)(2)(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 393(d)(2)(c)).

Protecting the nation's food and agriculture supply against intentional contamination and other emerging threats is an important responsibility shared by Federal, State, local, tribal, and territorial governments as well as private sector partners. On January 4, 2011, the President signed FSMA. FSMA focuses on ensuring the safety of the U.S. food supply by shifting the efforts of Federal regulators from response to prevention, and recognizes the importance of strengthening existing collaboration among all stakeholders to achieve common public health and security goals. FSMA identifies some key priorities for working with partners in areas such as reliance on Federal, State, and local agencies for inspections; improving foodborne illness surveillance; and leveraging and enhancing State and local food safety and defense capacities. Section 108 of FSMA (NAFDS) requires HHS and the USDA, in coordination with the DHS, to work together with State, local, territorial, and tribal governments-to monitor and measure progress in food defense.

In 2015, the initial NAFDS Report to Congress detailed the specific Federal response to food and agriculture defense goals, objectives, key initiatives, and activities that HHS, USDA, DHS, and other stakeholders planned to accomplish to meet the objectives outlined in FSMA. The NAFDS charts a direction for how the Federal Agencies, in cooperation with State, local, territorial, and tribal governments and private sector partners, protect the nation's food supply against intentional contamination. Not later than 4 years after the initial NAFDS Report to Congress (2015), and every 4 years thereafter (*i.e.,* 2019, 2023, 2017, etc.), HHS, USDA, and DHS are required to revise and submit an updated report to the relevant committees of Congress.

HHS/FDA is primarily responsible for obtaining the information from Federal and State, local, territorial, and tribal partners to complete the NAFDS Report to Congress. An interagency working group will conduct the survey and collect and update the NAFDS as directed by FSMA, including developing metrics and measuring progress for the evaluation process.

The proposed survey of Federal and State partners will be used to determine what food defense activities, if any, Federal and/or State Agencies have completed (or are planning) from 2015 to 2019. Planning for the local, territorial, and tribal information collections will commence after the collection and reporting of Federal and State Agency level data.

This survey will be repeated approximately every 2 to 4 years, as described in section 108 of FSMA, NAFDS, for the purpose of monitoring progress in food and agricultural defense by government agencies.

A purposive sampling strategy will be employed, such that the government agencies participating in food and agricultural defense cooperative agreements with FDA (22 State Agencies) and USDA (27 State Agencies) will be asked to respond to the voluntary survey. Food defense leaders responsible for conducting food defense activities during a food emergency for their jurisdiction will be identified and will receive an emailed invitation to complete the survey online; they will be provided with a web link to the survey. The survey will be conducted electronically on the *FDA.gov* web portal, and results will be analyzed by the interagency working group.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
State Survey	49	1	49	0.33 (20 minutes)	16.17

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The total burden for this collection of information, therefore, is 16.17 hours.

The FDA Office of Partnerships reviewed the questionnaire and provided the amount of time to complete the survey. The total burden is based on our previous experiences conducting surveys.

Dated: March 22, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–06135 Filed 3–27–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2016–D–1267]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Guidance for Industry on Compounded Drug Products That Are Essentially Copies of an Approved Drug Product Under Section 503B of the Federal Food, Drug, and Cosmetic Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 27, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–NEW and title ''Guidance for Industry on Compounded Drug Products That Are Essentially Copies of an Approved Drug Product Under Section 503B of the Federal Food, Drug, and Cosmetic Act.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

I. Background

Guidance for Industry on Compounded Drug Products That Are Essentially Copies of a Commercially Available Drug Product Under Section 503B of the Federal Food, Drug, and Cosmetic Act

OMB Control Number 0910–NEW

This information collection supports the above captioned Agency guidance. Section 503B of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 353b) describes conditions that must be met in order for compounded drugs to receive exemptions from certain sections of the FD&C Act, including section 502(f)(1) (21 U.S.C. 352(f)(1)) (concerning the labeling of drugs with adequate directions for use); section 505 (21 U.S.C. 355) (concerning the approval of human drug products under new drug applications (NDAs) or abbreviated new drug applications (ANDAs)) and section 582 (21 U.S.C. 360eee–1) (concerning drug supply chain security requirements). One of the conditions that must be met for a compounded drug product to qualify for the exemptions under section 503B of the FD&C Act is that ''the drug is not essentially a copy of one or more approved drugs'' (section 503B(a)(5)).

According to section 503B(d)(2) of the FD&C Act, a compounded drug is essentially a copy of an approved drug when it (1) is identical or nearly identical to an approved drug that is not on FDA's drug shortage list at the time the drug is compounded, distributed, and dispensed; or to a non-prescription drug product marketed without an approved application, or (2) contains the same bulk drug substance as an approved drug or a non-prescription drug product marketed without an approved application, unless there is a change that produces a clinical difference for an individual patient as determined by the prescribing practitioner between the compounded drug and the approved drug (see section 503B(d)(2)(A) and (B)).

Under the policy proposed in the draft guidance, if an outsourcing facility intends to rely on a prescriber determination made under section 503B(d)(2)(B) to establish that a compounded drug is not essentially a copy of an approved drug, the outsourcing facility should ensure that the determination is documented on the prescription or order (which may be a patient-specific prescription or a non-patient specific order) for the compounded drug.

If a prescription or order does not make clear that the determination required by section 503B(d)(2)(B) has been made, the outsourcing facility may contact the prescriber or health care facility, and if the prescriber or health care facility contact confirms it, make a notation on the prescription or order that the prescriber has determined that the compounded product contains a change that produces a clinical difference for patient(s). The date of the conversation with the health care facility contact or prescriber, and the name of the individual providing the determination, should be included on the prescription or order.

In addition, if the outsourcing facility compounded a drug that is identical or nearly identical to an approved drug product that appeared on FDA's drug shortage list, the outsourcing facility should maintain documentation (*e.g.,* a notation on the order for the compounded drug) regarding the status of the drug on FDA's drug shortage list at the time of compounding, distribution, and dispensing.

An outsourcing facility should also maintain records of prescriptions or orders including notations that a prescriber has determined that the compounded drug has a change that produces a clinical difference for an individual patient. Because the time, effort, and financial resources necessary to comply with this collection of information would be incurred by licensed pharmacists and licensed physicians in the normal course of their activities, it is excluded from the definition of ''burden'' under 5 CFR 1320.3(b)(2).

II. Paperwork Reduction Act of 1995

In the **Federal Register** of July 11, 2016 (81 FR 44879), we published a notice of availability for the draft guidance, including an analysis of estimated burden under the PRA, and invited public comment of the proposed information collection. Several comments were received and are discussed below.

III. Comments

Issue One: Several commenters said it would be unnecessarily burdensome for prescribers to document the clinical need for a compounded drug, and that a pharmacist, nurse, or other clinician choosing to source compounded drugs from an outsourcing facility should be able to assess the clinical need for the compounded drug.

FDA Response to Issue One: Under section 503B(d)(2), if a drug is not identical or nearly identical to an approved drug or a covered over-the-counter monograph (OTC) drug, and a component of the compounded drug is a bulk drug substance that is a component of an approved drug or a covered OTC drug, then the drug is essentially a copy and may not be compounded under section 503B unless there is a change that produces for an individual patient a clinical difference, as determined by the prescribing practitioner, between the compounded drug and the comparable approved drug. If a prescription or order already documents the determination of clinical difference, there is no additional documentation burden for the compounder. If a prescription or order does not make clear that the determination of clinical difference required by the statute has been made, the compounder may contact the prescriber, and if the prescriber confirms it, make a notation on the prescription or order that the compounded product contains a change that makes a clinical difference for the patient. The date of the conversation with the health care facility or prescriber, and the name of the individual providing the determination, should be included on the prescription or order. FDA estimates this contact will take 3 minutes and should not present significant burden. Maintaining prescription records that may include such notations should not present any additional burden, as FDA understands that maintaining records of prescriptions or orders for compounded drug products is part of the usual course of the practice of compounding and selling drugs.

FDA also notes that for non-patient specific orders, the guidance states that an outsourcing facility may obtain a statement from the prescribing practitioner or a person able to make a representation for the health care practitioner. For example, a pharmacy manager could order a compounded drug and document on the order that the compounded drug will only be administered to patients for whom the prescriber determines that this formulation will produce a clinical difference.

Issue Two: At least two commenters raised concerns that documentation of the prescriber determination of clinical

difference could lead to liability concerns (*e.g.,* for a pharmacy manager who makes representations to an outsourcing facility about how a drug will be used) and scope of practice concerns (if a doctor concludes he or she should not be bound by the representations).

FDA Response to Issue Two: For certain drugs, one of the conditions to qualify for exemptions under section 503B is that there is a change that produces for an individual patient a clinical difference, as determined by the prescribing practitioner, between the compounded drug and the comparable approved drug. If a pharmacy manager does not wish to document on the order that such a drug will only be administered after an appropriate prescriber determination, the manager could ask the prescriber to provide documentation. If a prescriber, or person able to make a representation for a prescriber, refuses to confirm that a compounded drug produces a clinical difference for a patient, the compounded drug may be considered ''essentially a copy'' of the commercially-available product. The outsourcing facility may decide in this scenario to not compound the drug.

Issue Three: At least one commenter recommended that the guidance requires practitioners to provide additional details regarding the patient population in need of a compounded drug as part of the prescriber determination of clinical difference, and that both a hospital and practitioner should produce statements of clinical difference.

FDA Response to Issue Three: FDA's draft guidance states that when an outsourcing facility intends to rely on a prescriber determination to establish that a compounded drug is not essentially a copy of an approved drug, the outsourcing facility should ensure that the determination is documented on the prescription or order for the compounded drug. This means the determination is referenced in the statute at section 503B(d)(2), which FDA cannot change through guidance. FDA cannot give exhaustive guidance regarding what such documentation may contain, but we did provide appropriate examples. Under the guidance, both a prescribing practitioner and a person able to make a representation for the practitioner, such as, potentially, a hospital pharmacy manager, would be able to produce a statement of clinical difference.

Issue Four: At least one commenter asked about the acceptability of specific means of applying a determination statement to a product order.

FDA Response to Issue Four: FDA does not believe a particular format is needed for a prescriber determination of clinical difference, provided that the determination clearly identifies the relevant change made to the compounded product and the clinical difference that the change will produce for patient(s), as determined by the prescriber.

As none of the comments suggested that we revise our estimated burden for the information collection, we have retained our original estimate as follows:

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Type of reporting recommendations in guidance	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Consultation between the outsourcing facility and prescriber or health care facility, and the notation on the prescription or order documenting the prescriber's determination of clinical difference.	40	100	4,000	0.05 (3 minutes)	200
Checking FDA's drug shortage list and documenting on the prescription that the drug is in shortage.	30	100	3,000	0.03 (2 minutes)	100

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We estimate that annually a total of approximately 40 outsourcing facilities (''number of respondents'' in table 1, line 1) will consult a prescriber to determine whether he or she has made a determination that the compounded drug has a change that produces a clinical difference for an individual patient as compared to the comparable approved drug and that outsourcing facilities will document this determination on approximately 4,000 prescriptions or orders for compounded drugs (''total annual disclosures'' in table 1, line 1). We estimate that the consultation between the outsourcing facility and the prescriber or health care facility contact adding a notation to each prescription or order that does not already document this determination will take approximately 3 minutes per prescription or order.

We estimate that a total of approximately 30 outsourcing facilities (''number of respondents'' in table 1, line 2) will document this information on approximately 3,000 prescriptions or orders for compounded drugs (''total annual disclosures'' in table 1, line 2). We estimate that checking FDA's drug shortage list and documenting this information will take approximately 2 minutes per prescription or order.

Dated: March 22, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–06169 Filed 3–27–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–6397]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Food Labeling; Calorie Labeling of Articles of Food in Vending Machines and Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget

(OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by April 27, 2018.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, Fax: 202–395–7285, or emailed to *oira_submission@omb.eop.gov.* All comments should be identified with the OMB control number 0910–0782. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Calorie Labeling of Articles of Food in Vending Machines and Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments—21 CFR Part 101

OMB Control Numbers 0910–0782 and 0910–0783—Consolidation

This information collection supports FDA regulations under 21 CFR 101. As published in the **Federal Register** of December 1, 2014 (79 FR 71156 and 71259), regulations at 21 CFR 101.8 and 101.11 were revised to provide for the nutritional analysis of certain foods and for the disclosure of that information on applicable products purchased by consumers. The regulations also provide for the registration of certain individuals who become subject to the requirements, for which we developed Form FDA 3757 entitled, ''DHHS/FDA Menu and Vending Machine Labeling Voluntary Registration,'' to assist respondents in this regard. To keep the registration active, respondents must renew the registration every other year within 60 days prior to the expiration of the establishment's current registration with FDA, or it will automatically expire.

In the **Federal Register** of December 12, 2017 (82 FR 58425), we published a 60-day notice requesting public comment on the proposed information collection. A number of comments were received in response to the notice. The comments were generally supportive of the information collection, but included concerns about the potential effect the ongoing or delayed rulemaking to establish specific packaging requirements (*e.g.,* font-size of labeling, compliance dates) might have on the associated third-party disclosure burden. Other comments questioned whether FDA needed all data currently being sought by the applicable regulations and suggested the registration schedule be relaxed, especially given the small number of respondents.

We are very appreciative of these comments. At the same time, upon our own review of the information collection, we are seeking to consolidate the burden currently approved under OMB control number 0910–0783 with 0910–0782 because it is intended to account for similar collection activities and is supported by the same collection instrument (Form FDA 3757) identified above. Also, as neither the public comments we received nor our own evaluation suggested we revise our original figures, we are retaining the currently approved estimated burden for the information collection, which is as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR 101.8 and 101.11 registration using form FDA 3757	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
§ 101.8(d); initial registration	13	1	13	2	26
§ 101.8(d); registration renewal	19	1	19	.5 (30 minutes)	9.5
§ 101.11(d) initial registration	3,559	1	3,559	2	7,118
§ 101.11(d) registration reviewal	5,340	1	5,340	.5 (30 minutes)	2,670
Total					9,823.5

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED RECORDKEEPING BURDEN [1]

21 CFR part 101	Number of recordkeepers	Annual frequency per recordkeeper	Total annual records	Hours per record	Total hours
Initial Burden (Annualized over 3 years)					
§ 101.8(c)(2)(i)(A); Initial nutrition analysis.	69,017	1	69,017	.25 (15 minutes)	17,254
Annual Burden					
§ 101.8(c)(2)(i)(A); Recurring nutrition analysis.	30,059	1	30,059	.25 (15 minutes)	7,515
Total					24,769

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR part 101	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure (in hours)	Total hours
§ 101.8(c)(2)(i); calorie analysis	282	11	3,102	1	3,102
§ 101.8(c)(2)(ii); calorie declaration signage.	3,279	2,122	6,958,038	.21 (12.5 minutes)	1,461,188
§ 101.8(e)(1); vending operator contact information.	3,279	125	409,875	.025 (1.5 minutes)	10,247
Total					1,474,537

[1] There are no capital costs or operating and maintenance costs associated with the information collection.

These figures are based on our analyses in support of the underlying rulemaking cited above and there is no burden increase since the previous OMB approvals. Because these are newly established information collection provisions, we continue to evaluate the collection burden and solicit public comment, noting that the effective dates and/or compliance dates for certain provisions have not yet been realized.

Dated: March 22, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–06154 Filed 3–27–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and, (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: 2019 National Survey on Drug Use and Health OMB No. 0930–0110—Revision

The National Survey on Drug Use and Health (NSDUH) is a survey of the U.S. civilian, non-institutionalized population aged 12 years old or older. The data are used to determine the prevalence of use of tobacco products, alcohol, illicit substances, and illicit use of prescription drugs. The results are used by SAMHSA, the Office of National Drug Control Policy (ONDCP), federal government agencies, and other organizations and researchers to establish policy, to direct program activities, and to better allocate resources.

While NSDUH must be updated periodically to reflect changing substance use and mental health issues, and to continue producing current data, only the following minor changes are planned for the 2019 NSDUH: (1) Adding a brief series of questions on medication-assisted treatment (MAT) for opioids and alcohol; and, (2) including other minor wording changes to improve the flow of the interview, to increase respondent comprehension, or to be consistent with text in other questions.

The series of MAT questions seeks to identify medications prescribed by health professionals to help reduce or stop the use of opioids and alcohol. Including these questions in NSDUH will allow SAMHSA to provide the first known national-level estimates on the use of MAT for opioid use disorder and alcohol use disorder.

As with all NSDUH surveys conducted since 1999, including those prior to 2002 when the NSDUH was referred to as the National Household Survey on Drug Abuse, the sample size of the survey for 2019 will be sufficient to permit prevalence estimates for each of the 50 states and the District of Columbia. The total annual burden estimate is shown below in Table 1.

TABLE 1—ANNUALIZED ESTIMATED BURDEN FOR 2019 NSDUH

Instrument	Number of respondents	Responses per respondent	Total number of responses	Hours per response	Total burden hours
Household Screening	137,231	1	137,231	0.083	11,390
Interview	67,507	1	67,507	1.000	67,507
Screening Verification	4,116	1	4,116	0.067	276
Interview Verification	10,126	1	10,126	0.067	678
Total	137,231		218,980		79,851

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 15E57B, 5600 Fishers Lane, Rockville, MD 20857 *OR* email a copy to *summer.king@samhsa.hhs.gov.*

Written comments should be received by May 29, 2018.

Summer King,

Statistician.

[FR Doc. 2018–06184 Filed 3–27–18; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2018–0274]

Great Lakes Pilotage Advisory Committee; Vacancies

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Request for applications.

SUMMARY: The U.S. Coast Guard seeks applications for membership on the Great Lakes Pilotage Advisory Committee. The Great Lakes Pilotage Advisory Committee provides advice and makes recommendations to the Secretary of Homeland Security through the U.S. Coast Guard Commandant on matters relating to Great Lakes pilotage, including review of proposed Great Lakes pilotage regulations and policies.

DATES: Completed applications should reach the U.S. Coast Guard on or before April 27, 2018.

ADDRESSES: Applicants should send a cover letter expressing interest in an appointment to the Great Lakes Pilotage Advisory Committee that also identifies which membership category the applicant is applying under, along with a resume detailing the applicant's experience via one of the following methods:

- *By Email: Rajiv.Khandpur@uscg.mil.*
- *By Fax:* (202) 372–8387 ATTN: Mr. Rajiv Khandpur.
- *By Mail:* Commandant (CG–WWM–2), U.S. Coast Guard, Attention: Mr. Rajiv Khandpur, Designated Federal Officer, Great Lakes Pilotage Advisory Committee, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509.

FOR FURTHER INFORMATION CONTACT: Mr. Rajiv Khandpur, Designated Federal Officer, Great Lakes Pilotage Advisory Committee, 2703 Martin Luther King Jr. Ave. SE, Stop 7509, Washington, DC 20593–7509; telephone 202–372–1525, fax 202–372–8387, or email at *Rajiv.Khandpur@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Great Lakes Pilotage Advisory Committee is a federal advisory committee established in accordance with the provisions of the Federal Advisory Committee Act (5 U.S.C., Appendix). The Great Lakes Pilotage Advisory Committee operates under the authority of 46 U.S.C. 9307, and makes recommendations to the Secretary and the U.S. Coast Guard on matters relating to the Great Lakes.

Meetings of the Great Lakes Pilotage Advisory Committee will be held with the approval of the Designated Federal Officer. The Committee is required to meet at least once per year. Additional meetings may be held at the request of a majority of the Committee or at the discretion of the Designated Federal Officer.

Each Great Lakes Pilotage Advisory Committee member serves a term of office of up to 3 years. Members may serve a maximum of six consecutive years. All members serve without compensation from the Federal Government; however, they may receive travel reimbursement and per diem.

We will consider applications for two positions that will become vacant on September 30, 2018.

- One member representing the interests of vessel operators that contract for Great Lakes Pilotage Services;
- One member with a background in finance or accounting, who—

a. Must have been recommended to the Secretary of the Department of Homeland Security by a unanimous vote of the other members of the Committee, and

b. May be appointed without regard to the requirement that each member have five years of practical experience in maritime operations.

To be eligible, applicants should have particular expertise, knowledge, and experience regarding the regulations and policies on the pilotage vessels on the Great Lakes, and at least five years of practical experience in maritime operations.

The category for a member with a background in finance and accounting would be someone appointed in their individual capacity and would be designated as a Special Government Employee as defined in 202(a) of Title 18, U.S.C. As a candidate for appointment as a Special Government Employee, applicants are required to complete a Confidential Financial Disclosure Report (OGE Form 450). The U.S. Coast Guard may not release the reports or the information in them to the public except under an order issued by a Federal Court or as otherwise provided under the Privacy Act (5 U.S.C. 552a). Only the Designated U.S. Coast Guard Ethics Official or his or her designee may release a Confidential Financial Disclosure Report. Applicants can obtain this form by going to the website of the Office of Government Ethics (*www.oge.gov*) or by contacting the individual listed above in **FOR FURTHER INFORMATION CONTACT**.

Registered lobbyists are not eligible to serve on Federal Advisory Committees in an individual capacity. See ''Revised Guidance on Appointment of Lobbyists to federal advisory committees, Boards and Commissions'' (79 FR 47482, August 13, 2014). Registered lobbyists are lobbyists as defined in Title 2 U.S.C. 1602 who are required by Title 2 U.S.C. 1603 to register with the Secretary of the Senate and the Clerk of the House Representatives.

The Department of Homeland Security does not discriminate in selection of Committee members on the basis of race, color, religion, sex, national origin, political affiliation, sexual orientation, gender identity, marital status, disability and genetic information, age, membership in an employee organization, or other non-merit factor. The Department of Homeland Security strives to achieve a widely diverse candidate pool for all of its recruitment actions.

If you are interested in applying to become a member of the Committee, send your cover letter and resume to Mr. Rajiv Khandpur, Designated Federal Officer, Great Lakes Pilotage Advisory Committee, via one of the transmittal methods in the **ADDRESSES** section by the deadline in the **DATES** section of this notice. Email submittals will receive email receipt confirmation.

Dated: March 23, 2018.

Michael D. Emerson,

Director, Marine Transportation Systems.

[FR Doc. 2018–06194 Filed 3–27–18; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R4–ES–2018–N039; FXES11140400000–189–FF04E00000]

Endangered Species Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit applications; request for comment.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with endangered species. With some exceptions, the Endangered Species Act (ESA) prohibits activities with listed

species unless a Federal permit is issued that allows such activities. The ESA requires that we invite public comment before issuing these permits.

DATES: We must receive written data or comments on the applications at the address given in **ADDRESSES** by April 27, 2018.

ADDRESSES: *Reviewing Documents:* Documents and other information submitted with the applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice (see **DATES**): U.S. Fish and Wildlife Service Regional Office, Ecological Services, 1875 Century Boulevard, Atlanta, GA 30345 (Attn: Karen Marlowe, Permit Coordinator).

Submitting Comments: If you wish to comment, you may submit comments by any one of the following methods:

- *U.S. mail or hand-delivery:* U.S. Fish and Wildlife Service's Regional Office (see above).
- *Email: permitsR4ES@fws.gov.* Please include your name and return address in your email message. If you do not receive a confirmation from the U.S. Fish and Wildlife Service that we have received your email message, contact us directly at the telephone number listed in **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Karen Marlowe, Permit Coordinator, 404–679–7097 (telephone) or 404–679–7081 (fax).

SUPPLEMENTARY INFORMATION: We invite review and comment from local, State, and Federal agencies and the public on applications we have received for permits to conduct certain activities with endangered and threatened species under section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.;* ESA), and our regulations in the Code of Federal Regulations (CFR) at 50 CFR part 17. With some exceptions, the ESA prohibits activities with listed species unless a Federal permit is issued that allows such activities. The ESA requires that we invite public comment before issuing these permits.

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.

PERMIT APPLICATIONS

Permit application No.	Applicant	Species/Numbers	Location	Activity	Type of take	Permit action
TE 22311A–4	Tennessee Aquarium, Chattanooga, TN.	Blue shiner (*Cyprinella caerulea*), Amber darter (*Percina antesella*), Cumberland darter (*Etheostoma susanae*), Goldline darter (*Percina aurolineata*), Conasauga logperch (*Percina jenkinsi*), Snail darter (*Percina tanasi*), and Laurel dace (*Chrosomus saylori*).	Alabama, Georgia, Kentucky, North Carolina, Tennessee, and Virginia.	Presence/absence surveys, tissue collection for genetic analysis, and captive propagation research.	Capture, identify, take fin clips, and release all of the identified species, and capture, transport and maintain in captivity up to 10 Conasauga logperch and up to 80 laurel dace.	Renewal and Amendment.

Authority

We provide this notice under section 10(c) of the Act.

Leopoldo Miranda,

Assistant Regional Director, Ecological Services, Southeast Region.

[FR Doc. 2018–06202 Filed 3–27–18; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Business Leasing Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On December 29, 2017, the Bureau of Indian Affairs (BIA) approved the Torres Martinez Desert Cahuilla Indians leasing regulations under the HEARTH Act. With this approval, the Tribe is authorized to enter into the following type of leases without BIA approval: Business and other authorized purposes.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, telephone: (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH (Helping Expedite and Advance Responsible Tribal Homeownership) Act of 2012 (the Act) makes a voluntary, alternative land leasing process available to tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The Act authorizes tribes to negotiate and enter into agricultural and business leases of tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior. The Act also authorizes tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating tribes develop tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The Act requires the Secretary to approve tribal regulations if the tribal regulations are consistent with the Department's leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the tribal regulations for the *Torres Martinez Desert Cahuilla Indians.*

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that,

subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and tribal sovereignty. 77 FR 72,440, 72,447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 465 preempts state taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13-*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting tribal economic development and self-determination, and also threaten substantial tribal interests in effective tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a tribe that, as a result, might refrain from exercising its own sovereign right to impose a tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage tribes from raising tax revenue from the same sources because the imposition of double taxation would impede tribal economic growth).

Just like BIA's surface leasing regulations, tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* Guidance for the Approval of Tribal Leasing Regulations under the HEARTH Act, NPM–TRUS–29 (effective Jan. 16, 2013) (providing guidance on Federal review process to ensure consistency of proposed tribal regulations with Part 162 regulations and listing required tribal regulatory provisions). Furthermore, the Federal government remains involved in the tribal land leasing process by approving the tribal leasing regulations in the first instance and providing technical assistance, upon request by a tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the tribal regulations, including terminating the lease or rescinding approval of the tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the *Torres Martinez Desert Cahuilla Indians.*

Dated: December 29, 2017.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018–06235 Filed 3–27–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Ramona Band of Cahuilla's Business Site Leasing Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On December 29, 2017, the Bureau of Indian Affairs (BIA) approved the Ramona Band of Cahuilla's leasing regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into leases for business purposes without further BIA approval.

FOR FURTHER INFORMATION CONTACT: Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, at (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act of 2012 makes a voluntary, alternative land leasing process available to tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior. The Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop tribal leasing regulations, including an

environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department's leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Ramona Band of Cahuilla, California.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 465 preempts State taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Ramona Band of Cahuilla, California.

Dated: December 29, 2017.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary-Indian Affairs.

[FR Doc. 2018–06233 Filed 3–27–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Business Leasing Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On December 28, 2017, the Bureau of Indian Affairs (BIA) approved the Pechanga Band of Luiseno Mission Indians leasing regulations under the HEARTH Act. With this approval, the Tribe is authorized to enter into the following type of leases without BIA approval: Business.

FOR FURTHER INFORMATION CONTACT: Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, at (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH (Helping Expedite and Advance Responsible Tribal

Homeownership) Act of 2012 (the Act) makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior. The Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department's leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Pechanga Band of Luiseno Mission Indians.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72,440, 72,447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 5108 preempts state taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Pechanga Band of Luiseno Mission Indians.

Dated: December 28, 2017.

John Tahusda,

Principal Deputy Assistant Secretary—Indian Affairs Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018–06231 Filed 3–27–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Apache Tribe of Oklahoma Indian Lands Leasing Act of 2017 Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On December 28, 2017, the Bureau of Indian Affairs (BIA) approved the Apache Tribe of Oklahoma Indian Lands Leasing Act of 2017 leasing Regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into business, wind and solar, wind energy evaluation, and other authorized purposes leases without further BIA approval.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, at (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Apache Tribe of Oklahoma.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. See 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 465 preempts State taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Apache Tribe of Oklahoma.

Dated: December 28, 2017.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018–06227 Filed 3–27–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Kootenai Tribe of Idaho's Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On November 9, 2017, the Bureau of Indian Affairs (BIA) approved the Kootenai Tribe of Idaho's leasing regulations under the HEARTH Act. With this approval, the Tribe is authorized to enter into residential leases without BIA approval.

FOR FURTHER INFORMATION CONTACT: Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, at (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH (Helping Expedite and Advance Responsible Tribal Homeownership) Act of 2012 (the Act) makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior. The Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department's leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Kootenai Tribe of Idaho.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72,440, 72,447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 465 preempts state taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary

continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Kootenai Tribe of Idaho.

Dated: November 9, 2017.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Acting Assistant Secretary—Indian Affairs.

Editorial Note: This document was received at The Office of the Federal Register on March 23, 2018.

[FR Doc. 2018–06226 Filed 3–27–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Cheyenne and Arapaho Tribe's Business Site Leasing Regulations

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On November 9, 2017, the Bureau of Indian Affairs (BIA) approved the Cheyenne and Arapaho Tribes Business Site Leasing regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into business site leases without further BIA approval.

FOR FURTHER INFORMATION CONTACT: Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, at (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act of 2012 makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The Act authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior. The Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department's leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Cheyenne and Arapaho Tribes.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 465 preempts state taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the

HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the State of Oklahoma.

Dated: November 9, 2017.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Acting Assistant Secretary—Indian Affairs.

Editorial Note: This document was received at The Office of the Federal Register on March 23, 2018.

[FR Doc. 2018–06225 Filed 3–27–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/A0A501010.999900]

HEARTH Act Approval of Coquille Indian Tribe Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On November 9, 2017, the Bureau of Indian Affairs (BIA) approved the Coquille Indian Tribe leasing regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into business site leases without further BIA approval.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, at (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into agricultural and business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Coquille Indian Tribe.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. See 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72,440, 72,447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 465 preempts state taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024,

2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Coquille Indian Tribe.

Dated: November 9, 2017.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary—Indian Affairs.

Editorial Note: This document was received at The Office of the Federal Register on March 23, 2018.

[FR Doc. 2018–06228 Filed 3–27–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900 253G]

Land Acquisitions: The Shawnee Tribe

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Secretary of the Interior made a final agency determination to acquire 102.98 acres, more or less, of land near the City of Guymon, Texas County, Oklahoma, in trust for the Shawnee Tribe for gaming and other purposes on January 19, 2018.

FOR FURTHER INFORMATION CONTACT: Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, MS–3657, 1849 C Street NW, Washington, DC 20240, telephone (202) 219–4066.

SUPPLEMENTARY INFORMATION: This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1, and is published to comply with the requirements of 25 CFR 151.12(c)(2)(ii) that notice of the decision to acquire land in trust be promptly provided in the **Federal Register**.

On January 19, 2018, the Secretary of the Interior issued a decision to accept approximately 102.98 acres, more or less, of land near the City of Guymon, Texas County, Oklahoma, (Site) in trust for the Shawnee Tribe (Tribe), under the authority of the Indian Reorganization Act, 25 U.S.C. 5108. The Department previously determined on January 19, 2017, that the Tribe is eligible to conduct gaming on the Site pursuant to Section 20 of the Indian Gaming Regulatory Act, 25 U.S.C. 2719(b)(1)(A). On March 3, 2017, the Governor of the State of Oklahoma concurred with the Department's finding.

The Principal Deputy Assistant Secretary—Indian Affairs, on behalf of the Secretary of the Interior, will immediately acquire title to the Guymon Site in the name of the United States of America in trust for the Tribe upon fulfillment of Departmental requirements. The 102.98 acres, more or less, are located in Texas County, Oklahoma, and are described as follows:

All that part of the Northwest Quarter (NW/4) of the Southwest Quarter (SW/4) and the South Half (S/2) of the Southwest Quarter (SW/4) lying South of the South Right-of-Way line of U.S. Highway 54 in Section Eleven (11), Township Two (2) North, Range Fourteen (14) East, Cimarron Base and Meridian, Texas County, Oklahoma, being more particularly described in TRUE NORTH bearings as follows:

Beginning at the Southwest Corner of the SW/4 of said Section 11; thence N 00°18′19″ E, a distance of 1,291.19 feet to the intersection between said West line of the SW/4 and the South line of a tract of land as described and filed in Book 983 at Page 434 in the Office of the Texas County Clerk; thence along the South line of said tract as filed in Book 983 at Page 434 for the following seven (7) courses:

1. Thence S 89°36′25″ E, a distance of 41.40 feet;
2. Thence N 00°23′35″ E, a distance of 8.74 feet;
3. Thence with a curve turning to the Right with an arc length of 81.63 feet, with a radius of 162.00 feet, with a chord bearing of N 14°49′42″ E, with a chord length of 80.77 feet;
4. Thence N 29°15′47″ E, a distance of 211.01 feet;
5. Thence with a curve turning to the Left with an arc length of 106.48 feet, with a radius of 238.00 feet, with a chord bearing of N 16°26′47″ E, with a chord length of 105.59 feet;
6. Thence N 24°40′53″ E, a distance of 179.39 feet;
7. Thence N 54°15′23″ E, a distance of 1,305.47 feet to a point common with the West line of the NE/4 SW/4; Thence S 00°21′54″ W, along the West line of the NE/4 SW/4, a distance of 1,270.87 feet to the Southwest Corner thereof; thence S 89°45′32″ E, along the South line of the NE/4 SW/4, a distance of 1,321.40 feet to the Southeast Corner thereof; thence S 00°25′29″ W, along the East line of the S/2 SW/4, a distance of 1,323.96 feet to the Southeast Corner thereof; thence N 89°44′49″ W, along the South line of the SW/4, a distance of 2,640.03 feet to the True Point of Beginning, having an area of 102.98 Acres, more or less. Basis of Bearings are True North. Said being described by Obert D. Bennett, PLS. No. 1471 on October 6, 2014. Surface Only.

Dated: March 12, 2018.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs Exercising the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2018–06230 Filed 3–27–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[189A2100DD/AAKC001030/ A0A501010.999900]

HEARTH Act Approval of Little Traverse Bay Bands of Odawa Indians Business, Agricultural, Residential, Wind and Solar Resource, and Wind Energy Evaluation Leases

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: On December 29, 2017, the Bureau of Indian Affairs (BIA) approved the Little Traverse Bay Bands of Odawa Indians, Michigan (Tribe) leasing regulations under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into business, agricultural, residential, wind and solar resource, and wind energy evaluation leases without further BIA approval.

FOR FURTHER INFORMATION CONTACT: Ms. Sharlene Round Face, Bureau of Indian Affairs, Division of Real Estate Services, 1849 C Street NW, MS–4642–MIB, Washington, DC 20240, at (202) 208–3615.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes tribes to negotiate and enter into agricultural and business leases of tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating tribes develop tribal leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve tribal regulations if the tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the tribal regulations for the Little Traverse Bay Bands of Odawa Indians, Michigan.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal government has a strong interest in promoting economic development, self-determination, and tribal sovereignty. 77 FR 72,440, 72,447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under tribal leasing regulations approved by the Federal government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 465, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation* v. *Thurston County,* 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe* v. *Jones,* 411 U.S. 145 (1973)). Similarly, section 465 preempts state taxation of rent payments by a lessee for leased trust lands, because ''tax on the payment of rent is indistinguishable from an impermissible tax on the land.'' *See Seminole Tribe of Florida* v. *Stranburg,* No. 14–14524, *13–*17, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe* v. *Bracker,* 448 U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of ''traditional notions of Indian self-government,'' requires a particularized examination of the relevant State, Federal, and tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to ''allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.'' 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford tribes ''flexibility to adapt lease terms to suit [their] business and cultural needs'' and to ''enable [Tribes] to approve leases quickly and efficiently.'' *Id.* at 5–6.

Assessment of State and local taxes would obstruct these express Federal policies supporting tribal economic development and self-determination, and also threaten substantial tribal interests in effective tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan* v. *Bay Mills Indian Community,* 134 S. Ct. 2024, 2043 (2014) (Sotomayor, J., concurring) (determining that ''[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding''). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a tribe that, as a result, might refrain from exercising its own sovereign right to impose a tribal tax to support its infrastructure needs. *See id.* at 2043–44 (finding that State and local taxes greatly discourage tribes from raising tax revenue from the same sources because the imposition of double taxation would impede tribal economic growth).

Similar to BIA's surface leasing regulations, tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal government remains involved in the tribal land leasing process by approving the tribal leasing regulations in the first instance and providing technical assistance, upon request by a tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the tribal regulations, including terminating the lease or rescinding approval of the tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the tribal regulations according to the Part 162 regulations.

Accordingly, the Federal and tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by tribal leasing regulations or Part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Little Traverse Bay Bands of Odawa Indians, Michigan.

Dated: December 29, 2017.

John Tahsuda,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising the Authority of the Assistant Secretary—Indian Affairs.

Editorial Note: This document was received at the Office of the Federal Register on March 23, 2018.

[FR Doc. 2018–06229 Filed 3–27–18; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

[18XD0120AF/DT20000000/DST000000/241A/T0110100]

Tribal Information Sessions

AGENCY: Office of the Special Trustee for American Indians (OST), Interior.

ACTION: Announcement of Tribal information sessions.

SUMMARY: This notice announces two telephonic Tribal information sessions pertaining to the consolidation of OST's Office of Appraisal Services and the Office of Valuation Services into a new Appraisal and Valuation Services Office, located within the existing Office of Policy, Management and Budget.

DATES: Consultation sessions will be held by phone on Tuesday, April 24, from 1:00 p.m. to 2:30 p.m. EST, and Wednesday, April 25, 2018, from 9:00 a.m. to 10:30 a.m. EST. See the **SUPPLEMENTARY INFORMATION** section below for the call-in numbers and participant codes.

ADDRESSES: This information is also posted at *www.doi.gov/OST/ITARA*.

FOR FURTHER INFORMATION CONTACT: Mr. Eldred Lesansee, AVSO Associate Deputy Director at *AVSO_Info@ios.doi.gov* or (505) 816–1602.

SUPPLEMENTARY INFORMATION:

Background

In June 2016, Congress passed the Indian Trust Asset Reform Act (ITARA), Public Law 114–178. Title III, Section 305(a) of ITARA requires that appraisals and valuations of Indian trust property be administered by a single bureau, agency, or other administrative entity within the Department by December 22, 2017. Currently, the Office of Appraisal Services (OAS), within the Office of the Special Trustee for American Indians (OST), conducts appraisals of Indian trust property, while the Office of Valuation Services (OVS) conducts appraisals of non-Indian trust property, as well as mineral evaluations for Indian and non-Indian property.

In 2016, the Department held ten consultation sessions and a listening session with Tribes in various locations throughout the United States regarding Sections 303, 304, and 305 of ITARA, and held an open period for the submission of written comments. During consultation, the Department sought input on six options for the consolidation of appraisals and valuations and invited Tribes to suggest additional options.

New Appraisals and Valuation Services Office (AVSO)

The Department conducted an inventory and analysis of the OAS's current functions, and then assessed options for the future of those functions. After careful consideration of feedback from Tribes and individuals, and close collaboration with our internal stakeholders, the Department decided to consolidate OAS and OVS into a single office: the Appraisals and Valuation Services Office (AVSO), to be located in the existing Office of Policy, Management and Budget. On March 19, 2018, Secretary Zinke signed Secretarial Order No. 3363 consolidating appraisal and evaluation functions for trust property into the AVSO. The efficiencies garnered from administration by a single entity will enhance the Department's ability to improve the delivery of appraisal and minerals evaluation services to our clients.

The Department is hosting two information sessions for Tribes on this action to consolidate the OAS and OVS into a new AVSO.

Tribal Information Sessions Call-In Information

The toll-free call-in number for the sessions are as follows:

- April 24, 2018: (877) 918–1345, participant code 8512946.
- April 25, 2018: (877) 918–1345, participant code 8512946.

Authority: E.O. 13175, 65 FR 67250, and Section 2 of the Reorganization Plan No. 3 of 1950 (64 Stat. 1262).

Jerold Gidner,

Principal Deputy Special Trustee for American Indians.

[FR Doc. 2018–06183 Filed 3–27–18; 8:45 am]

BILLING CODE 4334–63–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT926000–18X–L14400000.BJ0000; MO#4500118801]

Notice of Proposed Filing of Plats of Survey: Montana

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed official filing.

SUMMARY: The plat of survey for the land described in this notice is scheduled to be officially filed 30 calendar days after the date of this publication in the BLM Montana State Office, Billings, Montana. The survey, which was executed at the request of the BLM, is necessary for the management of these lands.

DATES: A person or party who wishes to protest this decision must file a notice of protest in time for it to be received in the BLM Montana State Office no later than 30 days after the date of this publication.

ADDRESSES: A copy of the plat may be obtained from the Public Room at the BLM Montana State Office, 5001 Southgate Drive, Billings, Montana 59101, upon required payment. The plat may be viewed at this location at no cost.

FOR FURTHER INFORMATION CONTACT: Josh Alexander, BLM Chief Cadastral Surveyor for Montana; telephone: (406) 896–5123; email: *jalexand@blm.gov*. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Relay Service (FRS) at (800) 877–8339 to contact the above individual during normal business hours. The FRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The lands surveyed are:

Principal Meridian, Montana

T. 1 N., R. 14 W.
Sec. 26.

A person or party who wishes to protest an official filing of a plat of survey identified above must file a written notice of protest with the BLM Chief Cadastral Surveyor for Montana at the address listed in the **ADDRESSES** section of this notice. The notice of protest must identify the plat(s) of survey that the person or party wishes to protest. The notice of protest must be received in the BLM Montana State Office no later than the scheduled date of the proposed official filing for the plat(s) of survey being protested; if received after regular business hours, a notice of protest will be considered filed the next business day. A written statement of reasons in support of the protest, if not filed with the notice of protest, must be filed with the BLM Chief Cadastral Surveyor for Montana within 30 calendar days after the notice of protest is received.

If a notice of protest of the plat(s) of survey is received prior to the scheduled date of official filing or during the 10 calendar day grace period provided in 43 CFR 4.401(a) and the delay in filing is waived, the official filing of the plat(s) of survey identified in the notice of protest will be stayed pending consideration of the protest. A plat of survey will not be officially filed until the next business day after all timely protests have been dismissed or otherwise resolved.

If a notice of protest is received after the scheduled date of official filing and the 10 calendar day grace period provided in 43 CFR 4.401(a), the notice of protest will be untimely, may not be considered, and may be dismissed.

Before including your address, phone number, email address, or other personal identifying information in a notice of protest or statement of reasons, you should be aware that the documents you submit—including your personal identifying information—may be made publicly available in their entirety at any time. While you can ask us to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 43 U.S.C. Chapter 3.

Joshua F. Alexander,

Chief Cadastral Surveyor for Montana.

[FR Doc. 2018–06274 Filed 3–27–18; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

[S1D1S SS08011000 SX064A000 189S180110; S2D2S SS08011000 SX064A000 18XS501520; OMB Control Number 1029–0036]

Agency Information Collection Activities: Submission to the Office of Management and Budget for Review and Approval; Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan

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

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE) are proposing to renew an information collection used by the regulatory authority to determine if surface coal mine applicants can comply with the applicable performance and environmental standards required by the law.

DATES: Interested persons are invited to submit comments on or before April 27, 2018.

ADDRESSES: Send written comments on this information collection request (ICR) to the Office of Management and Budget's Desk Officer for the Department of the Interior by email at *OIRA_Submission@omb.eop.gov;* or via facsimile to (202) 395–5806. Please provide a copy of your comments to John Trelease, Office of Surface Mining Reclamation and Enforcement, 1849 C. Street NW, Mail Stop 4559, Washington, DC 20240; or by email to *jtrelease@osmre.gov.* Please reference OMB Control Number 1029–0039 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact John Trelease by email at *jtrelease@osmre.gov,* or by telephone at (202) 208–2783. You may also view the ICR at *http://www.reginfo.gov/public/do/PRAMain.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995, we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provides the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on November 20, 2017 (82 FR 55114). No comments were received.

We are again soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) Is the collection necessary to the proper functions of OSMRE; (2) is the estimate of burden accurate; (3) how might OSMRE enhance the quality, utility, and clarity of the information to be collected; and (4) how might OSMRE minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Title: 30 CFR part 780—Surface Mining Permit Applications—Minimum Requirements for Reclamation and Operation Plan.

OMB Control Number: 1029–0036.

Abstract: Sections 507(b), 508(a), 510(b), 515(b) and (d), and 522 of 30 U.S.C. 1201 et. seq. require applicants to submit operation and reclamation plans for coal mining activities. This information collection is needed to determine whether the plans will achieve the reclamation and environmental protections pursuant to the Surface Mining Control and Reclamation Act. Without this information, Federal and State regulatory authorities cannot review and approve permit application requests.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Applicants for surface coal mine permits, and State regulatory authorities.

Total Estimated Number of Annual Respondents: 133 surface coal mining permit applicants and 24 State regulatory authorities.

Total Estimated Number of Annual Responses: 4,101.

Estimated Completion Time per Response: Varies from 2 hours to 160 hours, depending on type of respondent and information requested.

Total Estimated Number of Annual Burden Hours: 117,731 hours.

Respondent's Obligation: Required to Obtain or Retain a Benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: $1,048,503.

SUMMARY ANNUAL BURDEN TO RESPONDENTS FOR 30 CFR PART 780

Section	Number of applicants	Number of state responses	Hours per applicant	Hours per state	Burden hours requested	Hours currently approved	Difference
780.11	133	132	8	7	1,988	806	1,182
780.12	133	132	16	2	2,392	953	1,439
780.13	133	132	80	6.5	11,498	6,661	4,837
780.14	133	132	80	32	14,864	5,638	9,226
780.16	133	132	30	11	5,442	2,996	2,446
780.18	133	132	8	5	1,724	1,156	568
780.21	133	132	160	21.5	24,118	1,376	22,742
780.22	133	132	120	18.5	18,402	3,468	14,934
780.23	133	132	40	9	6,508	5,495	1,013
780.25	133	132	40	10	6,640	1,152	5,488
780.27	27	27	16	2.5	500	345	155
780.29	133	132	16	5	2,788	2,426	362
780.31	133	132	8	5	1,724	1,612	112
780.33	133	132	16	4	2,656	1,734	922
780.35	36	36	27	12	1,404	10,359	−8,955
780.37	133	132	23	7	3,983	4,620	−637
780.38	133	132	77.5	6	11,100	3,470	7,630
Total			765.5	164	117,731	54,267	63,464

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq).

Dated: March 23, 2018.

John A. Trelease,

Acting Chief, Division of Regulatory Support.

[FR Doc. 2018–06214 Filed 3–27–18; 8:45 am]

BILLING CODE 4310–05–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1026]

In the Matter of Certain Audio Processing Hardware, Software, and Products Containing the Same; Notice of Commission's Determination Finding No Violation of Section 337; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission reverses in-part and affirms in-part, with additional reasoning, the final initial determination (''ID'') issued by the presiding administrative law judge (''ALJ'') on October 26, 2017. The Commission also takes no position on various issues. The Commission finds no violation of section 337 of the Tariff Act of 1930, as amended, has occurred, and terminates the investigation.

FOR FURTHER INFORMATION CONTACT: Amanda Fisherow, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2737. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *http://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on October 25, 2016, based on a complaint filed by Andrea Electronics Corp. of Bohemia, New York (''Andrea''). 81 FR 73418 (Oct. 25, 2016). The complaint alleges violations of section 337 by reason of infringement of certain claims of U.S. Patent No. 6,049,607 (''the '607 patent''), U.S. Patent No. 6,363,345 (''the '345 patent''), and U.S. Patent No. 6,377,637 (''the '637 patent''). The Commission's notice of investigation named the following respondents: Apple Inc. of Cupertino, California (''Apple''); and Samsung Electronics Co., Ltd. of Gyeonggi-do, Korea, and Samsung Electronics America, Inc. of Ridgefield Park, New Jersey (collectively, ''Samsung''). The Office of Unfair Import Investigations (''OUII'') is also a party in this investigation. Samsung was previously terminated from the investigation. Order No. 68; Comm'n Notice (Sept. 13, 2017). All asserted claims of the '607 and '637 patents were also previously terminated from the investigation. Order No. 37; Comm'n Notice (June 30, 2018); Order No. 31; Comm'n Notice (May 25, 2017).

On October 26, 2017, the ALJ issued her final ID finding no violation of section 337 by Apple with respect to the '345 patent. Specifically, the final ID found that Andrea does not have standing to assert the '345 patent, the accused products do not infringe the '345 patent, and Andrea has not met the domestic industry requirements.

On November 8, 2017, Andrea and OUII each filed timely petitions for review of the final ID. That same day, Apple filed a contingent petition for review of the final ID. On November 16, 2017, the parties each filed a timely response to the petitions for review. On November 27, 2017, the private parties filed their public interest comments pursuant to Commission Rule 210.50. No public interest comments were received from the public.

On January 11, 2018, the Commission determined to review the final ID in-part. 83 FR 2670–71 (Jan. 18, 2018). Specifically, the Commission determined to review the ID's findings on (1) standing, (2) infringement, (3) invalidity, (4) inequitable conduct, and (5) domestic industry. On January 25, 2018, Andrea, Apple, and OUII each filed a response to the Commission's

notice of review. On February 1, 2018, the parties each filed respective replies.

Having considered the record in this investigation and the parties' submissions, the Commission finds that no violation of section 337 has occurred. The Commission (1) reverses the ID's finding on standing and finds that Andrea has standing to assert the '345 patent; (2) affirms, with additional reasoning, the ID's finding of no domestic industry; and (3) takes no position on the remaining issues under review.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: March 22, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–06158 Filed 3–27–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1061]

Certain Bar Code Readers, Scan Engines, Products Containing the Same, and Components Thereof; Commission Decision Not To Review an Initial Determination Granting an Amended Joint Motion To Terminate the Investigation Based on a License and Settlement Agreement; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 22) of the presiding administrative law judge (''ALJ'') granting an amended joint motion to terminate the investigation based on a license and settlement agreement. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Houda Morad, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–4716. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on June 27, 2017, based on a complaint filed by Honeywell International, Inc. of Morris Plains, New Jersey; Hand Held Products, Inc. d/b/a Honeywell Scanning & Mobility of Fort Mill, South Carolina; Metrologic Instruments, Inc. d/b/a Honeywell Scanning & Mobility of Fort Mill, South Carolina (collectively, ''Complainants'' or ''Honeywell''). *See* 82 FR 29095–96 (June 27, 2017). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain bar code readers, scan engines, products containing the same, and components thereof by reason of infringement of certain claims of U.S. Patent No. 6,832,725; U.S. Patent No. 8,511,572; U.S. Patent No. 7,148,923; U.S. Patent No. 7,527,206; U.S. Patent No. 8,646,692; and U.S. Patent No. 9,323,969. *See id.* The notice of investigation names The Code Corporation (''Code'') of Draper, Utah and Cortex Pte Ltd. (''Cortex'') of Singapore as respondents in this investigation. *See id.* The Office of Unfair Import Investigations is not a party to this investigation. *See id.*

On December 8, 2017, the ALJ issued an initial determination partially terminating the investigation as to Cortex as a respondent. *See* Order No. 12, *unreviewed,* Comm'n Notice (Jan. 8, 2018).

On February 21, 2018, Honeywell and Code filed an amended joint motion to terminate the investigation based on a license and settlement agreement (*Motion*). On the same day, the ALJ issued the subject ID (Order No. 22) granting the *Motion* and terminating the investigation. The ID finds that: ''[t]he [*Motion*] complies with the Commission Rules . . . .'' *See* ID at 1. In particular, the ID notes that ''[p]ursuant to Commission Rule 210.21(b)(1)[, 19 CFR 210.21(b)(1)], the movants state: 'There are no other agreements, written or oral, express or implied, between Honeywell and Code regarding the subject matter of this proceeding.' '' *See* ID at 1 (citing *Motion* at 2). In addition, the ID ''does not find any evidence'' indicating that terminating the investigation would be ''contrary'' to the public interest. *See* ID at 2 (citing *Motion* at 2; 19 CFR 210.50(b)(2)). No petition for review of the ID was filed.

The Commission has determined not to review the subject ID. The investigation is terminated.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 22, 2018.

Lisa R. Barton,

Secretary to the Commission.

[FR Doc. 2018–06142 Filed 3–27–18; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1094]

Certain IOT Devices and Components Thereof (IOT, The Internet of Things)—Web Applications Displayed on a Web Browser; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 10), which terminated the investigation for good cause on the basis of the imminent expiration of the asserted patent. On review, the Commission has determined to affirm the termination based upon the actual expiration of the asserted patent.

FOR FURTHER INFORMATION CONTACT: Sidney A. Rosenzweig, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 708–2532. Copies of non-confidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2000. General information concerning the Commission

may also be obtained by accessing its internet server at *https://www.usitc.gov.* The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on January 22, 2018, based upon an amended and supplemented complaint filed by Lakshmi Arunachalam, Ph.D. and WebXchange, Inc., both of Menlo Park, California. 83 FR 3021 (Jan. 22, 2018). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), by a number of proposed respondents in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain IOT devices and components thereof (IOT, the Internet of Things)—web applications displayed on a web browser by reason of infringement of certain claims of U.S. Patent No. 7,930,340 (''the '340 patent''), as well as unfair methods of competition and unfair acts (criminal and civil RICO violations, breach of contract, theft of intellectual property, antitrust violations, and trade secret misappropriation), the threat or effect of which is to destroy or substantially injure an industry in the United States. 83 FR at 3021. The Commission determined to institute the investigation only as to infringement of the '340 patent, and named as respondents Apple Inc. of Cupertino, California; Facebook, Inc. of Menlo Park, California; Samsung Electronics America, Inc. of Ridgefield Park, New Jersey; and Samsung Electronics Co., Ltd. of Seoul, South Korea. *Id.* at 3022. The Office of Unfair Import Investigations (''OUII'') was also named as a party. *Id.*

On January 29, 2018, the respondents moved to terminate the investigation based upon the then-imminent expiration of the '340 patent. The complainants responded in opposition to the motion. The ALJ denied the motion for failure to comply with Commission rules. Order No. 8 at 2 & n.1 (Feb. 20, 2018). On February 21, 2018, the respondents filed a renewed motion to terminate, which corrected the omission in their previous motion. The complainants renewed their opposition to the motion. OUII supported the motion.

On February 27, 2018, the ALJ granted the motion as an ID, finding that good cause exists for terminating the investigation. The ID finds that given ''the structure of section 337 investigations'' there was insufficient time for the Commission to ''reach a final determination or issue any relief before the March 5, 2018 expiration date'' of the '340 patent. Order No. 10 at 6.

On March 5, 2018, the '340 patent expired. That same day, the complainants filed a ''Motion for Rehearing and Reinstating the Investigation'' (''Compl'ts Submission''). The Commission determined to treat that submission as a petition for Commission review of the ID under 19 CFR 210.43. The petition seeks an advisory ruling on certain issues. Compl'ts Submission 6.

On March 12, 2018, the respondents and OUII filed responses in opposition to the complainants' submission. The responses explain, *inter alia,* that the complainants' submission does not provide an adequate basis for Commission review under Commission Rule 210.43(b)(1), 19 CFR 210.43(b)(1). Resp'ts Resp. 3; OUII Resp. 1, 3.

Having considered the record of the investigation, including the parties' submissions to the Commission, the Commission decides as follows. The Commission ''can issue only an exclusion order barring future importation or a cease and desist order barring future conduct,'' neither of which can issue as to an expired patent. *Texas Instruments Inc.* v. *U.S. Int'l Trade Comm'n,* 851 F.2d 342, 344 (Fed. Cir. 1988). Because the'340 patent has now actually expired, the ID's good cause (the imminent expiration of the patent) is now moot. Accordingly, the Commission has determined to review the ID, and, on review, to affirm the termination based upon the actual expiration of the '340 patent. The Commission declines the complainants' invitation to issue advisory rulings, and terminates the investigation.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: March 23, 2018.

Katherine M. Hiner,

Supervisory Attorney.

[FR Doc. 2018–06220 Filed 3–27–18; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Meeting of The Judicial Conference; Committee on Rules of Practice and Procedure

AGENCY: Judicial Conference of the United States, Committee on Rules of Practice and Procedure.

ACTION: Notice of open meeting.

SUMMARY: The Committee on Rules of Practice and Procedure will hold a meeting on June 12, 2018. The meeting will be open to public observation but not participation. An agenda and supporting materials will be posted at least 7 days in advance of the meeting at: *http://www.uscourts.gov/rules-policies/records-and-archives-rules-committees/agenda-books.*

DATES: June 12, 2018.

Time: 8:30 a.m. to 5:00 p.m.

ADDRESSES: Thurgood Marshall Federal Judiciary Building, Mecham Conference Center, Administrative Office of the United States Courts, One Columbus Circle NE, Washington, DC 20544.

FOR FURTHER INFORMATION CONTACT: Rebecca A. Womeldorf, Rules Committee Secretary, Rules Committee Staff, Administrative Office of the United States Courts, Washington, DC 20544, telephone (202) 502–1820.

Dated: March 22, 2018.

Rebecca A. Womeldorf,

Rules Committee Secretary.

[FR Doc. 2018–06157 Filed 3–27–18; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 004–2018]

Privacy Act of 1974; Systems of Records

AGENCY: National Institute of Justice, Office of Justice Programs, United States Department of Justice.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Office of Justice Programs (hereinafter OJP), a component within the United States Department of Justice (DOJ or Department), proposes to develop a new system of records titled National Missing and Unidentified Persons System, JUSTICE/OJP—015. The OJP proposes to establish this system of records to improve the quantity and quality of—and appropriate access to—

data on missing persons, unidentified decedents, and unclaimed decedents, in a centralized repository.

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is applicable upon publication, subject to a 30-day period in which to comment on the routine uses, described below. Please submit any comments by April 27, 2018.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments to the United States Department of Justice, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, National Place Building, 1331 Pennsylvania Avenue NW, Suite 1000, Washington, DC 20530, or by facsimile at 202–307–0693, or email at *privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: Charles Heurich, Senior Physical Scientist, National Institute of Justice, Office of Justice Programs, 810 7th Street NW, Washington, DC 20531, *Charles.Heurich@usdoj.gov,* 202–616–9264.

SUPPLEMENTARY INFORMATION: The National Institute of Justice's National Missing and Unidentified Persons System (NamUs) houses records and information in a centralized system regarding cases of missing persons, unidentified persons (decedents), and unclaimed persons (decedents), and makes certain information available, based on access privileges, to the general public, law enforcement professionals, coroners, and medical examiners to help solve such cases. In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress on this new system of records.

Dated: March 16, 2018.

Katherine M. Harman-Stokes,

Deputy Director, Office of Privacy and Civil Liberties, United States Department of Justice.

SYSTEM NAME AND NUMBER

National Missing and Unidentified Persons System (NamUs), JUSTICE/OJP—015

SECURITY CLASSIFICATION:

Unclassified

SYSTEM LOCATION:

Office of Justice Programs, 810 7th Street NW, Washington, DC 20531

SYSTEM MANAGER(S):

Point of Contact: Charles Heurich, *Charles.Heurich@usdoj.gov,* National Institute of Justice, Office of Investigative and Forensic Sciences, 810 7th Street NW, Washington, DC 20531

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (sections 201 and 202); Homeland Security Act of 2002 (section 232); and 28 U.S.C. 530C.

PURPOSE(S) OF THE SYSTEM:

The National Missing and Unidentified Persons System (NamUs) houses records and information regarding cases of missing persons, unidentified decedents, and unclaimed decedents, and makes appropriate information available to the general public and law enforcement professionals to help solve such cases.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Missing persons and registered users of the system, including registered law enforcement personnel, coroners, medical examiners, and members of the public, and although not covered by the Privacy Act, unidentified decedents and unclaimed decedents (named but no next of kin).

CATEGORIES OF RECORDS IN THE SYSTEM:

Missing person case information, unidentified decedent case information, unclaimed decedent case information, and administrative data for registered users. Case information that is available to the general public may include, but is not limited to, case numbers, name, demographic information (such as age, gender, race/ethnicity, height, and weight), last known location, date of last contact, physical description, clothing and accessories, vehicle and transportation information, investigating agency information, and photographs. Professional users have access to additional case information that may include, but is not limited to, date of birth, place of birth, Social Security number (SSN) (for missing persons cases only), DNA availability (specifically whether a DNA sample exists and was submitted to a laboratory, and if so, which laboratory and whether the lab results are available—neither DNA profiles nor DNA testing results are housed within the NamUs system), fingerprint records, dental records, and family contact information. Administrative data for registered users includes, but is not limited to, name, address, email address, telephone number, work title (for professional users only) and agency name (for professional users only).

RECORD SOURCE CATEGORIES:

Professional users and members of the public provide information for the system:

- *Professional Users:* Law Enforcement, Medical Examiners/Forensic Pathologists, Coroners, Medicolegal Investigators, DNA Specialists, Fingerprint Examiners, Forensic Odontologists, Forensic Anthropologists, Regional System Administrators (OJP grantees), NamUs Staff (*i.e.* staff that do not have the ability to grant access to other users or have final approval over edits or changes), and National Center for Missing and Exploited Children (NCMEC) Liaisons.
- *Public Users:* members of public including family members of missing persons, victim advocates, media representatives, and other members of the public who have registered as users in the NamUs application.

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), all or a portion of the records or information contained in this system of records may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected:

1. To any criminal, civil, or regulatory law enforcement or medicolegal authority (whether federal, state, local, territorial, tribal, foreign, or international), where the information is relevant to the recipient entity's law enforcement or medicolegal responsibilities.

2. To a governmental entity lawfully engaged in collecting law enforcement, law enforcement intelligence, medicolegal, or national security intelligence information for such purposes when determined to be relevant by the DOJ.

3. Where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

4. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

5. To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement, plea bargaining, or informal discovery proceedings.

6. To the news media and members of the general public, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

7. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

8. To designated officers and employees of federal, state, local, territorial, or tribal law enforcement or detention agencies in connection with the hiring or continued employment of an employee or contractor, where the employee or contractor would occupy or occupies a position of public trust as a law enforcement officer or detention officer having direct contact with the public or with prisoners or detainees, to the extent that the information is relevant and necessary to the recipient agency's decision.

9. To appropriate officials and employees of a federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail, or deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract, or the issuance of a grant or benefit.

10. To former employees of the Department for purposes of: Responding to an official inquiry by a federal, state, local, tribal or territorial government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with former employees that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

11. To federal, state, local, territorial, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

12. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

13. To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

14. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

15. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

16. To any agency, organization, or individual for the purposes of performing authorized audit and oversight operations of the DOJ and meeting related reporting requirements.

17. To such recipients and under such circumstances and procedures as are mandated by federal statute or treaty.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records in this system are stored in electronic form for use in a computer environment.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Information in this system may be retrieved by personal identifier, including but not limited to, an individual's name, case number, physical description, and other unique case information metadata, such as scars, marks, and tattoos.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

The records will be maintained in a secure manner within the NamUs information technology system until disposition. The retention period for the NamUs system is pending; until the National Archives and Records Administration approves the retention and disposal schedule, records will be treated as permanent.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Internet connections are protected by multiple firewalls. Information technology security personnel conduct periodic vulnerability scans using DOJ-approved software to ensure security compliance and security logs are enabled for all DOJ computers that access the system to assist in troubleshooting and forensic analysis during incident investigations. For access to sensitive information that is not published for public access, users of the system can only gain access to the data based on their access privileges and by a valid user identification and password. Access to the data in the system is further limited by the user's assigned role within the system. All communications between users and the system are protected by secure communication protocol that provides confidentiality and integrity of the transmitted data. The system leverages Federal Risk and Authorization Management Program (FedRAMP) compliant cloud service infrastructure with security controls including physical safeguards appropriate for a system categorized as ''moderate'' under applicable Federal Information Security Modernization Act of 2014 (FISMA)-related information technology standards.

RECORD ACCESS PROCEDURES:

All requests for access to records must be in writing and should be addressed to the Government Information Specialist, Office of Justice Programs, Department of Justice, Room 5400, 810 7th Street NW, Washington, DC 20531 or *FOIAOJP@usdoj.gov.* The envelope and letter should be clearly marked ''Privacy Act Access Request.'' The request must describe the records sought in sufficient detail to enable Department personnel to locate them with a reasonable amount of effort. The request must include a general

description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury.

Although no specific form is required, you may obtain forms for this purpose from the FOIA/Privacy Act Mail Referral Unit, United States Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530, or on the Department of Justice website at *http://www.justice.gov/oip/oip-request.html.*

More information regarding the Department's procedures for accessing records in accordance with the Privacy Act can be found at 28 CFR part 16 Subpart D, ''Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974.''

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend records maintained in this system of records must direct their requests to the address indicated in the RECORD ACCESS PROCEDURES section, above. All requests to contest or amend records must be in writing and the envelope and letter should be clearly marked ''Privacy Act Amendment Request.'' All requests must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record.

More information regarding the Department's procedures for amending or contesting records in accordance with the Privacy Act can be found at 28 CFR 16.46, ''Requests for Amendment or Correction of Records.''

NOTIFICATION PROCEDURES:

Individuals may be notified if a record in this system of records pertains to them when the individuals request information utilizing the same procedures as those identified in the RECORD ACCESS PROCEDURES section, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

None.

[FR Doc. 2018–05971 Filed 3–27–18; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

[CPCLO Order No. 002–2018]

Privacy Act of 1974; Systems of Records

AGENCY: Office of Inspector General, United States Department of Justice.

ACTION: Notice of a new system of records.

SUMMARY: Pursuant to the Privacy Act of 1974 and Office of Management and Budget (OMB) Circular No. A–108, notice is hereby given that the Office of Inspector General (OIG), a component within the United States Department of Justice (DOJ or Department), is publishing a new system of records notice titled ''Data Analytics Program Records System,'' JUSTICE/OIG–006. OIG proposes to establish this system of records to assist with the performance of audits, investigations, and reviews, and to accommodate the requirements of the Digital Accountability and Transparency Act of 2014 (DATA Act).

DATES: In accordance with 5 U.S.C. 552a(e)(4) and (11), this notice is applicable upon publication, subject to a 30-day period in which to comment on the routine uses, described below. Therefore, please submit any comments by April 27, 2018.

ADDRESSES: The public, OMB, and Congress are invited to submit any comments by mail to the United States Department of Justice, Office of Privacy and Civil Liberties, ATTN: Privacy Analyst, National Place Building, 1331 Pennsylvania Avenue NW, Suite 1000, Washington, DC 20530; by facsimile at 202–307–0693; or by email at *privacy.compliance@usdoj.gov.* To ensure proper handling, please reference the above CPCLO Order No. on your correspondence.

FOR FURTHER INFORMATION CONTACT: William Blier, General Counsel, Office of the General Counsel, Office of the Inspector General, Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530, (202) 514–3435.

SUPPLEMENTARY INFORMATION: Under the Inspector General Act of 1978, as amended, Inspectors General, including the DOJ Inspector General, are responsible for conducting, supervising, and coordinating audits and investigations relating to programs and operations of the Federal agency for which their office is established to recognize and mitigate fraud, waste, and abuse. This system of records facilitates OIG's performance of its statutory responsibility by implementing a data analytics (DA) program to assist with the performance of OIG audits, investigations, and reviews, and accommodate the requirements of the DATA Act, Public Law 113–101, 128 Stat. 1146.

The DA program will provide OIG: Timely insights from the data already stored in DOJ databases that OIG has legal authorization to access and maintain; the ability to monitor and analyze data for patterns and correlations that signal wasteful, fraudulent, or abusive activities impacting Department performance and operations; the ability to find, acquire, extract, manipulate, analyze, connect, and visualize data; the capability to manage vast amounts of data; the ability to identify significant information that can improve decision quality; and the ability to mitigate risk of waste, fraud, and abuse. The DA program will also allow the OIG to obtain technology to develop risk indicators that can analyze large volumes of data and help focus OIG's efforts to combat waste, fraud, and abuse. OIG intends to use statistical and mathematical techniques to identify areas to conduct audits and identify activities that may indicate whether an investigation is warranted. The information maintained within this system of records will be limited to only information that OIG has legal authorization to collect and maintain as part of its responsibility to conduct, supervise, and coordinate audits and investigations of Department programs and operations to recognize and mitigate fraud, waste, and abuse.

Pursuant to 5 U.S.C. 552a(b)(12), records maintained in this system of records may be disclosed to a consumer reporting agency without the prior written consent of the individual to whom the record pertains. Such disclosure will only be made in accordance 31 U.S.C. 3711(e). In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress on this new system of records.

Dated: March 15, 2018.

Katherine Harman-Stokes,

Deputy Director, Office of Privacy and Civil Liberties, United States Department of Justice.

JUSTICE/OIG–006

SYSTEM NAME AND NUMBER:

Data Analytics Program Records System, JUSTICE/OIG–006.

SECURITY CLASSIFICATION:

Classified and Controlled Unclassified Information.

SYSTEM LOCATION:

Access to these electronic records includes all Department locations that the Department's Office of Inspector General (OIG) operates or that support OIG operations, including but not limited to, 1425 New York Avenue, Washington, DC 20005. Some or all system information may also be duplicated at other locations where the Department has granted direct access to

support OIG operations, system backup, emergency preparedness, and/or continuity of operations. To determine the location of particular Data Analytics Program Records System records, contact the system manager, whose contact information is listed in the ''SYSTEM MANAGER(S)'' paragraph, below.

SYSTEM MANAGER(S):

Director, Office of Data Analytics, Office of the Inspector General, Department of Justice, 1425 New York Avenue NW, Suite 10008, Washington, DC 20530, telephone: 202–353–7493.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Inspector General Act of 1978, as amended, 5 U.S.C. App. 3; DATA Act, 31 U.S.C. 3521 *et seq.;* Inspector General Empowerment Act of 2016, Public Law 114–317, 130 Stat. 1595.

PURPOSE(S) OF THE SYSTEM:

The system will use data that the OIG has the legal authority to collect and maintain to perform advanced statistical and mathematical techniques. The goal of this work is to identify anomalies in the data that indicate fraudulent or inappropriate activity. The work can also improve audit quality by helping to identify specific areas for OIG attention. The product of this work can be used by the OIG to identify areas to conduct audits or activities that may indicate that an investigation is warranted.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The categories of individuals covered by the system include current and former DOJ employees; DOJ contractors; recipients of DOJ grants awards or funds, whether direct or indirect; parties to DOJ cooperative agreements; arrestees, fugitives, prisoners, and other individuals under custody of the United States Marshals Service (USMS); prisoner health care service providers under the USMS Managed Health Care Contract; and individuals currently or formerly under the custody of the Attorney General and/or the Director of the Federal Bureau of Prisons (BOP), including those individuals under custody for criminal and civil commitments.

CATEGORIES OF RECORDS IN THE SYSTEM:

In connection with its investigative duties to recognize and mitigate fraud, waste, and abuse relating to Department programs and operations, OIG already maintains records on the following categories of individuals that will be maintained in this system of records:

A. Individuals or entities who are or who have been the subject of investigations conducted by the OIG, including current and former employees of the DOJ; current and former consultants, contractors, and subcontractors with whom the Department and other federal agencies have contracted and their employees; grantees to whom the Department has awarded grants and their employees; and such other individuals or entities whose association with the Department relates to alleged violation(s) of the Department's rules of conduct, the Civil Service merit system, and/or criminal or civil law, which may affect the integrity or physical facilities of the Department.

B. Individuals who are or have been witnesses, complainants, or informants in investigations conducted by the OIG.

C. Individuals or entities who have been identified as potential subjects of or parties to an OIG investigation.

D. Individuals currently or formerly under the custody of the Attorney General and/or BOP and/or USMS.

In connection with its broader oversight responsibilities relating to programs and operations of the Department to recognize and mitigate fraud, waste, and abuse, OIG will maintain the following categories of records:

A. All categories of records relevant to JUSTICE/DOJ–001—Accounting Systems for the Department of Justice, 69 FR 31406, 71 FR 142, 75 FR 13575, 82 FR 24147.

B. All categories of records relevant to JUSTICE/OJP–004—Grants Management Information System 53 FR 40526, 66 FR 8425, 82 FR 24147.

C. All categories of records relevant to JUSTICE/USM–005—U.S. Marshals Service Prisoner Processing and Population Management-Prisoner Tracking System (PPM–PTS), 72 FR 33515, 519, 82 FR 24151, 163.

D. All categories of records relevant to JUSTICE/BOP–005—Inmate Central Records System, 67 FR 31371, 77 FR 24982, 81 FR 22639, 82 FR 24147.

E. All categories of records relevant to JUSTICE/JMD–003—Department of Justice Payroll System, 69 FR 107, 72 FR 51663, 82 FR 24151, 158.

F. Department data files required by the DATA Act, including but not limited to sampling of the spending data submitted in accordance with the DATA Act.

G. Department charge card data (for example, travel, purchase, fleet and integrated card transactions).

H. Federal contract actions whose estimated value is $3,000 or more, that may be $3,000 or more, and every modification to such contract actions regardless of dollar value.

I. Single Audit results (for example, results of a financial or compliance audit of recipients of Federal funds) and related Federal award information.

J. BOP medical claim adjudication data.

K. Department employee worker's compensation payment data.

RECORD SOURCE CATEGORIES:

The records within this system of records are sourced from the following: the subjects of investigations; individuals with whom the subjects of investigations are associated; current and former Department officers and employees; Federal, State, local, foreign, and territorial law enforcement and non-law enforcement agencies; private citizens; witnesses; informants; public source materials; medical product and service providers; medical claim processing companies; financial institutions managing Department credit card and payroll information; and the system managers, or individuals acting on a system manager's behalf, for the DOJ systems of records that OIG has legal authorization to collect and maintain as part of its responsibility to conduct, supervise, and coordinate audits and investigations of Department programs and operations to recognize and mitigate fraud, waste, and abuse.

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), all or a portion of the records or information contained in this system of records may be disclosed as a routine use pursuant to 5 U.S.C. 552a(b)(3) under the circumstances or for the purposes described below, to the extent such disclosures are compatible with the purposes for which the information was collected:

A. To another Federal Office of the Inspector General or Federal, state, local, foreign, territorial, or tribal unit of government for the purposes of identifying fraud, waste, abuse, or improper payments related to Federal programs, employees, contractors, grantees, inmates, or beneficiaries. These activities will be conducted under the authorities in the Inspector General Act of 1978, as amended, and the DATA Act.

B. To any criminal, civil, or regulatory law enforcement authority (whether Federal, state, local, territorial, tribal, foreign, or international) where the information is relevant to the recipient entity's law enforcement responsibilities.

C. Where a record, either alone or in conjunction with other information,

indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate Federal, state, local, territorial, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

D. To complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

E. To any person or entity that the OIG has reason to believe possesses information regarding a matter within the jurisdiction of the OIG, to the extent deemed to be necessary by the OIG in order to elicit such information or cooperation from the recipient for use in the performance of an authorized activity.

F. In an appropriate proceeding before a court, grand jury, or administrative or adjudicative body, when the OIG determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

G. To an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement, plea bargaining, or in informal discovery proceedings.

H. To the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

I. To contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the Federal Government, when necessary to accomplish an agency function related to this system of records.

J. To designated officers and employees of Federal, state, local, territorial, or tribal law enforcement or detention agencies in connection with the hiring or continued employment of an employee or contractor, where the employee or contractor would occupy or does occupy a position of public trust as a law enforcement officer or detention officer having direct contact with the public or with prisoners or detainees, to the extent that the information is relevant and necessary to the recipient agency's decision.

K. To appropriate officials and employees of a Federal agency or entity that requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the assignment, detail, or deployment of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract, or the issuance of a grant or benefit.

L. To a former employee of the Department for purposes of: Responding to an official inquiry by a Federal, state, local, tribal, territorial, or foreign government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

M. To federal, state, local, territorial, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

N. To a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

O. To the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

P. To appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Department (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

Q. To another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

R. To a governmental entity lawfully engaged in collecting law enforcement, law enforcement intelligence, or national security intelligence information, for such purposes.

S. To such recipients and under such circumstances and procedures as are mandated by Federal statute or treaty.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records are stored in an electronic form in a framework of computer systems that allows distributed processing of data sets across clusters of computers. Records are stored securely in accordance with applicable executive orders, statutes, and agency implementing recommendations. Electronic records are stored in databases and/or on hard disks, removable storage devices, or other electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records in this system of records can be retrieved by name or other identifiers, including but not limited to: The surnames of subjects, witnesses, and/or complainants of an OIG complaint or investigation; social security account number; address; telephone number; OIG-assigned case numbers; taxpayer identification number; health care provider; assigned number given to an individual in custody with USMS; inmate register number; alien registration number; assigned DOJ charge card information; geo-code location (for example, physical addresses converted into geographic coordinates on a map); organizational name; employee payroll identifier; and Data Universal Numbering System (DUNS number).

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Records in this system are retained and disposed of in accordance with the schedule approved by the Archivist of the United States, Job Number N1–060–09–025.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Both electronic and paper records are safeguarded in accordance with appropriate laws, rules, and policies,

including Department and OIG policies. The records are protected by physical security methods and dissemination/access controls. Direct access is controlled and limited to approved personnel with an official need for access to perform their duties. Paper files are stored: (1) In a secure room with controlled access; (2) in locked file cabinets; and/or (3) in other appropriate GSA approved security containers. Protection of information technology systems is provided by physical, technical, and administrative safeguards. Records are located in a building with restricted access and are kept in a locked room with controlled access or are safeguarded with approved encryption technology. The use of multifactor authentication is required to access electronic systems. Information may be transmitted to routine users on a need to know basis in a secure manner and to others upon verification of their authorization to access the information and their need to know.

Security personnel conduct periodic vulnerability scans using DOJ-approved software to ensure security compliance and security logs are enabled for all computers to assist in troubleshooting and forensic analysis during incident investigations. Users of individual computers can only gain access to the data by a valid user identification authorization and authentication method.

RECORD ACCESS PROCEDURES:

All requests for access to records must be in writing and should be addressed to the System Manager listed above. The envelope and letter should be clearly marked ''Privacy Act Access Request.'' Alternatively, requests can be emailed to *oigfoia@usdoj.gov.* The request must describe the records sought in sufficient detail to enable Department personnel to locate them with a reasonable amount of effort. The request must include a general description of the records sought and must include the requester's full name, current address, and date and place of birth. The request must be signed and either notarized or submitted under penalty of perjury. Some information may be exempt from the access provisions as described in the ''EXEMPTIONS PROMULGATED FOR THE SYSTEM'' paragraph, below. An individual who is the subject of a record in this system of records may access those records that are not exempt from access. A determination whether a record may be accessed will be made at the time a request is received.

Although no specific form is required, you may obtain forms for this purpose from the FOIA/Privacy Act Mail Referral Unit, United States Department of Justice, 950 Pennsylvania Avenue NW, Washington, DC 20530, or on the Department of Justice website at *https://www.justice.gov/oip/oip-request.html.*

More information regarding the Department's procedures for accessing records in accordance with the Privacy Act can be found at 28 CFR part 16 subpart D, ''Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974.''

CONTESTING RECORD PROCEDURES:

Individuals seeking to contest or amend records maintained in this system of records must direct their requests to the address indicated in the ''RECORD ACCESS PROCEDURES'' paragraph, above. All requests to contest or amend records must be in writing and the envelope and letter should be clearly marked ''Privacy Act Amendment Request.'' All requests must state clearly and concisely what record is being contested, the reasons for contesting it, and the proposed amendment to the record. Some information may be exempt from the amendment provisions as described in the ''EXEMPTIONS PROMULGATED FOR THE SYSTEM'' paragraph, below. An individual who is the subject of a record in this system of records may contest or amend those records that are not exempt. A determination of whether a record is exempt from the amendment provisions will be made after a request is received.

More information regarding the Department's procedures for amending or contesting records in accordance with the Privacy Act can be found at 28 CFR 16.46, ''Requests for Amendment or Correction of Records.''

NOTIFICATION PROCEDURES:

Individuals may be notified if a record in this system of records pertains to them when the individuals request information utilizing the same procedures as those identified in the ''RECORD ACCESS PROCEDURES'' paragraph, above.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

The Attorney General plans to exempt this system from subsections (c)(3) and (4); (d); (e)(1), (2), (3), (5) and (8); and (g) of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2). In addition, the system has been exempted from subsections (c)(3), (d), and (e)(1) of the Privacy Act, pursuant to 5 U.S.C. 552a(k)(1) and (k)(2). The exemptions will be applied only to the extent that the information in the system is subject to exemption pursuant to 5 U.S.C. 552a(j)(2), (k)(1), and/or (k)(2). Rules are in the process of being promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e), and will be published in the **Federal Register**.

HISTORY:

None.

[FR Doc. 2018–05656 Filed 3–27–18; 8:45 am]

BILLING CODE 4410–58–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Mine Safety and Health Administration (MSHA) sponsored information collection request (ICR) titled, ''Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 27, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201707-1219-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–MSHA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any

comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines information collection requirements codified in regulations 30 CFR 1732(d). This information collection relates to requirements for mine operators to install proximity detection systems on continuous mining machines. More specifically, the subject regulatory provisions require: the proper certification (initialing and dating—including time) by a qualified individual that the machine-mounted components of the proximity detection system have been checked (§ 75.1732(d)(1)); recording, before the end of the shift, any defects found as a result of the check—including corrective actions and their dates (*Id.*); the operator recording any defects found as a result of the checks of miner-wearable components required under section § 75.1732(c)(2), including corrective actions and dates of corrective actions (§ 75.1732(d)(2); the operator creating a record of persons trained in the installation and maintenance of proximity detection systems under § 75.1732(b)(6) (§ 75.1732(d)(3)); the operator maintaining records in a secure book or electronically in a secure computer system not susceptible to alteration (§ 75.1732(d)(4)); the operator retaining records for at least one year and making them available for inspection by authorized representatives of the Secretary and representatives of miners (§ 75.1732(d)(5). Federal Mine Safety and Health Act of 1977 sections 101 and 103(h) authorize this information collection. *See* 30 U.S.C. 811, 813(h).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1219–0148.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on April 30, 2018. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on November 24, 2017 (82 FR 55879).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1219–0148. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–MSHA.

Title of Collection: Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines.

OMB Control Number: 1219–0148.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 209.

Total Estimated Number of Responses: 291,137.

Total Estimated Annual Time Burden: 828 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 20, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–06185 Filed 3–27–18; 8:45 am]

BILLING CODE 4510–43–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Respiratory Protection Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Respiratory Protection Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 27, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the *RegInfo.gov* website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201803-1218-004* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S.

Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authority for the Respiratory Protection Standard information collection requirements codified in regulations 29 CFR 1910.134 that assist an employer in protecting the health of workers exposed to airborne contaminants, physical hazards, and biological agents. The Standard contains requirements for program administration; a written respirator-protection program with worksite-specific procedures; respirator selection; worker training; fit testing; medical evaluation; respirator use; respirator cleaning, maintenance, and repair; and other provisions. Occupational Safety and Health Act sections 2, 6, and 8 authorize this information collection. *See* 29 U.S.C. 651, 655, and 657.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0099.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and the current approval for this collection is scheduled to expire on March 31, 2018. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on January 18, 2018 (83 FR 2676).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0099. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Respiratory Protection Standard.

OMB Control Number: 1218–0099.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 631,607.

Total Estimated Number of Responses: 25,621,506.

Total Estimated Annual Time Burden: 7,622,100 hours.

Total Estimated Annual Other Costs Burden: $316,906,665.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: March 20, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–06165 Filed 3–27–18; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Excavation Cave-In Protection System Design Standard

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting the Occupational Safety and Health Administration (OSHA) sponsored information collection request (ICR) titled, ''Excavation Cave-in Protection System Design Standard,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that agency receives on or before April 27, 2018.

ADDRESSES: A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov website at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201802-1218-001* or by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064 (these are not toll-free numbers), or by email at *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–OSHA, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Departmental Information Compliance Management Program, Room N1301, 200 Constitution Avenue NW, Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064 (these are not toll-free numbers), or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks to extend PRA authorization for the information collections required in the design of a cave-in protection system that are codified in regulations 29 CFR part 1926, subpart P. Employers in the construction industry and OSHA compliance officers need this information to ensure cave-in protection systems are designed, installed, and used in a manner that adequately protects workers. More specifically, regulations 29 CFR 1926.652 paragraphs (b) and (c) contain paperwork

requirements imposing burden hours or costs on employers. These paragraphs require subject employers to use protective systems to prevent cave-ins during excavation work; these systems include sloping the side of the trench, benching the soil away from the excavation, or using a support system or shield (such as a trench box). The Standard specifies allowable configurations and slopes for excavations, and it provides appendices to assist employers in designing protective systems. The regulations also provide options as to how the required records are developed. Occupational Safety and Health Act of 1970 sections 2(b)(9), 6(b)(7), and 8(c) authorize this information collection. *See* 29 U.S.C. 651(b)(9), 655(b)(7), 657(c).

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1218–0137.

OMB authorization for an ICR cannot be for more than three (3) years without renewal, and 3he DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on December 12, 2017 (82 FR 58450).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within thirty (30) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1218–0137. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–OSHA.

Title of Collection: Excavation Cave-in Protection System Design Standard.

OMB Control Number: 1218–0137.

Affected Public: Private Sector—businesses or other for-profits.

Total Estimated Number of Respondents: 8,382.

Total Estimated Number of Responses: 17,262.

Total Estimated Annual Time Burden: 17,262 hours.

Total Estimated Annual Other Costs Burden: $311,505.

Authority: 44 U.S.C. 3507(a)(1)(D).

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–06176 Filed 3–27–18; 8:45 am]

BILLING CODE 4510–26–P

POSTAL SERVICE

Product Change—First-Class Package Service Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* March 28, 2018.

FOR FURTHER INFORMATION CONTACT: Elizabeth A. Reed, 202–268–3179.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on March 22, 2018, it filed with the Postal Regulatory Commission a *USPS Request to Add First-Class Package Service Contract 92 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2018–133, CP2018–189.

Elizabeth A. Reed,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2018–06205 Filed 3–27–18; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82935; File No. SR–OCC–2017–811]

Self-Regulatory Organizations; The Options Clearing Corporation; Notice of Extension of Review Period of Advance Notice of Proposed Changes Related to The Options Clearing Corporation's Margin Methodology

March 22, 2018.

On November 13, 2017, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') advance notice SR–OCC–2017–811 (''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 December 27, 2017.[3] As of February 20, 2018,[4] the Commission has received one comment letter on the proposal contained in the Advance Notice.[5]

[1] 12 U.S.C. 5465(e)(1). The Financial Stability Oversight Council designated OCC a systemically important financial market utility on July 18, 2012. *See* Financial Stability Oversight Council 2012 Annual Report, Appendix A, *available athttp://www.treasury.gov/initiatives/fsoc/Documents/2012%20Annual%20Report.pdf.* Therefore, OCC 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–4(n)(1)(i).

[3] Exchange Act Release No. 82371 (Dec. 20, 2017), 82 FR 61354 (Dec. 27, 2017) (SR–OCC–2017–811). On November 13, 2017, OCC also filed a related proposed rule change (SR–OCC–2017–022) 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 December 4, 2017. Exchange Act Release No. 82161 (Nov. 28, 2017), 82 FR 57306 (Dec. 4, 2017) (SR–OCC–2017–022).

[4] The comment period closed on January 17, 2018.

[5] *See* letter from Michael Kitlas, dated November 28, 2017, to Eduardo A. Aleman, Assistant

Continued

Section 806(e)(1)(G) of the Clearing Supervision Act provides that OCC 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,[6] 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.[7]

On January 11, 2018, the Commission requested OCC provide it with additional information regarding the proposal,[8] tolling the Commission's 60-day review period for the Advance Notice.[9] On January 23, 2018, OCC provided the Commission with a response to its request for information. Accordingly, the new 60-day review period commenced on January 23, 2018 and runs through March 24, 2018. However, the Commission finds the Advance Notice complex because OCC proposes to make detailed, substantial, and numerous changes to its margin methodology, the System for Theoretical Analysis and Numerical Simulations, used to calculate clearing member margin requirements. Therefore, the Commission finds it appropriate to extend the review period of the Advance Notice for an additional 60 days pursuant to Section 806(e)(1)(H) of the Clearing Supervision Act.[10]

Accordingly, the Commission, pursuant to Section 806(e)(1)(H) of the Clearing Supervision Act, extends the review period for an additional 60 days so that the Commission shall have until May 23, 2018 to issue an objection or non-objection to the Advance Notice (File No. SR–OCC–2017–811).

By the Commission.

Brent J. Fields,

Secretary.

[FR Doc. 2018–06160 Filed 3–27–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82932; File No. SR–Phlx–2018–24]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Section (a) of Exchange Rule 1001, Position Limits, To Increase the Position Limits for Options

March 22, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 9, 2018, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend Section (a) of Exchange Rule 1001, Position Limits, to increase the position limits for options on the following exchange traded funds (''ETFs''): iShares China Large-Cap ETF (''FXI''), iShares MSCI EAFE ETF (''EFA''), iShares MSCI Emerging Markets ETF (''EEM''), iShares Russell 2000 ETF (''IWM''), iShares MSCI Brazil Capped ETF (''EWZ''), iShares 20+ Year Treasury Bond Fund ETF (''TLT''), PowerShares QQQ Trust (''QQQQ''), and iShares MSCI Japan Index (''EWJ'').

The text of the proposed rule change is available on the Exchange's website at *http://nasdaqphlx.cchwallstreet.com/*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Position Limit Increase

Position limits for options on ETFs such as those subject to this proposal are determined pursuant to Exchange Rule 1001, and, with certain exceptions, vary by tier according to the number of outstanding shares and the trading volume of the underlying security.[3] Options in the highest tier—*i.e.,* options that overlie securities with the largest numbers of outstanding shares and trading volumes—have a standard option position limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market. In addition, Rule 1001 currently sets forth separate position limits for options on certain ETFs, including 500,000 contracts for options on EEM and IWM, and 900,000 contracts for options on QQQQ.

The Exchange proposes to revise Rule 1001 to increase the position limits for options on certain ETFs, as described more fully below. The Exchange believes that increasing the position limits for these options will lead to a more liquid and competitive market environment for these options that will benefit customers interested in these products.

First, the Exchange proposes to increase the position limits for options on FXI, EFA, EWZ, TLT, and EWJ, each of which fall into the highest standard tier set forth in Exchange Rule 1001(g)(i). Rule 1001(a) would be amended to increase the current

Secretary, Commission, *available at https://www.sec.gov/comments/sr-occ-2017-022/occ2017022.htm.* Since the proposal contained in the Proposed Rule Change was also filed as an Advance Notice, all public comments received on the proposal are considered regardless of whether the comments are submitted to the Proposed Rule Change or the Advance Notice.

[6] 12 U.S.C. 5465(e)(1)(G).

[7] 12 U.S.C. 5465(e)(1)(H).

[8] *See* Memorandum from Office of Clearance and Settlement, Division of Trading and Markets, dated January 12, 2018, *available at https://www.sec.gov/comments/sr-occ-2017–811/occ2017811.htm.*

[9] *See* Section 806(e)(1) of the Clearing Supervision Act (stating that the Commission's period for review of an advance notice was tolled and shall be 60 days from the date the information requested by the Commission is received by the Commission).

[10] The proposal in the Proposed Rule Change and the Advance Notice shall not take effect until all regulatory actions required with respect to the proposal are completed.

A Notice of Designation of Longer Period for Commission Action on the Proposed Rule Change was published in the **Federal Register** on January 24, 2018. Exchange Act Release No. 82534 (Jan. 18, 2018), 83 FR 3376 (Jan. 24, 2018).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Pursuant to Exchange Rule 1002, which provides that the exercise limits for ETF options are equivalent to their position limits, the exercise limits for each of these options would be increased to the level of the new position limits.

position limit of 250,000 contracts for options on these securities to 500,000 contracts.

Second, the Exchange proposes to increase the position limits for options on EEM and IWM from 500,000 contracts to 1,000,000 contracts.[4]

Finally, the Exchange proposes to increase the position limits on options on QQQQ from 900,000 contracts to 1,800,000 contracts.

In support of this proposal, the Exchange represents that the above listed ETFs qualify for either: (i) The initial listing criteria set forth in Exchange Rule 1009 Commentary .06 for ETFs holding non-U.S. component securities; or (ii) for ETFs listed pursuant to generic listing standards for series of portfolio depository receipts and index fund shares based on international or global indexes under which a comprehensive surveillance agreement (''CSA'') is not required.[5] FXI tracks the performance of the FTSE China 50 Index, which is composed of the 50 largest Chinese stocks.[6] EEM tracks the performance of the MSCI Emerging Markets Index, which is composed of approximately 800 component securities.[7] The MSCI Emerging Markets Index consists of the following 21 emerging market country indices: Brazil, Chile, China, Colombia, Czech Republic, Egypt, Hungary, India, Indonesia, Korea, Malaysia, Mexico, Morocco, Peru, Philippines, Poland, Russia, South Africa, Taiwan, Thailand, and Turkey.[8] IWM tracks the performance of the Russell 2000 Index, which is composed of 2,000 small-cap domestic stocks.[9] EFA tracks the performance of MSCI EAFE Index, which has over 900 component securities.[10] The MSCI EAFE Index is designed to represent the performance of large and mid-cap securities across 21 developed markets, including countries in Europe, Australasia and the Far East, excluding the U.S. and Canada.[11] EWZ tracks the performance of the MSCI Brazil 25/50 Index, which is composed of shares of large and mid-size companies in Brazil.[12] TLT tracks the performance of ICE U.S. Treasury 20+ Year Bond Index, which is composed of long-term U.S. Treasury bonds.[13] QQQQ tracks the performance of the Nasdaq-100 Index, which is composed of 100 of the largest domestic and international nonfinancial companies listed on the Nasdaq Stock Market LLC (''Nasdaq'').[14] EWJ tracks the MSCI Japan Index, which tracks the performance of large and mid-sized companies in Japan.[15]

The Exchange represents that more than 50% of the weight of the securities held by the options subject to this proposal are also subject to a CSA.[16] Additionally, the component securities of the MSCI Emerging Markets Index on which EEM is based for which the primary market is in any one country that is not subject to a CSA do not represent 20% or more of the weight of the MSCI Emerging Markets Index.[17] Finally, the component securities of the MSCI Emerging Markets Index on which EEM is based, for which the primary market is in any two countries that are not subject to CSAs do not represent 33% o2 [sic] more of the weight of the MSCI Emerging Markets Index.[18]

Market participants have increased their demand for options on FXI, EFA, EWZ, TLT, and EWJ for hedging and trading purposes and the Exchange believes the current position limits are too low and may be a deterrent to successful trading of options on these securities.

The CBOE Analysis

The Commission has recently approved a proposed rule change of the Chicago Board Options Exchange (''CBOE'') to increase position limits for these same options.[19] The discussion that follows is based upon the CBOE's analysis presented in that proposal.

In its proposal, CBOE stated that it had collected the following trading statistics on the ETFs that are subject to this proposal:

ETF	2017 ADV (Mil. Shares)	2017 ADV (option contracts)	Shares outstanding (Mil.)	Fund market cap ($Mil.)
FXI	15.08	71,944	78.6	$3,343.6
EEM	52.12	287,357	797.4	34,926.1
IWM	27.46	490,070	253.1	35,809.1
EFA	19.42	98,844	1178.4	78,870.3
EWZ	17.08	95,152	159.4	6,023.4
TLT	8.53	80,476	60.0	7,442
QQQQ	26.25	579,404	351.6	50,359.7
EWJ	6.06	4,715	303.6	16,625.1
SPY	64.63	2,575,153	976.23	240,540.0

In support of its proposal to increase the position limits for QQQQ to 1,800,000 contracts, CBOE compared the trading characteristics of QQQQ to that of the SPDR S&P 500 ETF (''SPY''), which has no position limits. As shown in the above table, the average daily trading volume through August 14, 2017 for QQQQ was 26.25 million shares compared to 64.63 million shares for SPY. The total shares outstanding for QQQQ are 351.6 million compared to 976.23 million for SPY. The fund market cap for QQQQ is $50,359.7 million compared to $240,540 million

[4] The Exchange is also amending Rule 1001(a) to update and correct the names of IWM and EEM, which are currently referred to in that rule as the iShares® Russell 2000® Index and iShares MSCI Emerging Markets Index Fund, respectively.

[5] The Exchange notes that the initial listing criteria for options on ETFs that hold non-U.S. component securities are more stringent than the maintenance listing criteria for those same ETF options. *See* Exchange Rule 1009 Commentary .06; Exchange Rule 1010, Commentary .08.

[6] *See https://www.ishares.com/us/products/239536/ishares-china-largecap-etf.*

[7] *See http://us.ishares.com/product_info/fund/overview/EEM.htm.*

[8] *See http://www.msci.com/products/indices/tools/index.html#EM.*

[9] *See https://www.ishares.com/us/products/239710/ishares-russell-2000-etf.*

[10] *See https://www.ishares.com/us/products/239623/.*

[11] *See https://www.msci.com/eafe.*

[12] *See https://www.ishares.com/us/products/239612/ishares-msci-brazil-capped-etf.*

[13] *See https://www.ishares.com/us/products/239454/.*

[14] *See https://www.invesco.com/portal/site/us/financial-professional/etfs/productdetail?productId=QQQ&ticker=QQQ&title=powershares-qqq.*

[15] *See https://www.ishares.com/us/products/239665/EWJ.*

[16] *See* Exchange Rule 1009 Commentary .06.

[17] *See* Exchange Rule 1009 Commentary .06(b)(ii)(B).

[18] *See* Exchange Rule 1009 Commentary .06(b)(ii)(C).

[19] *See* Securities Exchange Act Release No. 82770 (February 23, 2018) (approving SR–CBOE–2017–057).

for SPY. SPY is one of the most actively trading ETFs and is, therefore, subject to no position limits. QQQQ is also very actively traded, and while not to the level of SPY, should be subject to the proposed higher position limits based on its trading characteristics when compared to SPY. The proposed position limit coupled with QQQQ's trading behavior would continue to address potential manipulative schemes and adverse market impact surrounding the use of options and trading in its [sic] underlying the options.

In support of its proposal to increase the position limits for EEM and IWM from 500,000 contracts to 1,000,000 contracts, CBOE also compared the trading characteristics of EEM and IWM to that of QQQQ, which currently has a position limit of 900,000 contracts. As shown in the above table, the average daily trading volume through July 31, 2017 for EEM was 52.12 million shares and IWM was 27.46 million shares compared to 26.25 million shares for QQQQ. The total shares outstanding for EEM are 797.4 million and for IWM are 253.1 million compared to 351.6 million for QQQQ. The fund market cap for EEM is $34,926.1 million and IWM is $35,809 million compared to $50,359.7 million for QQQQ. EEM, IWM and QQQQ have similar trading characteristics and subjecting EEM and IWM to the proposed higher position limit would continue be designed to address potential manipulate [sic] schemes that may arise from trading in the options and their underlying securities. These above trading characteristics for QQQQ when compared to EEM and IWM also justify increasing the position limit for QQQQ. QQQQ has a higher options ADV than EEM and IWM, a higher numbers [sic] of shares outstanding than IWM and a much higher market cap than EEM and IWM which justify doubling the position limit for QQQQ. CBOE concluded that, based on these statistics, and as stated above, the proposed position limit coupled with QQQQ's trading behavior would continue to address potential manipulative schemes and adverse market impact surrounding the use of options and trading in the securities underlying the options.

In support of its proposal to increase the position limits for FXI, EFA, EWZ, TLT, and EWJ from 250,000 contracts to 500,000 contracts, CBOE compared the trading characteristics of FXI, EFA, EWZ, TLT, and EWJ to that of EEM and IWM, both of which currently have a position limit of 500,000 contracts. As shown in the above table, the average daily trading volume through July 31, 2017 for FXI is 15.08 million shares, EFA is 19.42 million shares, EWZ is 17.08 million shares, TLT is 8.53 million shares, and EWJ is 6.06 million shares compared to 52.12 million shares for EEM and 27.46 million shares for IWM. The total shares outstanding for FXI is 78.6 million, EFA is 1178.4 million, EWZ is 159.4 million, TLT is 60 million, and EWJ is 303.6 million compared to 797.4 million for EEM and 253.1 million for IWM. The fund market cap for FXI is $3,343.6 million, EFA is $78,870.3 million, EWZ is $6,023.4 million, TLT is $7,442.4 million, and EWJ is $16,625.1 million compared to $34,926.1 million for EEM and $35,809.1 million for IWM.

In Partial Amendment No. 1 to its proposed rule change, CBOE provided additional analysis and support for its proposed rule change.[20] According to CBOE, market participants' trading activity has been adversely impacted by the current position limits as such limits have caused options trading in the symbols subject to the proposed rule change to move from exchanges to the over-the-counter market. CBOE stated it had submitted the proposed rule change at the request of market participants whose on-exchange activity has been hindered by the existing position limits causing them to be unable to provide additional liquidity not just on CBOE, but also on other options exchanges on which they participate.

CBOE stated it understood that certain market participants wishing to make trades involving a large number of options contracts in the symbols subject to the proposed rule change are opting to execute those trades in the over-the-counter market, that the over-the counter transactions occur via bi-lateral agreements the terms of which are not publicly disclosed to other market participants, and that therefore, these large trades do not contribute to the price discovery process performed on a lit market. It stated that position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options, and that the potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage participation in the options market. It stated that the level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes.

CBOE observed that the ETFs that underlie options subject to the proposed rule change are highly liquid, and are based on a broad set of highly liquid securities and other reference assets, and noted that the Commission has generally looked through to the liquidity of securities comprising an index in establishing position limits for cash-settled index options. It further noted that options on certain broad-based security indexes have no position limits. CBOE observed that the Commission has recognized the liquidity of the securities comprising the underlying interest of the SPDR S&P 500 ETF (''SPY'') in permitting no position limits on SPY options since 2012,[21] and expanded position limits for options on EEM, IWM and QQQQ.

CBOE stated that the creation and redemption process for these ETFs also lessen the potential for manipulative activity, explaining that when an ETF company wants to create more ETF shares, it looks to an Authorized Participant, which is a market maker or other large financial institution, to acquire the securities the ETF is to hold. For instance, IWM is designed to track the performance of the Russell 2000 Index, the Authorized Participant will purchase all the Russell 2000 constituent securities in the exact same weight as the index, then deliver those shares to the ETF provider. In exchange, the ETF provider gives the Authorized Participant a block of equally valued ETF shares, on a one-for-one fair value basis. The price is based on the net asset value, not the market value at which the ETF is trading. The creation of new ETF units can be conducted all trading day and is not subject to position limits. This process can also work in reverse where the ETF company seeks to decrease the number of shares that are available to trade. The creation and redemption process, therefore, creates a direct link to the underlying components of the ETF, and serves to mitigate potential price impact of the ETF shares that might otherwise result from increased position limits. The ETF creation and redemption seeks to keep ETF share prices trading in line with the ETF's underlying net asset value. Because an ETF trades like a stock, its price will fluctuate during the trading day, due to simple supply and demand. If demand to buy an ETF is high, for instance, the ETF's share price might rise above the value of its underlying

[20] *See* SR–CBOE–2017–057, Partial Amendment No. 1 (November 22, 2017).

[21] *See* Securities Exchange Act Release No. 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091).

securities. When this happens, the Authorized Participant believes the ETF may now be overpriced, and can buy the underlying shares that compose the ETF and then sell ETF shares on the open market. This should help drive the ETF's share price back toward fair value. Likewise, if the ETF starts trading at a discount to the securities it holds, the Authorized Participant can buy shares of the ETF and redeem them for the underlying securities. Buying undervalued ETF shares should drive the price of the ETF back toward fair value. This arbitrage process helps to keep an ETF's price in line with the value of its underlying portfolio.

CBOE stated that in proposing the increased position limits, the Exchange considered the availability of economically equivalent products and their respective position limits. For instance, some of the ETFs underlying options subject to the proposed rule change are based on broad-based indices that underlie cash settled options that are economically equivalent to the ETF options that are the subject of the proposed rule change and have no position limits. Other ETFs are based on broad-based indexes that underlie cash-settled options with position limits reflecting notional values that are larger than the current position limits for ETF analogues (EEM, EFA). Where there was no approved index analogue, CBOE stated its belief, based on the liquidity, breadth and depth of the underlying market, that the index referenced by the ETF would be considered a broad-based index.[22] CBOE argued that if certain position limits are appropriate for the options overlying the same index or is an analogue to the basket of securities that the ETF tracks, then those same economically equivalent position limits should be appropriate for the option overlying the ETF. In addition, CBOE observed, the market capitalization of the underlying index or reference asset is large enough to absorb any price movements that may be caused by an oversized trade. Also, the Authorized Participant or issuer may look to the stocks comprising the analogous underlying index or reference asset when seeking to create additional ETF shares are part of the creation/redemption process to address supply and demand or to mitigate the price movement the price of the ETF. CBOE offered the following specific examples to illustrate:

QQQQ

For example, the PowerShares QQQ Trust or QQQQ is an ETF that tracks the Nasdaq 100 Index or NDX, which is an index composed of 100 of the largest non-financial securities listed on Nasdaq. Options on NDX are currently subject to no position limits but share similar trading characteristics as QQQQ. Based on QQQQ's share price of $154.54 [23] and NDX's index level of 6,339.14, approximately 40 contracts of QQQQ equals one contract of NDX. Assume that NDX was subject to the standard position limit of 25,000 contracts for broad-based index options. Based on the above comparison of notional values, this would result in a positon [sic] limit equivalent to 1,000,000 contracts for QQQQ as NDX's analogue. However, NDX is not subject to position limits and has an average daily trading volume of 15,300 contracts. QQQQ is currently subject to a position limit of 900,000 contracts but has a much higher average daily trading volume of 579,404 contracts. Furthermore, NDX currently has a market capitalization of $17.2 trillion and QQQQ has a market capitalization of $50,359.7 million, and the component securities of NDX, in aggregate, have traded an average of 440 million shares per day in 2017, both large enough to absorb any price movement cause by a large trade in the QQQQ. The Commission has also approved no position limit for NDX, although it has a much lower average daily trading volume than its analogue, the QQQQ. Therefore, CBOE concluded and the Exchange agrees it was reasonable to increase the positon [sic] limit for options on the QQQQ from 900,000 to 1,800,000 contracts.

IWM

The iShares Russell 2000 ETF or IWM, is an ETF that also tracks the Russell 2000 Index or RUT, which is an index that is composed of 2,000 small-cap domestic companies in the Russell 3000 index. Options on RUT are currently subject to no position limits but share similar trading characteristics as IWM. Based on IWM's share price of $144.77 and RUT's index level of 1,486.88, approximately 10 contracts of IWM equals one contract of RUT. Assume that RUT was subject to the standard position limit of 25,000 contracts for broad-based index options under Exchange Rule 24.4(a). Based on the above comparison of notional values, this would result in a positon [sic] limit equivalent to 250,000 contracts for IWM as RUT's analogue. However, RUT is not subject to position limits and has an average daily trading volume of 66,200 contracts. IWM is currently subject to a position limit of 500,000 contracts but has a much higher average daily trading volume of 490,070 contracts. The Commission has approved no position limit for RUT, although it has a much lower average daily trading volume than its analogue, the IWM. Furthermore, RUT currently has a market capitalization of $2.4 trillion and IWM has a market capitalization of $35,809.1 million, and the component securities of RUT, in aggregate, have traded an average of 270 million shares per day in 2017, both large enough to absorb any price movement cause by a large trade in the IWM. Therefore, CBOE concluded and the Exchange agrees it is reasonable to increase the positon [sic] limit for options on the IWM from 500,000 to 1,000,000 contracts.

EEM

EEM tracks the performance of the MSCI Emerging Markets Index or MXEF, which is composed of approximately 800 component securities following 21 emerging market country indices: Brazil, Chile, China, Colombia, Czech Republic, Egypt, Hungary, India, Indonesia, Korea, Malaysia, Mexico, Morocco, Peru, Philippines, Poland, Russia, South Africa, Taiwan, Thailand, and Turkey. Based on EEM's share price of $47.06 and MXEF's index level of 1,136.45, approximately 24 contracts of EEM equals one contract of MXEF. MXEF is currently subject to the standard position limit of 25,000 contracts for broad-based index options. Based on the above comparison of notional values, this would result in a position limit economically equivalent to 604,000 contracts for EEM as MXEF's analogue. However, MXEF has an average daily trading volume of 180 contracts. EEM is currently subject to a position limit of 500,000 contracts but has a much higher average daily trading volume of 287,357 contracts. Furthermore, MXEF currently has a market capitalization of $5.18 trillion and EEM has a market capitalization of $34,926.1 million, and the component securities of MXEF, in aggregate, have traded an average of 33.6 billion shares per day in 2017, both large enough to absorb any price movement cause by a large trade in the EEM. Therefore, based on the comparison of average daily trading volume, CBOE believed and the Exchange agrees that it is reasonable to increase the positon [sic] limit for

[22] CBOE Rule 24.4 and Exchange Rule 1001A(a) set forth the CBOE and the Phlx position limits for broad-based index options.

[23] CBOE stated that all share prices used in its analysis were based on the closing price of the security on November 16, 2017 and cited Yahoo Finance as the source.

options on the IWM from 500,000 to 1,000,000 contracts.

EFA

EFA tracks the performance of MSCI EAFE Index or MXEA, which has over 900 component securities designed to represent the performance of large and mid-cap securities across 21 developed markets, including countries in Europe, Australasia and the Far East, excluding the U.S. and Canada. Based on EFA's share price of $69.16 and MXEA's index level of 1,986.15, approximately 29 contracts of EFA equals one contract of MXEA. MXEA is currently subject to the standard position limit of 25,000 contracts for broad-based index options. Based on the above comparison of notional values, this would result in a positon [sic] limit economically equivalent to 721,000 contracts for EFA as MXEA's analogue. Furthermore, MXEA currently has a market capitalization of $18.7 trillion and EFA has a market capitalization of $78,870.3 million, and the component securities of MXEA, in aggregate, have traded an average of 4.6 billion shares per day in 2017, both large enough to absorb any price movement cause by a large trade in the EEM. However, MXEA has an average daily trading volume of 270 contracts. EFA is currently subject to a position limit of 250,000 contracts but has a much higher average daily trading volume of 98,844 contracts. Based on the above comparisons, CBOE believed and the Exchange agrees that it is reasonable to increase the positon [sic] limit for options on the EFA from 250,000 to 500,000 contracts.

FXI

FXI tracks the performance of the FTSE China 50 Index, which is composed of the 50 largest Chinese stocks. There is currently no index analogue for FXI approved for options trading. However, the FTSE China 50 Index currently has a market capitalization of $1.7 trillion and FXI has a market capitalization of $2,623.18 million, both large enough to absorb any price movement cause by a large trade in FXI. The components of the FTSE China 50 Index, in aggregate, have an average daily trading volume of 2.3 billion shares. FXI is currently subject to a position limit of 250,000 contracts but has a much higher average daily trading volume of 15.08 million shares. Based on the above comparisons, CBOE believed, and that Exchange agrees, that it is reasonable to increase the positon [sic] limit for options on the FXI from 250,000 to 500,000 contracts.

EWZ

EWZ tracks the performance of the MSCI Brazil 25/50 Index, which is composed of shares of large and mid-size companies in Brazil. There is currently no index analogue for EWZ approved for options trading. However, the MSCI Brazil 25/50 Index currently has a market capitalization of $700 billion and EWZ has a market capitalization of $6,023.4 million, both large enough to absorb any price movement cause by a large trade in EWZ. The components of the MSCI Brazil 25/50 Index, in aggregate, have an average daily trading volume of 285 million shares. EWZ is currently subject to a position limit of 250,000 contracts but has a much higher average daily trading volume of 17.08 million shares. Based on the above comparisons, CBOE believed and the Exchange agrees that it is reasonable to increase the positon [sic] limit for options on the EWZ from 250,000 to 500,000 contracts.

TLT

TLT tracks the performance of ICE U.S. Treasury 20+ Year Bond Index, which is composed of long-term U.S. Treasury bonds. There is currently no index analogue for TLT approved for options trading. However, the U.S. Treasury market is one of the largest and most liquid markets in the world, with over $14 trillion outstanding and turnover of approximately $500 billion per day. TLT currently has a market capitalization of $7,442.4 million, both large enough to absorb any price movement cause by a large trade in TLT. Therefore, the potential for manipulation will not increase solely due the increase in position limits as set forth in the proposed rule change. Based on the above comparisons, CBOE believed and the Exchange agrees it is reasonable to increase the positon [sic] limit for options on the TLT from 250,000 to 500,000 contracts.

EWJ

EWJ tracks the MSCI Japan Index, which tracks the performance of large and mid-sized companies in Japan. There is currently no index analogue for EWJ approved for options trading. However, the MSCI Japan Index has a market capitalization of $3.5 trillion and EWJ has a market capitalization of $16,625.1 million, and the component securities of the MSCI Japan Index, in aggregate, have traded an average of 1.1 billion shares per day in 2017, both large enough to absorb any price movement cause by a large trade in EWJ. EWJ is currently subject to a position limit of 250,000 contracts and has an average daily trading volume of 6.6 million shares. Based on the above comparisons, CBOE believed and the Exchange agrees that it is reasonable to increase the positon [sic] limit for options on EWJ from 250,000 to 500,000 contracts.

Phlx Analysis and Conclusions

Phlx has reviewed the CBOE analysis set forth above. On the basis of that analysis Phlx believes that market participants' trading activity could be adversely impacted by the current position limits for FXI, EFA, EWZ, TLT and EWJ and such limits may cause options trading in these symbols to move from exchanges to the over-the-counter market. The above trading characteristics of FXI, EFA, EWZ, TLT and EWJ are either similar to those of EEM and IWM or sufficiently active so that the proposed limit would continue to address potential manipulation that may arise. Specifically, EFA has far more shares outstanding and a larger fund market cap than EEM, IWM, and QQQQ. EWJ has more shares outstanding than IWM and only slightly fewer shares outstanding than QQQQ.

On the other hand, while FXI, EWZ and TLT do not exceed EEM, IWM or QQQQ in any of the specified areas, they are all actively trading so that market participants' trading activity has been impacted by them being restricted by the current position limits. The Exchange believes that the trading activity and these securities being based on a broad basket of underlying securities alleviates concerns as to any potential manipulative activity that may arise. In addition, as discussed in more detail below, the Exchange's existing surveillance procedures and reporting requirements at the Exchange, at other options exchanges, and at the several clearing firms are capable of properly identifying unusual and/or illegal trading activity.

On the basis of CBOE's analysis Phlx also believes that market participants' trading activity could be adversely impacted by the current position limits for EEM, IWM and QQQQ. As discussed above, EEM, IWM and QQQQ have similar trading characteristics. Subjecting EEM and IWM to the proposed higher position limit would continue be designed to address potential manipulate [sic] schemes that may arise from trading in the options and their underlying securities. The trading characteristics for QQQQ described above, when compared to EEM and IWM, also justify increasing the position limit for QQQQ. QQQQ has a higher options ADV than EEM and IWM, a higher numbers [sic] of shares

outstanding than IWM and a much higher market cap than EEM and IWM which justify doubling the positon [sic] limit for QQQQ. Based on these statistics, the proposed position limit coupled with QQQQ's trading behavior would continue to address potential manipulative schemes and adverse market impact surrounding the use of options and trading in its [sic] underlying the options.

The Exchange believes that increasing the position limits for the options subject to this proposal would lead to a more liquid and competitive market environment for these options, which will benefit customers interested in this product. Under the proposal, the reporting requirement for the above options would be unchanged. Thus, the Exchange would still require that each member and member organization that maintains a position in the options on the same side of the market, for its own account or for the account of a customer, report certain information to the Exchange. This information would include, but would not be limited to, the options' position, whether such position is hedged and, if so, a description of the hedge, and the collateral used to carry the position, if applicable. Registered option traders (''ROTs'') and specialists would continue to be exempt from this reporting requirement, as ROT and specialist information can be accessed through the Exchange's market surveillance systems. In addition, the general reporting requirement for customer accounts that maintain an aggregate position of 200 or more options contracts would remain at this level for the options subject to this proposal.[24]

The Exchange believes that the existing surveillance procedures and reporting requirements at the Exchange, other options exchanges, and at the several clearing firms are capable of properly identifying unusual and/or illegal trading activity. In addition, routine oversight inspections of the Exchange's regulatory programs by the Commission have not uncovered any material inconsistencies or shortcomings in the manner in which the Exchange's market surveillance is conducted. These procedures utilize daily monitoring of market movements via automated surveillance techniques to identify unusual activity in both options and underlying stocks.[25]

Furthermore, large stock holdings must be disclosed to the Commission by way of Schedules 13D or 13G.[26] The positions for options subject to this proposal are part of any reportable positions and, thus, cannot be legally hidden. Moreover, the Exchange's requirement that members and member organizations file reports with the Exchange for any customer who held aggregate large long or short positions of any single class for the previous day will continue to serve as an important part of the Exchange's surveillance efforts.

The Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns that a member organization or its customer may try to maintain an inordinately large un-hedged position in the options subject to this proposal. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a member organization must maintain for a large position held by itself or by its customer.[27] In addition, Rule 15c3–1 [28] imposes a capital charge on member organizations to the extent of any margin deficiency resulting from the higher margin requirement.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[29] in general, and furthers the objectives of Section 6(b)(5) of the Act,[30] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. As noted above, the Commission has recently approved increasing position limits to the levels proposed herein on the same ETF options on the CBOE. The Exchange believes that the proposed position limits would continue to address potential manipulative activity while allowing for potential hedging activity for appropriate economic purposes.

The current position limits for the options subject to this proposal have inhibited the ability of ROTs and specialists to make markets on the Exchange. Specifically, the proposal is designed to encourage ROTs and specialists to shift liquidity from over the counter markets onto the Exchange, which will enhance the process of price discovery conducted on the Exchange through increased order flow. The proposal will also benefit institutional investors as well as retail traders, and public customers, by providing them with a more effective trading and hedging vehicle. In addition, the Exchange believes that the structure of the ETFs subject to this proposal and the considerable liquidity of the market for options on those ETFs diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein, is not novel and has been previously approved by the Commission. For example, the Commission has previously approved, on a pilot basis, eliminating position limits for certain options.[31] Additionally, the Commission has approved similar proposed rule changes to increase position limits for options on highly liquid, actively-traded ETFs,[32] including a proposal to permanently eliminate the position and exercise limits for options overlaying the S&P 500 Index, S&P 100 Index, Dow Jones Industrial Average, Nasdaq 100 Index, and the Russell 2000(R) Index (''RUT'').[33] In approving the permanent elimination of position and exercise limits for these index options, the Commission relied heavily upon the Exchange's surveillance capabilities, and the Commission expressed trust in the enhanced surveillance and reporting safeguards that the Exchange took in order to detect and deter possible manipulative behavior which might

[24] *See* Exchange Rule 1003 for reporting requirements.

[25] These procedures have been effective for the surveillance of trading the options subject to this proposal and will continue to be employed.

[26] 17 CFR 240.13d–1.

[27] See Exchange Rule 721 for a description of margin requirements.

[28] 17 CFR 240.15c3–1.

[29] 15 U.S.C. 78f(b).

[30] 15 U.S.C. 78f(b)(5).

[31] *See* Securities Exchange Act Release Nos. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012) (SR–NYSEAmex–2012–29); 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091).

[32] *See* Securities Exchange Act Release Nos. 68086 (October 23, 2012), 77 FR 65600 (October 29, 2012) (SR–CBOE–2012–066); 64928 (July 20, 2011), 76 FR 44633 (July 26, 2011) (SR–CBOE–2011–065); 64695 (June 17, 2011), 76 FR 36942 (June 23, 2011) (SR–PHLX–2011–58); and 55176 (January 25, 2007), 72 FR 4741 (February 1, 2017) (SR–CBOE– 2007–008.).

[33] *See* Securities Exchange Act Release Nos. 44994 (October 26, 2001), 66 FR 55722 (November 2, 2001) (SR–CBOE–2001–22) (elimination of position and exercise limits on SPX, OEX, and DJX options) (''SPX, OEX, and DJX Position Limit Elimination Approval Order''); 52650 (October 21, 2005), 70 FR 62147 (October 28, 2005) (SR–CBOE–2005–41) (elimination of position and exercise limits on NDX options) (''NDX Position Limit Elimination Approval Order''); 56651 (October 12, 2007), 72 FR 59130 (October 18, 2007) (SR–Phlx–2007–71) (''RUT Position Limit Elimination Approval Order'').

arise from eliminating position and exercise limits.[34] Furthermore, as described more fully above, options on other ETFs have the position limits proposed herein and those ETFs have trading characteristics and trading volumes that are similar to those of the ETFs subject to this proposed rule change.

Last, the Commission has expressed the belief that removing position and exercise limits may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[35] The Exchange's enhanced surveillance and reporting safeguards continue to be designed to deter and detect possible manipulative behavior which might arise from eliminating position and exercise limits.

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. On the contrary, the Exchange believes that the proposed rule change will result in additional opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[36] and Rule 19b–4(f)(6) thereunder.[37]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[38] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[39] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become effective and operative upon filing. The Exchange states that waiver of the operative delay would permit the Exchange to immediately implement the proposed rule change to increase the position limits as proposed herein and thereby seamlessly continue to offer traders and the investing public the ability to use these products as effective hedging and trading vehicles. The Exchange further states that waiver would allow the Exchange to remain competitive with other exchanges. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[40]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–Phlx–2018–24 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2018–24. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2018–24, and should be submitted on or before April 18, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[41]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–06140 Filed 3–27–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting; Cancellation

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: To be published.

[34] *Id.*

[35] *Id.*

[36] 15 U.S.C. 78s(b)(3)(A).

[37] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[38] 17 CFR 240.19b–4(f)(6).

[39] 17 CFR 240.19b–4(f)(6)(iii).

[40] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[41] 17 CFR 200.30–3(a)(12).

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Thursday, March 29, 2018 at 2:00 p.m.

CHANGES IN THE MEETING: The Closed Meeting scheduled for Thursday, March 29, 2018 at 2:00 p.m., has been cancelled.

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 of the Office of the Secretary at (202) 551–5400.

Dated: March 23, 2018.

Brent J. Fields,

Secretary.

[FR Doc. 2018–06294 Filed 3–26–18; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82931; File No. SR–MIAX–2018–10]

Self-Regulatory Organizations; Miami International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Exchange Rule 307, Position Limits, and Exchange Rule 309, Exercise Limits

March 22, 2018.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 8, 2018, Miami International Securities Exchange, LLC (''MIAX Options'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a 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 the Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend Exchange Rules 307, Position Limits, Interpretations and Policies .01, and 309, Exercise Limits, Interpretations and Policies .01, to increase the position and exercise limits for options on the following exchange traded funds (''ETFs''): iShares China Large-Cap ETF (''FXI''), iShares MSCI Emerging Markets ETF (''EEM''), iShares Russell 2000 ETF (''IWM''), iShares MSCI EAFE ETF (''EFA''), iShares MSCI Brazil Capped ETF (''EWZ''), iShares 20+ Year Treasury Bond Fund ETF (''TLT''), PowerShares QQQ Trust (''QQQ''), and iShares MSCI Japan ETF (''EWJ'').

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/* at MIAX Options' principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

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 amend Exchange Rules 307, Position Limits, Interpretations and Policies .01, and 309, Exercise Limits, Interpretations and Policies .01, to increase position and exercise limits, respectively, for options on the following ETFs: FXI, EEM, IWM, EFA, EWZ, TLT, QQQ, EWJ.

Market participants' trading activity has been adversely impacted by the current position limits as such limits have caused options trading in the symbols subject to this proposal to move from exchanges to the over-the-counter market. The Exchange submits this proposal with the understanding that market participants' on-exchange activity has been hindered by the existing position limits, causing them to be unable to provide additional liquidity not just on the Exchange, but also on other options exchanges on which they participate.[3] The Exchange understands that certain market participants wishing to make trades involving a large number of options contracts in the symbols subject to this proposal are opting to execute those trades in the over-the-counter market. The over-the-counter transactions occur via bi-lateral agreements, the terms of which are not publicly disclosed to other market participants. Therefore, these large trades do not contribute to the price discovery process performed on a lit market.

Position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options. The potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage participation in the options market. The level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes. Position limits for options on ETFs, such as those subject to this proposal are determined pursuant to Exchange Rule 307, and vary according to the number of outstanding shares and the trading volume of the underlying stocks or ETFs over the past six-months. The Exchange notes that the ETFs that underlie options subject to this proposal are highly liquid, and are based on a broad set of highly liquid securities and other reference assets. Likewise, the Commission has recognized the liquidity of the securities comprising the underlying interest of the SPDR S&P 500 ETF (''SPY'') in permitting no position limits on SPY options since 2012,[4] and expanded position limits for options on EEM, IWM and QQQ.

The largest in capitalization and the most frequently traded stocks and ETFs have an option position limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization stocks and ETFs have position limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market. Options on FXI, EFA, EWZ, TLT, and EWJ are currently subject to the standard position limit of 250,000 contracts, as set forth in Exchange Rule 307. Interpretation and Policy .01 of Exchange Rule 307 sets forth separate position limits for options on specific ETFs as follows:

- Options on EEM are 500,000 contracts;

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Cboe has received approval from the Commission for its proposed rule change to increase its position limits for the following ETFs: FXI, EEM, IWM, EFA, EWZ, TLT, QQQ, EWJ. *See* Securities Exchange Act Release No. 82770 (February 23, 2018) (Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2) (SR–CBOE–2017–057).

[4] *See* Securities Exchange Act Release Nos. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012) (SR–NYSEAmex–2012–29); 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091).

• Options on IWM are 500,000 contracts; and

• Options on QQQ are 900,000 contracts.

Interpretation and Policy .01 of Exchange Rule 307 also sets forth separate position limits for options on SPY (no limit) and options on DIA (300,000 contracts). However, the Exchange is not proposing to modify the position limits for options on SPY or DIA.

The purpose of this proposal is to amend Rules 307, Position Limits, Interpretations and Policies .01, and 309, Exercise Limits, Interpretations and Policies .01 to double the position and exercise limits for FXI, EEM, IWM, EFA, EWZ, TLT, QQQ, and EWJ. As such, options on FXI, EFA, EWZ, TLT, and EWJ would no longer be subject to the standard position and exercise limits as set forth under Exchange Rules 307 and 309. Accordingly, Interpretations and Policies .01 to Exchange Rule 307 and Interpretations and Policies .01 to Exchange Rule 309 would be amended to set forth that the position and exercise limits for options on FXI, EFA, EWZ, TLT, and EWJ would be 500,000 contracts. These position and exercise limits equal the current position and exercise limits for options on IWM and EEM and are similar to the current position and exercise limits for options on QQQ, as set forth in Interpretations and Policies .01 to Exchange Rule 307 and Interpretations and Policies .01 to Exchange Rule 309.

Interpretations and Policies .01 to Exchange Rule 307 and Interpretations and Policies .01 to Exchange Rule 309 would be further amended to increase the position and exercise limits for the remaining options subject to this proposal as follows:

• The position and exercise limits for options on EEM would be increased from 500,000 contracts to 1,000,000 contracts;

• The position and exercise limits for options on IWM would be increased from 500,000 contracts to 1,000,000 contracts; and

• The position and exercise limits for options on QQQ would be increased from 900,000 contracts to 1,800,000 contracts.

The Exchange's proposal mirrors that of the Cboe Exchange, Inc. (''Cboe''), which seeks to increase the position and exercise limits for FXI, EEM, IWM, EFA, EWZ, TLT, QQQ, and EWJ which was filed by Cboe on August, 15, 2017.[5]

In support of this proposal, the Exchange represents that the above-listed ETFs qualify for either: (i) The initial listing criteria set forth in Exchange Rule 402(i)(E)(2) for ETFs holding non-U.S. component securities; or (ii) for ETFs listed pursuant to generic listing standards for series of portfolio depository receipts and index fund shares based on international or global indexes under which a comprehensive surveillance agreement (''CSA'') is not required.[6]

FXI tracks the performance of the FTSE China 50 Index, which is composed of the 50 largest Chinese stocks.[7] EEM tracks the performance of the MSCI Emerging Markets Index, which is composed of approximately 800 component securities.[8] The MSCI Emerging Markets Index consists of the following 21 emerging market country indices: Brazil, Chile, China, Colombia, Czech Republic, Egypt, Hungary, India, Indonesia, Korea, Malaysia, Mexico, Morocco, Peru, Philippines, Poland, Russia, South Africa, Taiwan, Thailand, and Turkey.[9] IWM tracks the performance of the Russell 2000 Index, which is composed of 2,000 small-cap domestic stocks.[10] EFA tracks the performance of MSCI EAFE Index, which has over 900 component securities.[11] The MSCI EAFE Index is designed to represent the performance of large and mid-cap securities across 21 developed markets, including countries in Europe, Australasia and the Far East, excluding the U.S. and Canada.[12] EWZ tracks the performance of the MSCI Brazil 25/50 Index, which is composed of shares of large and mid-size companies in Brazil.[13] TLT tracks the performance of ICE U.S. Treasury 20+ Year Bond Index, which is composed of long-term U.S. Treasury bonds.[14] QQQ tracks the performance of the Nasdaq-100 Index, which is composed of 100 of the largest domestic and international nonfinancial companies listed on the Nasdaq Stock Market LLC (''Nasdaq'').[15] EWJ tracks the MSCI Japan Index, which tracks the performance of large and mid-sized companies in Japan.[16]

MIAX Options represents that more than 50% of the weight of the securities held by the options subject to this proposal are also subject to a CSA.[17] Additionally, the component securities of the MSCI Emerging Markets Index on which EEM is based for which the primary market is in any one country that is not subject to a CSA do not represent 20% or more of the weight of the MSCI Emerging Markets Index.[18] Finally, the component securities of the MSCI Emerging Markets Index on which EEM is based, for which the primary market is in any two countries that are not subject to CSAs do not represent 33% of more of the weight of the MSCI Emerging Markets Index.[19]

In support of this proposal, the following trading statistics have been compiled.

ETF	2017 ADV	2017 ADV	Shares outstanding (million)	Fund market cap ($million)
FXI	15.08	71,944	78.6	3,343.6
EEM	52.12	287,357	797.4	34,926.1
IWM	27.46	490,070	253.1	35,809.1
EFA	19.42	98,844	1,178.4	78,870.3
EWZ	17.08	95,152	159.4	6,023.4
TLT	8.53	80,476	60.0	7,442.4

[5] *See* Securities Exchange Act Release No. 81483 (August 25, 2017), 82 FR 41457 (August 31, 2017) (SR–CBOE–2017–057 Notice of Filing of a Proposed Rule Change To Amend Interpretation and Policy .07 of Exchange Rule 4.11, Position Limits, To Increase the Position Limits for Options on Certain ETFs). *See also* SR–CBOE–2017–057, Partial Amendment No. 1 (November 22, 2017).

[6] The Exchange notes that the initial listing criteria for options on ETFs that hold non-U.S. component securities are more stringent than the maintenance listing criteria for those same ETF options. *See* Exchange Rule 402(i)(E)(2); Exchange Rule 403(g).

[7] *See https://www.ishares.com/us/products/239536/ishares-china-largecap-etf.*

[8] *See http://us.ishares.com/productinfo/fund/overview/EEM.htm.*

[9] *See http://www.msci.com/products/indices/tools/index.html#EM.*

[10] *See https://www.ishares.com/us/products/239710/ishares-russell-2000-etf.*

[11] *See https://www.ishares.com/us/products/239623/.*

[12] *See https://www.msci.com/eafe.*

[13] *See https://www.ishares.com/us/products/239612/ishares-msci-brazil-capped-etf.*

[14] *See https://www.ishares.com/us/products/239454/.*

[15] *See https://indexes.nasdaqomx.com/Index/Overview/NDX .*

[16] *See https://www.ishares.com/us/products/239665/EWJ.*

[17] *See* Exchange Rule 402(i)(E)(2)(ii).

[18] *See* Exchange Rule 402(i)(E)(2)(ii)(B).

[19] *See* Exchange Rule 402(i)(E)(2)(ii)(C).

ETF	2017 ADV	2017 ADV	Shares outstanding (million)	Fund market cap ($million)
QQQ	26.25	579,404	351.6	50,359.7
EWJ	6.06	4,715	303.6	16,625.1

The Exchange believes that the liquidity in the underlying ETFs, and the liquidity in the ETF options support its request to increase the position limits for the options subject to this proposal. As to the underlying ETF shares, through July 31, 2017, the year-to-date average daily trading volume was: (i) FXI across all exchanges was 15.08 million shares; (ii) EEM across all exchanges was 52.12 million shares; (iii) IWM across all exchanges was 27.46 million shares; (iv) EFA across all exchanges was 19.42 million shares; (v) EWZ across all exchanges was 17.08 million shares; (vi) TLT across all exchanges was 8.53 million shares; (vii) QQQ across all exchanges was 26.25 million shares; and (vii) EWJ across all exchanges was 6.06 million shares.

In proposing the increased position limits, the Exchange considered the availability of economically equivalent products and their respective position limits. For instance, some of the ETFs underlying options subject to this proposal are based on broad-based indices that underlie cash settled options that are economically equivalent to the ETF options that are the subject of this proposal and have no position limits. Other ETFs are based on broad-based indexes that underlie cash-settled options with position limits reflecting notional values that are larger than the current position limits for ETF analogues (EEM, EFA). Where there was no approved index analogue, the Exchange believes, based on the liquidity, breadth and depth of the underlying market, that the index referenced by the ETF would be considered a broad-based index.[20] The Exchange argues that if certain position limits are appropriate for the options overlying the same index or is an analogue to the basket of securities that the ETF tracks, then those same economically equivalent position limits should be appropriate for the option overlying the ETF. In addition, the market capitalization of the underlying index or reference is large enough to absorb any price movements that may be caused by an oversized trade. Also, the Authorized Participant or issuer may look to the stocks comprising the analogous underlying index or reference asset when seeking to create additional ETF shares which are part of the creation/redemption process to address supply and demand or to mitigate the price movement of the price of the ETF.

For example, the PowerShares QQQ Trust or QQQ is an ETF that tracks the Nasdaq 100 Index or NDX, which is an index composed of 100 of the largest non-financial securities listed on the Nasdaq Stock Market LLC (''Nasdaq''). Options on NDX are currently subject to no position limits but share similar trading characteristics as QQQ.[21] Based on QQQ's share price of $154.54 [22] and NDX's index level of 6,339.14, approximately 40 contracts of QQQ equals one contract of NDX. Assume that NDX was subject to the standard position limit of 25,000 contracts for broad-based index options under Exchange Rule 1804(a). Based on the above comparison of notional values, this would result in a position limit equivalent to 1,000,000 contracts for QQQ as NDX's analogue. However, NDX is not subject to position limits and has an average daily trading volume of 15,300 contracts. QQQ is currently subject to a position limit of 900,000 contracts but has a much higher average daily trading volume of 579,404 contracts. Furthermore, NDX currently has a market capitalization of $17.2 trillion and QQQ has a market capitalization of $50,359.7 million, and the component securities of NDX, in aggregate, have traded an average of 440 million shares per day in 2017, both large enough to absorb any price movement caused by a large trade in the QQQ. The Commission has also approved no position limit for NDX, although it has a much lower daily trading volume than its analogue, the QQQ. Therefore, the Exchange believes it is reasonable to increase the position limit for options on the QQQ from 900,000 to 1,800,000 contracts.

The iShare [sic] Russell 2000 ETF or IWM, is an ETF that also tracks the Russell 2000 index or RUT, which is an index composed of 2,000 small-cap domestic companies in the Russell 3000 index. Options on RUT are currently subject to no position limits but share similar trading characteristics as IWM.[23] Based on IWM's share price of $144.77 and RUT's index level of 1,486.88, approximately 10 contracts of IWM equals one contract of RUT. Assume that RUT was subject to the standard position limit of 25,000 contracts for broad-based index options under Exchange Rule 1804(a). Based on the above comparison of notional values, this would result in a position limit equivalent to 250,000 contracts for IWM as RUT's analogue. However, RUT is not subject to position limits and has an average daily trading volume of 66,200 contracts. IWM is currently subject to a position limit of 500,000 contracts but has a much higher average daily trading volume of 490,070 contracts. The Commission has approved no position limit for RUT, although it has a much lower average daily trading volume than its analogue, the IWM. Furthermore, RUT currently has a market capitalization of $2.4 trillion and IWM has a market capitalization of $35,809.1 million, and the component securities of RUT, in aggregate, have traded an average of 270 million shares per day in 2017, both large enough to absorb any price movement caused by a large trade in the IWM. Therefore, the Exchange believes it is reasonable to increase the position limit for options on the IWM from 500,000 to 1,000,000 contracts.

EEM tracks the performance of the MSCI Emerging Markets Index or MXEF, which is composed of approximately 800 component securities following 21 emerging market country indices: Brazil, Chile, China, Colombia, Czech Republic, Egypt, Hungary, India, Indonesia, Korea, Malaysia, Mexico, Morocco, Peru, Philippines, Poland, Russia, South Africa, Taiwan, Thailand, and Turkey. Below makes the same notional value comparisons as made above. Based on EEM's share price of $47.06 and MXEF's index level of 1,136.45, approximately 24 contracts of EEM equals one contract of MXEF. Assume that MXEF was subject to the standard position limit of 25,000 contracts for broad-based index options under Exchange Rule 1804(a). Based on the above comparison of notional values, this would result in a position limit economically equivalent to 604,000 contracts for EEM as MXEF's

[20] Exchange Rule 1804 sets forth the position limits for broad-based index options.

[21] *Id.*

[22] All share prices used herein are based on the closing price of the security on November 16, 2017. Source: Yahoo Finance.

[23] *See supra* note 20.

analogue. However, MXEF has an average daily trading volume of 180 contracts. EEM is currently subject to a position limit of 500,000 contracts but has a much higher average daily trading volume of 287,357 contracts. Furthermore, MXEF currently has a market capitalization of $5.18 trillion and EEM has a market capitalization of $34,926.1 million, and the component securities of MXEF, in aggregate, have traded an average of 33.6 billion shares per day in 2017, both large enough to absorb any price movement caused by a large trade in the EEM. Therefore, based on the comparison of average daily trading volume, the Exchange believes it is reasonable to increase the position limit for options on the EEM from 500,000 to 1,000,000 contracts.

EFA tracks the performance of the MSCI EAFE Index or MXEA, which has over 900 component securities designed to represent the performance of large and mid-cap securities across 21 developed markets, including countries in Europe, Australia and the Far East, excluding the U.S. and Canada. Below makes the same notional value comparison as made above. Based on EFA's share price of $69.16 and MXEA's index level of 1,986.15, approximately 29 contracts of EFA equals one contract of MXEA. Assume MXEA was subject to the standard position limit of 25,000 contracts for broad-based index options under Exchange Rule 1804(a). Based on the above comparison of notional values, this would result in a position limit economically equivalent to 721,000 contracts for EFA as MXEA's analogue. Furthermore, MXEA currently has a market capitalization of $18.7 trillion and EFA has a market capitalization of $78,870.3 million, and the component securities of MXEA, in aggregate, have traded an average of 4.6 billion shares per day in 2017, both large enough to absorb any price movement cause by a large trade in EFA. However, MXEA has an average daily trading volume of 270 contracts. EFA is currently subject to a position limit of 250,000 contracts but has a much higher average daily trading volume of 98,844 contracts. Based on the above comparisons, the Exchange believes it is reasonable to increase the position limit for options on the EFA from 250,000 to 500,000 contracts.

FXI tracks the performance of the FTSE China 50 Index, which is composed of the 50 largest Chinese stocks. There is currently no index analogue for FXI approved for options trading. However, the FTSE China 50 Index currently has a market capitalization of $1.7 trillion and FXI has a market capitalization of $2,623.18 million, both large enough to absorb any price movement caused by a large trade in FXI. The components of the FTSE China 50 Index, in aggregate, have an average daily trading volume of 2.3 billion shares. FXI is currently subject to a position limit of 250,000 contracts but has a much higher average daily trading volume of 15.08 million shares. Based on the above comparisons, the Exchange believes it is reasonable to increase the position limit for options on the FXI from 250,000 to 500,000 contracts.

EWZ tracks the performance of the MSCI Brazil 25/50 Index, which is composed of shares of large and mid-size companies in Brazil. There is currently no index analogue for EWZ approved for options trading. However, the MSCI Brazil 25/50 Index currently has a market capitalization of $700 billion and EWZ has a market capitalization of $6,023.4 million, both large enough to absorb any price movement caused by a large trade in EWZ. The components of the MSCI Brazil 25/50 Index, in aggregate, have an average daily trading volume of 285 million shares. EWZ is currently subject to a position limit of 250,000 contracts but has a much higher average daily trading volume of 17.08 million shares. Based on the above comparisons, the Exchange believes it is reasonable to increase the position limit for options on the EWZ from 250,000 to 500,000 contracts.

TLT tracks the performance of ICE U.S. Treasury 20+ Year Bond Index, which is composed of long-term U.S. Treasury bonds. There is currently no index analogue for TLT approved for options trading. However, the U.S. Treasury market is one of the largest and most liquid markets in the world, with over $14 trillion outstanding and turnover of approximately $500 billion per day. TLT currently has a market capitalization of $7,442.4 million, both large enough to absorb any price movement caused by a large trade in TLT. Therefore, the potential for manipulation will not increase solely due to the increase in position limits as set forth in this proposal. Based on the above comparisons, the Exchange believes it is reasonable to increase the position limit for options on TLT from 250,000 to 500,000 contracts.

EWJ tracks the MSCI Japan Index, which tracks the performance of large and mid-sized companies in Japan. There is currently no index analogue for EWJ approved for options trading. However, the MSCI Japan Index has a market capitalization of $3.5 trillion and EWJ has a market capitalization of $16,625.1 million, and the component securities of the MSCI Japan Index, in aggregate, have traded an average of 1.1 billion shares per day in 2017, both large enough to absorb any price movement caused by a large trade in EWJ. EWJ is currently subject to a position limit of 250,000 contracts and has an average daily trading volume of 6.6 million shares. Based on the above comparisons, the Exchange believes it is reasonable to increase the position limit for options on EWJ from 250,000 to 500,000.

The Exchange believes that increasing the position limits for the options subject to this proposal would lead to a more liquid and competitive market environment for these options, which will benefit customers interested in these products. Under the proposal, the reporting requirement for the above options would be unchanged. Thus, the Exchange would still require that each Member that maintains a position in the options on the same side of the market, for its own account or for the account of a customer, to report certain information to the Exchange. This information would include, but would not be limited to, the options' position, whether such position is hedged and, if so, a description of the hedge, and the collateral used to carry the position, if applicable. Exchange Market Makers [24] (including Primary Lead Market-Makers) [25] would continue to be exempt from this reporting requirement, as Market Maker information can be accessed through the Exchange's market surveillance systems. In addition, the general reporting requirement for customer accounts that maintain an aggregate position of 200 or more options contracts would remain at this level for the options subject to this proposal.[26]

The Exchange believes that the existing surveillance procedures and reporting requirements at the Exchange, other options exchanges, and at the several clearing firms are capable of properly identifying unusual and/or illegal trading activity. In addition, routine oversight inspections of the Exchange's regulatory programs by the Commission have not uncovered any material inconsistencies or shortcomings in the manner in which the Exchange's market surveillance is conducted. These procedures utilize

[24] The term ''Market Makers'' refers to ''Lead Market Makers'', ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100.

[25] The term ''Primary Lead Market Maker'' means a Lead Market Maker appointed by the Exchange to act as the Primary Lead Market Maker for the purposes of making markets in securities traded on the Exchange. *See* Exchange Rule 100.

[26] *See* Exchange Rule 310 for reporting requirements.

daily monitoring of market movements via automated surveillance techniques to identify unusual activity in both options and underlying stocks.[27] Furthermore, large stock holdings must be disclosed to the Commission by way of Schedules 13D or 13G.[28] The positions for options subject to this proposal are part of any reportable positions and, thus, cannot be legally hidden. Moreover, the Exchange's requirement that Members file reports with the Exchange for any customer who held aggregate large long or short positions of any single class for the previous day will continue to serve as an important part of the Exchange's surveillance efforts.

The Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns that a Member or its customer may try to maintain an inordinately large un-hedged position in the options subject to this proposal. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a Member must maintain for a large position held by itself or by its customer.[29] In addition, Rule 15c3–1 [30] imposes a capital charge on Members to the extent of any margin deficiency resulting from the higher margin requirement.

2. Statutory Basis

The Exchange believes that its proposal is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[31] Specifically, the proposal is consistent with Section 6(b)(5) of the Act [32] because it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to, and perfect the mechanism of, a free and open market and a national market system and, in general, to protect investors and the public interest. The current position limits for the options subject to this proposal have inhibited the ability of Market Makers to make markets on the Exchange. Specifically, the proposal is designed to encourage Market Makers to shift liquidity from over the counter markets onto the Exchange, which will enhance the process of price discovery conducted on the Exchange through increased order flow. The proposal will also benefit institutional investors as well as retail traders, and public customers, by providing them with a more effective trading and hedging vehicle. In addition, the Exchange believes that the structure of the options subject to this proposal and the considerable liquidity of the market for those options diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein, is not novel and has been previously approved by the Commission. For example, the Commission has previously approved, on a pilot basis, eliminating position limits for options on the SPDR S&P 500 ETF (''SPY'').[33] Additionally, the Commission has approved similar proposed rule changes by other exchanges to increase position and exercise limits for options on highly liquid, actively-traded ETFs,[34] including a proposal to permanently eliminate the position and exercise limits for options overlaying the S&P 500 Index, S&P 100 Index, Dow Jones Industrial Average, and Nasdaq 100 Index.[35] In approving the permanent elimination of position and exercise limits, the Commission relied heavily upon the exchange's surveillance capabilities, the Commission expressed trust in the enhanced surveillance and reporting safeguards that the exchange took in order to detect and deter possible manipulative behavior which might arise from eliminating position and exercise limits.[36] Furthermore, as described more fully above, options on other ETFs have the position limits proposed herein, but their trading volumes are significantly lower than the ETFs subject to the proposed rule change.

Furthermore, the proposed position limits set forth in this proposal would continue to address potential manipulative activity while allowing for potential hedging activity for appropriate economic purposes. The creation and redemption process for these ETFs also lessens the potential for manipulative activity. When an ETF company wants to create more ETF shares, it looks to an Authorized Participant, which is a market maker or other large financial institution, to acquire the securities the ETF is to hold. For instance, IWM is designed to track the performance of the Russell 2000 Index, the Authorized Participant will purchase all the Russell 2000 constituent securities in the exact same weight as the index, then deliver those shares to the ETF provider. In exchange, the ETF provider gives the Authorized Participant a block of equally valued ETF shares, on a one-for-one fair value basis. The price is based on the net asset value, not the market value at which the ETF is trading. The creation of new ETF units can be conducted all trading day and is not subject to position limits. This process can also work in reverse where the ETF company seeks to decrease the number of shares that are available to trade. The creation and redemption process, therefore, creates a direct link to the underlying components of the ETF, and serves to mitigate potential price impact of the ETF shares that might otherwise result from increased position limits.

The ETF creation and redemption seeks to keep ETF share prices trading in line with the ETF's underlying net asset value. Because an ETF trades like a stock, its price will fluctuate during the trading day, due to simple supply and demand. If demand to buy an ETF is high, for instance, the ETF's share price might rise above the value of its underlying securities. When this happens, the Authorized Participant believes the ETF may now be overpriced, and can buy the underlying shares that compose the ETF and then sell the ETF shares on the open market. This should help drive the ETF's share price back toward fair value. Likewise,

[27] These procedures have been effective for the surveillance of trading the options subject to this proposal and will continue to be employed.

[28] 17 CFR 240.13d–1.

[29] *See* Exchange Rule 1502 for a description of margin requirements.

[30] 17 CFR 240.15c3–1.

[31] 15 U.S.C. 78f(b).

[32] 15 U.S.C. 78f(b)(5).

[33] *See* Securities Exchange Act Release Nos. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012) (SR–NYSEAmex–2012–29); 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091).

[34] *See* Securities Exchange Act Release Nos . 68086 (October 23, 2012), 77 FR 65600 (October 29, 2012) (SR–CBOE–2012–066); Securities Exchange Act Release No. 68478 (December 19, 2012), 77 FR 76132 (December 26, 2012) (SR–BOX–2012–023); Securities Exchange Act Release No. 68398 (December 11, 2012), 77 FR 74700 (December 17, 2012) (SR–ISE–2012–093); Securities Exchange Act Release No. 68293 (November 27, 2012), 77 FR 71644 (December 3, 2012) (SR–Phlx–2012–132); Securities Exchange Act Release No. 68358 (December 5, 2012), 77 FR 73708 (December 11, 2012) (SR–NYSE MKT–2012–071); Securities Exchange Act Release No. 68359 (December 5, 2012), 77 FR 73716 (December 11, 2012) (SR–NYSE Arca–2012–132); and .69457 (April 25, 2012), 78 FR 25502 (May 1, 2013) (SR–MIAX–2013–17).

[35] *See* Securities Exchange Act Release Nos. 44994 (October 26, 2001), 66 FR 55722 (November 2, 2001) (SR–CBOE–2001–22); 52650 (October 21, 2005), 70 FR 62147 (October 28, 2005) (SR–CBOE–2005–41) (''NDX Approval'').

[36] *See* NDX Approval at 62149.

if the ETF starts trading at a discount to the securities it holds, the Authorized Participant can buy shares of the ETF and redeem them for the underlying securities. Buying undervalued ETF shares should drive the price of the ETF back toward fair value. This arbitrage process helps to keep an ETF's price in line with the value of its underlying portfolio.

Lastly, the Commission expressed the belief that removing position and exercise limits may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[37] The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from eliminating position and exercise limits.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX Options does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes the entire proposal is consistent with Section (6)(b)(8) of the Act[38] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. On the contrary, the Exchange believes the proposal promotes competition because it will enable the listed option exchanges to attract additional order flow from the over-the-counter market, who in turn compete for those orders.[39] The Exchange believes that the proposed rule change will result in additional opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general.

In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to changes put in place at Cboe. MIAX Options believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform position limits for additional multiply listed option classes.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[40] and Rule 19b–4(f)(6) thereunder.[41]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[42] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[43] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that waiver of the operative delay would be consistent with the protection of investors and the public interest because it would allow the Exchange to immediately increase its position and exercise limits for the products subject to this proposal to those of Cboe, which the Exchange believes will ensure fair competition among exchanges and provide consistency and uniformity among members of both Cboe and MIAX Options by subjecting members of both exchanges to the same position and exercise limits for these multiply-listed options classes. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[44]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2018–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2018–10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal

[37] *Id.*

[38] 15 U.S.C. 78f(b)(8).

[39] For example, Nasdaq position limits are determined by the position limits established by the Exchange. *See* Nasdaq Rule Sec. 7 (Position Limits).

[40] 15 U.S.C. 78s(b)(3)(A).

[41] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[42] 17 CFR 240.19b–4(f)(6).

[43] 17 CFR 240.19b–4(f)(6)(iii).

[44] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2018–10, and should be submitted on or before April 18, 2018.[45]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–06139 Filed 3–27–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82934; File No. SR–CBOE–2018–023]

Self-Regulatory Organizations; Cboe Exchange Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Frequent Trader Program

March 22, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on March 19, 2018, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to provide an additional mechanism for executing brokers to submit Frequent Trader IDs post-trade.

The text of the proposed rule change is available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, 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 Exchange proposes to amend its Fees Schedule. Specifically, the Exchange proposes to provide an additional mechanism for executing brokers to submit Frequent Trader IDs (''FTIDs'') post-trade. By way of background, to participate in the Frequent Trader Program, Customers (includes Professional Customers and Voluntary Professionals) may register with the Exchange. Once registered, the Customer is provided a unique identification number (''FTID'') that can be affixed to each of its orders. The FTID allows the Exchange to identify and aggregate all electronic and manual trades during both the Regular Trading Hours and Extended Trading Hours sessions from that Customer for purposes of determining whether the Customer meets any of the various volume thresholds. The Customer has to provide its FTID to the Trading Permit Holder (''TPH'') submitting that Customer's order to the Exchange (''executing agent'' or ''executing TPH'') and that executing TPH would have to enter the Customer's FTID on each of that Customer's orders. The Exchange notes that there are instances however, in which a Customer's FTID was not, or could not be, affixed to an order. As such, the Exchange provides executing TPHs the ability to submit to the exchange a form (the ''Frequent Trader Program—Volume Corrections Form'' or ''Form'') as a mechanism for executing TPHs to identify transactions to the Exchange that should have been, but were not, associated with particular FTIDs. The Form needs to be submitted to the Exchange within 3 business days. Transactions identified on the Form only count towards the identified Customer's volume if that Customer was already registered for the Frequent Trader Program prior to the time the transaction occurred (*e.g.,* if a customer trades 1,000 contracts the morning of April 1 and registers for the Frequent Trader Program the afternoon of April 1, that customer cannot have its executing TPH submit a form on its behalf for those 1,000 contracts executed prior to registration in the Program).

Effective March 19, 2018, a new FTID field will be available on Cboe Trade Match (''CTM'') terminals. This enhancement will allow executing TPHs to add or modify FTID information on post-trade records on the trade date. TPHs that require FTID modifications on trade records which occurred on past business days, limited to within the last 3 business days, must continue to submit these changes using the Form described above. The Exchange notes that the FTID field may be changed by the TPH via the CTM terminal without notice to the Exchange. The Exchange believes the enhanced functionality will provide an additional means to input FTID information and provide a more efficient and streamlined way to add or modify FTID information post-trade on the trade date.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[3] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[4] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

The Exchange believes adding system functionality to enable executing TPHs to input FTIDs post-trade on the trade date through CTM, instead of using a manual Form, provides TPHs with a more efficient mechanism to ensure a Customer's FTID that was not, or could not be, affixed to an order, is attributed to that Customer's order and gets timely reported, thereby removing impediments to and perfecting the

[45] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

mechanism of a free and open market and a national market system. The Exchange notes that referencing this functionality in the Fees Schedule also maintains transparency in the Fees Schedule.

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 intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed change to allow FTIDs to be submitted post-trade on the trade date via Exchange system functionality will provide a more efficient means for TPHs to submit this information and is not intended for competitive reasons and only applies to Cboe Options. The Exchange also notes that no rights or obligations of Permit Holders are affected by the change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

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) of the Act [5] and paragraph (f) of Rule 19b–4 [6] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change 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–CBOE–2018–023 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2018–023. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2018–023, and should be submitted on or before April 18, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[7]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–06141 Filed 3–27–18; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f).

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82930; File No. SR–BOX–2018–10]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend IM–3120–2 of BOX Rule 3120 (Position Limits) To Increase the Position Limits for Options on the Following Exchange Traded Funds: iShares China Large-Cap ETF, iShares MSCI EAFE ETF, iShares MSCI Emerging Markets ETF, iShares Russell 2000 ETF, iShares MSCI Brazil Capped ETF, iShares 20+ Year Treasury Bond Fund ETF, PowerShares QQQ Trust, and iShares MSCI Japan ETF

March 22, 2018.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 15, 2018, BOX Options Exchange LLC (the ''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 self-regulatory organization. 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend BOX Rule 3120 (Position Limits) to increase the position limits for options on the following exchange traded funds (''ETFs''): iShares China Large-Cap ETF (''FXI''), iShares MSCI EAFE ETF (''EFA''), iShares MSCI Emerging Markets ETF (''EEM''), iShares Russell 2000 ETF (''IWM''), iShares MSCI Brazil Capped ETF (''EWZ''), iShares 20+ Year Treasury Bond Fund ETF (''TLT''), PowerShares QQQ Trust (''QQQQ''), and iShares MSCI Japan ETF (''EWJ''). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's internet website at *http://boxoptions.com.*

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 self-regulatory organization included

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 self-regulatory organization 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 Exchange proposes to amend IM–3120–2 to BOX Rule 3120 (Position Limits) to increase the position limits for options on the following exchange trade funds (''ETFs''): iShares China Large-Cap ETF (''FXI''), iShares MSCI EAFE ETF (''EFA''), iShares MSCI Emerging Markets ETF (''EEM''), iShares Russell 2000 ETF (''IWM''), iShares MSCI Brazil Capped ETF (''EWZ''), iShares 20+ Year Treasury Bond Fund ETF (''TLT''), PowerShares QQQ Trust (''QQQQ''), and iShares MSCI Japan ETF (''EWJ'').This is a competitive filing that is based on a proposal recently submitted by the Chicago Board Options Exchange Incorporated (''CBOE'') and approved by the Commission.[3]

Position limits are designed to address potential manipulative schemes and adverse market impact surrounding the use of options, such as disrupting the market in the security underlying the options. The potential manipulative schemes and adverse market impact are balanced against the potential of setting the limits so low as to discourage participation in the options market. The level of those position limits must be balanced between curtailing potential manipulation and the cost of preventing potential hedging activity that could be used for legitimate economic purposes. Position limits for options on ETFs, such as those subject to this proposal, are determined pursuant to BOX Rule 3120, and vary according to the number of outstanding shares and the trading volume of the underlying stocks or ETFs over the past six-months. Pursuant to BOX Rule 3120, the largest in capitalization and the most frequently traded stocks and ETFs have an option position limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization stocks and ETFs have position limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market. Options on FXI, EFA, EWZ, TLT, and EWJ are currently subject to the standard position limit of 250,000 contracts as set forth in BOX Rule 3120.[4] IM–3120–2 of BOX Rule 3120 sets forth separate position limits for options on specific ETFs as follows:

- Options on EEM are 500,000 contracts;
- Options on IWM are 500,000 contracts; and
- Options on QQQQ are 900,000 contracts.

The purpose of this proposal is to amend IM–3120–2 to BOX Rule 3120 to double the position and exercise limits for FXI, EEM, IWM, EFA, EWZ, TLT, QQQQ, and EWJ.[5] As such, options on FXI, EFA, EWZ, TLT, and EWJ would no longer be subject to the standard position limits set forth under BOX Rule 3120. Accordingly, IM–3120–2 would be amended to set forth that the position limits for options on FXI, EFA, EWZ, TLT, and EWJ would be 500,000 contracts. These position limits equal the current position limits for option on IWM and EMM and are similar to the current position limit for options on QQQQ set forth in IM–3120–2. IM–3120–2 would be further amended to increase the position limits for the remaining options subject to this proposal as follows:

- The position limits for options on EEM would be increased from 500,000 contracts to 1,000,000 contracts;
- The position limits on options on IWM would be increased from 500,000 contracts to 1,000,000 contracts; and
- The position limits on options on QQQQ would be increased from 900,000 contracts to 1,800,000 contracts.

In support of this proposal, the Exchange represents that the above listed ETFs qualify for either: (i) The initial listing criteria set forth in Exchange Rule 5020(h)(2) for ETFs holding non-U.S. component securities; or (ii) for ETFs listed pursuant to generic listing standards for series of portfolio depository receipts and index fund shares based on international or global indexes under which a comprehensive surveillance agreement (''CSA'') is not required.[6] FXI tracks the performance of the FTSE China 50 Index, which is composed of the 50 largest Chinese stocks.[7] EEM tracks the performance of the MSCI Emerging Markets Index, which is composed of approximately 800 component securities.[8] ''The MSCI Emerging Markets Index consists of the following 21 emerging market country indices: Brazil, Chile, China, Colombia, Czech Republic, Egypt, Hungary, India, Indonesia, Korea, Malaysia, Mexico, Morocco, Peru, Philippines, Poland, Russia, South Africa, Taiwan, Thailand, and Turkey.'' [9] IWM tracks the performance of the Russell 2000 Index, which is composed of 2,000 small-cap domestic stocks.[10] EFA tracks the performance of MSCI EAFE Index, which has over 900 component securities.[11] ''The MSCI EAFE Index is designed to represent the performance of large and mid-cap securities across 21 developed markets, including countries in Europe, Australasia and the Far East, excluding the U.S. and Canada.'' [12] EWZ tracks the performance of the MSCI Brazil 25/50 Index, which is composed of shares of large and mid-size companies in Brazil.[13] TLT tracks the performance of ICE U.S. Treasury 20+ Year Bond Index, which is composed of long-term U.S. Treasury bonds.[14] QQQQ tracks the performance of the Nasdaq-100 Index, which is composed of 100 of the largest domestic and international nonfinancial companies listed on the Nasdaq Stock Market LLC (''Nasdaq'').[15] EWJ tracks the MSCI Japan Index, which tracks the performance of large and mid-sized companies in Japan.[16]

BOX represents that more than 50% of the weight of the securities held by the options subject to this proposal are also subject to a CSA.[17] Additionally,

[3] *See* Securities Exchange Act Release No. 82770 (February 23, 2018), 83 FR 8907 (March 1, 2018)(Order Granting Accelerated Approval SR–SR–CBOE–2017–057).

[4] *See https://www.theocc.com/webapps/delo-search.*

[5] By virtue of IM–3140–1 of BOX Rule 3140, which is not being amended by this filing, the exercise limit for FXI, EEM, IWM, EFA, EWZ, TLT, QQQQ, and EWJ options would be similarly increased. The Exchange notes that it also proposes to make non-substantive corrections to the names of IWM and EEM in IM–3120–2.

[6] The Exchange notes that the initial listing criteria for options on ETFs that hold non-U.S. component securities are more stringent than the maintenance listing criteria for those same ETF options. *See* BOX Rule 5020(h)(2); BOX Rule 5030(h).

[7] *See https://www.ishares.com/us/products/239536/ishares-china-largecap-etf.*

[8] *See http://us.ishares.com/product_info/fund/overview/EEM.htm.*

[9] *See http://www.msci.com/products/indices/tools/index.html#EM.*

[10] *See https://www.ishares.com/us/products/239710/ishares-russell-2000-etf.*

[11] *See https://www.ishares.com/us/products/239623/.*

[12] *See https://www.msci.com/eafe.*

[13] *See https://www.ishares.com/us/products/239612/ishares-msci-brazil-capped-etf.*

[14] *See https://www.ishares.com/us/products/239454/.*

[15] *See https://www.invesco.com/portal/site/us/financial-professional/etfs/productdetail?productId=QQQ&ticker=QQQ&title=powershares-qqq.*

[16] *See https://www.ishares.com/us/products/239665/EWJ.*

[17] *See* BOX Rule 5020(h)(2).

the component securities of the MSCI Emerging Markets Index on which EEM is based for which the primary market is in any one country that is not subject to a CSA do not represent 20% or more of the weight of the MSCI Emerging Markets Index.[18] Finally, the component securities of the MSCI Emerging Markets Index on which EEM is based, for which the primary market is in any two countries that are not subject to CSAs do not represent 33% of more of the weight of the MSCI Emerging Markets Index.[19]

According to CBOE, market participants have increased their demand for options on FXI, EFA, EWZ, TLT, and EWJ for hedging and trading purposes and the Exchange believes the current position limits are too low and may be a deterrent to successful trading of options on these securities.[20] CBOE has collected the following trading statistics on the ETFs that are subject to this proposal:

ETF	2017 ADV (million shares)	2017 ADV (option contracts)	Shares outstanding (million)	Fund market cap ($million)
FXI	15.08	71,944	78.6	$3,343.6
EEM	52.12	287,357	797.4	34,926.1
IWM	27.46	490,070	253.1	35,809.1
EFA	19.42	98,844	1178.4	78,870.3
EWZ	17.08	95,152	159.4	6,023.4
TLT	8.53	80,476	60.0	7,442.4
QQQQ	26.25	579,404	351.6	50,359.7
EWJ	6.06	4,715	303.6	16,625.1
SPY[21]	64.63	2,575,153	976.23	240,540.0

The following analysis was conducted by CBOE in support of its proposal. BOX agrees with CBOE's analysis discussed below.

In support of its proposal to increase the position limits for QQQQ to 1,800,000 contracts, CBOE compared the trading characteristics of QQQQ to that of the SPDR S&P 500 ETF (''SPY''), which has no position limits. As shown in CBOE's above table, the average daily trading volume through August 14, 2017 for QQQQ was 26.25 million shares compared to 64.63 million shares for SPY. The total shares outstanding for QQQQ are 351.6 million compared to 976.23 million for SPY. The fund market cap for QQQQ is $50,359.7 million compared to $240,540 million for SPY. SPY is one of the most actively trading ETFs and is, therefore, subject to no position limits. QQQQ is also very actively traded, and while not to the level of SPY, should be subject to the proposed higher position limits based its trading characteristics when compared to SPY. The proposed position limit coupled with QQQQ's trading behavior would continue to address potential manipulative schemes and adverse market impact surrounding the use of options and trading in its [sic] underlying the options.

In support of its proposal to increase the position limits for EEM and IWM from 500,000 contracts to 1,000,000 contracts, CBOE also compared the trading characteristics of EEM and IWM to that of QQQQ, which currently has a position limit of 900,000 contracts. As shown in the above table, the average daily trading volume through July 31, 2017 for EEM was 52.12 million shares and IWM was 27.46 million shares compared to 26.25 million shares for QQQQ. The total shares outstanding for EEM are 797.4 million and for IWM are 253.1 million compared to 351.6 million for QQQQ. The fund market cap for EEM is $34,926.1 million and IWM is $35,809 million compared to $50,359.7 million for QQQQ. EEM, IWM and QQQQ have similar trading characteristics and subjecting EEM and IWM to the proposed higher position limit would continue be designed to address potential manipulate [sic] schemes that may arise from trading in the options and their underlying securities. These above trading characteristics for QQQQ when compared to EEM and IWM also justify increasing the position limit for QQQQ. QQQQ has a higher options ADV than EEM and IWM, a higher numbers [sic] of shares outstanding than IWM and a much higher market cap than EEM and IWM which justify doubling the position limit for QQQQ. Based on these statistics, and as stated above, the proposed position limit coupled with QQQQ's trading behavior would continue to address potential manipulative schemes and adverse market impact surrounding the use of options and trading in the securities underlying the options.

In support of its proposal to increase the position limits for FXI, EFA, EWZ, TLT, and EWJ from 250,000 contracts to 500,000 contracts, CBOE compared the trading characteristics of FXI, EFA, EWZ, TLT and EWJ to that of EEM and IWM, both of which currently have a position limit of 500,000 contracts. As shown in the above table, the average daily trading volume through July 31, 2017 for FXI is 15.08 million shares, EFA is 19.42 million shares, EWZ is 17.08 million shares, TLT is 8.53 million shares, and EWJ is 6.06 million shares compared to 52.12 million shares for EEM and 27.46 million shares for IWM. The total shares outstanding for FXI is 78.6 million, EFA is 1178.4 million, EWZ is 159.4 million, TLT is 60 million and EWJ is 303.6 million compared to 797.4 million for EEM and 253.1 million for IWM. The fund market cap for FXI is $3,343.6 million, EFA is $78,870.3 million, EWZ is $6,023.4 million, TLT is $7,442.4 million,, and EWJ is $16,625.1 million compared to $34,926.1 million for EEM and $35,809.1 million for IWM. The above trading characteristics of FXI, EFA, EWZ, TLT and EWJ is either similar to that of EEM and IWM or sufficiently active enough so that the proposed limit would continue to address potential manipulative [sic] that may arise. EFA has far more shares outstanding and a larger fund market cap than EEM, IWM, and QQQQ. EWJ has a more shares outstanding than IWM and only slightly less shares outstanding than QQQQ.

On the other hand, while FXI, EWZ, and TLT do not exceed EEM, IWM or QQQQ is any of the specified areas, they are all actively trading so that market participant's trading activity has been impacted by them being restricted by the current position limits. The Exchange believes that the trading activity and these securities being based on a broad basket of underlying

[18] *See* BOX Rule 5020(h)(2)(ii)(B).

[19] *See* BOX Rule 5020(h)(2)(ii)(C).

[20] *See supra* note 3.

[21] SPY is included here for comparison purposes.

securities alleviates any potential manipulative activity that may arise. In addition, as discussed in more detail below, the Exchange's existing surveillance procedures and reporting requirements at the Exchange, other options exchanges, and at several clearing firms are capable of properly identifying unusual and/or illegal trading activity.

According to CBOE, market participants' trading activity has been adversely impacted by the current position limits for FXI, EFA, EWZ, TLT, and EWJ and such limits have caused options trading in these symbols to move from exchanges to the over-the-counter market. The Exchange understands that certain market participants wishing to make trades involving a large number of options contracts in the symbols subject to the proposal are opting to execute those trades in the over-the-counter market. The over-the-counter transactions occur via bi-lateral agreements, the terms of which are not publicly disclosed to other market participants. Therefore, these large trades do not contribute to the price discovery process performed on a lit market.

The Exchange notes that the ETFs that underlie options subject to this proposal are highly liquid, and are based on a broad set of highly liquid securities and other reference assets.[22] The Exchange notes that the Commission has generally looked through to the liquidity of securities comprising an index in establishing position limits for cash-settled index options. The Exchange further notes that options on certain broad-based security indexes have no position limits. Likewise, the Commission has recognized the liquidity of the securities comprising the underlying interest of the SPDR S&P 500 ETF (''SPY'') in permitting no position limits on SPY options since 2012,[23] and expanded position limits for options on EEM, IWM, and QQQQ.

The proposed position limits set forth in the proposal would continue to address potential manipulative activity while allowing for potential hedging activity for appropriate economic purposes. The creation and redemption process for these ETFs also lessen the potential for manipulative activity. When an ETF company wants to create more ETF shares, it looks to an Authorized Participant, which is a market maker or other large financial institution, to acquire the securities the ETF is to hold. For instance, IWM is designed to track the performance of the Russell 2000 Index, the Authorized Participant will purchase all the Russell 2000 constituent securities in the exact same weight as the index, then deliver those shares to the ETF provider. In exchange, the ETF provider gives the Authorized Participant a block of equally valued ETF shares, on a one-for-one fair value basis. The price is based on the net asset value, not the market value at which the ETF is trading. The creation of new ETF units can be conducted all trading day and is not subject to position limits. This process can also work in reverse where the ETF company seeks to decrease the number of shares that are available to trade. The creation and redemption process, therefore, creates a direct link to the underlying components of the ETF, and serves to mitigate potential price impact of the ETF shares that might otherwise result from increased position limits.

The ETF creation and redemption seeks to keep ETF share prices trading in line with the ETF's underlying net asset value. Because an ETF trades like a stock, its price will fluctuate during the trading day, due to simple supply and demand. If demand to buy an ETF is high, for instance, the ETF's share price might rise above the value of its underlying securities. When this happens, the Authorized Participant believes the ETF may now be overpriced, and can buy the underlying shares that compose the ETF and then sell ETF shares on the open market. This should help drive the ETF's share price back toward fair value. Likewise, if the ETF starts trading at a discount to the securities it holds, the Authorized Participant can buy shares of the ETF and redeem them for the underlying securities. Buying undervalued ETF shares should drive the price of the ETF back toward fair value. This arbitrage process helps to keep an ETF's price in line with the value of its underlying portfolio.

Some of the ETFs underlying options subject to the proposal are based on broad-based indices that underlie cash settled options that are economically equivalent to the ETF options that are the subject of the proposal and have no position limits. Other ETFs are based on broad-based indexes that underlie cash-settled options with position limits reflecting notional values that are larger than the current position limits for ETF analogues (EEM, EFA). Where there was no approved index analogue, the Exchange believes, based on the liquidity, breadth and depth of the underlying market, that the index referenced by the ETF would be considered a broad-based index.[24] The Exchange argues that if certain position limits are appropriate for the options overlying the same index or is an analogue to the basket of securities that the ETF tracks, then those same economically equivalent position limits should be appropriate for the option overlying the ETF. In addition, the market capitalization of the underlying index or reference asset is large enough to absorb any price movements that may be caused by an oversized trade. Also, the Authorized Participant or issuer may look to the stocks comprising the analogous underlying index or reference asset when seeking to create additional ETF shares are part of the creation/redemption process to address supply and demand or to mitigate the price movement the price of the ETF.

For example, the PowerShares QQQ Trust or QQQQ is an ETF that tracks the Nasdaq 100 Index or NDX, which is an index composed of 100 of the largest non-financial securities listed on the Nasdaq Stock Market LLC (''Nasdaq''). Options on NDX are currently subject to the standard position limit of 25,000 contracts for broad-based index options but share similar trading characteristics as QQQQ.[25] Based on QQQQ's share price of $154.54 [26] and NDX's index level of 6,339.14, approximately 40 contracts of QQQQ equals one contract of NDX. Based on the above comparison of notional values, this would result in a position limit equivalent to 1,000,000 contracts for QQQQ as NDX's analogue. NDX is subject to the standard position limit of 25,000 contracts for broad-based index options and has an average daily trading volume of 15,300 contracts. QQQQ is currently subject to a position limit of 900,000 contracts but has a much higher average daily trading volume of 579,404 contracts. Furthermore, NDX currently has a market capitalization of $17.2 trillion and QQQQ has a market capitalization of $50,359.7 million, and the component securities of NDX, in aggregate, have traded an average of 440 million shares per day in 2017, both large enough to absorb any price movement caused by a large trade in the QQQQ. The Exchange notes that other exchanges allow no position limits for NDX,[27] although it has a much lower

[22] *See supra* providing trading statistics for each ETF.

[23] *See* Securities Exchange Act Release No. 67936 (September 27, 2012), 77 FR 60491 (October 3, 2012) (SR–BOX–2012–013).

[24] *See* BOX Rule 6040, which sets forth the position limits for broad-based index options.

[25] *Id.*

[26] All share prices used herein are based on the closing price of the security on November 16, 2017. Source: Yahoo Finance.

[27] See CBOE Rule 24.4 sets forth the position limits for broad-based index options.

average daily trading volume than its analogue, the QQQQ. Therefore, the Exchange believes it is reasonable to increase the position limit for options on the QQQQ from 900,000 to 1,800,000 contracts.

The iShare [sic] Russell 2000 ETF or IWM, is an ETF that also tracks the Russell 2000 Index or RUT, which is an index that composed of 2,000 small-cap domestic companies in the Russell 3000 index. Options on RUT are currently subject to the standard position limit of 25,000 contracts for broad-based index options but share similar trading characteristics as IWM.[28] Based on IWM's share price of $144.77 and RUT's index level of 1,486.88, approximately 10 contracts of IWM equals one contract of RUT. Based on the above comparison of notional values, this would result in a position limit equivalent to 250,000 contracts for IWM as RUT's analogue. The Exchange notes that at other exchanges RUT is not subject to position limits and has an average daily trading volume of 66,200 contracts.[29] IWM is currently subject to a position limit of 500,000 contracts but has a much higher average daily trading volume of 490,070 contracts. As mentioned above, other exchanges have no position limits for RUT,[30] although it has a much lower average daily trading volume than its analogue, the IWM. Furthermore, RUT currently has a market capitalization of $2.4 trillion and IWM has a market capitalization of $35,809.1 million, and the component securities of RUT, in aggregate, have traded an average of 270 million shares per day in 2017, both large enough to absorb any price movement cause by a large trade in the IWM. Therefore, the Exchange believes it is reasonable to increase the position limit for options on the IWM from 500,000 to 1,000,000 contracts.

EEM tracks the performance of the MSCI Emerging Markets Index or MXEF, which is composed of approximately 800 component securities following 21 emerging market country indices: Brazil, Chile, China, Colombia, Czech Republic, Egypt, Hungary, India, Indonesia, Korea, Malaysia, Mexico, Morocco, Peru, Philippines, Poland, Russia, South Africa, Taiwan, Thailand, and Turkey. Below makes the same notional value comparison as made above. Based on EEM's share price of $47.06 and MXEF's index level of 1,136.45, approximately 24 contracts of EEM equals one contract of MXEF. MXEF is currently subject to the standard position limit of 25,000 contracts for broad-based index options under BOX Rule 6040(a). Based on the above comparison of notional values, this would result in a position limit economically equivalent to 604,000 contracts for EEM as MXEF's analogue. However, MXEF has an average daily trading volume of 180 contracts. EEM is currently subject to a position limit of 500,000 contracts but has a much higher average daily trading volume of 287,357 contracts. Furthermore, MXEF currently has a market capitalization of $5.18 trillion and EEM has a market capitalization of $34,926.1 million, and the component securities of MXEF, in aggregate, have traded an average of 33.6 billion shares per day in 2017, both large enough to absorb any price movement cause by a large trade in the EEM. Therefore, based on the comparison of average daily trading volume, the Exchange believes it is reasonable to increase the position limit for options on the EEM from 500,000 to 1,000,000 contracts.

EFA tracks the performance of MSCI EAFE Index or MXEA, which has over 900 component securities designed to represent the performance of large and mid-cap securities across 21 developed markets, including countries in Europe, Australasia and the Far East, excluding the U.S. and Canada. Below makes the same notional value comparison as made above. Based on EFA's share price of $69.16 and MXEA's index level of 1,986.15, approximately 29 contracts of EFA equals one contract of MXEA. MXEA is currently subject to the standard position limit of 25,000 contracts for broad-based index options under BOX Rule 6040(a). Based on the above comparison of notional values, this would result in a position limit economically equivalent to 721,000 contracts for EFA as MXEA's analogue. Furthermore, MXEA currently has a market capitalization of $18.7 trillion and EFA has a market capitalization of $78,870.3 million, and the component securities of MXEA, in aggregate, have traded an average of 4.6 billion shares per day in 2017, both large enough to absorb any price movement cause by a large trade in the EEM. However, MXEA has an average daily trading volume of 270 contracts. EFA is currently subject to a position limit of 250,000 contracts but has a much higher average daily trading volume of 98,844 contracts. Based on the above comparisons, the Exchange believes it is reasonable to increase the position limit for options on the EFA from 250,000 to 500,000 contracts.

FXI tracks the performance of the FTSE China 50 Index, which is composed of the 50 largest Chinese stocks. There is currently no index analogue for FXI approved for options trading. However, the FTSE China 50 Index currently has a market capitalization of $1.7 trillion and FXI has a market capitalization of $2,623.18 million, both large enough to absorb any price movement cause by a large trade in FXI. The components of the FTSE China 50 Index, in aggregate, have an average daily trading volume of 2.3 billion shares. FXI is currently subject to a position limit of 000 contracts but has a much higher average daily trading volume of 15.08 million shares. Based on the above comparisons, the Exchange believes it is reasonable to increase the position limit for options on the FXI from 250,000 to 500,000 contracts.

EWZ tracks the performance of the MSCI Brazil 25/50 Index, which is composed of shares of large and mid-size companies in Brazil. There is currently no index analogue for EWZ approved for options trading. However, the MSCI Brazil 25/50 Index currently has a market capitalization of $700 billion and EWZ has a market capitalization of $6,023.4 million, both large enough to absorb any price movement cause by a large trade in EWZ. The components of the MSCI Brazil 25/50 Index, in aggregate, have an average daily trading volume of 285 million shares. EWZ is currently subject to a position limit of 250,000 contracts but has a much higher average daily trading volume of 17.08 million shares. Based on the above comparisons, the Exchange believes it is reasonable to increase the position limit for options on the EWZ from 250,000 to 500,000 contracts.

TLT tracks the performance of ICE U.S. Treasury 20+ Year Bond Index, which is composed of long-term U.S. Treasury bonds. There is currently no index analogue for TLT approved for options trading. However, the U.S. Treasury market is one of the largest and most liquid markets in the world, with over $14 trillion outstanding and turnover of approximately $500 billion per day. TLT currently has a market capitalization of $7,442.4 million, both large enough to absorb any price movement cause by a large trade in TLT. Therefore, the potential for manipulation will not increase solely due the increase in position limits as set forth in this proposal. Based on the above comparisons, the Exchange believes it is reasonable to increase the position limit for options on the TLT from 250,000 to 500,000 contracts.

EWJ tracks the MSCI Japan Index, which tracks the performance of large and mid-sized companies in Japan. There is currently no index analogue for

[28] See BOX Rule 6040, which sets forth the position limits for broad-based index options.

[29] See CBOE Rule 24.4.

[30] *Id.*

EWJ approved for options trading. However, the MSCI Japan Index has a market capitalization of $3.5 trillion and EWJ has a market capitalization of $16,625.1 million, and the component securities of the MSCI Japan Index, in aggregate, have traded an average of 1.1 billion shares per day in 2017, both large enough to absorb any price movement cause by a large trade in EWJ. EWJ is currently subject to a position limit of 250,000 contracts and has an average daily trading volume of 6.6 million shares. Based on the above comparisons, the Exchange believes it is reasonable to increase the position limit for options on EWJ from 250,000 to 500,000 contracts.

The Exchange believes that increasing the position limits for the options subject to this proposal would lead to a more liquid and competitive market environment for these options, which will benefit customers interested in this product. Under the proposal, the reporting requirement for the above options would be unchanged. Thus, the Exchange would still require that each BOX Participant that maintains a position in the options on the same side of the market, for its own account or for the account of a customer, report certain information to the Exchange. This information would include, but would not be limited to, the options' position, whether such position is hedged and, if so, a description of the hedge, and the collateral used to carry the position, if applicable. Exchange Market Makers [31] would continue to be exempt from this reporting requirement, as Market Maker information can be accessed through the Exchange's market surveillance systems.[32] In addition, the general reporting requirement for customer accounts that maintain an aggregate position of 200 or more options contracts would remain at this level for the options subject to this proposal.[33]

The Exchange believes that the existing surveillance procedures and reporting requirements at the Exchange, other options exchanges, and at the several clearing firms are capable of properly identifying unusual and/or illegal trading activity. In addition, routine oversight inspections of the Exchange's regulatory programs by the Commission have not uncovered any material inconsistencies or shortcomings in the manner in which the Exchange's market surveillance is conducted. These procedures utilize daily monitoring of market movements via automated surveillance techniques to identify unusual activity in both options and underlying stocks.[34]

Furthermore, large stock holdings must be disclosed to the Commission by way of Schedules 13D or 13G.[35] The positions for options subject to this proposal are part of any reportable positions and, thus, cannot be legally hidden. Moreover, the Exchange's requirement that BOX Participants file reports with the Exchange for any customer who held aggregate large long or short positions of any single class for the previous day will continue to serve as an important part of the Exchange's surveillance efforts.[36]

The Exchange believes that the current financial requirements imposed by the Exchange and by the Commission adequately address concerns that a BOX Participant or its customer may try to maintain an inordinately large un-hedged position in the options subject to this proposal. Current margin and risk-based haircut methodologies serve to limit the size of positions maintained by any one account by increasing the margin and/or capital that a BOX Participant must maintain for a large position held by itself or by its customer.[37] In addition, Rule 15c3–1 [38] imposes a capital charge on BOX Participants to the extent of any margin deficiency resulting from the higher margin requirement.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Securities Exchange Act of 1934 (the ''Act''),[39] in general, and Section 6(b)(5) of the Act,[40] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest. The current position limits for the options subject to this proposal have inhibited the ability of Market Makers to make markets on the Exchange. Specifically, the proposal is designed to encourage Market Makers to shift liquidity from over the counter markets onto the Exchange, which will enhance the process of price discovery conducted on the Exchange through increased order flow. The proposal will also benefit institutional investors as well as retail traders, and public customers, by providing them with a more effective trading and hedging vehicle. In addition, the Exchange believes that the structure of the ETFs subject to this proposal and the considerable liquidity of the market for options on those ETFs diminishes the opportunity to manipulate this product and disrupt the underlying market that a lower position limit may protect against.

Increased position limits for select actively traded options, such as that proposed herein, is not novel and has been previously approved by the Commission. For example, the Commission has previously approved, on a pilot basis, eliminating position limits for options on SPY.[41] Additionally, the Commission has approved similar proposed rule changes to increase position limits for options on highly liquid, actively-traded ETFs,[42] including a proposal to permanently eliminate the position and exercise limits for options overlaying the S&P 500 Index, S&P 100 Index, Dow Jones Industrial Average, and Nasdaq 100 Index.[43] In approving the permanent elimination of position and exercise limits, the Commission relied heavily upon CBOE's surveillance capabilities, the Commission expressed trust in the enhanced surveillance and reporting

[31] A Market Maker ''is an Options Participant registered with the Exchange for the purpose of making markets in options contracts traded on the Exchange and that is vested with the rights and responsibilities specified in the Rule 8000 Series. All Market Makers are designated as specialists on the Exchange for all purposes under the Exchange Act or Rules thereunder.'' *See* BOX Rule 100(a)(31).

[32] The Exchange notes that the Financial Industry Regulatory Authority (''FINRA''), pursuant to a regulatory services agreement, operates surveillance on behalf of BOX. This type of Market Maker information can be found through FINRA.

[33] *See* BOX Rule 3150 for reporting requirements.

[34] These procedures have been effective for the surveillance of trading the options subject to this proposal and will continue to be employed by FINRA on behalf of BOX.

[35] 17 CFR 240.13d–1.

[36] The Exchange again notes that these surveillance efforts are carried out by FINRA on behalf of BOX.

[37] *See* BOX Rule 10100 Series for a description of margin requirements.

[38] 17 CFR 240.15c3–1.

[39] 15 U.S.C. 78f(b).

[40] 15 U.S.C. 78f(b)(5).

[41] *See* Securities Exchange Act Release Nos. 67672 (August 15, 2012), 77 FR 50750 (August 22, 2012)(SR–NYSEAmex-2012–29); 67937 (September 27, 2012), 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091); 67936 (September 27, 2012), 77 FR 60491 (October 3, 2012) (SR–BOX–2012–013).

[42] *See* Securities Exchange Act Release Nos. 68086 (October 23, 2012), 77 FR 65600 (October 29, 2012)(SR–CBOE–2012–066); 64928 (July 20, 2011), 76 FR 44633 (July 26, 2011) (SR–CBOE–2011–065); 64695 (June 17, 2011), 76 FR 36942 (June 23, 2011) (SR–PHLX–2011–58); and 55155 (January 23, 2007), 72 FR 4741 (February 1, 2017) (SR–CBOE–2007–008.).

[43] *See* Securities Exchange Act Release Nos. 44994 (October 26, 2001), 66 FR 55722 (November 2, 2001) (SR–CBOE–2001–22); 52650 (October 21, 2005), 70 FR 62147 (October 28, 2005) (SR–CBOE–2005–41) (''NDX Approval'').

safeguards that CBOE took in order to detect and deter possible manipulative behavior which might arise from eliminating position and exercise limits.[44] Furthermore, as described more fully above, options on other ETFs have the position limits proposed herein, but their trading volumes are significantly lower than the ETFs subject to the proposed rule change.

Lastly, the Commission expressed the belief that removing position and exercise limits may bring additional depth and liquidity without increasing concerns regarding intermarket manipulation or disruption of the options or the underlying securities.[45] The Exchange believes that BOX's enhanced surveillance and reporting safeguards continue to be designed to deter and detect possible manipulative behavior which might arise from eliminating position and exercise limits.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the proposed rule change will result in additional opportunities to achieve the investment and trading objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general.

Further, the Exchange notes that the rule change is being proposed as a competitive response to a filing submitted by CBOE that was recently approved by the Commission.[46]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[47] and Rule 19b–4(f)(6) thereunder.[48]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[49] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[50] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative upon filing. The Exchange states that waiver of the operative delay would be consistent with the protection of investors and the public interest because it will ensure fair competition among the exchanges by allowing the Exchange to immediately increase the position limits for the products subject to this proposal, which the Exchange believes will provide consistency for BOX Participants that are also members at CBOE where these increased position limits are currently in place. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the operative delay and designates the proposal as operative upon filing.[51]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–BOX–2018–10 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–BOX–2018–10. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–BOX–2018–10, and should be submitted on or before April 18, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[52]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–06138 Filed 3–27–18; 8:45 am]

BILLING CODE 8011–01–P

[44] *See* NDX Approval at 62149.

[45] *Id.*

[46] *See supra,* note 3.

[47] 15 U.S.C. 78s(b)(3)(A).

[48] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission.

[49] 17 CFR 240.19b–4(f)(6).

[50] 17 CFR 240.19b–4(f)(6)(iii).

[51] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[52] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10368]

Notice of Public Meeting

SUMMARY: The Advisory Panel to the U.S. Section of the North Pacific Anadromous Fish Commission will meet on April 27th, 2018.

DATES: The meeting will take place via teleconference on April 27th, 2018 from 2 p.m. to 3 p.m. Eastern time.

SUMMARY: The teleconference call-in number is toll-free 877–336–1831, passcode 6472335, and will have a limited number of lines for members of the public to access from anywhere in the United States. Callers will hear instructions for using the passcode and joining the call after dialing the toll-free number noted. Members of the public wishing to participate in the teleconference must contact the OES officer in charge as noted in the **FOR FURTHER INFORMATION CONTACT** section below no later than close of business on Wednesday, April 25th, 2018.

FOR FURTHER INFORMATION CONTACT: Elana Mendelson, Office of Marine Conservation. Telephone (202) 647–1073, email address *MendelsonEK@state.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the requirements of the Federal Advisory Committee Act, notice is given that the Advisory Panel to the U.S. Section of the North Pacific Anadromous Fish Commission (NPAFC) will meet on the date and time noted above. The panel consists of members from the states of Alaska and Washington who represent the broad range of fishing and conservation interests in anadromous and ecologically related species in the North Pacific. Certain members also represent relevant state and regional authorities. The panel was established in 1992 to advise the U.S. Section of the NPAFC on research needs and priorities for anadromous species, such as salmon, and ecologically related species occurring in the high seas of the North Pacific Ocean. The upcoming Panel meeting will focus on a review of the agenda for the 2018 annual meeting of the NPAFC (May 21–25, 2018; Khabarovsk, Russia). Background material is available from the point of contact noted above and by visiting *www.npafc.org.*

Deirdre Warner-Kramer,

Acting Director, Office of Marine Conservation, Department of State.

[FR Doc. 2018–06210 Filed 3–27–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 10367]

E.O. 13224 Designation of Katibat al-Imam al-Bukhari, aka Imam Bukhori Jamaat, aka Imam Bukhari Battalion, aka Imam Bukhari Jamaat, aka Imam Al-Bukhari Battalion, aka IBB, aka Imom Buxoriy Katibasi, aka KIB, aka Imam al-Bukhoriy Brigade, aka Katibatul Imom al-Buxoriy 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 Katibat al-Imam al-Bukhari, also known as Imam Bukhori Jamaat, also known as Imam Bukhari Battalion, also known as Imam Bukhari Jamaat, also known as Imam Al-Bukhari Battalion, also known as IBB, also known as Imom Buxoriy Katibasi, also known as KIB, also known as Imam al-Bukhoriy Brigade, also known as Katibatul Imom al-Buxoriy, 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. 2018–06172 Filed 3–27–18; 8:45 am]

BILLING CODE 4710–AD–P

SUSQUEHANNA RIVER BASIN COMMISSION

Actions Taken at March 8, 2018, Meeting

AGENCY: Susquehanna River Basin Commission.

ACTION: Notice.

SUMMARY: As part of its regular business meeting held on March 8, 2018, in State College, Pennsylvania, the Commission took the following actions: (1) Approved or tabled the applications of certain water resources projects; and (2) took additional actions, as set forth in the **SUPPLEMENTARY INFORMATION** below.

DATES: March 8, 2018.

ADDRESSES: Susquehanna River Basin Commission, 4423 N. Front Street, Harrisburg, PA 17110–1788.

FOR FURTHER INFORMATION CONTACT: Jason E. Oyler, General Counsel, telephone: 717–238–0423, ext. 1312; fax: 717–238–2436; *joyler@srbc.net.* Regular mail inquiries may be sent to the above address. See also Commission website at *www.srbc.net.*

SUPPLEMENTARY INFORMATION: In addition to the actions taken on projects identified in the summary above and the listings below, the following items were also presented or acted upon at the business meeting: (1) Presentation of the Commission's Maurice K. Goddard Award for Excellence by a Water Management Professional to Mr. Mark Hartle; (2) adoption of a budget reconciliation for the 2019 fiscal year; (3) approval of two agreements and authorization of the Executive Director to spend $300,000 from the Commission's Water Management Fund to complete the Billmeyer Quarry consumptive use mitigation site characterization and testing, including payment to the Lancaster County Solid Waste Management Authority of $75,000; (4) adoption of final rules pertaining to the amendment of Commission regulations to codify and strengthen the Commission's Access to Records Policy; and (5) approval of a request from South Middleton Township Municipal Authority to waive the deadline for submittal of its groundwater withdrawal renewal application.

Project Applications Approved:

The Commission approved the following project applications:

1. *Project Sponsor and Facility:* Cabot Oil & Gas Corporation (East Branch Tunkhannock Creek), Lenox Township, Susquehanna County, Pa. Surface water withdrawal of up to 1.000 mgd (peak day).

2. *Project Sponsor:* Mayapple Real Estate Holdings. Project Facility: Mayapple Golf Links, South Middleton Township, Cumberland County, Pa. Consumptive use of up to 0.200 mgd (peak day).

3. *Project Sponsor:* Mayapple Real Estate Holdings. Project Facility:

Mayapple Golf Links, South Middleton Township, Cumberland County, Pa. Groundwater withdrawal of up to 0.099 mgd (30-day average) from Well 1.

4. *Project Sponsor and Facility:* Repsol Oil & Gas USA, LLC (Fall Brook), Ward Township, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (peak day) (Docket No. 20140313).

5. *Project Sponsor and Facility:* Repsol Oil & Gas USA, LLC (Fellows Creek), Ward Township, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.999 mgd (Docket No. 20140314).

6. *Project Sponsor and Facility:* Seneca Resources Corporation (Arnot No. 5 Mine Discharge), Bloss Township, Tioga County, Pa. Renewal of surface water withdrawal of up to 0.499 mgd (peak day) (Docket No. 20140311).

7. *Project Sponsor and Facility:* SWEPI LP (Susquehanna River), Sheshequin Township, Bradford County, Pa. Renewal of surface water withdrawal of up to 0.850 mgd (peak day) (Docket No. 20140312).

8. *Project Sponsor and Facility:* SWN Production Company, LLC (Susquehanna River), Great Bend Township, Susquehanna County, Pa. Renewal of surface water withdrawal of up to 2.500 mgd (peak day) (Docket No. 20140302).

9. *Project Sponsor and Facility:* XTO Energy Inc. (Little Muncy Creek), Moreland Township, Lycoming County, Pa. Renewal of surface water withdrawal of up to 0.249 mgd (peak day) (Docket No. 20140315).

Project Applications Tabled:

The Commission tabled action on the following project applications:

1. *Project Sponsor and Facility:* Brymac, Inc. dba Mountain View Country Club (Pond ¾), Harris Township, Centre County, Pa. Application for surface water withdrawal of up to 0.240 mgd (peak day).

2. *Project Sponsor and Facility:* Dillsburg Area Authority, Franklin Township, York County, Pa. Modification to increase groundwater withdrawal by an additional 0.099 mgd (30-day average), for a total groundwater withdrawal of up to 0.200 mgd (30-day average) from Well 3 (Docket No. 20081207).

3. *Project Sponsor and Facility:* Lycoming Engines, a Division of Avco Corporation, City of Williamsport, Lycoming County, Pa. Application for renewal of groundwater withdrawal of up to 0.980 mgd (30-day average) for groundwater remediation system (Docket No. 19880203).

Authority: Pub. L. 91–575, 84 Stat. 1509 *et seq.,* 18 CFR parts 806, 807, and 808.

Dated: March 23, 2018.

Stephanie L. Richardson,

Secretary to the Commission.

[FR Doc. 2018–06218 Filed 3–27–18; 8:45 am]

BILLING CODE 7040–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Commercial Space Transportation Reusable Launch Vehicle and Reentry Licensing Regulation

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 information is used to determine if applicants satisfy requirements for obtaining a launch license to protect the public from risks associated with reentry operations from a site not operated by or situated on a Federal launch range.

DATES: Written comments should be submitted by May 29, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0643.

Title: Commercial Space Transportation Reusable Launch Vehicle and Reentry Licensing Regulation.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The data is necessary for a U.S. citizen to apply for and obtain a reusable launch vehicle (RLV) mission license or a reentry license for activities by commercial or non-federal entities (that are not done by or for the U.S. Government) as defined and required by 49 U.S.C., Subtitle IX, Chapter 701, formerly known as the Commercial Space Launch Act of 1984, as amended. The information is needed in order to demonstrate to the FAA Office of Commercial Space Transportation (FAA/AST) that the proposed activity meets applicable public safety, national security, and foreign policy interests of the United States.

Respondents: Approximately 5 applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 3,900 hours.

Estimated Total Annual Burden: 19,500 hours.

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.

Issued in Fort Worth, TX on March 20, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–06255 Filed 3–27–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Availability of Categorical Exclusion and Record of Decision for the Proposed West Flow Area Navigation Standard Instrument Departure Procedures at Phoenix Sky Harbor International Airport as per the Memorandum Regarding Implementation of Court Order per City of Phoenix, Arizona v. Huerta, 869 F.3d 963 (D.C. Circuit 2017)

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

ACTION: Notice of availability.

SUMMARY: The FAA, Western Service Area is issuing this notice to advise the public of the availability of the Categorical Exclusion/Record of Decision (CATEX/ROD) for the Proposed West Flow Area Navigation (RNAV) Standard Instrument Departure (SID) Procedures at Phoenix Sky Harbor

International Airport in Phoenix, AZ. The FAA reviewed the action and determined it to be categorically excluded from further environmental documentation.

FOR FURTHER INFORMATION CONTACT: Marina Landis, Federal Aviation Administration, Operations Support Group, Western Service Center, 2200 S 216th St., Des Moines, WA 98198–6547 (206) 231–2238 or *https://www.faa.gov/nextgen/nextgen_near_you/community_involvement/phx/.*

SUPPLEMENTARY INFORMATION:

Background

The FAA is proposing to amend the west flow RNAV SID procedures from Runways 25 Left, 25 Right and 26 at Phoenix Sky Harbor International Airport, Phoenix, Arizona. The proposed amendments are consistent with the resolution of the parties as stipulated in the Memorandum Regarding Implementation of the Court Order, jointly negotiated following the court's August 29, 2017, Order in *City of Phoenix, Arizona* v. *Huerta,* 869 F.3d 963 (D.C. Circuit 2017). The proposed Step 1A RNAV SID procedures is the first step in order to return the west flow procedures to the pre-September 2014 flight paths. Aircraft on the proposed northwest RNAV SID will follow the extended runway centerline, perform a right turn to the north after 43rd Avenue direct to an RNAV waypoint, and will then be vectored to join a departure route that closely follows the current published procedures to the northeast, north, and northwest. Aircraft on the proposed west RNAV SID will climb through 500 feet above ground level, or 1,635 feet mean sea level, then turn left and right following paths similar to those prior to September 18, 2014. From there, they will follow an RNAV path that closely follows the current published procedure to the west. Aircraft departing to the southwest will continue to fly the current RNAV procedures.

Right of Appeal: This CATEX/ROD constitutes a final order of the FAA Administrator and is subject to exclusive judicial review under 49 U.S.C. 46110 by the U.S. Circuit Court of Appeals for the District of Columbia or the U.S. Circuit Court of Appeals for the circuit in which the person contesting the decision resides or has its principal place of business. Any party having substantial interest in this order may apply for review of the decision by filing a petition for review in the appropriate U.S. Court of Appeals no later than 60 days after the order is issued in accordance with the provisions of 49 U.S.C. 46110.

Issued in Des Moines, WA, on March 29, 2018.

Shawn M. Kozica,

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

[FR Doc. 2018–06245 Filed 3–27–18; 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: Maintenance, Preventive Maintenance, Rebuilding, and Alteration

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 Information to be collected is necessary to insure the safety of the flying public. Documentation of maintenance repair actions record the who, what, when, where and how of the task performed. All maintenance actions as well as documentation are required by Title 14 CFR part 43. This insures proper certification of personnel; proper tooling is utilized and accurate measures to insure safety. FAA reviewed 142,652 form 337s in 2017 with 316,175 aircraft registrations filed in 2017. Each form 337 takes approximately .5 hours.

DATES: Written comments should be submitted by May 29, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0020.

Title: Maintenance, Preventive Maintenance, Rebuilding, and Alteration.

Form Numbers: Aircraft maintenance logbooks and form 337.

Type of Review: Renewal of information collection.

Background: Title 14 CFR part 43 mandates information to be provided when an alteration or major repair is performed on an aircraft of United States registry. Submission of Form 337 is required for capture in the aircraft permanent records for current and future owners to substantiate to requirements of the regulations, prior to operation of the aircraft. Aircraft owners have the responsibility of documentation and submission of all maintenance records performed to their aircraft.

Respondents: Aircraft owners.

Frequency: On Occasion of alteration or major repair.

Estimated Average Burden per Response: 30 Minutes/.5 hours.

Estimated Total Annual Burden: Industry Annual burden 29,457 hours.

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.

Fort Worth, TX on March 21, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–06264 Filed 3–27–18; 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: License Requirements for Operation of a Launch Site

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 information to be collected includes data required for

performing launch site location analysis. The launch site license is valid for a period of 5 years. Respondents are licensees authorized to operate sites.

DATES: Written comments should be submitted by May 29, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0644.

Title: License Requirements for Operation of a Launch Site.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: The data requested for a license application to operate a commercial launch site are required by 49 U.S.C. Subtitle IX, 701—Commercial Space Launch Activities, 49 U.S.C. 70101–70119 (1994). The information is needed in order to demonstrate to the FAA Office of Commercial Space Transportation (FAA/AST) that the proposed activity meets applicable public safety, national security, and foreign policy interest of the United States.

Respondents: Approximately 2 applicants.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 2,322 hours.

Estimated Total Annual Burden: 4,644 hours.

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.

Issued in Fort Worth, TX, on March 20, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–06248 Filed 3–27–18; 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: Commercial Space Transportation Licensing Regulations

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 information will determine if applicant proposals for conducting commercial space launches can be accomplished according to regulations issued by the Office of the Associate Administrator for Commercial Space Transportation.

DATES: Written comments should be submitted by May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Barbara Hall at (940) 594–5913, or by email at: *Barbara.L.Hall@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0608.

Title: Commercial Space Transportation Licensing Regulations.

Form Numbers: FAA Form 8800–1.

Type of Review: Renewal of an information collection.

Background: The Commercial Space Launch Act of 1984, 49 U.S.C. App. §§ 2601–2623, as recodified at 49 U.S.C. Subtitle IX, Ch. 701—Commercial Space Launch Activities, 49 U.S.C. 70101–70119 (1994), requires certain data be provided in applying for a license to conduct commercial space launch activities. These data are required to demonstrate to the Federal Aviation Administration (FAA), Associate Administrator for Commercial Space Transportation (AST), that a license applicant's proposed activities meet applicable public safety, national security, and foreign policy interests of the United States.

Respondents: Approximately 17 space launch applicants (Initial, Modification and Renewal).

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 264 hours.

Estimated Total Annual Burden: 4,493 hours.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

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.

Issued in Fort Worth, TX on March 20, 2018.

Barbara L. Hall,

FAA Assistant Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–06254 Filed 3–27–18; 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: FAA Entry Point Filing Form—International Registry

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 information collected is required from aircraft operators who wish to obtain a unique authorization code for transmitting information to the International Registry in Dublin, Ireland. An estimated 30 minutes is required to complete the only form in the collection, AC Form 8050–135.

DATES: Written comments should be submitted by May 29, 2018.

ADDRESSES: Send comments to the FAA at the following address: Barbara Hall, Federal Aviation Administration, ASP–110, 10101 Hillwood Parkway, Fort Worth, TX 76177.

FOR FURTHER INFORMATION CONTACT: Barbara Hall by email at: *Barbara.L.Hall@faa.gov;* phone: 940–594–5913.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0697.

Title: FAA Entry Point Filing Form—International Registry.

Form Numbers: AC Form 8050–135.

Type of Review: Renewal of existing collection.

Background: This information collection supports Department of Transportation strategic goals regarding safety and security. The information collected is necessary to obtain an authorization code for transmission of information to the International Registry.

The Convention on International Interest in Mobile Equipment, as modified by the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (herein after the Cape Town Treaty or Treaty), provides for the creation and sustainment of the International Registry. The International Registry is an electronic registry system that works in tandem with the current system operated by the FAA Civil Aviation Registry (Registry) for the United States. Congress has designated the Registry as the exclusive United States Entry Point for transmissions to the International Registry. To transmit certain types of interests or prospective interests to the International Registry, interested parties must file a completed FAA Entry Point Filing Form—International Registry, AC Form 8050–135, with the Registry. Upon receipt of the completed form, the Registry, upon verifying the accuracy of the submitted data, issues the unique authorization code.

Respondents: Aircraft owners desiring authorization for filing with the International Registry. The submission of the information in question is not an FAA requirement for aircraft registration. Its sole purpose is to create authorization for filing with the International Registry.

Frequency: As desired by the aircraft owner.

Estimated Average Burden per Response: 30 minutes.

Estimated Total Annual Burden: Based on FY '17 approximately 15,000 filings, the estimated annual burden is 7,500 hours.

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.

Issued in Fort Worth, TX on March 20, 2018.

Barbara L. Hall,

FAA Information Collection Clearance Officer, Performance, Policy, and Records Management Branch, ASP–110.

[FR Doc. 2018–06256 Filed 3–27–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031]

Agency Information Collection; Activity Under OMB Review; Part 249 Preservation of Records

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS requiring certificated air carriers to preserve accounting records, consumer complaint letters, reservation reports and records, system reports of aircraft movements, etc. Also, public charter operators and overseas military personnel charter operators are required to retain certain contracts, invoices, receipts, bank records and reservation records.

DATES: Written comments should be submitted by May 29, 2018.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Room E34, OST–R, BTS, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, Telephone Number (202) 366–4406, Fax Number (202) 366–3383 or Email *jeff.gorham@dot.gov.*

ADDRESSES:

Comments: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 OMB Approval No. 2138–0006 by any of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access

You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–0006.

Title: Preservation of Air Carrier Records—14 CFR part 249.

Form No.: None.

Type of Review: Extension of a currently approved recordkeeping requirement.

Respondents: Certificated air carriers and charter operators.

Number of Respondents: 89 certificated air carriers, 280 charter operators.

Estimated Time per Response: 3 hours per certificated air carrier, 1 hour per charter operator.

Total Annual Burden: 547 hours.

Needs and Uses: Part 249 requires the retention of records such as: general and subsidiary ledgers, journals and journal vouchers, voucher distribution registers, accounts receivable and payable journals and ledgers, subsidy records documenting underlying financial and statistical reports to DOT, funds reports,

consumer records, sales reports, auditors' and flight coupons, air waybills, etc. Depending on the nature of the document, the carrier may be required to retain the document for a period of 30 days to three years. Public charter operators and overseas military personnel charter operators must retain documents which evidence or reflect deposits made by each charter participant and commissions received by, paid to, or deducted by travel agents, and all statements, invoices, bills and receipts from suppliers or furnishers of goods and services in connection with the tour or charter. These records are retained for six months after completion of the charter program.

Not only is it imperative that carriers and charter operators retain source documentation, but it is critical that DOT has access to these records. Given DOT's established information needs for such reports, the underlying support documentation must be retained for a reasonable period of time. Absent the retention requirements, the support for such reports may or may not exist for audit/validation purposes and the relevance and usefulness of the carrier submissions would be impaired, since the data could not be verified to the source on a test basis.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 20, 2018.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2018–06204 Filed 3–27–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031 BTS Paperwork Reduction Notice]

Agency Information Collection; Activity Under OMB Review; Submission of Audit Reports—Part 248

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of BTS requiring U.S. large certificated air carriers to submit two true and complete copies of its annual audit that is made by an independent public accountant. If a carrier does not have an annual audit, the carrier must file a statement that no audit has been performed. Comments are requested concerning whether (1) the audit reports are needed by BTS and DOT; (2) BTS accurately estimated the reporting burden; (3) there are other ways to enhance the quality, utility and clarity of the information collected; and (4) there are ways to minimize reporting burden, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted by May 29, 2018.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3383.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access

You may access comments received for this notice at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

FOR FURTHER INFORMATION CONTACT: *Jeff.gorham@dot.gov,* Office of Airline Information, RTS–42, Room E34, Bureau of Transportation Statistics, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

SUPPLEMENTAL INFORMATION: *OMB Approval No.:* 2138–0004.

Title: Submission of Audit Reports—Part 248.

Form No.: None.

Type Of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 60.

Number of Responses: 60.

Total Annual Burden: 20 hours.

Needs and Uses: BTS collects independent audited financial reports from U.S. certificated air carriers. Carriers not having an annual audit must file a statement that no such audit has been performed. In lieu of the audit report, BTS will accept the annual report submitted to the stockholders. The audited reports are needed by the Department of Transportation as (1) a means to monitor an air carrier's continuing fitness to operate, (2) reference material used by analysts in examining foreign route cases (3) reference material used by analyst in examining proposed mergers, acquisitions and consolidations, (4) a means whereby BTS sends a copy of the report to the International Civil Aviation Organization (ICAO) in fulfillment of a United States treaty obligation, and (5) corroboration of a carrier's Form 41 filings.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 20, 2018.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2018–06201 Filed 3–27–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket ID Number DOT–OST–2014–0031 BTS Paperwork Reduction Notice]

Agency Information Collection; Activity Under OMB Review; Report of Extension of Credit to Political Candidates—Form 183

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need and usefulness of BTS collecting reports from air carriers on the aggregated indebtedness balance of a political candidate or party for Federal office. The reports are required when the aggregated indebtedness is over $5,000 on the last day of a month.

DATES: Written comments should be submitted by May 29, 2018.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 by any of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–493–2251.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Jeff Gorham, Office of Airline Information, RTS–42, Bureau of Transportation Statistics, 1200 New Jersey Avenue Street SE, Washington, DC 20590–0001, (202) 366–4406.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–0016.

Title: Report of Extension of Credit to Political Candidates—Form 183 14 CFR part 374a.

Form No.: 183.

Type Of Review: Extension of a currently approved collection.

Respondents: Certificated air carriers.

Number of Respondents: 2 (Monthly Average).

Number of Responses: 24.

Estimated Time per Response: 1 hour.

Total Annual Burden: 24 hours.

Needs and Uses: The Department uses this form as the means to fulfill its obligation under the Federal Election Campaign Act of 1971 (the Act). The Act's legislative history indicates that one of its statutory goals is to prevent candidates for Federal political office from incurring large amounts of unsecured debt with regulated transportation companies (*e.g.,* airlines). This information collection allows the Department to monitor and disclose the amount of unsecured credit extended by airlines to candidates for Federal office. All certificated air carriers are required to submit this information.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 20, 2018.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2018–06203 Filed 3–27–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

[Docket DOT–OST–2014–0031 BTS Paperwork Reduction Notice]

Agency Information Collection; Activity Under OMB Review; Reporting Required for International Civil Aviation Organization (ICAO)

AGENCY: Office of the Assistant Secretary for Research and Technology (OST–R), Bureau of Transportation Statistics (BTS), Department of Transportation.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need and usefulness of BTS collecting supplemental data for the International Civil Aviation Organization (ICAO). Comments are requested concerning whether (1) the supplemental reports are needed by BTS to fulfill the United States treaty obligation of furnishing financial and traffic reports to ICAO; (2) BTS accurately estimated the reporting burden; (3) there are other ways to enhance the quality, utility and clarity of the information collected; and (4) there are ways to minimize reporting

burden, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted by May 29, 2018.

ADDRESSES: You may submit comments identified by DOT Docket ID Number DOT–OST–2014–0031 OMB Approval No. 2138–0039 by any of the following methods:

Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Mail: Docket Services: U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

Hand Delivery or Courier: West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

Fax: 202–366–3640.

Instructions: Identify docket number, DOT–OST–2014–0031, at the beginning of your comments, and send two copies. To receive confirmation that DOT received your comments, include a self-addressed stamped postcard. Internet users may access all comments received by DOT at *http://www.regulations.gov.* All comments are posted electronically without charge or edits, including any personal information provided.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* or the street address listed above. Follow the online instructions for accessing the dockets.

Electronic Access

An electronic copy of this rule, a copy of the notice of proposed rulemaking, and copies of the comments may be downloaded at *http://www.regulations.gov,* by searching docket DOT–OST–2014–0031.

FOR FURTHER INFORMATION CONTACT: *jeff.gorham@dot.gov,* Office of Airline Information, RTS–42, Room E34, OST–R, 1200 New Jersey Avenue Street SE, Washington, DC 20590–0001.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–0039.

Title: Reporting Required for International Civil Aviation Organization (ICAO).

Form No.: BTS Form EF.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers.

Number of Respondents: 34.

Number of Responses: 34.

Total Annual Burden: 23 hours.

Needs and Uses: As a party to the Convention on International Civil Aviation (Treaty), the United States is obligated to provide ICAO with financial and statistical data on operations of U.S. carriers. Over 99% of the data filled with ICAO is extracted from the air carriers' Form 41 submissions to BTS. BTS Form EF is the means by which BTS supplies the remaining 1% of the air carrier data to ICAO.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (44 U.S.C. 3501 note), requires a statistical agency to clearly identify information it collects for non-statistical purposes. BTS hereby notifies the respondents and the public that BTS uses the information it collects under this OMB approval for non-statistical purposes including, but not limited to, publication of both Respondent's identity and its data, submission of the information to agencies outside BTS for review, analysis and possible use in regulatory and other administrative matters.

Issued in Washington, DC, on March 20, 2018.

William Chadwick, Jr.,

Director, Office of Airline Information, Bureau of Transportation Statistics.

[FR Doc. 2018–06196 Filed 3–27–18; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions.

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel. 202–622–4855; or the Department of the Treasury's Office of the General Counsel: Office of the Chief Counsel (Foreign Assets Control), tel.: 202–622–2410.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Actions

On March 23, 2018, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. MESRI, Behzad (a.k.a. ''Skote Vahshat''); DOB 26 Aug 1988; alt. DOB 27 Aug 1988; POB Naghadeh, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

2. MOHAMMADI, Ehsan; DOB 25 Dec 1980; POB Tehran, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport U21669469 (Iran) issued 25 Jul 2011 expires 24 Jul 2016; National ID No. 006–718237–2; Birth Certificate Number 7608 (individual) [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015,

''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

3. GOHARI MOQADAM, Abuzar (a.k.a. GOHARI MOGHADAM, Abuzar; a.k.a. GOHARIMOQADAM, Abuzar); DOB 16 Sep 1980; alt. DOB 17 Sep 1980; POB Zabol, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport V29385211 (Iran) issued 19 Feb 2014 expires 19 Feb 2019; National ID No. 367–353055–063; Birth Certificate Number 455 (individual) [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

4. KARIMA, Abdollah (a.k.a. ''VAHID''); DOB 21 Mar 1979; POB Mashhad, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; National ID No. 093–343402–2; Birth Certificate Number 4043 (individual) [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

5. RAFATNEJAD, Gholamreza (a.k.a. RAFAT NEJAD, Gholamreza); DOB 23 May 1979; POB Tabriz, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; National ID No. 137–582394–9; Birth Certificate Number 365 (individual) [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

6. SABAHI, Roozbeh; DOB 08 Mar 1994; alt. DOB 09 Mar 1994; POB Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male (individual) [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

7. SABAHI, Mohammed Reza (a.k.a. SABAHI, Mohammad Reza; a.k.a. ''FARAZ''); DOB 02 Dec 1991; POB Tehran, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; National ID No. 041–023144–4 (individual) [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

8. SADEGHI, Mostafa; DOB 19 Jan 1990; alt. DOB 20 Jan 1990; alt. DOB 19 Jan 1991; alt. DOB 20 Jan 1991; Additional Sanctions Information—Subject to Secondary Sanctions; National ID No. 2500094065 (individual) [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

9. MIRKARIMI, Seyed Ali; DOB 20 Sep 1983; POB Zanjan, Iran; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; Passport 86486868 (Iran); National ID No. 428–486320–7; Birth Certificate Number 1973 (individual) [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

10. TAHMASEBI, Sajjad; DOB 19 Jun 1987; nationality Iran; Additional Sanctions Information—Subject to Secondary Sanctions; Gender Male; National ID No. 428–576368–0; Birth Certificate Number 6686 (individual) [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as

amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

Entity:

1. MABNA INSTITUTE, Mirdamad, Naft Jonubi, Taban Alley, Plaque 2/1, Unit 102, Tehran, Iran; East Shahid Hemmat Highway, North Emam Ali Highway, East Artesh Highway, Town of Qa'em, Banafsheh Street, Second Door, Plaque 2, Tehran, Iran; Ansariyeh Boulevard, 6th Bustan, Plaque 488, 4515736541, Zanjan, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [CYBER2].

Designated pursuant to section 1(a)(ii)(D) of Executive Order 13694 of April 1, 2015, ''Blocking the Property of Certain Persons Engaging in Significant Malicious Cyber-Enabled Activities'' (E.O. 13694), as amended, is responsible for or complicit in, or has engaged in, directly or indirectly, cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States that are reasonably likely to result in, or have materially contributed to, a significant threat to the national security, foreign policy, or economic health or financial stability of the United States and that have the purpose or effect of causing a significant misappropriation of funds or economic resources, trade secrets, personal identifiers, or financial information for commercial or competitive advantage or private financial gain.

Dated: March 23, 2018.

John E. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2018–06216 Filed 3–27–18; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Credit for Indian Coal Production and Inflation Adjustment Factor for Calendar Year 2017

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Publication of inflation adjustment factor for Indian coal production for calendar year 2017.

SUMMARY: The 2017 inflation adjustment factor is used in determining the availability of the credit for Indian coal production under section 45. Section 40408 of Division A of the Bipartisan Budget Act of 2018 extends the credit period for the Indian coal production credit from an 11-year period beginning on January 1, 2006, to a 12-year period beginning on January 1, 2006. This provision is effective for coal produced in the United States or a possession thereof after December 31, 2016.

DATES: The 2017 inflation adjustment factor applies to calendar year 2017 sales of Indian coal produced in the United States or a possession thereof.

Inflation Adjustment Factor: The inflation adjustment factor for calendar year 2017 for Indian coal is 1.2115.

Credit Amount for Indian Coal: As required by section 45(e)(10)(B)(ii), the $2.00 amount in section 45(e)(10)(B)(i) is adjusted by multiplying such amount by the inflation adjustment factor for the calendar year. Under the calculation required by section 45(e)(10)(B)(ii), the credit for Indian coal production for calendar year 2017 under section 45(e)(10)(B) is $2.423 per ton on the sale of Indian coal.

FOR FURTHER INFORMATION CONTACT: Phil Tiegerman, CC:PSI:6, Internal Revenue Service, 1111 Constitution Avenue NW, Washington, DC 20224, (202) 317–6853 (not a toll-free number).

Christopher T. Kelley

Special Counsel to the Associate Chief Counsel (Passthroughs and Special Industries).

[FR Doc. 2018–06236 Filed 3–27–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4506

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 4506, Request for Copy of Tax Return.

DATES: Written comments should be received on or before May 29, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Sandra Lowery at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or at (202) 317–5754 or through the internet, at *Sandra.J.Lowery@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Request for Copy of Tax Return.

OMB Number: 1545–0429.

Form Number: Form 4506.

Abstract: Internal Revenue Code section 7513 allows taxpayers to request a copy of a tax return or related documents. Form 4506 is used for this purpose. The information provided will be used for research to locate the tax form and to ensure that the requestor is the taxpayer or someone authorized by the taxpayer to obtain the documents requested.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, farms, and Federal, state, local, or tribal governments.

Estimated Number of Respondents: 325,000.

Estimated Time Per Respondent: 48 min.

Estimated Total Annual Burden Hours: 260,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate

of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 22, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–06234 Filed 3–27–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 990–BL and Form 6069.

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 990–BL, Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons, and Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction.

DATES: Written comments should be received on or before May 29, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instruction should be directed to Sandra Lowery at Internal Revenue Services, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or at (202) 317–5754 or through the internet at *Sandra.J.Lowery@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Information and Initial Excise Tax Return for Black Lung Benefit Trusts and Certain Related Persons, and Form 6069, Return of Excise Tax on Excess Contributions to Black Lung Benefit Trust Under Section 4953 and Computation of Section 192 Deduction.

OMB Number: 1545–0049.

Form Number: 990–BL and Form 6069.

Abstract: IRS uses Form 990–BL to monitor activities of black lung benefit trusts, and to collect excise taxes on these trusts and certain related persons if they engage in proscribed activities. The tax is figured on Schedule A and attached to Form 990–BL. Form 6069 is used by coal mine operators to figure the maximum deduction to a black lung benefit trust. If excess contributions are made, IRS uses the form to figure and collect the tax on excess contributions.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals, and not-for-profit institutions.

Form 990–BL

Estimated Number of Respondents: 22.

Estimated Time Per Respondent: 34 hrs., 15 min.

Estimated Total Annual Burden Hours: 754.

Form 6069

Estimated Number of Respondents: 1.

Estimated Time Per Respondent: 9 hours, 56 minutes.

Estimated Total Annual Burden Hours: 10.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any Internal Revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; 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 service to provide information.

Approved: March 22, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–06239 Filed 3–27–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF TREASURY

Internal Revenue Service

Electronic Tax Administration Advisory Committee (ETAAC); Nominations

AGENCY: Internal Revenue Service, Department of Treasury.

ACTION: Request for nominations.

SUMMARY: The Internal Revenue Service (IRS) is requesting applications from individuals with experience in cybersecurity and information security, tax software development, tax preparation, payroll and tax financial product processing, systems management and improvement, implementation of customer service initiatives, public administration, and consumer advocacy to be considered for selection as members of the Electronic Tax Administration Advisory Committee (ETAAC).

Nominations should describe and document the proposed member's qualification for ETAAC membership, including the applicant's knowledge of regulations and the applicant's past or current affiliations and dealings with the particular tax segment or segments of the community that the applicant wishes to represent on the committee. Applications will be accepted for current vacancies from qualified individuals and from professional and public interest groups that wish to have representation on ETAAC. Submissions must include an application and resume.

ETAAC provides continuing input into the development and implementation of the IRS organizational strategy for electronic tax administration. The ETAAC will provide an organized public forum for discussion of electronic tax

administration issues such as prevention of identity theft-related refund fraud in support of the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. The ETAAC members will convey the public's perceptions of IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs and procedures, and suggest improvements.

This is a volunteer position and members will serve three-year terms on the ETAAC to allow for a rotation in membership which ensures that different perspectives are represented. Travel expenses within government guidelines will be reimbursed. In accordance with Department of Treasury Directive 21–03, a clearance process including fingerprints, annual tax checks, a Federal Bureau of Investigation criminal check and a practitioner check with the Office of Professional Responsibility will be conducted.

DATES: Written nominations must be received on or before May 10, 2018.

ADDRESSES: Nominations should be sent to: Michael Deneroff, IRS National Public Liaison Office, CL:NPL:SRM, Room 7559, 1111 Constitution Avenue NW, Washington, DC 20224, Attn: ETAAC Nominations. Applications may also be submitted via fax to 855–811–8020 or via email at *PublicLiaison@irs.gov.* Application packages are available on the IRS website at *https://www.irs.gov/e-file-providers/apply-for-membership-on-the-electronic-tax-administration-advisory-committee-etaac.* Application packages may also be requested by telephone from National Public Liaison, 202–317–6851 (not a toll-free number).

FOR FURTHER INFORMATION CONTACT: Michael Deneroff at (202) 317–6851, or send an email to *publicliaison@irs.gov.*

SUPPLEMENTARY INFORMATION: The establishment and operation of the Electronic Tax Administration Advisory Committee (ETAAC) is required by the Internal Revenue Service (IRS) Restructuring and Reform Act of 1998 (RRA 98), Title II, Section 2001(b)(2). ETAAC follows a charter in accordance with the provisions of the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2. The ETAAC provides continued input into the development and implementation of the IRS's strategy for electronic tax administration. The ETAAC will research, analyze, consider, and make recommendations on a wide range of electronic tax administration issues and will provide input into the development of the strategic plan for electronic tax administration. Members will provide an annual report to Congress by June 30.

Applicants must complete the application form, which includes describing and documenting the applicant's qualifications for ETAAC membership. Applicants must submit a short one- or two-page statement including recent examples of specific skills and qualifications as they relate to: Cybersecurity and information security, tax software development, tax preparation, payroll and tax financial product processing, systems management and improvement, implementation of customer service initiatives, consumer advocacy and public administration. Examples of critical thinking, strategic planning and oral and written communication are desirable.

An acknowledgement of receipt will be sent to all applicants.

Equal opportunity practices will be followed in all appointments to the ETAAC in accordance with Department of Treasury and IRS policies. The IRS has a special interest in assuring that women and men, members of all races and national origins, and individuals with disabilities have an opportunity to serve on advisory committees. Therefore, IRS extends particular encouragement to nominations from such appropriately qualified individuals.

Dated: March 20, 2018.

John Lipold,

Designated Federal Official.

[FR Doc. 2018–06232 Filed 3–27–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning international boycott report.

DATES: Written comments should be received on or before May 29, 2018 to be assured of consideration.

ADDRESSES: Direct all written comments to Laurie Brimmer, Internal Revenue Service, room 6529, 1111 Constitution Avenue NW, Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Kerry Dennis, at (202) 317–5751 or Internal Revenue Service, Room 6529, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at *Kerry.Dennis@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: International Boycott Report.

OMB Number: 1545–0216.

Form Number(s): 5713 and Schedules A, B, and C (Form 5713).

Abstract: Form 5713 and related Schedules A, B, and C are used by any entity that has operations in a ''boycotting'' country. If that entity cooperates with or participates in an international boycott, it may lose a portion of the following benefits: the foreign tax credit, deferral of income of a controlled foreign corporation, deferral of income of a domestic international sales corporation, or deferral of income of a foreign sales corporation. The IRS uses Form 5713 to determine if any of these benefits should be lost. The information is also used as the basis for a report to the Congress.

Current Actions: There have been no changes to the forms that would increase burden. However, the agency has updated its estimated number of responses for each form based on recent filing data.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Form 5713

Estimated Number of Respondents: 4,822.

Estimated Time Per Respondent: 28.37 hours.

Schedule A (Form 5713)

Estimated Number of Respondents: 244.

Estimated Time Per Respondent: 3.57 hours.

Schedule B (Form 5713)

Estimated Number of Respondents: 280.

Estimated Time Per Respondent: 7.46 hours.

Schedule C (Form 5713)

Estimated Number of Respondents: 226.

Estimated Time Per Respondent: 9 hours.

Estimated Total Annual Burden Hours: 143,498,

The following paragraph applies to all of the collections of information covered by this notice.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 20, 2018.

Laurie Brimmer,

Senior Tax Analyst.

[FR Doc. 2018–06237 Filed 3–27–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Open Meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: An open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be conducted. The Taxpayer Advocacy Panel is soliciting public comments, ideas and suggestions on improving customer service at the Internal Revenue Service.

DATES: The meeting will be held Wednesday, April 11, 2018.

FOR FURTHER INFORMATION CONTACT: Robert Rosalia at 1–888–912–1227 or (718) 834–2203.

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an open meeting of the Taxpayer Advocacy Panel Tax Forms and Publications Project Committee will be held Wednesday, April 11, 2018, at 2:00 p.m., Eastern Time via teleconference. The public is invited to make oral comments or submit written statements for consideration. Due to limited conference lines, notification of intent to participate must be made with Robert Rosalia. For more information please contact Robert Rosalia at 1–888–912–1227 or (718) 834–2203, or write TAP Office, 2 Metrotech Center, 100 Myrtle Avenue, Brooklyn, NY 11201 or contact us at the website: *http://www.improveirs.org.* The agenda will include various IRS issues.

Dated: March 23, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–06222 Filed 3–27–18; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Recruitment Notice for the Taxpayer Advocacy Panel

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: Notice of Open Season for Recruitment of IRS Taxpayer Advocacy Panel (TAP) Members.

DATES: March 23, 2018 through April 27, 2018.

FOR FURTHER INFORMATION CONTACT: Fred N. Smith, Jr. 202–317–3087 (not a toll-free call).

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Department of the Treasury and the Internal Revenue Service (IRS) are inviting individuals to help improve the nation's tax agency by applying to be members of the Taxpayer Advocacy Panel (TAP). The mission of the TAP is to listen to taxpayers, identify issues that affect taxpayers, and make suggestions for improving IRS service and customer satisfaction. The TAP serves as an advisory body to the Secretary of the Treasury, the Commissioner of Internal Revenue, and the National Taxpayer Advocate. TAP members will participate in subcommittees that channel their feedback to the IRS through the Panel's parent committee.

The IRS is seeking applicants who have an interest in good government, a personal commitment to volunteer approximately 200 to 300 hours a year, and a desire to help improve IRS customer service. As a federal advisory committee, TAP is required to have membership be fairly balanced in terms of the points of view represented. Thus, TAP membership represents a cross-section of the taxpaying public with at least one member from each state, the District of Columbia and Puerto Rico, in addition to one member representing international taxpayers. For application purposes, ''international taxpayers'' are defined broadly to include U.S. citizens working, living, or doing business abroad or in a U.S. territory. Potential candidates must be U.S. citizens and must pass a federal tax compliance check and a Federal Bureau of Investigation criminal background investigation. Applicants who practice before the IRS must be in good standing with the IRS. Federally-registered lobbyists cannot be members of the TAP. Current employees of any Bureau of the Treasury Department or have worked for any Bureau of the Treasury Department within three years of December 1 of the current year are not eligible. The IRS is seeking members or alternates in the following locations:

Locations that need Members:

Alaska, California, Hawaii, Kentucky, Massachusetts, Michigan, New Hampshire, New Mexico, North Dakota, New York, Oregon, Pennsylvania, Rhode Island, Texas, Vermont, and Wyoming. The TAP is also seeking to include at least one (1) additional member to represent international taxpayers. For these purposes, ''international taxpayers'' are broadly defined to include U.S. citizens working, living, or doing business abroad or in a U.S. territory.

Locations that need Alternates:

All states listed above and Colorado, District of Columbia, Delaware, Kansas, Ohio, South Dakota, Virginia and Washington.

TAP members are a diverse group of citizens who represent the interests of taxpayers from their respective geographic locations by providing feedback from a taxpayer's perspective on ways to improve IRS customer service and administration of the federal tax system, and by identifying grassroots taxpayer issues. Members should have good communication skills and be able to speak to taxpayers about TAP and its activities, while clearly distinguishing

between TAP positions and their personal viewpoints.

Interested applicants should visit the TAP website at *www.improveirs.org* for more information about TAP. Applications must be submitted electronically at *www.usajobs.gov.* For questions about TAP membership, call the TAP toll-free number, 1–888–912–1227. Callers who are outside of the U.S. and U.S. territories should call 202–317–3087 (not a toll-free call).

The opening date for submitting applications is March 23, 2018, and the deadline for submitting applications is April 27, 2018. Interviews may be held. The Department of the Treasury will review the recommended candidates and make final selections. New TAP members will serve a three-year term starting in December 2018. (Note: highly-ranked applicants not selected as members may be placed on a roster of alternates who will be eligible to fill future vacancies that may occur on the Panel.)

Questions regarding the selection of TAP members may be directed to Fred N. Smith, Jr., Taxpayer Advocacy Panel, Internal Revenue Service, 1111 Constitution Avenue NW, TA:TAP Room 1509, Washington, DC 20224, or 202–317–3087 (not a toll-free call).

Dated: March 23, 2018.

Kevin Brown,

Acting Director, Taxpayer Advocacy Panel.

[FR Doc. 2018–06224 Filed 3–27–18; 8:45 am]

BILLING CODE 4830–01–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Roundtable

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public roundtable.

SUMMARY: Notice is hereby given of the following roundtable of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public roundtable in Washington, DC on April 12, 2018 on ''China's Preparations for and Response to North Korea Contingencies.''

DATES: The roundtable is scheduled for Thursday, April 12, 2018 from 9:30 a.m. to 11:30 a.m.

ADDRESSES: TBD, Washington, DC. A detailed agenda for the roundtable will be posted on the Commission's website at *www.uscc.gov.* Also, please check the Commission's website for possible changes to the roundtable schedule. *Reservations are not required to attend the roundtable.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the roundtable should contact Leslie Tisdale, 444 North Capitol Street NW, Suite 602, Washington, DC 20001; telephone: 202–624–1496, or via email at *ltisdale@uscc.gov. Reservations are not required to attend the roundtable.*

SUPPLEMENTARY INFORMATION:

Background: This roundtable will examine Chinese views on the likelihood of various potential North Korean contingencies, how China could play a role in the lead-up to or unfolding of such contingencies, and implications for the United States and the region. This roundtable would aim to shed new light on the following: (1) Chinese thinking about potential crises and contingencies involving North Korea; (2) what the People's Liberation Army (PLA) and other stakeholders are doing to prepare for these various scenarios; (3) Chinese diplomatic activities in this area; and (4) geopolitical and security implications for the United States. The roundtable will be co-chaired by Commissioner Jonathan Stivers and Senator James Talent. Any interested party may file a written statement by April 12, 2018, by mailing to the contact above. A portion of each panel will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: March 23, 2018.

Kathleen Wilson,

Finance and Operations Director, U.S.-China Economic and Security, Review Commission.

[FR Doc. 2018–06200 Filed 3–27–18; 8:45 am]

BILLING CODE 1137–00–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0101]

Agency Information Collection Activity Under OMB Review: Eligibility Verification Reports (EVRs)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden and it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 27, 2018.

ADDRESSES: Submit written comments on the collection of information through *www.Regulations.gov*, or to Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: VA Desk Officer; 725 17th St. NW, Washington, DC 20503 or sent through electronic mail to *oira_submission@omb.eop.gov.* Please refer to ''OMB Control No. 2900–0101'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Office of Quality, Privacy and Risk, Department of Veterans Affairs, 811 Vermont Avenue, Floor 5, Area 368, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0101'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 1506.

Title: Eligibility Verification Reports (EVRs): VA Forms 21P–0510, 21P–0510 (Spanish), 21P–0512S–1, 21P–0512S–1 (Spanish), 21P–0512V–1, 21P–0513–1, 21P–0513–1 (Spanish), 21P–0514–1, 21P–0514–1 (Spanish), 21P–0516–1, 21P–0516–1 (Spanish), 21P–0517–1, 21P–0517–1 (Spanish), 21P–0518–1, 21P–0518–1 (Spanish), 21P–0519C–1, 21P–0519C–1 (Spanish), 21P–0519S–1, 21P–0519S–1 (Spanish).

OMB Control Number: 2900–0101.

Type of Review: Revision of a currently approved collection.

Abstract: Information is requested by this form under the authority of 38

U.S.C. 1506. Regulatory authority is found in 38 CFR 3.277. A claimant's eligibility for pension is determined, in part, by countable family income and net worth. Any individual who has applied for, or receives, VA Pension or Parents' Dependency and Indemnity Compensation (DIC) must promptly notify VA in writing of any change in entitlement factors.

VBA uses Eligibility Verification Reports to receive income and net worth information from Pension and Parents DIC claimants and beneficiaries to evaluate eligibility to benefits. The reported information can result in increased or decreased benefits. Typically, claimants and beneficiaries utilize the form to inform VA of changes in their income or net worth, though the forms could also be used to reopen a claim for benefits in limited circumstances.

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 **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 83 FR 2878 on January 19, 2018, page 2878.

Affected Public: Individuals and households.

Estimated Annual Burden: 34,500 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 69,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality and Compliance, Department of Veterans Affairs.

[FR Doc. 2018–06156 Filed 3–27–18; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 83 Wednesday,
No. 60 March 28, 2018

Part II

The President

Federal Register
Vol. 83, No. 60
Wednesday, March 28, 2018

Presidential Documents

Title 3—

The President

Proclamation 9710 of March 22, 2018

Adjusting Imports of Aluminum Into the United States

By the President of the United States of America

A Proclamation

1. On January 19, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of aluminum articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9704 of March 8, 2018 (Adjusting Imports of Aluminum Into the United States), I concurred in the Secretary's finding that aluminum articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of aluminum articles, as defined in clause 1 of Proclamation 9704 (aluminum articles), by imposing a 10 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico.

3. In proclaiming this tariff, I recognized that our Nation has important security relationships with some countries whose exports of aluminum articles to the United States weaken our internal economy and thereby threaten to impair the national security. I also recognized our shared concern about global excess capacity, a circumstance that is contributing to the threatened impairment of the national security. I further determined that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on aluminum articles imports from that country and, if necessary, adjust the tariff as it applies to other countries as the national security interests of the United States require.

4. The United States is continuing discussions with Canada and Mexico, as well as the following countries, on satisfactory alternative means to address the threatened impairment to the national security by imports of aluminum articles from those countries: the Commonwealth of Australia (Australia), the Argentine Republic (Argentina), the Republic of Korea (South Korea), the Federative Republic of Brazil (Brazil), and the European Union (EU) on behalf of its member countries. Each of these countries has an important security relationship with the United States and I have determined that the necessary and appropriate means to address the threat to the national security posed by imports from aluminum articles from these countries is to continue these discussions and to exempt aluminum articles imports from these countries from the tariff, at least at this time. Any country not listed in this proclamation with which we have a security relationship remains welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports of aluminum articles from that country.

5. The United States has an important security relationship with Australia, including our shared commitment to supporting each other in addressing

national security concerns, particularly through our security, defense, and intelligence partnership; the strong economic and strategic partnership between our countries; our shared commitment to addressing global excess capacity in aluminum production; and the integration of Australian persons and organizations into the national technology and industrial base of the United States.

6. The United States has an important security relationship with Argentina, including our shared commitment to supporting each other in addressing national security concerns in Latin America, particularly the threat posed by instability in Venezuela; our shared commitment to addressing global excess capacity in aluminum production; the reciprocal investment in our respective industrial bases; and the strong economic integration between our countries.

7. The United States has an important security relationship with South Korea, including our shared commitment to eliminating the North Korean nuclear threat; our decades-old military alliance; our shared commitment to addressing global excess capacity in aluminum production; and our strong economic and strategic partnership.

8. The United States has an important security relationship with Brazil, including our shared commitment to supporting each other in addressing national security concerns in Latin America; our shared commitment to addressing global excess capacity in aluminum production; the reciprocal investment in our respective industrial bases; and the strong economic integration between our countries.

9. The United States has an important security relationship with the EU and its constituent member countries, including our shared commitment to supporting each other in national security concerns; the strong economic and strategic partnership between the United States and the EU, and between the United States and EU member countries; and our shared commitment to addressing global excess capacity in aluminum production.

10. In light of the foregoing, I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of aluminum articles from these countries is to continue ongoing discussions and to increase strategic partnerships, including those with respect to reducing global excess capacity in aluminum production by addressing its root causes. In my judgment, discussions regarding measures to reduce excess aluminum production and excess aluminum capacity, measures that will increase domestic capacity utilization, and other satisfactory alternative means will be most productive if the tariff proclaimed in Proclamation 9704 on aluminum articles imports from these countries is removed at this time.

11. However, the tariff imposed by Proclamation 9704 remains an important first step in ensuring the economic viability of our domestic aluminum industry and removing the threatened impairment of the national security. Without this tariff and the adoption of satisfactory alternative means addressing long-term solutions in ongoing discussions with the countries listed as excepted in clause 1 of this proclamation, the industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of aluminum to meet our national security needs—a situation that is fundamentally inconsistent with the safety and security of the American people. As a result, unless I determine by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of aluminum articles from a particular country listed as excepted in clause 1 of this proclamation, the tariff set forth in clause 2 of Proclamation 9704 shall be effective May 1, 2018, for the countries listed as excepted in clause 1 of this proclamation. In the event that a satisfactory alternative means is reached such that I decide to exclude on a long-term basis a particular country from the tariff proclaimed in Proclamation 9704, I will also consider whether it is necessary and appropriate in light of our national security

interests to make any corresponding adjustments to the tariff set forth in clause 2 of Proclamation 9704 as it applies to other countries. Because the current tariff exemptions are temporary, however, I have determined that it is necessary and appropriate to maintain the current tariff level at this time.

12. In the meantime, to prevent transshipment, excess production, or other actions that would lead to increased exports of aluminum articles to the United States, the United States Trade Representative, in consultation with the Secretary and the Assistant to the President for Economic Policy, shall advise me on the appropriate means to ensure that imports from countries exempt from the tariff imposed in Proclamation 9704 do not undermine the national security objectives of such tariff. If necessary and appropriate, I will consider directing U.S. Customs and Border Protection (CBP) of the Department of Homeland Security to implement a quota as soon as practicable, and will take into account all aluminum articles imports since January 1, 2018, in setting the amount of such quota.

13. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

14. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Imports of all aluminum articles, as defined in clause 1 of Proclamation 9704, from the countries listed in this clause shall be exempt from the duty established in clause 2 of Proclamation 9704 until 12:01 a.m. eastern daylight time on May 1, 2018. Further, clause 2 of Proclamation 9704 is amended by striking the last two sentences and inserting the following two sentences: ''Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all aluminum articles imports specified in the Annex shall be subject to an additional 10 percent ad valorem rate of duty with respect to goods entered, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the European Union, and (b) on or after 12:01 a.m. eastern daylight time on May 1, 2018, from all countries. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported aluminum articles, shall apply to imports of aluminum articles from each country as specified in the preceding sentence.''.

(2) Paragraph (a) of U.S. note 19, added to subchapter III of chapter 99 of the HTSUS by the Annex to Proclamation 9704, is amended by replacing ''Canada and of Mexico'' with ''Canada, of Mexico, of Australia, of Argentina, of South Korea, of Brazil, and of the member countries of the European Union''.

(3) The ''Article description'' for heading 9903.85.01 of the HTSUS is amended by replacing ''Canada or of Mexico'' with ''Canada, of Mexico, of Australia, of Argentina, of South Korea, of Brazil, or of the member countries of the European Union''.

(4) The exemption afforded to aluminum articles from Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the

EU shall apply only to aluminum articles of such countries entered, or withdrawn from warehouse for consumption, through the close of April 30, 2018, at which time Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the EU shall be deleted from paragraph (a) of U.S. note 19 to subchapter III of chapter 99 of the HTSUS and from the article description of heading 9903.85.01 of the HTSUS.

(5) Any aluminum article that is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern daylight time on March 23, 2018, may only be admitted as ''privileged foreign status'' as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any ad valorem rates of duty related to the classification under the applicable HTSUS subheading. Any aluminum article that was admitted into a U.S. foreign trade zone under ''privileged foreign status'' as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on March 23, 2018, will likewise be subject upon entry for consumption to any ad valorem rates of duty related to the classification under applicable HTSUS subheadings imposed by Proclamation 9704, as amended by this proclamation.

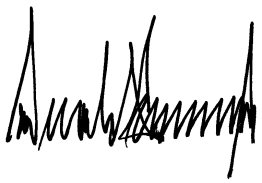
(6) Clause 3 of Proclamation 9704 is amended by inserting a new third sentence reading as follows: ''Such relief may be provided to directly affected parties on a party-by-party basis taking into account the regional availability of particular articles, the ability to transport articles within the United States, and any other factors as the Secretary deems appropriate.''.

(7) Clause 3 of Proclamation 9704, as amended by clause 6 of this proclamation, is further amended by inserting a new fifth sentence as follows: ''For merchandise entered on or after the date the directly affected party submitted a request for exclusion, such relief shall be retroactive to the date the request for exclusion was posted for public comment.''.

(8) The Secretary, in consultation with CBP and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register.*

(9) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2018–06420
Filed 3–27–18; 11:15 am]
Billing code 3295–F8–P

Presidential Documents

Proclamation 9711 of March 22, 2018

Adjusting Imports of Steel Into the United States

By the President of the United States of America

A Proclamation

1. On January 11, 2018, the Secretary of Commerce (Secretary) transmitted to me a report on his investigation into the effect of imports of steel mill articles on the national security of the United States under section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862).

2. In Proclamation 9705 of March 8, 2018 (Adjusting Imports of Steel Into the United States), I concurred in the Secretary's finding that steel mill articles are being imported into the United States in such quantities and under such circumstances as to threaten to impair the national security of the United States, and decided to adjust the imports of steel mill articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of this proclamation (steel articles), by imposing a 25 percent ad valorem tariff on such articles imported from all countries except Canada and Mexico.

3. In proclaiming this tariff, I recognized that our Nation has important security relationships with some countries whose exports of steel articles to the United States weaken our internal economy and thereby threaten to impair the national security. I also recognized our shared concern about global excess capacity, a circumstance that is contributing to the threatened impairment of the national security. I further determined that any country with which we have a security relationship is welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports from that country, and noted that, should the United States and any such country arrive at a satisfactory alternative means to address the threat to the national security such that I determine that imports from that country no longer threaten to impair the national security, I may remove or modify the restriction on steel articles imports from that country and, if necessary, adjust the tariff as it applies to other countries as the national security interests of the United States require.

4. The United States is continuing discussions with Canada and Mexico, as well as the following countries, on satisfactory alternative means to address the threatened impairment to the national security by imports of steel articles from those countries: the Commonwealth of Australia (Australia), the Argentine Republic (Argentina), the Republic of Korea (South Korea), the Federative Republic of Brazil (Brazil), and the European Union (EU) on behalf of its member countries. Each of these countries has an important security relationship with the United States and I have determined that the necessary and appropriate means to address the threat to the national security posed by imports from steel articles from these countries is to continue these discussions and to exempt steel articles imports from these countries from the tariff, at least at this time. Any country not listed in this proclamation with which we have a security relationship remains welcome to discuss with the United States alternative ways to address the threatened impairment of the national security caused by imports of steel articles from that country.

5. The United States has an important security relationship with Australia, including our shared commitment to supporting each other in addressing national security concerns, particularly through our security, defense, and

intelligence partnership; the strong economic and strategic partnership between our countries; our shared commitment to addressing global excess capacity in steel production; and the integration of Australian persons and organizations into the national technology and industrial base of the United States.

6. The United States has an important security relationship with Argentina, including our shared commitment to supporting each other in addressing national security concerns in Latin America, particularly the threat posed by instability in Venezuela; our shared commitment to addressing global excess capacity in steel production; the reciprocal investment in our respective industrial bases; and the strong economic integration between our countries.

7. The United States has an important security relationship with South Korea, including our shared commitment to eliminating the North Korean nuclear threat; our decades-old military alliance; our shared commitment to addressing global excess capacity in steel production; and our strong economic and strategic partnership.

8. The United States has an important security relationship with Brazil, including our shared commitment to supporting each other in addressing national security concerns in Latin America; our shared commitment to addressing global excess capacity in steel production; the reciprocal investment in our respective industrial bases; and the strong economic integration between our countries.

9. The United States has an important security relationship with the EU and its constituent member countries, including our shared commitment to supporting each other in national security concerns; the strong economic and strategic partnership between the United States and the EU, and between the United States and EU member countries; and our shared commitment to addressing global excess capacity in steel production.

10. In light of the foregoing, I have determined that the necessary and appropriate means to address the threat to the national security posed by imports of steel articles from these countries is to continue ongoing discussions and to increase strategic partnerships, including those with respect to reducing global excess capacity in steel production by addressing its root causes. In my judgment, discussions regarding measures to reduce excess steel production and excess steel capacity, measures that will increase domestic capacity utilization, and other satisfactory alternative means will be most productive if the tariff proclaimed in Proclamation 9705 on steel articles imports from these countries is removed at this time.

11. However, the tariff imposed by Proclamation 9705 remains an important first step in ensuring the economic viability of our domestic steel industry and removing the threatened impairment of the national security. Without this tariff and the adoption of satisfactory alternative means addressing long-term solutions in ongoing discussions with the countries listed as excepted in clause 1 of this proclamation, the industry will continue to decline, leaving the United States at risk of becoming reliant on foreign producers of steel to meet our national security needs—a situation that is fundamentally inconsistent with the safety and security of the American people. As a result, unless I determine by further proclamation that the United States has reached a satisfactory alternative means to remove the threatened impairment to the national security by imports of steel articles from a particular country listed as excepted in clause 1 of this proclamation, the tariff set forth in clause 2 of Proclamation 9705 shall be effective May 1, 2018, for the countries listed as excepted in clause 1 of this proclamation. In the event that a satisfactory alternative means is reached such that I decide to exclude on a long-term basis a particular country from the tariff proclaimed in Proclamation 9705, I will also consider whether it is necessary and appropriate in light of our national security interests to make any corresponding adjustments to the tariff set forth in clause 2 of Proclamation 9705 as it applies to other countries. Because the current tariff exemptions

are temporary, however, I have determined that it is necessary and appropriate to maintain the current tariff level at this time.

12. In the meantime, to prevent transshipment, excess production, or other actions that would lead to increased exports of steel articles to the United States, the United States Trade Representative, in consultation with the Secretary and the Assistant to the President for Economic Policy, shall advise me on the appropriate means to ensure that imports from countries exempt from the tariff imposed in Proclamation 9705 do not undermine the national security objectives of such tariff. If necessary and appropriate, I will consider directing U.S. Customs and Border Protection (CBP) of the Department of Homeland Security to implement a quota as soon as practicable, and will take into account all steel articles imports since January 1, 2018, in setting the amount of such quota.

13. Section 232 of the Trade Expansion Act of 1962, as amended, authorizes the President to adjust the imports of an article and its derivatives that are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

14. Section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTSUS) the substance of statutes affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, DONALD J. TRUMP, President of the United States of America, by the authority vested in me by the Constitution and the laws of the United States of America, including section 232 of the Trade Expansion Act of 1962, as amended, section 301 of title 3, United States Code, and section 604 of the Trade Act of 1974, as amended, do hereby proclaim as follows:

(1) Imports of all steel articles, as defined in clause 1 of Proclamation 9705, as amended by clause 8 of this proclamation, from the countries listed in this clause shall be exempt from the duty established in clause 2 of Proclamation 9705 until 12:01 a.m. eastern daylight time on May 1, 2018. Further, clause 2 of Proclamation 9705 is amended by striking the last two sentences and inserting the following two sentences: ''Except as otherwise provided in this proclamation, or in notices published pursuant to clause 3 of this proclamation, all steel articles imports specified in the Annex shall be subject to an additional 25 percent ad valorem rate of duty with respect to goods entered, or withdrawn from warehouse for consumption, as follows: (a) on or after 12:01 a.m. eastern daylight time on March 23, 2018, from all countries except Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the European Union, and (b) on or after 12:01 a.m. eastern daylight time on May 1, 2018, from all countries. This rate of duty, which is in addition to any other duties, fees, exactions, and charges applicable to such imported steel articles, shall apply to imports of steel articles from each country as specified in the preceding sentence.''.

(2) Paragraph (a) of U.S. note 16, added to subchapter III of chapter 99 of the HTSUS by the Annex to Proclamation 9705, is amended by replacing ''Canada and of Mexico'' with ''Canada, of Mexico, of Australia, of Argentina, of South Korea, of Brazil, and of the member countries of the European Union''.

(3) The ''Article description'' for heading 9903.80.01 of the HTSUS is amended by replacing ''Canada or of Mexico'' with ''Canada, of Mexico, of Australia, of Argentina, of South Korea, of Brazil, or of the member countries of the European Union''.

(4) The exemption afforded to steel articles from Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the EU shall apply only to steel articles of such countries entered, or withdrawn from warehouse for consumption, through the close of April 30, 2018, at which

time Canada, Mexico, Australia, Argentina, South Korea, Brazil, and the member countries of the EU shall be deleted from paragraph (a) of U.S. note 16 to subchapter III of chapter 99 of the HTSUS and from the article description of heading 9903.80.01 of the HTSUS.

(5) Any steel article that is admitted into a U.S. foreign trade zone on or after 12:01 a.m. eastern daylight time on March 23, 2018, may only be admitted as ''privileged foreign status'' as defined in 19 CFR 146.41, and will be subject upon entry for consumption to any ad valorem rates of duty related to the classification under the applicable HTSUS subheading. Any steel article that was admitted into a U.S. foreign trade zone under ''privileged foreign status'' as defined in 19 CFR 146.41, prior to 12:01 a.m. eastern daylight time on March 23, 2018, will likewise be subject upon entry for consumption to any ad valorem rates of duty related to the classification under applicable HTSUS subheadings imposed by Proclamation 9705, as amended by this proclamation.

(6) Clause 3 of Proclamation 9705 is amended by inserting a new third sentence reading as follows: ''Such relief may be provided to directly affected parties on a party-by-party basis taking into account the regional availability of particular articles, the ability to transport articles within the United States, and any other factors as the Secretary deems appropriate.''.

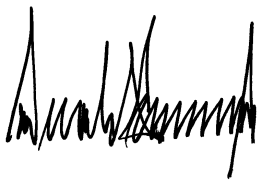
(7) Clause 3 of Proclamation 9705, as amended by clause 6 of this proclamation, is further amended by inserting a new fifth sentence as follows: ''For merchandise entered on or after the date the directly affected party submitted a request for exclusion, such relief shall be retroactive to the date the request for exclusion was posted for public comment.''.

(8) The reference to ''7304.10'' in clause 1 of Proclamation 9705, is amended to read ''7304.11''.

(9) The Secretary, in consultation with CBP and other relevant executive departments and agencies, shall revise the HTSUS so that it conforms to the amendments and effective dates directed in this proclamation. The Secretary shall publish any such modification to the HTSUS in the *Federal Register*.

(10) Any provision of previous proclamations and Executive Orders that is inconsistent with the actions taken in this proclamation is superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of March, in the year of our Lord two thousand eighteen, and of the Independence of the United States of America the two hundred and forty-second.



[FR Doc. 2018–06425
Filed 3–27–18; 11:15 am]
Billing code 3295–F8–P

Presidential Documents

Memorandum of March 23, 2018

Military Service by Transgender Individuals

Memorandum for the Secretary of Defense [and] the Secretary of Homeland Security

Pursuant to my memorandum of August 25, 2017, ''Military Service by Transgender Individuals,'' the Secretary of Defense, in consultation with the Secretary of Homeland Security, submitted to me a memorandum and report concerning military service by transgender individuals.

These documents set forth the policies on this issue that the Secretary of Defense, in the exercise of his independent judgment, has concluded should be adopted by the Department of Defense. The Secretary of Homeland Security concurs with these policies with respect to the U.S. Coast Guard.

Among other things, the policies set forth by the Secretary of Defense state that transgender persons with a history or diagnosis of gender dysphoria—individuals who the policies state may require substantial medical treatment, including medications and surgery—are disqualified from military service except under certain limited circumstances.

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order as follows:

Section 1. I hereby revoke my memorandum of August 25, 2017, ''Military Service by Transgender Individuals,'' and any other directive I may have made with respect to military service by transgender individuals.

Sec. 2. The Secretary of Defense, and the Secretary of Homeland Security, with respect to the U.S. Coast Guard, may exercise their authority to implement any appropriate policies concerning military service by transgender individuals.

Sec. 3. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

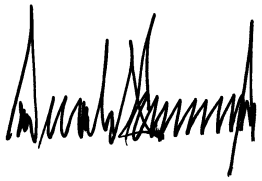
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum 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.

(d) The Secretary of Defense is authorized and directed to publish this memorandum in the *Federal Register.*



THE WHITE HOUSE,
Washington, March 23, 2018

[FR Doc. 2018–06426
Filed 3–27–18; 11:15 am]
Billing code 5001–06–P

FEDERAL REGISTER

Vol. 83 Wednesday,
No. 60 March 28, 2018

Part III

The President

Federal Register
Vol. 83, No. 60
Wednesday, March 28, 2018

Presidential Documents

Title 3—

The President

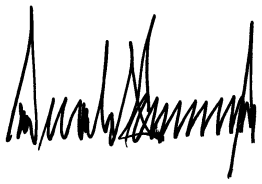
Notice of March 27, 2018

Continuation of the National Emergency With Respect to Significant Malicious Cyber-Enabled Activities

On April 1, 2015, by Executive Order 13694, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the increasing prevalence and severity of malicious cyber-enabled activities originating from, or directed by persons located, in whole or in substantial part, outside the United States. On December 28, 2016, the President issued Executive Order 13757 to take additional steps to address the national emergency declared in Executive Order 13694.

These significant malicious cyber-enabled activities continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For this reason, the national emergency declared on April 1, 2015, must continue in effect beyond April 1, 2018. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13694, as amended by Executive Order 13757.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
March 27, 2018.

[FR Doc. 2018–06468
Filed 3–27–18; 1:00 pm]
Billing code 3295–F8–P

Presidential Documents

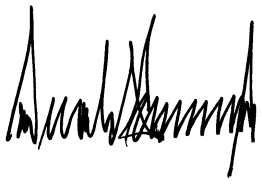
Notice of March 27, 2018

Continuation of the National Emergency With Respect to South Sudan

On April 3, 2014, by Executive Order 13664, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in and in relation to South Sudan, which has been marked by activities that threaten the peace, security, or stability of South Sudan and the surrounding region, including widespread violence and atrocities, human rights abuses, recruitment and use of child soldiers, attacks on peacekeepers and humanitarian aid workers, and obstruction of humanitarian operations.

The situation in and in relation to South Sudan continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, the national emergency declared on April 3, 2014, to deal with that threat must continue in effect beyond April 3, 2018. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13664.

This notice shall be published in the *Federal Register* and transmitted to the Congress.



THE WHITE HOUSE,
March 27, 2018.

[FR Doc. 2018–06475
Filed 3–27–18; 1:00 pm]
Billing code 3295–F8–P

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Federal Register

Vol. 83, No. 60

Wednesday, March 28, 2018

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FEDERAL REGISTER PAGES AND DATE, MARCH

CFR PARTS AFFECTED DURING MARCH

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Publishing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO's Federal Digital System (FDsys) at *http://www.gpo.gov/fdsys*. Some laws may not yet be available.

H.R. 1177/P.L. 115–156
Removing Outdated Restrictions to Allow for Job Growth Act (Mar. 26, 2018; 132 Stat. 1240)
Last List March 27, 2018

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