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MERIT SYSTEMS PROTECTION BOARD

5 CFR Part 1201

Civil Monetary Penalty Inflation Adjustment

AGENCY: Merit Systems Protection Board.

ACTION: Final rule.

SUMMARY: This final rule adjusts the level of civil monetary penalties (CMPs) in regulations maintained and enforced by the Merit Systems Protection Board (MSPB) with an annual adjustment under the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the 2015 Act) and Office of Management and Budget (OMB) guidance.

DATES: This final rule is effective on January 10, 2018.

FOR FURTHER INFORMATION CONTACT: Jennifer Everling, Acting Clerk of the Board, Merit Systems Protection Board, 1615 M Street NW, Washington, DC 20419; Phone: (202) 653–7200; Fax: (202) 653–7130; or email: *mspb@mspb.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Civil Penalties Inflation Adjustment Act of 1990 (the 1990 Act), Public Law 101–410, provided for the regular evaluation of CMPs by Federal agencies. Periodic inflationary adjustments of CMPs ensure that the consequences of statutory violations adequately reflect the gravity of such offenses and that CMPs are properly accounted for and collected by the Federal Government. In April 1996, the 1990 Act was amended by the Debt Collection Improvement Act of 1996 (the 1996 Act), Public Law 104–134, which required Federal agencies to adjust their CMPs at least once every four years. However, because inflationary adjustments to CMPs were statutorily capped at ten percent of the maximum penalty amount, but only required to be calculated every four years, CMPs in many cases did not correspond with the true measure of inflation over the preceding four-year period, leading to a decline in the real value of the penalty. To remedy this decline, the 2015 Act (section 701 of Pub. L. 114–74) requires agencies to adjust CMP amounts with annual inflationary adjustments through a rulemaking using a methodology mandated by the legislation. The purpose of these adjustments is to maintain the deterrent effect of civil penalties.

A civil monetary penalty is ''any penalty, fine, or other sanction'' that: (1) ''is for a specific amount'' or ''has a maximum amount'' under Federal law; and (2) a Federal agency assesses or enforces ''pursuant to an administrative proceeding or a civil action in the Federal courts.''

The MSPB is authorized to assess CMPs pursuant to 5 U.S.C. 1215(a)(3) and 5 U.S.C. 7326 in disciplinary actions brought by the Special Counsel. The corresponding MSPB regulation for both CMPs is 5 CFR 1201.126(a). As required by the 2015 Act, and pursuant to guidance issued by the OMB, the MSPB is now making an annual adjustment for 2018, according to the prescribed formulas.

II. Calculation of Adjustment

The CMP listed in 5 U.S.C. 1215(a)(3) was established in 1978 with the enactment of the Civil Service Reform Act of 1978 (CSRA), Public Law 95–454, section 202(a), 92 Stat. 1121–30 (Oct. 13, 1978), and originally codified at 5 U.S.C. 1207(b). That CMP was last amended by section 106 of the Whistleblower Protection Enhancement Act of 2012, Public Law 112–199, 12 Stat. 1468 (Nov. 27, 2012), now codified at 5 U.S.C. 1215(a)(3), which provided for a CMP ''not to exceed $1,000''. The CMP authorized in 5 U.S.C. 7326 was established in 2012 by section 4 of the Hatch Act Modernization Act of 2012 (Hatch Act), Public Law 112–230, 126 Stat. 1617 (Dec. 28, 2012), which provided for a CMP ''not to exceed $1,000.'' On June 5, 2017, the MSPB issued a final rule which increased the maximum CMP allowed under both 5 U.S.C. 1215(a)(3) and 5 U.S.C. 7326 to $1,045 for the year 2017. *See* 82 FR 25715 (June 5, 2017). This increase reflected both a catch-up adjustment and an annual increase for the year 2017, as mandated by the 2015 Act. On December 15, 2017, OMB issued guidance on calculating the annual inflationary adjustment for 2018. *See* Memorandum from Mick Mulvaney, Dir., OMB, to Heads of Executive Departments and Agencies re: Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, M–18–03 (Dec. 15, 2017). Therein, OMB notified agencies that the annual adjustment multiplier for 2018, based on the Consumer Price Index for All Urban Consumers (CPI–U), is 1.02041 and that the 2018 annual adjustment amount is obtained by multiplying the 2017 penalty amount by the 2018 annual adjustment multiplier, and rounding to the nearest dollar. Therefore, the new maximum penalty under the CSRA and the Hatch Act is $\$1{,}045 \times 1.02041 = \$1{,}066.32$, which rounds to $1,066.

III. Effective Date of Penalties

The revised CMP amounts will go into effect on January 10, 2018. All violations for which CMPs are assessed after the effective date of this rule will be assessed at the adjusted penalty level regardless of whether the violation occurred before the effective date.

IV. Procedural Requirements

A. Administrative Procedure Act

Pursuant to 5 U.S.C. 553(b), the MSPB has determined that good cause exists for waiving the general notice of proposed rulemaking and public comment procedures as to these technical amendments. The notice and comment procedures are being waived because Congress has specifically exempted agencies from these requirements when implementing the 2015 Act. The 2015 Act explicitly requires the agency to make subsequent annual adjustments notwithstanding 5 U.S.C. 553, the section of the Administrative Procedure Act that normally requires agencies to engage in notice and comment. It is also in the public interest that the adjusted rates for CMPs under the CSRA and the Hatch Act become effective as soon as possible to maintain their effective deterrent effect.

B. Regulatory Impact Analysis: E.O. 12866

The MSPB has determined that this is not a significant regulatory action under E.O. 12866. Therefore, no regulatory impact analysis is required.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) requires an agency to prepare a regulatory flexibility analysis for rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. *See* 5 U.S.C. 603(a) and 604(a). As discussed above, the 2015 Act does not require agencies to first publish a proposed rule when adjusting CMPs within their jurisdiction. Thus, the RFA does not apply to this final rule.

D. Small Business Regulatory Enforcement Fairness Act of 1996

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

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

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

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

E. Unfunded Mandates Reform Act of 1995

This rule does not involve a Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking 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 (2 U.S.C. 1532).

F. E.O. 12630, Government Actions and Interference With Constitutionally Protected Property Rights

This rule does not have takings implications.

G. E.O. 13132, Federalism

This rule does not have Federalism implications. The rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

H. E.O. 12988, Civil Justice Reform

The MSPB has reviewed this rule in light of E.O. 12988 to eliminate ambiguity, minimize litigation, establish clear legal standards, and reduce burden.

I. E.O. 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with E.O. 13175, the MSPB has evaluated this rule and determined that it has no tribal implications.

J. Paperwork Reduction Act

This document does not contain information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. Chapter 35).

List of Subjects in 5 CFR Part 1201

Administrative practice and procedure, Civil rights, Government employees.

For the reasons set forth above, 5 CFR part 1201 is amended as follows:

PART 1201—PRACTICES AND PROCEDURES

■ 1. The authority citation for part 1201 continues to read as follows:

Authority: 5 U.S.C. 1204, 1305, and 7701, and 38 U.S.C. 4331, unless otherwise noted.

§ 1201.126 [Amended]

■ 2. Section 1201.126 is amended in paragraph (a) by removing ''$1,045'' and adding in its place ''$1,066.''

Jennifer Everling,

Acting Clerk of the Board.

[FR Doc. 2018–00290 Filed 1–9–18; 8:45 am]

BILLING CODE 7400–01–P

DEPARTMENT OF ENERGY

10 CFR Part 205

RIN 1901–AB40

Grid Security Emergency Orders: Procedures for Issuance

AGENCY: Office of Electricity Delivery and Energy Reliability, U.S. Department of Energy.

ACTION: Final rule.

SUMMARY: The U.S. Department of Energy (''DOE'') is issuing a final rule that establishes procedural regulations concerning the Secretary of Energy's issuance of an emergency order under the Federal Power Act. The statute authorizes the Secretary of Energy to order emergency measures, following a Presidential declaration of a grid security emergency, to protect or restore the reliability of critical electric infrastructure or defense critical electric infrastructure during the emergency. A grid security emergency could result from a physical attack, a cyber-attack using electronic communication, an electromagnetic pulse (EMP), or a geomagnetic storm event, damaging certain electricity infrastructure assets and impairing the reliability of the Nation's power grid. The procedures established by this final rule will ensure the expeditious issuance of emergency orders under the Federal Power Act.

DATES: These procedures are effective as of January 10, 2018.

FOR FURTHER INFORMATION CONTACT: Jeffrey Baumgartner, (202) 586–1411; U.S. Department of Energy, Office of Electricity Delivery and Energy Reliability, Mailstop OE–20, Room 8G–017, 1000 Independence Avenue SW, Washington, DC 20585; or *oeregs@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Fixing America's Surface Transportation Act (FAST Act or the Act), Public Law 114–94, contains several provisions designed to protect and enhance the Nation's electric power delivery infrastructure. Section 61003 adds a new section 215A, titled ''Critical Electric Infrastructure Security,'' to Part II of the Federal Power Act (FPA), codified at 16 U.S.C. 824o–1. New section 215A(a) defines, among other terms, a ''grid security emergency,'' and authorizes the Secretary of Energy to order emergency measures after the President declares a grid security emergency. A grid security emergency could result from a physical attack, a cyber-attack using electronic communication, an electromagnetic pulse (EMP), or a geomagnetic storm event, damaging certain electricity infrastructure assets and impairing the reliability of the Nation's power grid. Emergency orders responding to grid security emergencies would aim to mitigate or eliminate threats to reliability as quickly and efficiently as possible.

The statute authorizes the Secretary of Energy to issue orders for emergency measures as are necessary, in the Secretary's judgment, to protect or restore the reliability of critical electric infrastructure or defense critical electric infrastructure during the emergency.

Critically, the Department's centralized direction following a declared grid security emergency will help the Department to coordinate resources efficiently to minimize the impact of the emergency.

The authority granted in section 215A of the FPA supplements the Secretary's existing authority, under section 202(c) of the FPA, to order temporary emergency measures, if the Secretary finds ''that an emergency exists by reason of a sudden increase in the demand for electric energy, or a shortage of electric energy or of facilities for the generation or transmission of electric energy, or of fuel or water for generating facilities, or other causes,'' that the Secretary believes ''will best meet the emergency and serve the public interest.'' To that end, the Secretary may issue orders under section 202(c) of the FPA requiring the ''temporary connections of facilities and such generation, delivery, interchange, or transmission of electric energy'' to best meet the emergency and serve the public interest.

The new section 215A(b) also directs the Secretary, ''after notice and opportunity for comment,'' to ''establish rules of procedure that ensure that such authority can be exercised expeditiously.'' To ensure that stakeholders and the public understand how the Department would issue an order responding to a grid security emergency, the Department published a notice of proposed rulemaking in the **Federal Register** on December 7, 2016 (81 FR 88136) to establish procedures to implement section 61003 of the FAST Act. After consideration of the comments received, as discussed in Section II of this preamble, the Department issues this final rule to establish the procedures it would expect to follow in the event of such an emergency. These procedures are added to the existing subpart W in 10 CFR part 205.

The final rule establishes a consistent yet flexible set of procedures by which the Secretary will engage potentially impacted parties in the issuance of emergency orders under new section 215A(b) of the FPA.

II. Discussion of Comments

Comments were submitted by entities representing components of the electricity subsector, State governments, the general public, and other interested parties. Commenters included the American Public Power Association, Berkshire Hathaway Energy, the Edison Electric Institute, the EIS Council, Grid Assurance, the Independent System Operator Regional Transmission Operator Council, the Large Public Power Council, the National Association of State Energy Officials, the Nuclear Energy Institute, the North American Electric Reliability Corporation, the National Rural Electricity Cooperative Association, the Pennsylvania Public Utility Commission, and Transmission Access Policy Study Group. The comments expressed support for the proposed rule, sought additional clarity, highlighted issues and concerns, or offered suggestions for modifications to the proposed rule. DOE has considered all of the comments in developing the final rule, and has made changes to the proposal as a result of the comments, as described below.

Many commenters expressed the need to integrate issues pertaining to grid security emergencies into the ongoing partnership between DOE and the electric subsector to enhance emergency preparedness. The electricity industry has implemented, and continues to develop, extensive capabilities and procedures, such as cyber mutual aid networks, to mitigate impacts from catastrophic events that can cause a grid security emergency. The Department is committed to working with all necessary parties through existing mechanisms such as the Electricity Subsector Coordinating Council (ESCC) and the Electricity Information Sharing and Analysis Center (E–ISAC) to align emergency measures with ongoing preparedness activities. These efforts, including training and exercises, will seek to ensure that the electricity subsector and other relevant stakeholders are provided necessary information, where appropriate, to inform planning and preparedness for potential emergency orders for a grid security emergency, including identifying methods to ensure the prompt and secure communication of emergency orders. Sustained coordination with these ongoing preparedness activities will enhance crisis management activities and will help ensure effective integration of capabilities and resources during grid security emergencies. DOE intends to conduct additional outreach to the electricity subsector subsequent to issuance of this final rule. DOE's plans include continuing to organize and participate in emergency exercises and discussions at appropriate subsector forums, such as those focused on security. The intent is to help subsector entities understand their involvement in developing a potential grid security emergency order.

Several commenters asked for revision or clarification of defined terms, including the term ''emergency measures'' and the enumeration of agencies involved in coordinating responses to grid security emergency orders. The final rule defines ''emergency measures'' and ''electric reliability organization'' in response to commenters' concerns, and §§ 205.383 and 205.384 capture the range of entities potentially responsible for consultation and response. Another comment asked the Department to interpret the bulk-power system according to the FERC-approved definition of ''bulk electric system.'' The Department declines to adopt an interpretation of ''bulk-power system'' different from the statutory definition in the Federal Power Act.

In defining the procedures for consultation prior to the issuance of an emergency order, listed in § 205.383 of the final rule, commenters sought assurance that the Department will seek input from external parties. Many commenters, particularly those representing the electricity industry, expressed the necessity of aligning consultation procedures with existing emergency management protocols in the energy sector. This included highlighting the important role of the senior DOE leadership involvement with the ESCC as a coordinating body that could help maximize the effectiveness of any potential emergency order. Commenters also sought assurance that appropriate Federal and State entities would be engaged prior to the issuance of the order, to ensure emergency orders benefit from the expertise of electric grid owners and operators, as well as to maintain compliance with existing regulatory requirements.

In response to these concerns, the Department has clarified in the final rule its intention to use existing protocols and mechanisms to consult and engage with all necessary parties, with the text at § 205.383 expanded to include State agencies, the Nuclear Regulatory Commission, and relevant trade and industry associations, prior to the issuance of any emergency order. The procedures established by this final rule also continue to ensure the Secretary retains the flexibility to act in accordance with the conditions presented by the grid security emergency.

The importance of utilizing existing mechanisms and protocols for communicating emergency orders to impacted parties under the procedures detailed in § 205.384 was also expressed by commenters. Commenters stressed the existence of detailed frameworks for crisis communication within the electricity subsector, and sought additional clarity on the means by

which the Department intends to communicate grid security emergency orders. The Department is supportive of these suggestions, and has adapted § 205.384 of the final rule to more clearly express DOE's intention to align any orders with existing frameworks, such as Emergency Support Function (ESF) #12 and the National Response Framework. The Department also intends to work with the electricity subsector to identify options for most effectively communicating emergency orders under a range of potential scenarios.

Concerns were raised about procedures for governing interactions between the Department and potentially impacted parties after the issuance of an emergency order covered under §§ 205.385 to 205.389 of the final rule. These sections in the final rule are intended to supplement existing authorities, including federal electric reliability standards, to ensure the expeditious issuance of emergency orders by the Secretary under the FPA. To ensure consistency between the procedures for the utilization of various authorities held by the Department under the FPA, DOE will consider comments submitted in response to the proposed rule in any review of procedures governing the issuance of emergency orders under section 202(c) of the FPA.

A number of changes were made to §§ 205.385 to 205.389 of the final rule to address comments specific to the process for issuing emergency orders in response to a grid security emergency. Language was added to § 205.385 of the final rule to encourage any entity that believes that an issued emergency order lacks necessary clarity for implementation, or conflicts with the technically feasible operations of the electric grid or existing regulatory requirements, to seek immediate clarification from DOE. Section 205.386 of the final rule was expanded to provide additional clarity on the treatment of sensitive information, particularly critical electric infrastructure information (CEII), which will be addressed in accordance with DOE Freedom of Information Act (FOIA) procedural regulations. Revisions to § 205.387 of the final rule provide the Secretary with the flexibility to align the requirements for tracking compliance with an emergency order to the conditions presented by the grid security emergency. In response to comments concerning DOE's enforcement authorities, § 205.388 was revised to clarify that DOE may pursue all legally authorized enforcement authorities. DOE does not resolve specific questions about its enforcement authorities in this procedural rule. Procedures for rehearing and judicial review under § 205.389 of the final rule were revised to more closely align with § 205.385 of the final rule—specifically, to allow a filing entity to request clarification or reconsideration, as well as rehearing, in a single filing if so designated. In addition, § 205.391 of the proposed rule regarding cost recovery has been omitted to avoid confusion with the statutory text, which is sufficiently detailed. Section 205.386 of the proposed rule, concerning termination of an order, was moved to § 205.391 of the final rule to follow a more chronological order.

One commenter suggested that the final rule set out methods of communication to ensure that, in the event of a maliciously motivated grid security emergency, evidence of criminal activity is not accidentally or deliberately destroyed. In accordance with Presidential Policy Directive 41 (United States Cyber Incident Coordination), DOE will defer to the Department of Justice regarding communications to ensure preservation of evidence of criminal activity.

Comments were also received that supported restricting the Department's ability to issue an emergency order responding to a grid security emergency, such that the Department could not use the full statutory authority granted by the FAST Act to respond to such emergencies. For example, a commenter sought clarification on exactly how a request for an emergency order should be carried out, and another commenter urged vetting by the ESCC before issuance of an order. Given the need for flexibility to respond to any grid security emergency that may arise, DOE did not revise the proposal in light of those comments.

III. Summary of Final Rule

A. Definitions

The final rule defines key terms in § 205.380. Further explanation for the defined terms is provided in the paragraphs that follow.

''Bulk-power system'' encompasses the facilities used to transmit electricity and energy needed to maintain the reliability of that system of interconnected facilities—in essence, the electric power grid for which the President might declare a grid security emergency and authorize the Secretary to issue emergency orders to protect or restore its reliability. The term excludes facilities used in local electric distribution.

''Electric Reliability Organization'' refers to the organization, certified by the Federal Energy Regulatory Commission (FERC) under section 215(c) of the FPA, which establishes and enforces reliability standards with FERC oversight. As of this rulemaking, the FERC's designated Electric Reliability Organization is the North American Electric Reliability Corporation (NERC).

''Electricity Information Sharing and Analysis Center'' (E–ISAC) refers to the organization, operated on behalf of the electricity subsector by the North American Electric Reliability Corporation, that gathers and analyzes security information, coordinates incident management, and communicates mitigation strategies with stakeholders within the electricity subsector, across interdependent sectors, and with government partners. E–ISAC is one of the organizations with which the Secretary will consult, to the extent practicable, in issuing an emergency order.

The ''Electricity Subsector Coordinating Council'' (ESCC) refers to the organization that aims to foster and facilitate the coordination of sector-wide, policy-related activities and initiatives designed to improve the reliability and resilience of the electricity subsector, including physical and cyber security infrastructure. The ESCC is one of the organizations with which the Secretary will consult, to the extent practicable, in issuing an emergency order.

''Electricity subsector'' means both commercial and industrial actors who generate and deliver electric power, along with the facilities those actors use to generate and deliver electric power.

''Electromagnetic pulse'' means one (1) or more pulses of electromagnetic energy emitted by a device capable of disabling or disrupting operation of, or destroying, electronic devices or communications networks, including hardware, software, and data, by means of such a pulse.

The ''Emergency & Incident Management Council'' (EIMC) refers to the organization, internal to the Department and chaired by the Deputy Secretary of Energy, designed to increase cooperation and coordination across the Department to prepare for, mitigate, respond to, and recover from emergencies. The EIMC plays a central role in grid security emergency orders, as it will meet, if practicable, after the President declares a grid security emergency to prepare recommendations to the Secretary.

''Geomagnetic storm'' means a temporary disturbance of the Earth's

magnetic field resulting from solar activity. These natural phenomena are sometimes powerful enough to disrupt the bulk-power system. If the disruption is sufficiently severe, a grid security emergency could result.

''Regional entity'' refers to organizations responsible for enforcing reliability standards for the bulk-power system in certain, defined regions. These organizations operate under NERC and FERC oversight.

B. Summary of Final Rule

The final rule establishes procedures by which the Secretary intends to issue emergency orders in response to a grid security emergency. The Secretary is authorized to issue emergency orders ''[w]henever the President issues and provides to the Secretary [of Energy] a written directive or determination identifying a grid security emergency.'' The purpose of an emergency order is to designate ''emergency measures as are necessary in the judgment of the Secretary to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during such emergency.'' The declaration of a grid security emergency does not preclude electric utilities from taking time-sensitive action to secure the safety, security, or reliability of the electric grid prior to the issuance of an emergency order.

Responses to grid disruptions will need to be tailored to the particular circumstances of any event, and this final rule will assist the Department in exercising its authority to respond as necessary to mitigate the effects of a grid security emergency. Because the nature of a grid security emergency is uncertain, the procedures allow for flexibility in response measures and, as the statute requires, to ''ensure that such authority can be exercised expeditiously.'' While the procedures in this final rule are expected to produce the most efficient and effective emergency response possible under the circumstances, the Secretary has final authority to issue appropriate grid security emergency orders.

In this final rule, the Department details procedures for outreach; consultation; communication of orders; clarification or reconsideration of orders; temporary access to classified and sensitive information; termination of orders; tracking compliance with an order; enforcement; rehearing and judicial review; and liability exemption pertinent to the issuance of orders resulting from a grid security emergency. These procedures are intended to establish a common framework for engagement with all potentially impacted entities, while providing the Department with the maximum flexibility necessary to best respond to the unique conditions presented by any action that may constitute a grid security emergency.

As described in § 205.381 of the final rule, emergency orders issued under section 215A(b) of the FPA may apply to the pertinent Electric Reliability Organization (NERC, as of this rulemaking), regional entity or entities, or ''any owner, user, or operator of critical electric infrastructure or of defense critical electric infrastructure within the United States.''

In the event of a grid security emergency, DOE will immediately activate its unified command structure and coordinate outreach efforts. DOE expects that the EIMC will anchor the Department's proposed response via its recommendations to the Secretary. Based on the nature and timing of the grid security emergency, however, the Secretary maintains discretion, based on a judgment of the relevant circumstances, to issue an emergency order without EIMC input. To the extent practicable, DOE will promptly alert stakeholders impacted by the grid security emergency through existing alert mechanisms, such as the NERC alert system and ESCC communication coordination processes.

Section 205.382 of the final rule outlines the EIMC procedures. When the Department is notified, in writing, that the President has declared a grid security emergency and has directed the Secretary to order emergency response measures, the EIMC will be activated. The EIMC will create ad hoc task groups, assign recommendation development tasks to these groups, and coordinate the Department's consultation efforts. The EIMC may take other actions but only as necessary and practicable to develop the Department's recommendations to the Secretary. After the EIMC makes its recommendations, the Secretary will issue the emergency order.

Consistent with the Department's longstanding practice, all reasonable efforts will be made to consult with stakeholders prior to the issuance of an emergency order. The statute also requires the Secretary to consult with other governmental authorities and non-governmental entities before issuing emergency orders, ''to the extent practicable in light of the nature of the grid security emergency and the urgency of the need for action.'' The Department understands that electric reliability organizations and private industry will likely be impacted by grid security emergencies, and can offer important situational awareness and expertise to assist the Department in identifying mitigation or protection measures. The Department also recognizes the importance of aligning consultation efforts with the existing ESF #12 structure, Presidential Policy Directive 41, emergency management practices under the National Response Framework, and existing entities for coordination between government and industry, such as the ESCC and E–ISAC.

Section 205.383 outlines how the Department will coordinate its communication with other entities. Within the Department, the Office of Electricity Delivery and Energy Reliability (OE) will be the lead program office supporting the Secretary in issuing grid security emergency orders. As set forth in this final rule, OE would be responsible for conducting the required consultations under the statute. Consultation would include the Department's effort to obtain information and recommended emergency measures from government entities,[1] electric reliability organization, and owners, users, or operators of critical electric infrastructure or of defense critical electric infrastructure—including private-sector entities—impacted by the grid security emergency. Historically, the Department has collaborated with other Federal agencies in an energy emergency to obtain waivers or special permits to facilitate expedited restoration. The Department also intends to work with other Federal agencies during grid security emergencies to obtain waivers or special permits necessary to comply with the Secretary's order.

After the Secretary issues an emergency order, the Department will communicate the emergency order's content to the entities subject to the emergency order, as noted in § 205.384 of the final rule. The Department will also align communication with the existing ESF #12 structure and emergency management procedures under the National Response Framework, and enlist the ESCC and E–

[1] DOE notes that the regulatory text of § 205.383 discusses consultation with agencies supporting ESF #12. For clarification, ESF #12 outlines the Department of Energy's responsibilities to help reestablish damaged energy systems and components when an incident requires a coordinated Federal response. The scope of ESF #12 includes providing technical expertise; collecting, evaluating, and sharing information on energy system damage; estimating the impact of system outages locally, regionally, and nationally; helping government and private sector entities overcome challenges in reestablishing energy systems; and providing information about the status of energy reestablishment efforts.

ISAC to communicate the emergency order's content to those affected, when appropriate. The Department will also use any other form of communication most appropriate under the circumstances. Optimal communication on grid security emergencies will be paramount during such emergencies, and the Department will work to ensure that information is shared that will help it to respond most effectively. For that reason, according to § 205.384 of the final rule, and consistent with obligations to protect classified information and the procedures established in § 205.386 of the final rule, the Secretary may declassify information eligible for that change in status to ensure maximum distribution of information critical to the emergency response. CEII will be handled in accordance with DOE FOIA regulations at 10 CFR part 1004.

This final rule is limited to the Department's procedures for issuing an emergency order in response to a grid security emergency. Should the Secretary issue such an emergency order, the order itself would set out the requirements and procedures for impacted entities to seek clarification or reconsideration of that particular order. Section 205.385 of the final rule provides general requirements for such requests. In particular, this section of the final rule provides that anyone subject to a particular order may submit a request for clarification or reconsideration in writing to the Secretary, and encourages this in cases where the ordered entity believes the emergency order lacks necessary clarity for implementation, or conflicts with the technically feasible operations of the electric grid or existing regulatory requirements. Such requests would be posted on the Department's website consistent with criteria established for treatment of critical electric infrastructure information. In acting on a request for clarification or reconsideration, the Secretary may grant or deny the request, or may abrogate or modify the final order, in whole or in part, with or without further proceedings, as soon as practicable. Such a request would not stay an emergency order unless the Secretary so determined.

Section 205.386 of the final rule provides that, as warranted and to the extent practicable and consistent with obligations to protect classified information, the Secretary may allow key personnel of ordered entities temporary access to classified information.

As described in § 205.387 of the final rule, the Department also plans to determine compliance with grid security emergency orders. At the time the Department issues an emergency order, or shortly after such issuance, the Department may require the ordered party to provide a detailed account of compliance actions.

As noted in § 205.388 of the final rule, the Department may take enforcement action for failure to comply with orders issued under section 215A. For appeal purposes, as noted in § 205.389 of the final rule, the FPA includes the requirements for a rehearing request and the process for an appeal of a decision.

Finally, the FAST Act shields parties affected by emergency orders from liability for what would otherwise be violations of the FPA or FERC-approved reliability standards, except in cases of gross negligence. New section 215A(f) of the FPA states that any action or omission taken to comply with an emergency order that causes noncompliance ''with any rule, order, regulation, or provision'' of the FPA, as well as any FERC-approved reliability standard, ''shall not be considered a violation'' of that legal requirement. The same subsection of the Federal Power Act incorporates the liability protection for emergency orders issued under section 202(c) of the FPA. That protection, for actions or omissions resulting in noncompliance with ''any Federal, State, or local environmental law or regulation,'' not only frees the ordered party from violations of those laws or regulations, but also shields the ordered party from ''any requirement, civil or criminal liability, or a citizen suit under such environmental law or regulation,'' even if a court subsequently stays, modifies, or sets aside the order. Section 205.390 of the final rule describes all of these protections.

Section 205.391 of the final rule describes termination of emergency orders. An emergency order remains effective for up to fifteen (15) days and may be extended for subsequent periods of up to 15 days if the President issues another directive to the Secretary that the original grid security emergency has not ended or that the emergency measures already ordered are still required. If warranted, the Secretary may also terminate an emergency order before the 15 days have elapsed. The entity or entities subject to the emergency order may also request that the Secretary terminate an emergency order if the entity or entities believes that the grid security emergency ceases to exist and that protection or restoration of the grid has been achieved.

IV. Regulatory Review

A. Executive Order 12866

This final rule has been determined to be a significant regulatory action under Executive Order 12866, ''Regulatory Planning and Review,'' 58 FR 51,735 (Oct. 4, 1993). Accordingly, this action was subject to review under that Executive Order by the Office of Information and Regulatory Affairs of the Office of Management and Budget.

B. National Environmental Policy Act

DOE has determined that this final rule is covered under Categorical Exclusions found in the DOE's National Environmental Policy Act regulations at appendix A to subpart D, 10 CFR part 1021, specifically A1, A6, A9, A11, A12, and A13. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (Aug. 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process (68 FR 7990). DOE's procedures and policies are available on the Office of General Counsel's website: *http://www.energy.gov/gc/downloads/executive-order-13272-consideration-small-entities-agency-rulemaking*.

DOE has reviewed this final rule under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. This final rule sets forth procedures that DOE expects to use to issue an emergency order in the event of a declared grid security emergency. The procedures govern DOE activities in the issuance of an emergency order and therefore impact DOE, a Federal agency, rather than any small entities.

DOE further expects that these emergency orders would be issued rarely. In addition, the FAST Act authorizes DOE to issue emergency orders only to specific entities—namely, the pertinent Electric Reliability Organization (NERC, as of this rulemaking), regional entity or entities,

or any owner, user or operator of critical energy infrastructure or defense critical energy infrastructure. DOE has determined that these entities most likely fall under NAICS code 221121, ''Electric Bulk Power Transmission and Control.'' To be considered a small entity, these businesses must have 500 employees or less. Due to the nature of the orders to protect and/or restore infrastructure, DOE has determined that it is likely to consult with large businesses.

An entity subject to an emergency order may request clarification or rehearing of an emergency order, or the termination of an emergency order. DOE does not expect that these provisions, which would help an entity to understand an emergency order or, in the case of a termination granted by the Secretary, end the applicability of an emergency order, to impose a significant impact on any entity. DOE may also consult with any of these entities to understand a grid security emergency and to obtain recommendations to address such emergency. DOE also does not expect these consultations to result in a significant impact on any entity because the interaction would not order the entity to perform any action, but would rather be an exchange of information to help DOE understand the grid security emergency and consider measures to protect and/or restore infrastructure. In addition, it is likely that only entities with equities that could be impacted by emergency orders would be consulted. In the event that an emergency order is issued to address a grid security emergency, because the contents of any such order would be highly dependent upon the nature of the particular grid security emergency, DOE again emphasizes that the emergency order itself, rather than these procedures, would specify the requirements necessary to address that grid security emergency.

DOE's certification of no significant impact on a substantial number of small entities and its supporting statement of factual basis were provided to the Chief Counsel for Advocacy of the Small Business Administration subsequent to issuance of the proposed procedures, pursuant to 5 U.S.C. 605(b). DOE made only minor changes to the proposal that did not affect the initial regulatory flexibility analysis prepared for the proposed rule. DOE did not receive comments on the certification, and any comments on the economic impact of the rule were addressed elsewhere in the preamble. DOE made only minor changes to the proposal that did not affect the certification and factual basis prepared for the proposed rule.

On the basis of the foregoing, DOE certifies that this final rule will not have a significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared a regulatory flexibility analysis for this rulemaking.

D. Paperwork Reduction Act

This final rule does not contain information collection requirements subject to approval by the Office of Management and Budget pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) and the procedures implementing that Act at 5 CFR part 1320. A person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

E. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) generally requires Federal agencies to examine closely the impacts of regulatory actions on State, local, and tribal governments. Section 101(5) of title I of that law defines a Federal intergovernmental mandate to include any regulation that would impose upon State, local, or tribal governments an enforceable duty, except a condition of Federal assistance or a duty arising from participating in a voluntary federal program. Title II of that law requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and tribal governments, in the aggregate, or to the private sector, other than to the extent such actions merely incorporate requirements specifically set forth in a statute. Section 202 of that title requires a Federal agency to perform a detailed assessment of the anticipated costs and benefits of any rule that includes a Federal mandate which may result in costs to State, local, or tribal governments, or to the private sector, of $100 million or more in any one year (adjusted annually for inflation). 2 U.S.C. 1532(a) and (b). Section 204 of that title requires each agency that proposes a rule containing a significant Federal intergovernmental mandate to develop an effective process for obtaining meaningful and timely input from elected officers of State, local, and tribal governments. 2 U.S.C. 1534.

This final rule will establish the procedures DOE expects to use issue an emergency order in the event of a declared grid security emergency. In the event that an emergency order is issued to address a grid security emergency, the order itself, rather than these procedures, would specify the requirements necessary to address the grid security emergency. The final rule will not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of $100 million or more in any one year. Accordingly, no assessment or analysis is required under the Unfunded Mandates Reform Act of 1995.

F. Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule that may affect family well-being. The final rule will not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

G. Executive Order 13132

Executive Order 13132, ''Federalism,'' 64 FR 43255 (Aug. 4, 1999), imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and carefully assess the necessity for such actions. DOE has examined this final rule and has determined that it will not preempt State law and will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This final rule would establish the procedures DOE expects to use issue an emergency order in the event of a declared grid security emergency. In the event that an emergency order is issued to address a grid security emergency, the order itself, rather than these procedures, would specify the requirements necessary to address that grid security emergency. No further action is required by Executive Order 13132.

H. Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Executive agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; and (3) provide a clear legal standard for

affected conduct rather than a general standard and promote simplification and burden reduction. With regard to the review required by section 3(a), section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met or whether it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, the final rule meets the relevant standards of Executive Order 12988.

I. Treasury and General Government Appropriations Act, 2001

The Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB.

OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed this final rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001) requires Federal agencies to prepare and submit to the OMB a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy, or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

This regulatory action will not have a significant adverse effect on the supply, distribution, or use of energy. The final rule would establish the procedures DOE expects to use issue an emergency order in the event of a declared grid security emergency. In the event that an emergency order is issued to address a grid security emergency, the order itself, rather than these procedures, would specify the requirements necessary to address that grid security emergency. In addition, the statute requires that the emergency order must ''protect or restore'' critical electric infrastructure or defense critical electric infrastructure. Therefore, the final rule is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

K. Approval by the Office of the Secretary

The Secretary of Energy has approved publication of this final rule.

L. Congressional Notification

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of this rule prior to its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 10 CFR Part 205

Administrative practice and procedure, Energy, and Recordkeeping and reporting requirements.

Issued in Washington, DC, on January 4, 2018.

Mark W. Menezes,

Under Secretary of Energy.

For the reasons stated in the preamble, DOE amends part 205 of chapter II, subchapter A, of Title 10 of the Code of Federal Regulations as set forth below:

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

■ 1. The authority citation for part 205 continues to read as follows:

Authority: Department of Energy Organization Act, Pub. L. 95–91, 91 Stat. 565 (42 U.S.C. Section 7101). Federal Power Act, Pub. L. 66–280, 41 Stat. 1063 (16 U.S.C. Section 792) *et seq.*, Department of Energy Delegation Order No. 0204–4 (42 FR 60726). E.O. 10485, 18 FR 5397, 3 CFR, 1949–1953, Comp., p. 970 as amended by E.O. 12038, 43 FR 4957, 3 CFR 1978 Comp., p. 136.

■ 2. Subpart W is amended by revising the heading, adding an undesignated center heading after § 205.379, and adding §§ 205.80 through 205.391 to read as follows:

Subpart W—Electric Power System Permits and Reports; Applications; Administrative Procedures and Sanctions; Grid Security Emergency Orders

Sec.

* * * * *

Internal Procedures for Issuance of a Grid Security Emergency Order

§ 205.380 Definitions.

As used in this subpart:

Bulk-power system means the same as the definition of such term in paragraph (1) of section 215(a) of the Federal Power Act.

Critical electric infrastructure means the same as the definition of such term in paragraph (2) of section 215A(a) of the Federal Power Act.

Defense critical electric infrastructure means the same as the definition of such term in paragraph (4) of section 215A(a) of the Federal Power Act.

Department means the United States Department of Energy.

Electric Reliability Organization means the same as the definition of such term in paragraph (2) of section 215(a) of the Federal Power Act.

Electricity Information Sharing and Analysis Center (E–ISAC) means the organization, operated on behalf of the electricity subsector by the Electric Reliability Organization, that gathers and analyzes security information, coordinates incident management, and communicates mitigation strategies with stakeholders within the electricity subsector, across interdependent sectors, and with government partners. The E–ISAC, in collaboration with the Department of Energy and the Electricity Subsector Coordinating Council, serves as the primary security communications channel for the

electricity subsector and enhances the subsector's ability to prepare for and respond to cyber and physical threats, vulnerabilities, and incidents.

Electricity subsector means both commercial and industrial actors who generate and deliver electric power.

Electricity Subsector Coordinating Council (ESCC) means the organization that aims to foster and facilitate the coordination of sector-wide, policy-related activities and initiatives designed to improve the reliability and resilience of the electricity subsector, including physical and cyber security infrastructure.

Electromagnetic pulse means the same as the definition of such term in paragraph (5) of section 215A(a) of the Federal Power Act.

Emergency & Incident Management Council (EIMC) means the organization, internal to the Department of Energy and chaired by the Deputy Secretary of Energy, designed to increase cooperation and coordination across the Department to prepare for, mitigate, respond to, and recover from emergencies.

Emergency measures means measures necessary in the judgment of the Secretary to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during a grid security emergency as defined in section 215A(a) of the Federal Power Act.

Emergency order means an order for emergency measures under section 215A(b) of the Federal Power Act.

Geomagnetic storm means a temporary disturbance of the Earth's magnetic field resulting from solar activity.

Grid security emergency means the same as the definition of such term in paragraph (7) of section 215A(a) of the Federal Power Act. A grid security emergency is ''declared'' once the President of the United States has issued and provided to the Secretary a written directive or determination identifying the emergency.

Regional entity means an entity having enforcement authority under section 215(e)(4) of the Federal Power Act, 16 U.S.C. 824o(e)(4).

Secretary means the Secretary of Energy.

§ 205.381 Applicability of emergency orders.

An order for emergency measures under section 215A(b) of the Federal Power Act (emergency order) may apply to the Electric Reliability Organization, a regional entity or entities, or any owner, user, or operator of critical electric infrastructure or of defense critical electric infrastructure within the United States. Emergency measures may be issued if deemed necessary in the judgment of the Secretary to protect or restore the reliability of critical electric infrastructure or of defense critical electric infrastructure during a presidentially-declared grid security emergency.

§ 205.382 Issuing an emergency order.

(a) The Secretary will use the procedures outlined in this section in issuing emergency orders, unless the Secretary determines that alternative procedures are more appropriate for the unique circumstances presented by the emergency. In all instances, the Secretary has final authority on the procedures to be used in issuing an emergency order.

(b) Upon the Department's receipt of the President's written directive or determination identifying a grid security emergency, the Emergency & Incident Management Council (EIMC) will convene at least one emergency meeting. Resulting from this meeting, the EIMC's responsibilities will include, but not be limited to:

(1) Assigning consultation and situational awareness tasks;

(2) Creating ad hoc task groups;

(3) Assigning recommendation development tasks to the ad hoc task groups it has created; and

(4) Presenting its recommendations to the Secretary as expeditiously as possible and practicable.

(c) Following receipt of the EIMC's recommendations, unless the Secretary has determined alternative procedures are appropriate, the Secretary will issue an emergency order as quickly as the Secretary determines that the situation requires.

§ 205.383 Consultation.

(a) To obtain information related to a particular grid security emergency and recommended emergency measures from those government entities, electric reliability organizations, and private sector companies, and their respective associations where applicable, affected by the emergency, the Department of Energy's Office of Electricity Delivery and Energy Reliability will conduct consultation related to each emergency order. Before an emergency order is put into effect and, to the extent practicable in light of the nature of the grid security emergency and the urgency of the need for action, efforts will be made to consult with at least the following, as appropriate:

(1) The Electricity Subsector Coordinating Council;

(2) The Electricity Information Sharing and Analysis Center;

(3) The Electric Reliability Organization;

(4) Regional entities; and

(5) Owners, users, or operators of critical electric infrastructure or of defense critical electric infrastructure within the United States; and

(6) At least the following government entities:

(i) Authorities in the government of Canada;

(ii) Authorities in the government of Mexico;

(iii) Appropriate Federal and State agencies including, but not limited to, those supporting Emergency Support Function No. 12;

(iv) The Federal Energy Regulatory Commission; and

(v) The Nuclear Regulatory Commission.

(b) The Department recognizes the expertise of electric grid owners and operators and other consulted entities in seeking to ensure that emergency orders result in the safe and effective operation of the electric grid, align with additional priorities including evidence collection, and comply with existing regulatory requirements, where required. The Department will endeavor, to the extent practicable, to conduct consultation in alignment with the existing Emergency Support Function No. 12 structure and established emergency management processes under the National Response Framework.

§ 205.384 Communication of orders.

The Department will communicate the contents of an emergency order to the entities subject to the order, utilizing the most expedient form or forms of communication under the circumstances. The Department will attempt to conduct communication of emergency orders in alignment with the existing Emergency Support Function No. 12 structure and established emergency management procedures under the National Response Framework by relying on existing coordinating bodies, such as the ESCC and the E–ISAC, and, recognizing the existence of established crisis communication procedures, any other form or forms of communication most expedient under the particular circumstances. To the extent practicable under the particular circumstances, efforts will be made to declassify eligible information to ensure maximum distribution.

§ 205.385 Clarification or reconsideration.

(a) Any entity subject to an emergency order may request clarification or

reconsideration of the emergency order. All such requests must be submitted in writing to the Secretary. The Department will post all such requests on the DOE website consistent with 10 CFR part 1004. To the extent the ordered entity believes the grid security emergency order lacks necessary clarity for implementation, or conflicts with the technically feasible operations of the electric grid or existing regulatory requirements, the ordered entity should seek immediate clarification from the Department.

(b) Upon receipt of a request for clarification or reconsideration, the Secretary may, in his or her sole discretion, order a stay of the emergency order for which such clarification or rehearing is sought. The Secretary will act as soon as practicable on each request, with or without further proceedings. Such responsive actions may include granting or denying the request or abrogating or modifying the order, in whole or in part.

§ 205.386 Temporary access to classified and sensitive information.

(a) To the extent practicable, and consistent with obligations to protect classified and sensitive information, the Secretary may provide temporary access to classified and sensitive information, at the level necessary in light of the conditions of the incident, related to a grid security emergency for which emergency measures are issued to key personnel of any entity subject to such emergency measures, to the extent the Secretary deems necessary under the circumstances. The purpose of this access, as defined under section 215A(b)(7) of the Federal Power Act, is to enable optimum communication between the entity and the Secretary and other appropriate Federal agencies regarding the grid security emergency.

(b) CEII will be shared, where deemed necessary by the Secretary, in accordance with 10 CFR part 1004.

§ 205.387 Tracking compliance.

Beginning at the time the Secretary issues an emergency order, the Department may, at the discretion of the Secretary, require the entity or entities subject to an emergency order to provide a detailed account of actions taken to comply with the terms of the emergency order.

§ 205.388 Enforcement.

In accordance with available enforcement authorities, the Secretary may take or seek enforcement action against any entity subject to an emergency order who fails to comply with the terms of that emergency order.

§ 205.389 Rehearing and judicial review.

The procedures of Part III of the Federal Power Act apply to motions for rehearing of an emergency order. A request for clarification or reconsideration filed under § 205.385 of this subpart, if the filling entity so designates, may serve as a request for rehearing pursuant to section 313(a) of the Federal Power Act.

§ 205.390 Liability exemptions.

(a) To the extent any action or omission taken by an entity that is necessary to comply with an emergency order issued pursuant to section 215A(b)(1) of the Federal Power Act and this Part, including any action or omission taken to voluntarily comply with such order, results in noncompliance with, or causes such entity not to comply with any rule, order, regulation, or provision of or under the Federal Power Act, including any reliability standard approved by the Federal Energy Regulatory Commission pursuant to section 215 of the Federal Power Act, the Department will not consider such action or omission to be a violation of such rule, order, regulation, or provision.

(b) The Department will treat an action or omission by an owner, operator, or user of critical electric infrastructure or of defense critical electric infrastructure to comply with an emergency order issued pursuant to section 215A(b)(1) of the Federal Power Act as the functional equivalent of an action or omission taken to comply with an order issued under section 202(c) of the Federal Power Act for purposes of section 202(c).

(c) The liability exemptions specified in paragraphs (a) and (b) of this section do not apply to an entity that, in the course of complying with an emergency order by taking an action or omission for which the entity would otherwise be liable, takes such action or omission in a grossly negligent manner.

§ 205.391 Termination of an emergency order.

(a) An emergency order will expire no later than 15 days after its issuance. The Secretary may reissue an emergency order for subsequent periods, not to exceed 15 days for each such period, provided that the President, for each such period, issues and provides to the Secretary a written directive or determination that the grid security emergency for which the Secretary intends to reissue an emergency order continues to exist or that the emergency measures continue to be required.

(b) The Secretary may rescind an emergency order after finding that the grid security emergency for which that order was issued has ended, and that protective or mitigation measures required by that order have been sufficiently taken.

(c) An entity or entities subject to an emergency order issued under this subpart may, at any time, request termination of the emergency order by demonstrating, in a petition to the Secretary, that the emergency no longer exists and that protective or mitigation measures required by the order have been sufficiently taken.

[FR Doc. 2018–00259 Filed 1–9–18; 8:45 am]

BILLING CODE 6450–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 263

[Docket No. R–1595]

RIN 7100 AE 95

Rules of Practice for Hearings

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Board of Governors of the Federal Reserve System (the ''Board'') is issuing a final rule amending its rules of practice and procedure to adjust the amount of each civil money penalty (''CMP'') provided by law within its jurisdiction to account for inflation as required by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: This final rule is effective on January 10, 2018.

FOR FURTHER INFORMATION CONTACT: Patrick M. Bryan, Assistant General Counsel, (202) 974–7093, or Thomas O. Kelly, Senior Attorney, (202) 974–7059, Legal Division, Board of Governors of the Federal Reserve System, 20th Street and Constitution Ave. NW, Washington, DC 20551. For users of Telecommunication Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

Federal Civil Penalties Inflation Adjustment Act

The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. 2461 note (''FCPIA Act''), requires federal agencies to adjust, by regulation, the CMPs within their jurisdiction to account for inflation. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (the ''2015 Act'') [1] amended the FCPIA Act to

[1] Public Law 114–74, 129 Stat. 599 (2015) (codified at 28 U.S.C. 2461 note).

require federal agencies to make annual adjustments not later than January 15 of every year.[2] The Board is now issuing a new final rule to set the CMP levels pursuant to the required annual adjustment for 2018. The Board will apply these adjusted maximum penalty levels to any penalties assessed on or after January 10, 2018, whose associated violations occurred on or after November 2, 2015. Penalties assessed for violations occurring prior to November 2, 2015 will be subject to the amounts set in the Board's 2012 adjustment pursuant to the FCPIA Act.[3]

Under the 2015 Act, the annual adjustment to be made for 2018 is the percentage by which the Consumer Price Index for the month of October 2017 exceeds the Consumer Price Index for the month of October 2016. On December 15, 2017, as directed by the 2015 Act, the Office of Management and Budget (OMB) issued guidance to affected agencies on implementing the required annual adjustment which included the relevant inflation multiplier.[4] Using OMB's multiplier, the Board calculated the adjusted penalties for its CMPs, rounding the penalties to the nearest dollar.[5]

Administrative Procedure Act

The 2015 Act states that agencies shall make the annual adjustment ''notwithstanding section 553 of title 5, United States Code.'' Therefore, this rule is not subject to the provisions of the Administrative Procedure Act (the ''APA''), 5 U.S.C. 553, requiring notice, public participation, and deferred effective date.

Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.,* requires a regulatory flexibility analysis only for rules for which an agency is required to publish a general notice of proposed rulemaking. Because the 2015 Act states that agencies' annual adjustments are to be made notwithstanding section 553 of title 5 of United States Code—the APA section requiring notice of proposed rulemaking—the Board is not publishing a notice of proposed rulemaking. Therefore, the Regulatory Flexibility Act does not apply.

Paperwork Reduction Act

There is no collection of information required by this final rule that would be subject to the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq.*

List of Subjects in 12 CFR Part 263

Administrative practice and procedure, Claims, Crime, Equal access to justice, Lawyers, Penalties.

Authority and Issuance

For the reasons set forth in the preamble, the Board amends 12 CFR part 263 as follows:

PART 263—RULES OF PRACTICE FOR HEARINGS

■ 1. The authority citation for part 263 continues to read as follows:

Authority: 5 U.S.C. 504, 554–557; 12 U.S.C. 248, 324, 334, 347a, 504, 505, 1464, 1467, 1467a, 1817(j), 1818, 1820(k), 1829, 1831o, 1831p–1, 1832(c), 1847(b), 1847(d), 1884, 1972(2)(F), 3105, 3108, 3110, 3349, 3907, 3909(d), 4717; 15 U.S.C. 21, 78l(i), 78o–4, 78o–5, 78u–2; 1639e(k); 28 U.S.C. 2461 note; 31 U.S.C. 5321; and 42 U.S.C. 4012a.

■ 2. Section 263.65 is revised to read as follows:

§ 263.65 Civil money penalty inflation adjustments.

(a) *Inflation adjustments.* In accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990, the Board has set forth in paragraph (b) of this section the adjusted maximum amounts for each civil money penalty provided by law within the Board's jurisdiction. The authorizing statutes contain the complete provisions under which the Board may seek a civil money penalty. The adjusted civil money penalties apply only to penalties assessed on or after January 10, 2018, whose associated violations occurred on or after November 2, 2015.

(b) *Maximum civil money penalties.* The maximum (or, in the cases of 12 U.S.C. 334 and 1832(c), fixed) civil money penalties as set forth in the referenced statutory sections are set forth in the table in this paragraph (b).

Statute	Adjusted civil money penalty
12 U.S.C. 324:	
Inadvertently late or misleading reports, inter alia	$3,928
Other late or misleading reports, inter alia	39,278
Knowingly or reckless false or misleading reports, inter alia	1,963,870
12 U.S.C. 334	285
12 U.S.C. 374a	285
12 U.S.C. 504:	
First Tier	9,819
Second Tier	49,096
Third Tier	1,963,870
12 U.S.C. 505:	
First Tier	9,819
Second Tier	49,096
Third Tier	1,963,870
12 U.S.C. 1464(v)(4)	3,928
12 U.S.C. 1464(v)(5)	39,278
12 U.S.C. 1464(v)(6)	1,963,870
12 U.S.C. 1467a(i)(2)	49,096
12 U.S.C. 1467a(i)(3)	49,096
12 U.S.C. 1467a(r):	
First Tier	3,928

[2] 28 U.S.C. 2461 note, sec. 4(b)(1).

[3] 77 FR 68,680 (Nov. 16, 2012).

[4] OMB Memorandum M–18–03, *Implementation of Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (Dec. 15, 2017).

[5] Under the 2015 Act and implementing OMB guidance, agencies are not required to make an adjustment to a CMP if, during the 12 months preceding the required adjustment, such penalty increased due to a law other than the 2015 Act by an amount greater than the amount of the required adjustment. No other laws have adjusted the CMPs within the Board's jurisdiction during the preceding 12 months.

Statute	Adjusted civil money penalty
Second Tier	39,278
Third Tier	1,963,870
12 U.S.C. 1817(j)(16):	
First Tier	9,819
Second Tier	49,096
Third Tier	1,963,870
12 U.S.C. 1818(i)(2):	
First Tier	9,819
Second Tier	49,096
Third Tier	1,963,870
12 U.S.C. 1820(k)(6)(A)(ii)	323,027
12 U.S.C. 1832(c)	2,852
12 U.S.C. 1847(b)	49,096
12 U.S.C. 1847(d):	
First Tier	3,928
Second Tier	39,278
Third Tier	1,963,870
12 U.S.C. 1884	285
12 U.S.C. 1972(2)(F):	
First Tier	9,819
Second Tier	49,096
Third Tier	1,963,870
12 U.S.C. 3110(a)	44,881
12 U.S.C. 3110(c):	
First Tier	3,591
Second Tier	35,904
Third Tier	1,795,216
12 U.S.C. 3909(d)	2,443
15 U.S.C. 78u–2(b)(1):	
For a natural person	9,239
For any other person	92,383
15 U.S.C. 78u–2(b)(2)	
For a natural person	92,383
For any other person	461,916
15 U.S.C. 78u–2(b)(3):	
For a natural person	184,767
For any other person	923,831
15 U.S.C. 1639e(k)(1)	11,279
15 U.S.C. 1639e(k)(2)	22,556
42 U.S.C. 4012a(f)(5)	2,133

By order of the Board of Governors of the Federal Reserve System, January 4, 2018.

Ann E. Misback,

Secretary of the Board.

[FR Doc. 2018–00227 Filed 1–9–18; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0666; Airspace Docket No. 17–ANM–15]

Amendment of Class D and Class E Airspace; Pueblo, CO

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule, correction.

SUMMARY: This action corrects a final rule published in the **Federal Register** of November 27, 2017, that amends Class D and Class E airspace at Pueblo Memorial Airport, Pueblo, CO. The airspace description for the airport in Class E airspace designated as an extension to a Class D surface area contained a wording error.

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

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

SUPPLEMENTARY INFORMATION:

History

The FAA published a final rule in the **Federal Register** (82 FR 55943, November 27, 2017) Docket No. FAA–2017–0666 amending Class D and Class E airspace at Pueblo Memorial Airport, Pueblo, CO. Subsequent to publication, the FAA identified a clerical error in the legal description of the Class E airspace designated as an extension to a Class D or Class E surface area at Pueblo Memorial Airport. This correction changes the words ''. . . from 700 feet above the surface . . .'' to read ''. . . from the surface. . . .''

Correction to Final Rule

Accordingly, pursuant to the authority delegated to me, in the **Federal Register** of November 27, 2017 (82 FR 55943) FR Doc. 2017–25310, Amendment of Class D and Class E Airspace; Pueblo, CO, is corrected as follows:

§ 71.1 [Amended]

ANM CO E4 Pueblo, CO [Corrected]

■ On page 55945, column 1, lines 14 and 15, the words ''That airspace extending upward from 700 feet above the surface'' are corrected to read ''That

airspace extending upward from the surface''.

Issued in Seattle, Washington, on January 2, 2018.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–00201 Filed 1–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–0615; Airspace Docket No. 17–ANM–25]

Establishment of Class E Airspace; Madras, OR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Madras Municipal Airport, Madras, OR, amending the airspace for the safety and management of instrument flight rules (IFR) operations within the National Airspace System. The airspace designation was inadvertently removed from FAA Order 7400.9X on June 20, 2014.

DATES: Effective 0901 UTC, March 29, 2018. The Director of the Federal Register approves this incorporation by reference action under title 1, Code of Federal Regulations, part 51, subject to the annual revision of FAA Order 7400.11 and publication of conforming amendments.

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it establishes Class E airspace at Madras Municipal Airport, Madras, OR, to support instrument flight rules (IFR) operations at the airport.

History

The FAA published a notice of proposed rulemaking (NPRM) in the **Federal Register** for Docket No. FAA–2017–0615 (82 FR 40739; August 28, 2017). The NPRM proposed to establish Class E airspace extending upward from 700 feet above the surface at Madras Municipal Airport, Madras, OR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received.

Discussion of Comment

The commenter objected to the proposal based on a belief that proposed Class E airspace ''is targeted at citizen operated camera drones'' and is intended to limit their use in the vicinity of the airport.

The FAA does not establish airspace to regulate the use of drones (also known as unmanned aerial systems (UAS). The use of UAS is regulated under title 14 Code of Federal Regulations (14 CFR) parts 91 and 107, and is not relevant to this proposal.

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

Availability and Summary of Documents for Incorporation by Reference

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

The Rule

The FAA is amending title 14 Code of Federal Regulations (14 CFR part 71) by establishing Class E airspace extending upward from 700 feet above the surface at Madras Municipal Airport, Madras, OR, within 4 miles northwest and 3.5 miles southeast of the airport 028° and 208° bearings, respectively, extending to 6.5 miles northeast and 7.5 miles southwest of the airport, and within 1 mile west and 1.1 miles east of the airport 180° bearing extending to 10.6 miles south of the airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ANM OR E5 Madras, OR [New]

Madras Municipal Airport, OR
(Lat. 44°40′13″ N, long. 121°09′19″ W)

That airspace extending upward from 700 feet above the surface within 4 miles northwest and 3.5 miles southeast of the 028° bearing from Madras Municipal Airport extending to 6.5 miles northeast of the airport, and within 4 miles northwest and 3.5 miles southeast of the 208° bearing from the airport extending to 7.5 miles southwest of the airport, and within 1.0 mile west and 1.1 miles east of the 180° bearing from the airport extending to 10.6 miles south of the airport.

Issued in Seattle, Washington, on January 2, 2018.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–00197 Filed 1–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 121

[Docket No.: FAA–2013–0485; Amdt. No. 121–376B]

RIN 2120–AJ94

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; correcting amendment.

SUMMARY: The FAA is correcting a final rule published on December 13, 2016. In that rule, the FAA amended its regulations to allow operators to use an enhanced flight vision system (EFVS) in lieu of natural vision to continue descending from 100 feet above the touchdown zone elevation (TDZE) to the runway and to land on certain straight-in instrument approach procedures (IAPs) under instrument flight rules (IFR). As part of the final rule, the FAA revised appendix F to part 121 to provide greater clarity on the checking requirements for EFVS. In amending appendix F to part 121, the FAA used amendatory instructions that inadvertently misplaced new paragraph III(c)(5). This document amends appendix F to part 121 to correct that error.

DATES: Effective January 10, 2018.

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

SUPPLEMENTARY INFORMATION:

Background

On December 13, 2016, the FAA published a final rule entitled, ''Revisions to Operational Requirements for the Use of Enhanced Flight Vision Systems (EFVS) and to Pilot Compartment View Requirements for Vision Systems.'' [1] In that final rule, which became effective, in part, on March 13, 2017, the FAA created new 14 CFR 91.176 to contain the operating rules for EFVS operations to touchdown and rollout and for EFVS operations to 100 feet above the TDZE. The FAA also established training and recent flight experience requirements for persons conducting EFVS operations.[2]

Because part 121 operators authorized to conduct EFVS operations were already required to train, check, and qualify their pilots on EFVS in accordance with their Operation Specifications, the FAA excepted part 121 pilots from the new EFVS recent flight experience requirements.[3] The FAA recognized, however, that the requirement to be qualified for EFVS operations by one of the certificate holder's check airmen was not as transparent as the requirements to train crewmembers on EFVS, which are found within the relevant operating rules of 14 CFR. Therefore, the FAA revised appendix F to part 121 to provide greater clarity on the checking requirements for EFVS operations.

In amending appendix F to part 121, the FAA included amendatory instructions to amend the Table by adding new entry III.(c)(5). However, because of the undesignated paragraph following paragraph III.(c)(4) in appendix F, it was unclear whether new paragraph III(c)(5) should be published before or after the undesignated paragraph. When the final rule became effective, paragraph III.(c)(5) was inadvertently placed after the undesignated paragraph.

Correction

The FAA did not intend to add paragraph III.(c)(5) after the undesignated paragraph preceding paragraph III.(d). Instead, paragraph III(c)(5) should immediately follow paragraph III.(c)(4). The FAA is therefore revising appendix F to part 121 to relocate paragraph III.(c)(5) accordingly.

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

[1] 81 FR 90126; corrected at 82 FR 2193, January 9, 2017; corrected at 82 FR 9677, February 8, 2017.

[2] The FAA notes that the training and recent flight experience requirements of § 61.66 will become effective on March 13, 2018.

[3] The EFVS recent flight experience and EFVS refresher training requirements are contained in § 61.66(d) and (e). Section 61.66(h)(3) states that the requirements of paragraph (d) and (e) do not apply to a pilot who is employed by a part 119 certificate holder authorized to conduct operations under part 121, 125, or 135 when the pilot is conducting an EFVS operation for that certificate holder under part 91, 121, 125, or 135, as applicable, provided the pilot conducts the operation in accordance with the certificate holder's operations specifications for EFVS operations.

List of Subjects in 14 CFR Part 121

Air carriers, Aircraft, Airmen, Aviation safety.

Correcting Amendment

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

PART 121—OPERATING REQUIREMENTS: DOMESTIC, FLAG, AND SUPPLEMENTAL OPERATIONS

■ 1. The authority citation for part 121 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40119, 41706, 42301 preceding note added by Pub. L. 112–95, sec. 412, 126 Stat. 89, 44101, 44701–702, 44705, 44709–44711, 44713, 44716–44717, 44722, 44729, 44732; 46105; Pub. L. 111–216, 124 Stat. 2348 (49 U.S.C. 44701 note); Pub. L. 112–95, 126 Stat. 62 (49 U.S.C. 44732 note).

■ 2. In appendix F, revise paragraph III. of the table to read as follows:

Appendix F to Part 121—Proficiency Check Requirements

* * * * *

Maneuvers/procedures	Required		Permitted			
	Simulated instrument conditions	Inflight	Visual simulator	Nonvisual simulator	Training device	Waiver provisions of § 121.441(d)
* * *	*		*	*		*
III. Instrument procedures:						
(a) Area departure and area arrival. During each of these maneuvers the applicant must—	B			B		*B
(1) Adhere to actual or simulated ATC clearances (including assigned radials); and						
(2) Properly use available navigation facilities.						
Either area arrival or area departure, but not both, may be waived under § 121.441(d).						
(b) Holding. This maneuver includes entering, maintaining, and leaving holding patterns. It may be performed in connection with either area departure or area arrival	B			B		B
(c) ILS and other instrument approaches. There must be the following:						
(1) At least one normal ILS approach	B		B			
(2) At least one manually controlled ILS approach with a simulated failure of one powerplant. The simulated failure should occur before initiating the final approach course and must continue to touchdown or through the missed approach procedure	B					
(3) At least one nonprecision approach procedure that is representative of the non-precision approach procedures that the certificate holder is likely to use	B		B			
(4) Demonstration of at least one nonprecision approach procedure on a letdown aid other than the approach procedure performed under subparagraph (3) of this paragraph that the certificate holder is approved to use	B				B	
(5) For each type of EFVS operation the certificate holder is authorized to conduct, at least one instrument approach must be made using an EFVS. Each instrument approach must be performed according to any procedures and limitations approved for the approach facility used. The instrument approach begins when the airplane is over the initial approach fix for the approach procedure being used (or turned over to the final approach controller in the case of a GCA approach) and ends when the airplane touches down on the runway or when transition to a missed approach configuration is completed. Instrument conditions need not be simulated below 100′ above touchdown zone elevation	B	*B				
(d) Circling approaches. If the certificate holder is approved for circling minimums below 1000–3, at least one circling approach must be made under the following conditions			*B			*B
(1) The portion of the approach to the authorized minimum circling approach altitude must be made under simulated instrument conditions	B					

Maneuvers/procedures	Required		Permitted			
	Simulated instrument conditions	Inflight	Visual simulator	Nonvisual simulator	Training device	Waiver provisions of § 121.441(d)
(2) The approach must be made to the authorized minimum circling approach attitude followed by a change in heading and the necessary maneuvering by visual reference to maintain a flight path that permits a normal landing on a runway at least 90[degrees] from the final approach course of the simulated instrument portion of the approach.						
(3) The circling approach must be performed without excessive maneuvering, and without exceeding the normal operating limits of the airplane. The angle of bank should not exceed 30[degrees].						
If local conditions beyond the control of the pilot prohibit the maneuver or prevent it from being performed as required, it may be waived as provided in § 121.441(d): Provided, however, that the maneuver may not be waived under this provision for two successive proficiency checks.						
The circling approach maneuver is not required for a second-in-command if the certificate holder's manual prohibits a second-in-command from performing a circling approach in operations under this part.						
(e) Missed Approach						
(1) Each pilot must perform at least one missed approach from an ILS approach	.....	.....	* B	.....	.....	.....
(2) Each pilot in command must perform at least one additional missed approach	.....	.....	* P	.....	.....	.....
A complete approved missed approach procedure must be accomplished at least once. At the discretion of the person conducting a check a simulated powerplant failure may be required during any of the missed approaches. These maneuvers may be performed either independently or in conjunction with maneuvers required under Sections III or V of this appendix. At least one missed approach must be performed in flight.						
*	*	*	*	*	*	*

Issued under the authority of 49 U.S.C. 106(f) and (g) in Washington, DC on January 3, 2018.

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2018–00225 Filed 1–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 135

[Docket No. FAA–2010–0982; Amdt. No. 135–138]

RIN 2120–AJ53

Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations; Technical Amendment

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; technical amendment.

SUMMARY: The FAA is correcting a final rule published on February 21, 2014. In that rule, the FAA amended its regulations to improve safety in helicopter air ambulance and commercial helicopter operations. This document removes an incorrect cross-reference and makes corresponding revisions.

DATES: Effective January 10, 2018.

FOR FURTHER INFORMATION CONTACT: Brian Verna, Aircraft Maintenance Division, Avionics Branch, AFS–360, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone (202) 267–1710; email *brian.verna@faa.gov.*

SUPPLEMENTARY INFORMATION:

Good Cause for Immediate Adoption Without Prior Notice

Section 553(b)(3)(B) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency for ''good cause'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without seeking comment prior to the rulemaking.

Section 553(d)(3) of the Administrative Procedure Act requires that agencies publish a rule not less than 30 days before its effective date, except as otherwise provided by the agency for good cause found and published with the rule.

This document is correcting an error in 14 CFR 135.168. These corrections will not impose any additional

restrictions on the persons affected by these regulations. Furthermore, any additional delay in making the regulations correct would be contrary to the public interest. Accordingly, the FAA finds that (i) public comment on these standards prior to promulgation is unnecessary, and (ii) good cause exists to make this rule effective in less than 30 days.

Background

On February 21, 2014, the FAA published a final rule entitled, ''Helicopter Air Ambulance, Commercial Helicopter, and Part 91 Helicopter Operations'' (79 FR 9932). In that final rule the FAA created provisions directed primarily toward helicopter air ambulance operations and all commercial helicopter operations conducted under part 135.

The rule added § 135.168(c) which states, ''[t]he equipment required by this section must be maintained in accordance with § 135.419.'' Section 135.419 outlines inspection, not maintenance, requirements making the cross reference to § 135.419 incorrect.

Technical Amendment

This technical amendment addresses this incorrect reference to inspection requirements. Maintenance and inspection requirements for part 135 operators are currently described in part 135 Subpart J. Accordingly, the FAA is removing the current text of § 135.168 (c) to avoid potential confusion from redundant regulatory text.

This technical amendment also removes the reference to § 135.168(c) from § 135.168(b). Finally, the FAA removes the effective date for § 135.168(b) because that date has passed, and the paragraph currently is effective.

Executive Order Determinations

Executive Order 13771, Reducing Regulation and Controlling Regulatory Costs

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

List of Subjects in 14 CFR Part 135

Air taxis, Aircraft, Aviation safety.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends chapter I of title 14, Code of Federal Regulations as follows:

PART 135—OPERATING REQUIREMENTS: COMMUTER AND ON-DEMAND OPERATIONS AND RULES GOVERNING PERSONS ON BOARD SUCH AIRCRAFT

■ 1. The authority citation for part 135 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 41706, 40113, 44701–44702, 44705, 44709, 44711–44713, 44715–44717, 44722, 44730, 45101–45105; Pub. L. 112–95, 126 Stat. 58 (49 U.S.C. 44730).

■ 2. Amend § 135.168 by revising paragraph (b) introductory text and removing and reserving paragraph (c).

The revision reads as follows:

§ 135.168. Emergency equipment. Overwater rotorcraft operations.

* * * * *

(b) *Required equipment.* Except when authorized by the certificate holder's operations specifications, or when necessary only for takeoff or landing, no person may operate a rotorcraft beyond autorotational distance from the shoreline unless it carries:

* * * * *

Issued under authority of 49 U.S.C. 106(f), 106(g), 44701(a), and 44730 in Washington, DC.

Lirio Liu,

Director, Office of Rulemaking.

[FR Doc. 2018–00285 Filed 1–9–18; 8:45 am]

BILLING CODE 4910–13–P

POSTAL SERVICE

39 CFR Part 113

Hazardous, Restricted, and Perishable Mail (Publication 52); Incorporation by Reference

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service announces the issuance of *Hazardous, Restricted, and Perishable Mail* (Publication 52) dated August 2017, and its incorporation by reference in the *Code of Federal Regulations.*

DATES: This final rule is effective on January 10, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of January 10, 2018.

FOR FURTHER INFORMATION CONTACT: Lizbeth Dobbins (202) 268–3789.

SUPPLEMENTARY INFORMATION: The most recent issue of *Hazardous, Restricted, and Perishable Mail* (Publication 52) is dated August 2017. This issue of Publication 52 contains Postal Service mailing standards relating to the shipment of hazardous, restricted, and perishable materials. Publication 52 provides a complete and comprehensive source for users to find information necessary to properly prepare mailings of hazardous, restricted, and perishable materials, and limits the need for users to consult other information sources when preparing such mailings.

Publication 52 is available, in a read-only format, to the mailing industry and general public via the Postal Explorer® website at *http://pe.usps.com.* The Postal Explorer application can be accessed directly at any time. In addition, links to Postal Explorer are provided on:

- The landing page of *USPS.com,* the Postal Service's primary customer-facing website; and
- The USPS application *Postal Pro,* an online informational source available to both mailing industry members and Postal customers, intended to eventually replace RIBBS.

New editions of Publication 52 will be published at regular intervals, generally no less frequently than once each calendar year. Changes to mailing standards applicable to hazardous, restricted, and perishable materials will be made as necessary, and incorporated into each successive edition of Publication 52. The incorporation by reference of each edition of Publication 52 will be announced through publication in the **Federal Register**. Details of the revisions to Publication 52 will be published in the *Postal Bulletin,* available at *https://about.usps.com/postal-bulletin/welcome.htm.*

Prior to July, 2014, the Postal Service maintained standards for the mailing of hazardous, restricted, and perishable mail in both the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) and Publication 52. On July 28, 2014, as part of a continuing initiative to reduce the size of the DMM, the Postal Service removed from that publication the detailed mailing standards relating to hazardous, restricted, and perishable materials. In place of these detailed provisions, revised DMM 601.8.0 advised that mailing standards specific to hazardous, restricted, and perishable mail would be incorporated into Publication 52, and could be found on the Postal Explorer website at *pe.usps.com.*

Based on its experience applying the mailing standards for hazardous, restricted and perishable mail since July 28, 2014, the Postal Service believes that these mailing standards were more visible to the mailing community when they were included in the DMM, which

is incorporated by reference in the Code of Federal Regulations, and thus more effective in supporting USPS efforts related to compliance and enforcement. The Postal Service expects that incorporation by reference of Publication 52 in the *Code of Federal Regulations,* will increase the visibility of the mailing standards contained in Publication 52 and thereby maximize their effectiveness and usefulness.

Since their removal from the DMM, the mailing standards provided in Publication 52 have undergone few changes of significance; indeed, several of those changes have expanded the options available to HAZMAT mailers. With regard to changes having a wider impact on mailers, such as those required to conform Publication 52 to the revised standards for the shipment of lithium batteries established by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the International Civil Aviation Organization (ICAO), the Postal Service has been careful to provide advance notice to interested parties, with an opportunity to comment, and to shape the final standards in response to the comments received. *See, e.g.* 82 FR 11372 (February 22, 2017), and 82 FR 34712 (July 26, 2017). Relating to violations of mailing standards for hazardous materials, the Postal Service currently has civil enforcement authority granted by the Postal Accountability and Enhancement Act of 2006, and authority to assess criminal penalties under 18 U.S.C. 1716. As a result, the Postal Service believes that the incorporation by reference of Publication 52 should have little or no impact on mailers of hazardous, restricted, or perishable materials, and the Postal Service would expect few comments in response to a proposed rule. Accordingly, the Postal Service has chosen to publish only a final rule in support of this action.

The Postal Service further believes that incorporation by reference of Publication 52 is justified in view of the unique qualities of the publication, including its length, the detailed description of conditions relating to the mailing of hazardous, restricted, or perishable materials, and the presence of numerous color figures and images in the document. In addition, the potential for serious injury to Postal Service employees and the general public, as well as the potential for damage to USPS equipment and other assets resulting from improperly prepared, packaged, or marked hazardous materials, provide support for the incorporation by reference of a separate publication dealing specifically with such matters.

List of Subjects in 39 CFR Part 113

Hazardous, restricted, and perishable mail, Incorporation by reference.

■ In consideration of the matters discussed above, the Postal Service adds new 39 CFR part 113 as follows:

PART 113—HAZARDOUS, RESTRICTED, AND PERISHABLE MAIL

Sec.

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

§ 113.1 Scope and purpose.

This part applies to the mailing and shipment of hazardous, restricted, and perishable materials. In order to mail hazardous, restricted, and perishable materials, mailers must properly prepare their mailings in accordance with the standards contained in USPS Publication 52 (incorporated by reference, see § 113.2).

§ 113.2 Incorporation by reference.

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. All approved material is available for inspection by appointment only, during normal hours of operation, at the U.S. Postal Service Library, 475 L'Enfant Plaza West SW, Washington, DC 20260–1641 (call 202–268–2906), and is available from the sources listed below. It is also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202–741–6030 or go to *www.archives.gov/federal-register/cfr/ibr-locations.html.*

(b) United States Postal Service, Product Classification Office, USPS Headquarters, 475 L'Enfant Plaza SW, Room 4446, Washington, DC 20260–5013: *http://pe.usps.com/text/pub52/welcome.htm.*

(1) *Publication 52, Hazardous, Restricted and Perishable Mail, dated August 2017, IBR approved for § 113.1.*

(2) [Reserved]

Stanley F. Mires,

Attorney, Federal Compliance.

[FR Doc. 2018–00266 Filed 1–9–18; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 19

[FRL–9972–92–OECA]

Civil Monetary Penalty Inflation Adjustment Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is promulgating this final rule to adjust the level of statutory civil monetary penalty amounts under the statutes EPA administers. This action is mandated by the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended through the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (''the 2015 Act''). The 2015 Act prescribes a formula for annually adjusting statutory civil penalties to reflect inflation, maintain the deterrent effect of statutory civil penalties, and promote compliance with the law. The rule does not necessarily revise the penalty amounts that EPA chooses to seek pursuant to its civil penalty policies in a particular case. EPA's civil penalty policies, which guide enforcement personnel in how to exercise EPA's statutory penalty authorities, take into account a number of fact-specific considerations, *e.g.,* the seriousness of the violation, the violator's good faith efforts to comply, any economic benefit gained by the violator as a result of its noncompliance, and a violator's ability to pay.

DATES: This final rule is effective on January 15, 2018.

FOR FURTHER INFORMATION CONTACT: David Smith-Watts, Office of Civil Enforcement, Office of Enforcement and Compliance Assurance, Mail Code 2241A, Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, telephone number: (202) 564–4083; *smith-watts.david@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

Since 1990, federal agencies have been required to issue regulations adjusting for inflation the statutory civil penalties [1] that can be imposed under

[1] The Federal Civil Penalties Inflation Adjustment Act of 1990, Public Law 101–410, 28 U.S.C. 2461 note, defines ''civil monetary penalty'' as ''any penalty, fine, or other sanction that—(A)(i) is for a specific monetary amount as provided by Federal law; or (ii) has a maximum amount provided for by Federal law; and (B) is assessed or enforced by an agency pursuant to Federal law; and (C) is assessed or enforced pursuant to an administrative proceeding or a civil action in the Federal courts.''

the laws administered by that agency. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996 (DCIA), required agencies to review their statutory civil penalties every 4 years, and to adjust the statutory civil penalty amounts for inflation if the increase met the DCIA's adjustment methodology. In accordance with the DCIA, EPA reviewed and, as appropriate, adjusted the civil penalty levels under each of the statutes the agency implements in 1996 (61 FR 69360), 2004 (69 FR 7121), 2008 (73 FR 75340), and 2013 (78 FR 66643).

The 2015 Act [2] requires agencies to: (1) Adjust the level of statutory civil penalties with an initial ''catch-up'' adjustment through an interim final rulemaking; and (2) beginning January 15, 2017, make subsequent annual adjustments for inflation. The purpose of the 2015 Act is to maintain the deterrent effect of civil penalties by translating originally enacted statutory civil penalty amounts to today's dollars and rounding statutory civil penalties to the nearest dollar.

As required by the 2015 Act, EPA issued a catch up rule on July 1, 2016, which was effective August 1, 2016 (81 FR 43091), and EPA made its first annual adjustment on January 12, 2017, which was effective January 15, 2017 (82 FR 3633). Today's rule implements the second annual penalty inflation adjustments mandated by the 2015 Act. Section 4 of the 2015 Act requires each federal agency to publish annual adjustments to all civil penalties under the laws implemented by that agency. These annual adjustments are required to be published by January 15 of each year. The 2015 Act describes the method for calculating the adjustments. Each statutory maximum civil monetary penalty is multiplied by the cost-of-living adjustment, which is the percentage by which the Consumer Price Index for all Urban Consumers (CPI–U) for the month of October 2017 exceeds the CPI–U for the month of October 2016.

With this rule, the new statutory maximum (or minimum [3]) penalty levels listed in the sixth column of Table 2 of 40 CFR 19.4 will apply to all civil penalties assessed on or after January 15, 2018, for violations that occurred after November 2, 2015, when the 2015 Act was enacted. The former maximum statutory civil penalty levels, which are in the fifth column of Table 2 to 40 CFR 19.4, will now apply only to violations that occurred after November 2, 2015, where the penalties were assessed on or after January 15, 2017 but before January 15, 2018. The statutory penalty levels for violations that occurred after November 2, 2015, where the penalties were assessed on or after August 1, 2016 but before January 15, 2017, are codified in the fourth column of Table 2 to 40 CFR 19.4. The statutory civil penalty levels that apply to violations that occurred on or before November 2, 2015, are codified at Table 1 to 40 CFR 19.4.

The formula for determining the cost-of-living or inflation adjustment to statutory civil penalties consists of the following steps:

Step 1: The cost-of-living adjustment multiplier for 2018, based on the CPI–U of October 2017, is 1.02041.[4] Multiply 1.02041 by the current penalty amount. This is the raw adjusted penalty value.

Step 2: Round the raw adjusted penalty value. Section 5 of the 2015 Act states that any adjustment shall be rounded to the nearest multiple of $1. The result is the final penalty value for the year.

II. The 2015 Act Requires Federal Agencies To Publish Annual Penalty Inflation Adjustments Notwithstanding Section 553 of the Administrative Procedures Act

Section 4 of the 2015 Act directs federal agencies to publish the second annual adjustments no later than January 15, 2018. In accordance with section 553 of the Administrative Procedures Act (APA), most rules are subject to notice and comment and are effective no earlier than 30 days after publication in the **Federal Register**. However, Section 4(b)(2) of the 2015 Act provides that each agency shall make the annual inflation adjustments ''notwithstanding section 553'' of the APA. According to OMB guidance issued to Federal agencies on the implementation of the 2018 annual adjustment,[5] the phrase ''notwithstanding section 553'' means that ''the public procedure the APA generally provides—notice, an opportunity for comment, and a delay in effective date—is not required for agencies to issue regulations implementing the annual adjustment.'' Consistent with the language of the 2015 Act and OMB's implementation guidance, this rule is not subject to notice and an opportunity for public comment and will be effective immediately upon publication.

III. Statutory and Executive Order Reviews

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

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

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

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

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA. This rule merely increases the level of statutory civil penalties that can be imposed in the context of a federal civil administrative enforcement action or civil judicial case for violations of EPA-administered statutes and their implementing regulations.

D. Regulatory Flexibility Act (RFA)

This action is not subject to the RFA. The RFA applies only to rules subject to notice and comment rulemaking requirements under the APA, 5 U.S.C. 553, or any other statute. Because the 2015 Act directs Federal agencies to publish this rule notwithstanding section 553 of the APA, this rule is not subject to notice and comment requirements or the RFA.

[2] The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Section 701 of Pub. L.114–74) was signed into law on Nov. 2, 2015, and further amended the Federal Civil Penalties Inflation Adjustment Act of 1990.

[3] Under Section 3(2)(A) of the 2015 Act, ''civil monetary penalty'' means ''a specific monetary amount as provided by Federal law''; or ''has a maximum amount provided for by Federal law.'' EPA-administered statutes generally refer to statutory maximum penalties, with the following exceptions: Section 311(b)(7)(D) of the Clean Water Act, 33 U.S.C. 1321(b)(7)(D), refers to a minimum penalty of ''not less than $100,000 . . .''; Section 104B(d)(1) of the Marine Protection, Research, and Sanctuaries Act, 33 U.S.C. 1414b(d)(1), refers to an exact penalty of $600 ''[f]or each dry ton (or equivalent) of sewage sludge or industrial waste dumped or transported by the person in violation of this subsection in calendar year 1992 . . .''; and Section 325(d)(1) of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11045(d)(1), refers to an exact civil penalty of $25,000 for each frivolous trade secret claim.

[4] Office of Management and Budget Memorandum, *Implementation of the Penalty Inflation Adjustments for 2018, Pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015* (OMB Memorandum M–18–03) at p. 1 (December 15, 2017).

[5] *See* OMB Memorandum M–18–03 at p. 4.

E. Unfunded Mandates Reform Act (UMRA)

This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action is required by the 2015 Act, without the exercise of any policy discretion by EPA. This action also imposes no enforceable duty on any state, local or tribal governments or the private sector. Because the calculation of any increase is formula-driven pursuant to the 2015 Act, EPA has no policy discretion to vary the amount of the adjustment.

F. Executive Order 13132: Federalism

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

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

This action does not have tribal implications as specified in Executive Order 13175. This rule merely reconciles the real value of current statutory civil penalty levels to reflect and keep pace with the levels originally set by Congress when the statutes were enacted. The calculation of the increases is formula-driven and prescribed by statute, and EPA has no discretion to vary the amount of the adjustment to reflect any views or suggestions provided by commenters. Accordingly, this rule will not have a substantial direct effect on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes.

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

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

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

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

J. National Technology Transfer and Advancement Act (NTTAA)

The rulemaking does not involve technical standards.

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

The EPA believes that this action is not subject to Executive Order 12898 (59 FR 7629, February 16, 1994) because it does not establish an environmental health or safety standard. Rather, this action is mandated by the 2015 Act, which prescribes a formula for adjusting statutory civil penalties on an annual basis to reflect inflation.

L. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and comment rulemaking procedures are impracticable, unnecessary or contrary to the public interest (5 U.S.C. 808(2)). The 2015 Act directs Federal agencies to publish their annual penalty inflation adjustments ''notwithstanding section 553 [of the APA].'' Because OMB has instructed Federal agencies that this provision means that ''notice, an opportunity for comment, and a delay in the effective date'' are not required for agencies to issue regulations implementing the annual adjustment,[6] EPA finds that the APA's notice and comment rulemaking procedures are impracticable, unnecessary or contrary to the public interest.

List of Subjects in 40 CFR Part 19

Environmental protection, Administrative practice and procedure, Penalties.

Dated: January 3, 2018.

E. Scott Pruitt,

Administrator.

For the reasons set out in the preamble, EPA amends title 40, chapter I, part 19 of the Code of Federal Regulations as follows:

[6] *See* OMB Memorandum M–18–03 at p. 4.

PART 19—ADJUSTMENT OF CIVIL MONETARY PENALTIES FOR INFLATION

■ 1. The authority citation for part 19 continues to read as follows:

Authority: Pub. L. 101–410, Oct. 5, 1990, 104 Stat. 890, as amended by Pub. L. 104–134, title III, sec. 31001(s)(1), Apr. 26, 1996, 110 Stat. 1321–373; Pub. L. 105–362, title XIII, sec. 1301(a), Nov. 10, 1998, 112 Stat. 3293; Pub. L. 114–74, title VII, sec. 701(b), Nov. 2, 2015, 129 Stat. 599.

■ 2. Revise § 19.2 to read as follows:

§ 19.2 Effective date.

The statutory penalty levels in the last column of Table 1 to § 19.4 apply to all violations which occurred after December 6, 2013 through November 2, 2015, and to violations occurring after November 2, 2015, where penalties were assessed before August 1, 2016. The statutory civil penalty levels set forth in the fourth column of Table 2 of § 19.4 apply to all violations which occurred after November 2, 2015, where the penalties were assessed on or after August 1, 2016 and before January 15, 2017. The statutory civil penalty levels set forth in the fifth column of Table 2 of § 19.4 apply to all violations which occurred after November 2, 2015, where the penalties were assessed after January 15, 2017 but before January 15, 2018. The statutory civil penalty levels set forth in the sixth and last column of Table 2 of § 19.4 apply to all violations which occur or occurred after November 2, 2015, where the penalties are assessed after January 15, 2018.

■ 3. In § 19.4, revise the introductory text and table 2 to read as follows:

§ 19.4 Statutory civil penalties, as adjusted for inflation, and tables.

Table 1 to § 19.4 sets out the statutory civil penalty provisions of statutes administered by EPA, with the original statutory civil penalty levels, as enacted, and the operative statutory civil penalty levels, as adjusted for inflation, for violations that occurred on or before November 2, 2015, and for violations that occurred after November 2, 2015, where penalties were assessed before August 1, 2016. Table 2 to § 19.4 sets out the statutory civil penalty provisions of statutes administered by EPA, with the third column displaying the original statutory civil penalty levels, as enacted. The fourth column of Table 2 displays the operative statutory civil penalty levels where penalties were assessed on or after August 1, 2016 but before January 15, 2017, for violations that occurred after November 2, 2015. The fifth column displays the operative statutory civil penalty levels

where penalties are assessed on or after January 15, 2017 but before January 15, 2018, for violations that occur or occurred after November 2, 2015. The sixth and last column displays the operative statutory civil penalty levels where penalties are assessed on or after January 15, 2018, for violations that occur or occurred after November 2, 2015.

* * * * *

TABLE 2 OF SECTION 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS

U.S. Code citation	Environmental statute	Statutory civil penalties, as enacted	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties are assessed on or after August 1, 2016 but before January 15, 2017	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties are assessed on or after January 15, 2017 but before January 15, 2018	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties are assessed on or after January 15, 2018
7 U.S.C. 136*l*.(a)(1)	FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA).	$5,000	$18,750	$19,057	$19,446
7 U.S.C. 136*l*.(a)(2) [1]	FIFRA	1,000/500/1,000	2,750/1,772/2,750	2,795/1,801/2,795	2,852/1,838/2,795
15 U.S.C. 2615(a)(1)	TOXIC SUBSTANCES CONTROL ACT (TSCA).	25,000	37,500	38,114	38,892
15 U.S.C. 2647(a)	TSCA	5,000	10,781	10,957	11,181
15 U.S.C. 2647(g)	TSCA	5,000	8,908	9,054	9,239
31 U.S.C. 3802(a)(1)	PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA).	5,000	10,781	10,957	11,181
31 U.S.C. 3802(a)(2)	PFCRA	5,000	10,781	10,957	11,181
33 U.S.C. 1319(d)	CLEAN WATER ACT (CWA)	25,000	51,570	52,414	53,484
33 U.S.C. 1319(g)(2)(A)	CWA	10,000/25,000	20,628/51,570	20,965/52,414	21,393/53,484
33 U.S.C. 1319(g)(2)(B)	CWA	10,000/125,000	20,628/257,848	20,965/262,066	21,393/267,415
33 U.S.C. 1321(b)(6)(B)(i)	CWA	10,000/25,000	17,816/44,539	18,107/45,268	18,477/46,192
33 U.S.C. 1321(b)(6)(B)(ii)	CWA	10,000/125,000	17,816/222,695	18,107/226,338	18,477/230,958
33 U.S.C. 1321(b)(7)(A)	CWA	25,000/1,000	44,539/1,782	45,268/1,811	46,192/1,848
33 U.S.C. 1321(b)(7)(B)	CWA	25,000	44,539	45,268	46,192
33 U.S.C. 1321(b)(7)(C)	CWA	25,000	44,539	45,268	46,192
33 U.S.C. 1321(b)(7)(D)	CWA	100,000/3,000	178,156/5,345	181,071/5,432	184,767/5,543
33 U.S.C. 1414b(d)(1)	MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT (MPRSA).	600	1,187	1,206	1,231
33 U.S.C. 1415(a)	MPRSA	50,000/125,000	187,500/247,336	190,568/251,382	194,457/256,513
33 U.S.C. 1901 note (*see* 1409(a)(2)(A)).	CERTAIN ALASKAN CRUISE SHIP OPERATIONS (CACSO).	10,000/25,000	13,669/34,172	13,893/34,731	14,177/35,440
33 U.S.C. 1901 note (*see* 1409(a)(2)(B)).	CACSO	10,000/125,000	13,669/170,861	13,893/173,656	14,177/177,200
33 U.S.C. 1901 note (*see* 1409(b)(1)).	CACSO	25,000	34,172	34,731	35,440
33 U.S.C. 1908(b)(1)	ACT TO PREVENT POLLUTION FROM SHIPS (APPS).	25,000	70,117	71,264	72,718
33 U.S.C. 1908(b)(2)	APPS	5,000	14,023	14,252	14,543
42 U.S.C. 300g–3(b)	SAFE DRINKING WATER ACT (SDWA)	25,000	53,907	54,789	55,907
42 U.S.C. 300g–3(g)(3)(A)	SDWA	25,000	53,907	54,789	55,907
42 U.S.C. 300g–3(g)(3)(B)	SDWA	5,000/25,000	10,781/37,561	10,957/38,175	11,181/38,954
42 U.S.C. 300g–3(g)(3)(C)	SDWA	25,000	37,561	38,175	38,954
42 U.S.C. 300h–2(b)(1)	SDWA	25,000	53,907	54,789	55,907
42 U.S.C. 300h–2(c)(1)	SDWA	10,000/125,000	21,563/269,535	21,916/273,945	22,363/279,536
42 U.S.C. 300h–2(c)(2)	SDWA	5,000/125,000	10,781/269,535	10,957/273,945	11,181/279,536
42 U.S.C. 300h–3(c)	SDWA	5,000/10,000	18,750/40,000	19,057/40,654	19,446/41,484
42 U.S.C. 300i(b)	SDWA	15,000	22,537	22,906	23,374
42 U.S.C. 300i–1(c)	SDWA	100,000/1,000,000	131,185/1,311,850	133,331/1,333,312	136,052/1,360,525
42 U.S.C. 300j(e)(2)	SDWA	2,500	9,375	9,528	9,722
42 U.S.C. 300j–4(c)	SDWA	25,000	53,907	54,789	55,907
42 U.S.C. 300j–6(b)(2)	SDWA	25,000	37,561	38,175	38,954
42 U.S.C. 300j–23(d)	SDWA	5,000/50,000	9,893/98,935	10,055/100,554	10,260/102,606
42 U.S.C. 4852d(b)(5)	RESIDENTIAL LEAD-BASED PAINT HAZARD REDUCTION ACT OF 1992.	10,000	16,773	17,047	17,395
42 U.S.C. 4910(a)(2)	NOISE CONTROL ACT OF 1972	10,000	35,445	36,025	36,760
42 U.S.C. 6928(a)(3)	RESOURCE CONSERVATION AND RECOVERY ACT (RCRA).	25,000	93,750	95,284	97,229
42 U.S.C. 6928(c)	RCRA	25,000	56,467	57,391	58,562
42 U.S.C. 6928(g)	RCRA	25,000	70,117	71,264	72,718
42 U.S.C. 6928(h)(2)	RCRA	25,000	56,467	57,391	58,562
42 U.S.C. 6934(e)	RCRA	5,000	14,023	14,252	14,543
42 U.S.C. 6973(b)	RCRA	5,000	14,023	14,252	14,543
42 U.S.C. 6991e(a)(3)	RCRA	25,000	56,467	57,391	58,562
42 U.S.C. 6991e(d)(1)	RCRA	10,000	22,587	22,957	23,426
42 U.S.C. 6991e(d)(2)	RCRA	10,000	22,587	22,957	23,426
42 U.S.C. 7413(b)	CLEAN AIR ACT (CAA)	25,000	93,750	95,284	97,229
42 U.S.C. 7413(d)(1)	CAA	25,000/200,000	44,539/356,312	45,268/362,141	46,192/369,532
42 U.S.C. 7413(d)(3)	CAA	5,000	8,908	9,054	9,239
42 U.S.C. 7524(a)	CAA	25,000/2,500	44,539/4,454	45,268/4,527	46,192/4,619
42 U.S.C. 7524(c)(1)	CAA	200,000	356,312	362,141	369,532
42 U.S.C. 7545(d)(1)	CAA	25,000	44,539	45,268	46,192
42 U.S.C. 9604(e)(5)(B)	COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT (CERCLA).	25,000	53,907	54,789	55,907
42 U.S.C. 9606(b)(1)	CERCLA	25,000	53,907	54,789	55,907
42 U.S.C. 9609(a)(1)	CERCLA	25,000	53,907	54,789	55,907

TABLE 2 OF SECTION 19.4—CIVIL MONETARY PENALTY INFLATION ADJUSTMENTS—Continued

U.S. Code citation	Environmental statute	Statutory civil penalties, as enacted	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties are assessed on or after August 1, 2016 but before January 15, 2017	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties are assessed on or after January 15, 2017 but before January 15, 2018	Statutory civil penalties for violations that occurred after November 2, 2015, where penalties are assessed on or after January 15, 2018
42 U.S.C. 9609(b)	CERCLA	25,000/75,000	53,907/161,721	54,789/164,367	55,907/167,722
42 U.S.C. 9609(c)	CERCLA	25,000/75,000	53,907/161,721	54,789/164,367	55,907/167,722
42 U.S.C. 11045(a)	EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA).	25,000	53,907	54,789	55,907
42 U.S.C. 11045(b)(1)(A)	EPCRA	25,000	53,907	54,789	55,907
42 U.S.C. 11045(b)(2)	EPCRA	25,000/75,000	53,907/161,721	54,789/164,367	55,907/167,722
42 U.S.C. 11045(b)(3)	EPCRA	25,000/75,000	53,907/161,721	54,789/164,367	55,907/167,722
42 U.S.C. 11045(c)(1)	EPCRA	25,000	53,907	54,789	55,907
42 U.S.C. 11045(c)(2)	EPCRA	10,000	21,563	21,916	22,363
42 U.S.C. 11045(d)(1)	EPCRA	25,000	53,907	54,789	55,907
42 U.S.C. 14304(a)(1)	MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT (BATTERY ACT).	10,000	15,025	15,271	15,583
42 U.S.C. 14304(g)	BATTERY ACT	10,000	15,025	15,271	15,583

[1] Note that 7 U.S.C. 136*l*.(a)(2) contains three separate statutory maximum civil penalty provisions. The first mention of $1,000 and the $500 statutory maximum civil penalty amount were originally enacted in 1978 (Pub. L. 95–396), and the second mention of $1,000 was enacted in 1972 (Pub. L. 92–516).

[FR Doc. 2018–00287 Filed 1–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R04–OAR–2007–0085; FRL–9972–85–Region 4]

Air Plan Approval; NC; Open Burning and Miscellaneous Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: Due to adverse comments received, the Environmental Protection Agency (EPA) is amending the North Carolina State Implementation Plan (SIP) to remove some provisions made effective through the direct final rule that was published on July 18, 2017. EPA stated that if adverse comments were received by the close of the comment period, the rule would be withdrawn and not take effect, or if adverse comments were received on an amendment, paragraph, or section of the rule, EPA may adopt as final those provisions of the rule that are not the subject of an adverse comment. EPA received adverse comments on two specific SIP revisions. Therefore, EPA is removing only the portions of the SIP related to those two revisions.

DATES: This rule is effective January 10, 2018.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2007–0085. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through *www.regulations.gov* or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Nacosta C. Ward, Air Regulatory Management Section, Air Planning and Implementation Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Ward can be reached via telephone at (404) 562–9140, or via electronic mail at *ward.nacosta@epa.gov.*

SUPPLEMENTARY INFORMATION: On July 18, 2017, EPA published a direct final rule (82 FR 32767) approving several revisions to the North Carolina SIP. The revisions consisted of changes to or the addition of the following regulations: 15A NCAC Subchapter 2D—Air Pollution Control Requirements, Section .0101, *Definitions;* Section .0103, *Copies of Referenced Federal Regulations;* Section .1901 *Purpose, Scope, and Impermissible Open Burning Section;* .1902, *Definitions;* Section .1903, *Permissible Open Burning Without An Air Quality Permit;* Section .2001, *Purpose, Scope, and Applicability;* and 15A NCAC Subchapter 2Q—Air Quality Permits, Section .0103, *Definitions;* Section .0105, *Copies of Referenced Documents;* Section .0304, *Applications;* Section .0305, *Application Submittal Content;* Section .0806, *Cotton Gins;* Section .0808, *Peak Shaving Generators;* and Section .0810, *Air Curtain Burners.* On the same day, EPA published proposed rule (82 FR 32782), proposing approval of those same revisions to the North Carolina SIP and providing a 30-day comment period for both the direct final rule and the proposed rule.[1] The direct final rule explained that if EPA received adverse comments, the Agency would withdraw the relevant portion(s) of the direct final action. EPA received adverse comments on the portions of the rulemaking related to the North Carolina regulations 15A NCAC Subchapter 2Q—Air Quality Permits, Section .0808, *Peak Shaving Generators,* and Section .0810, *Air Curtain Burners,* only. However, EPA was not able to withdraw these portions of the direct final action before the action became effective. Therefore, EPA is amending § 52.1770 by removing the portions of the SIP related to these two North Carolina regulations. EPA is not

[1] On September 6, 2017 (82 FR 42055), EPA reopened the comment period for the proposed rule, with comments due on or before September 21, 2017.

opening an additional comment period. At a later date, the Agency may finalize action on these two regulations based on the July 18, 2017 propose rule and respond to the comments in the final action. All other North Carolina regulations that were the subject of the July 18, 2017 direct final rule are not affected by this removal and were incorporated by reference into the SIP as of September 18, 2017, the effective date of the direct final rule (82 FR 32767).

List of Subjects in 40 CFR Part 52

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

Dated: December 22, 2017.

Onis ''Trey'' Glenn, III,

Regional Administrator, Region 4.

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 II—North Carolina

■ 2. In section 52.1770(c), Table 1, under the heading ''Subchapter 2Q—Air Quality Permits,'' under the heading ''Section .0800 Exclusionary Rules,'' is amended by:

■ a. Revising the entry for ''Sect. .0808''; and

■ b. Removing the entry for ''Sect. .0810''

The revision reads as follows:

§ 52.1770 Identification of plan.

* * * * *

(c) * * *

TABLE 1—EPA-APPROVED NORTH CAROLINA REGULATIONS

State citation	Title/subject	State effective date	EPA approval date	Explanation
*	*	*	*	*
Subchapter 2Q—Air Quality Permits				
*	*	*	*	*
Section .0800 Exclusionary Rules				
*	*	*	*	*
Sect. .0808	Peak Shaving Generators	7/1/1999	10/22/2002, 67 FR 64989.	
*	*	*	*	*

[FR Doc. 2018–00028 Filed 1–9–18; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0255; FRL–9972–78–Region 9]

Determination To Defer Sanctions; Arizona Department of Environmental Quality; $PM_{2.5}$

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final determination.

SUMMARY: The Environmental Protection Agency (EPA) is making an interim final determination that the State of Arizona has corrected a deficiency in its Clean Air Act (CAA or Act) state implementation plan (SIP) provisions concerning air permitting. Specifically, based on a proposed conditional approval published elsewhere in this **Federal Register**, and based on a prior proposed approval, previously published in the **Federal Register**, EPA is making an interim final determination that the State of Arizona (State) has satisfied the requirements of part D of the CAA permitting program for areas under the jurisdiction of the Arizona Department of Environmental Quality (ADEQ) with respect to fine particular matter ($PM_{2.5}$) precursors. The effect of this interim final determination that the State has corrected the deficiency in the permitting program is that the imposition of sanctions that were triggered by a previous limited disapproval action by EPA in 2016 is now deferred. If the State meets its commitment that is the basis for the conditional approval, relief from these sanctions will become permanent upon the EPA's full approval of the State submission. If the EPA determines that the State has not met its commitment and the conditional approval is converted to a disapproval, these sanctions will no longer be deferred.

DATES: This interim final determination is effective on January 10, 2018. However, comments will be accepted until February 9, 2018.

ADDRESSES: Submit comments, identified by Docket ID No. EPA–R09–OAR–2017–0255, at *https://www.regulations.gov,* or via email to *R9airpermits@epa.gov.* For comments submitted at *Regulations.gov*, follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR**

FURTHER INFORMATION CONTACT section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Lisa Beckham, EPA Region 9, (415) 972–3811, *beckham.lisa@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, the terms ''we,'' ''us,'' and ''our'' refer to the EPA.

Table of Contents

I. Background

On June 22, 2016 (81 FR 40525), the EPA finalized a limited disapproval of ADEQ's nonattainment New Source Review (NA–NSR) program because it did not fully address fine $PM_{2.5}$ precursors as required by section 189(e) of the Act (referred to hereinafter as ''our 2016 $PM_{2.5}$ precursor action''). Our 2016 $PM_{2.5}$ precursor action was a final limited disapproval action under title I, part D of the Act, relating to requirements for $PM_{2.5}$ precursors in nonattainment areas. Pursuant to section 179 of the CAA and our regulations at 40 CFR 52.31, this action under title I, part D started a sanctions clock for imposition of offset sanctions 18 months after the action's effective date of July 22, 2016, and highway sanctions 6 months following imposition of the offset sanctions.

On March 21, 2017, ADEQ revised its New Source Review (NSR) permitting program rules and on April 28, 2017, ADEQ submitted revised NSR permitting rules to the EPA for approval into the Arizona SIP (April 2017 NSR submittal), including rules intended to address the limited disapproval issue under title I, part D that we identified in our 2016 $PM_{2.5}$ precursor action. On June 1, 2017, we proposed approval of the April 2017 NSR submittal, based in part on a finding that the submittal addressed most of the deficiencies with ADEQ's NA–NSR program identified in our 2016 $PM_{2.5}$ precursor action. See 82 FR 25213, 25219 (June 1, 2017); May 2017 Technical Support Document (TSD) supporting our June 1, 2017 proposed rule action at 21–22.

To address the remaining deficiency identified by the EPA in our 2016 $PM_{2.5}$ precursor action, which pertains to a particular requirement regarding the regulation of ammonia as a $PM_{2.5}$ precursor, in a letter dated December 6, 2017, ADEQ committed to adopt revisions to provisions in ADEQ Rule R18–2–101 and/or make other specific demonstrations to satisfy the requirements of CAA section 189(e) and related EPA regulations governing ammonia as a precursor to $PM_{2.5}$ under the NA–NSR program. The State committed to make such submissions and demonstrations no later than March 31, 2019, or within one year from the date on which the EPA takes final action on the April 2017 NSR submittal, whichever is earlier. See Letter from Timothy S. Franquist, Director, Air Quality Division, ADEQ to Alexis Strauss, Acting Regional Administrator, EPA Region 9, dated Dec. 6, 2017. In the Proposed Rules section of this **Federal Register**, we have proposed conditional approval of ADEQ's April 2017 NSR submittal with respect to the remaining deficiency identified in our 2016 $PM_{2.5}$ precursor action concerning ammonia as a $PM_{2.5}$ precursor under section 189(e) of the Act.

II. EPA Action

Based on the proposed conditional approval action and our June 1, 2017 proposed approval action, pursuant to 40 CFR 52.31(d)(2), we are issuing this interim final determination, effective on publication, determining that ADEQ's revised plan corrects the deficiencies that triggered the sanctions clock. The effect of this action is to defer imposition of the offset sanctions and highway sanctions that were triggered by our 2016 limited disapproval of ADEQ's NA–NSR permitting program with respect to $PM_{2.5}$ precursors.

The EPA is providing the public with an opportunity to comment on this interim final determination that the deficiency has been corrected and the resultant deferral of sanctions. If comments are submitted that change our assessment described in this interim final determination and/or the proposed conditional approval of ADEQ's April 2017 NSR submittal with respect to the title I, part D deficiencies identified in our 2016 $PM_{2.5}$ precursor action, we would take final action to lift this deferral of sanctions under 40 CFR 52.31. If no comments are submitted that change our assessment, then all sanctions and any sanction clocks triggered by our 2016 $PM_{2.5}$ precursor action would be deferred unless and until (1) the EPA proposes or takes final action to disapprove the April 2017 NSR submittal with respect to the deficiencies identified in our 2016 $PM_{2.5}$ precursor action, (2) the conditional approval converts to a disapproval, or (3) the EPA determines through a finding of failure to submit or through a proposed or final action disapproving in whole or in part the SIP submittal that ADEQ is required to submit to fulfill its commitment in the conditionally approved plan in accordance with ADEQ's December 6, 2017 letter. Sanctions and sanctions clocks triggered by our 2016 $PM_{2.5}$ precursor action would be permanently terminated on the effective date of a final approval of the SIP submittal that ADEQ submits to fulfill the commitment in the conditionally approved plan.

Because the EPA has preliminarily determined that ADEQ's April 2017 NSR submittal and December 6, 2017 commitment letter address the deficiencies under part D of title I of the CAA for $PM_{2.5}$ precursors identified in our 2016 $PM_{2.5}$ precursor action, relief from sanctions should be provided as quickly as possible. Therefore, the EPA is invoking the good cause exception under the Administrative Procedure Act (APA) in not providing an opportunity for comment before this action takes effect (5 U.S.C. 553(b)(3)). However, by this action, the EPA is providing the public with a chance to comment on the EPA's determination after the effective date, and the EPA will consider any comments received in determining whether to reverse such action.

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

III. Statutory and Executive Order Reviews

This action defers sanctions and imposes no additional requirements.

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

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

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

This action is not an Executive Order 13771 regulatory action because this action is not significant under Executive Order 12866.

C. Paperwork Reduction Act (PRA)

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

D. Regulatory Flexibility Act (RFA)

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

E. Unfunded Mandates Reform Act (UMRA)

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

F. Executive Order 13132: Federalism

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

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

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

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

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

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

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

J. National Technology Transfer and Advancement Act

This action does not involve technical standards.

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

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

L. Congressional Review Act (CRA)

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

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 12, 2018. Filing a petition for reconsideration by the EPA Administrator of this interim final determination does not affect the finality of this action for the purpose of judicial review nor does it extend the time within which petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements (see CAA section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

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

Dated: December 20, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2018–00030 Filed 1–9–18; 8:45 am]

BILLING CODE 6560–50–P

Proposed Rules

Federal Register
Vol. 83, No. 7
Wednesday, January 10, 2018

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2017–1241; Product Identifier 2017–NM–117–AD]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for all The Boeing Company Model 787 series airplanes. This proposed AD was prompted by reports of hydraulic leakage caused by damage to aileron and elevator actuators from lightning strikes. This proposed AD would require a records check to inspect for certain parts, a detailed inspection of aileron and elevator power control units (PCUs), and applicable on-condition actions. We are proposing this AD to address the unsafe condition on these products.

DATES: We must receive comments on this proposed AD by February 26, 2018.

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

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

For service information identified in this NPRM, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221. It is also available on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1241.

Examining the AD Docket

You may examine the AD docket on the internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1241; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the regulatory evaluation, any comments received, and other information. The street address for the Docket Office (phone: 800–647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Kelly McGuckin, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW, Renton, WA 98057–3356; phone: 425–917–6490; fax: 425–917–6590; email: *Kelly.McGuckin@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2017–1241; Product Identifier 2017–NM–117–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this NPRM. We will consider all comments received by the closing date and may amend this NPRM because of those comments.

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

Discussion

We have received reports indicating that inadequate electrical connection between control surface, wing, and empennage structures caused excessive lightning energy to pass through the aileron and elevator actuators resulting in damage and excessive leakage of hydraulic fluid. The hydraulic fluid leakage, although small, affects the internal aileron and elevator actuator fluid holding capability needed following an unrelated hydraulic system failure since the internal fluid holding capability was not sized to account for the unanticipated damage from a lightning strike. Hydraulic leakage in aileron and elevator PCUs, when coupled with an independent subsequent loss of two hydraulic systems could result in an inability to maintain aileron or elevator actuator stiffness and lead to potentially damaging airplane control surface oscillations.

Related Service Information Under 1 CFR Part 51

We reviewed Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017. The service information describes procedures for a records check to inspect for certain parts, detailed inspections for external leakage of the aileron and elevator PCUs, reporting of PCUs with discrepant excessive leakage, and replacement if necessary. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

Proposed AD Requirements

This proposed AD would require accomplishment of the actions identified as ''RC'' (required for compliance) in the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017, described

previously, except as discussed under ''Difference Between Proposed AD and Service Information,'' and except for any differences identified as exceptions in the regulatory text of this proposed AD.

For information on the procedures and compliance times, see this service information at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2017–1241.

Differences Between Proposed AD and the Service Information

The effectivity of Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017, is limited to Model 787–8 and 787–9 airplanes with certain line numbers. However, the applicability of this proposed AD includes all Boeing Model 787 series airplanes, because the affected PCUs are rotable parts. We have determined that these parts could later be installed on airplanes that were initially delivered with acceptable PCUs, thereby subjecting those airplanes to the unsafe condition. Appendixes C and D of Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017, list the affected PCUs and acceptable spares interchangeability. Any 787 series airplane that has an affected PCU installed must be inspected in accordance with Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017.

Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017, does not provide relief from the repetitive inspections if an unaffected PCU is installed after the initial inspections are completed. Paragraph (h) of this proposed AD would terminate the inspection requirements when no affected PCU is installed.

Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017, incorrectly identifies the part number (P/N) for an elevator PCU in four different places as P/N CA9953–004. Paragraph (k)(2) of this proposed AD corrects the elevator PCU part number to P/N CA69953–004.

Boeing Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017, provides additional actions for any leakage measured during the detailed inspection of the aileron PCU or elevator PCU that is more than 6 drops (or 9 drops, depending on the inspection) and less than 40 drops, or that is more than 40 drops, but not that is exactly 40 drops. Paragraph (k)(3) of this proposed AD would require additional actions for findings of more than 6 (or 9) drops and 40 drops or less.

These differences have been coordinated with Boeing.

Interim Action

We consider this proposed AD interim action. The manufacturer is currently developing a modification that will address the unsafe condition identified in this proposed AD. Once this modification is developed, approved, and available, we might consider additional rulemaking.

Costs of Compliance

We estimate that this proposed AD affects 82 airplanes of U.S. registry. We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	Up to 20 work-hours × $85 per hour = $1,700 per inspection cycle.	$0	Up to $1,700 per inspection cycle.	Up to $139,400 per inspection cycle.

We estimate the following costs to do any necessary reporting that would be required. We have no way of determining the number of aircraft that might need these reports:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
1 work-hour × $85 per hour = $85	$0	$85

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

According to the manufacturer, some or all of the costs of this proposed AD may be covered under warranty, thereby reducing the cost impact on affected individuals. We do not control warranty coverage for affected individuals. As a result, we have included all costs in our cost estimate.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW, Washington, DC 20591. ATTN: Information Collection Clearance Officer, AES–200.

Authority for This Rulemaking

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

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701:

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

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

Regulatory Findings

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

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2017–1241; Product Identifier 2017–NM–117–AD.

(a) Comments Due Date

We must receive comments by February 26, 2018.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 787 series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight Controls.

(e) Unsafe Condition

This AD was prompted by reports of hydraulic leakage caused by damage to aileron and elevator actuators from lightning strikes. We are issuing this AD to detect and correct hydraulic leakage in aileron and elevator power control units (PCUs), which, when coupled with an independent subsequent loss of two hydraulic systems, could result in an inability to maintain aileron or elevator actuator stiffness and lead to potentially damaging airplane control surface oscillations.

(f) Compliance

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

(g) Required Actions

Except as required by paragraph (k) of this AD: For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before the effective date of this AD, at the applicable times specified in paragraph 5, ''Compliance,'' of Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017.

(h) Terminating Action

Removal of all affected PCUs terminates the requirements of paragraph (g) of this AD until an affected PCU is installed.

(i) Reporting

At the applicable time specified in paragraph (i)(1) or (i)(2) of this AD, submit a report of discrepant findings in accordance with the Accomplishment Instructions of Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017.

(1) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(2) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(j) Parts Installation Limitation

For all Model 787 series airplanes: As of the effective date of this AD, an affected PCU may be installed provided the conditions specified in paragraphs (j)(1), (j)(2), and (j)(3) of this AD are met.

(1) The PCU is inspected as specified in paragraph (g) of this AD after installation and before further flight, and thereafter at the intervals specified in paragraph (g) of this AD.

(2) All applicable corrective actions are done, and at the applicable times, as specified in paragraph (g) of this AD.

(3) A report is submitted as specified in paragraph (i) of this AD.

(k) Exceptions to Service Information Specifications

(1) For purposes of determining compliance with the requirements of this AD, the phrase ''the effective date of this AD'' may be substituted for ''the original issue date of this service bulletin,'' as specified in Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017.

(2) Where the Accomplishment Instructions of Boeing Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017, refer to elevator PCU part number (P/N) ''CA9953–004,'' the correct part number is ''CA69953–004.''

(3) Where the Accomplishment Instructions of Boeing Service Bulletin B787–81205–SB270037–00, Issue 002, dated July 19, 2017, refer to findings ''less than 40 drops,'' this AD requires applicable actions if the findings are ''40 drops or less.''

(l) Credit for Previous Actions

This paragraph provides credit for the actions specified in paragraph (g) of this AD, if those actions were performed before the effective date of this AD using Boeing Alert Service Bulletin B787–81205–SB270037–00, Issue 001, dated September 27, 2016.

(m) Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW, Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(n) Alternative Methods of Compliance (AMOCs)

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

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

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

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

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

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

(o) Related Information

(1) For more information about this AD, contact Kelly McGuckin, Aerospace Engineer, Systems and Equipment Section, FAA, Seattle ACO Branch, 1601 Lind Avenue SW, Renton, WA 98057–3356; phone: 425–917–6490; fax: 425–917–6590; email: *Kelly.McGuckin@faa.gov*.

(2) For service information identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; internet *https://www.myboeingfleet.com*. You may view this referenced service information at the FAA, Transport Standards Branch, 1601 Lind Avenue SW, Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on December 26, 2017.

John P. Piccola, Jr.,

Acting Director, System Oversight Division, Aircraft Certification Service.

[FR Doc. 2018–00107 Filed 1–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2017–1012; Airspace Docket No. 17–ANM–20]

Proposed Establishment of Class E Airspace and Amendment of Class D and Class E Airspace; Olympia, WA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace extending upward from 700 feet above the surface and modify Class E airspace designated as an extension at Olympia Regional Airport (formerly Olympia Airport). This action would remove the Notice to Airmen (NOTAM) part-time status for Class E airspace designated as an extension, and would update the airport name and geographic coordinates in the associated Class D and E airspace areas to match the FAA's aeronautical database. These changes are necessary to accommodate airspace redesign for the safety and management of instrument flight rules (IFR) operations within the National Airspace System. Also, an editorial change would be made to the Class D and Class E airspace legal descriptions replacing Airport/Facility Directory with the term Chart Supplement.

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

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590; telephone: 1–800–647–5527, or (202) 366–9826. You must identify FAA Docket No. FAA–2017–1012; Airspace Docket No. 17–ANM–20, at the beginning of your comments. You may also submit comments through the internet at *http://www.regulations.gov.*

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Persons wishing the FAA to acknowledge receipt of their comments

on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2017–1012/Airspace Docket No. 17–ANM–20''. The postcard will be date/time stamped and returned to the commenter.

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

Availability of NPRMs

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

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

Availability and Summary of Documents for Incorporation by Reference

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

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 by establishing Class E airspace extending upward from 700 feet above the surface at Olympia Regional Airport to contain IFR departure and arrival aircraft below 1,200 and 1,500 feet above the surface, respectively. This airspace area would duplicate the larger Seattle Class E airspace extending upward from 700 feet above the surface, but will ensure no future changes at Seattle inadvertently impact aircraft operations at Olympia Regional Airport.

The FAA also proposes to modify Class E airspace designated as an extension to a Class D or Class E surface area at Olympia Regional Airport, Olympia, WA, by removing the segments north (within 1.8 miles each side of the Olympia VORTAC 010° radial extending from the 4-mile radius of the airport to 4.8 miles north of the VORTAC) and south (within 3.5 miles each side of the Olympia VORTAC 195° radial extending from the 4-mile radius of Olympia Airport to 9.2 miles south of the VORTAC) of the airport, and establishing a 2-mile wide segment extending to approximately 5.5 miles southeast of the airport.

Also, this action would eliminate the following language from the legal description of Class E airspace designated as an extension to a Class D or Class E surface area at the airport, ''This Class E airspace is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.''

Additionally, this action would update the airport name from Olympia Airport to Olympia Regional Airport, update the geographic coordinates of the airport to match the FAA's aeronautical database, and would replace the outdated term Airport/Facility Directory with the term Chart Supplement in the associated Class D and Class E airspace legal descriptions. This proposed airspace redesign is necessary for the safety and management of IFR operations at the airport.

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

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

Paragraph 5000 Class D Airspace.

* * * * *

ANM OR D Olympia, WA [Amended]

Olympia Regional Airport, WA
(Lat. 46°58′10″ N, long. 122°54′09″ W)

That airspace extending upward from the surface to and including 2,700 feet MSL within a 4-mile radius of Olympia Regional Airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

Paragraph 6002 Class E Airspace Designated as Surface Areas.

* * * * *

ANM OR E2 Olympia, WA [Amended]

Olympia Regional Airport, WA
(Lat. 46°58′10″ N, long. 122°54′09″ W)

That airspace within a 4-mile radius of Olympia Regional Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Chart Supplement.

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

* * * * *

ANM OR E4 Olympia, WA [Amended]

Olympia Regional Airport, WA
(Lat. 46°58′10″ N, long. 122°54′09″ W)

That airspace extending upward from the surface within the area bounded by a line beginning at lat. 46°57′14″ N, long. 122°48′28″ W; to lat. 46°56′44″ N, long. 122°47′08″ W; to lat. 46°55′28″ N, long. 122°47′10″ W; to lat. 46°54′42″ N, long. 122°47′45″ W; to lat. 46°55′28″ N, long. 122°49′51″ W; thence counter-clockwise along the 4-mile radius of the airport to the point of beginning.

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

* * * * *

ANM OR E5 Olympia, WA [New]

Olympia Regional Airport, WA
(Lat. 46°58′10″ N, long. 122°54′09″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Olympia Regional Airport from the airport 211° bearing clockwise to the airport 088° bearing, and within an 8.2-mile radius of the airport from the airport 088° bearing clockwise to the airport 122° bearing, and within a 12.4-mile radius of the airport from the airport 122° bearing clockwise to the airport 211° bearing, and within 1 mile each side of the 011° bearing from the airport extending to 11.6 miles north of the airport.

Issued in Seattle, Washington, on January 2, 2018.

Shawn M. Kozica,

Group Manager, Operations Support Group, Western Service Center.

[FR Doc. 2018–00199 Filed 1–9–18; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 74

RIN 2900–AP97

VA Veteran-Owned Small Business (VOSB) Verification Guidelines

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) is proposing to amend its regulations governing VA's Veteran-Owned Small Business (VOSB) Verification Program. The National Defense Authorization Act for Fiscal Year 2017 (''the NDAA''), Public Law 114–840, placed the responsibility for issuing regulations relating to ownership and control for the verification of VOSBs with the United States Small Business Administration (SBA). This proposed regulation seeks to remove all references to ownership and control and to add and clarify certain terms and references that are currently part of the verification process. The NDAA also provides that in certain circumstances a firm can qualify as VOSB or Service-Disabled Veteran Owned Small Business (SDVOSB) when there is a surviving spouse or an employee stock ownership plan (ESOP).

DATES: Comments must be received by VA on or before March 12, 2018.

ADDRESSES: Written comments may be submitted through *www.Regulations.gov*; by mail or hand-delivery to Director, Regulation Policy and Management (00REG), Department of Veterans Affairs, 810 Vermont Ave. NW, Room 1063b, Washington, DC 20420; or by fax to (202) 273–9026. Comments should indicate that they are submitted in response to ''RIN 2900–AP97—VA Veteran-Owned Small Business (VOSB) Verification Guidelines.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1064, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. (This is not a toll-free number.) In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *www.Regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Tom McGrath, Director, Center for Verification and Evaluation (00VE), Department of Veterans Affairs, 810 Vermont Ave. NW, Washington, DC 20420, *Thomas.McGrath2@va.gov,* (202) 461–4300. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: An Advanced Notice of Proposed Rulemaking was provided with a 60-day comment period which ended on July 12, 2013. VA received comments from numerous commenters; on November 6, 2015, a proposed rule was published in the **Federal Register** (80 FR 68795) which sought to amend 38 CFR part 74 to find an appropriate balance between preventing fraud in the Veterans First Contracting Program and providing a process that would make it easier for eligible VOSBs to become verified. VA received comments from numerous commenters. In drafting this proposed rule, VA has considered the issues raised by the comments submitted in response to both the July 12, 2013 and the November 6, 2015 publications. We thank all commenters for their participation in this process. The bases for the proposed amendments are as follows.

In Public Law 114–840, the NDAA designates the SBA as the Federal Agency responsible for creating regulations governing ownership and control. As regulations relating to and clarifying ownership and control are no longer the responsibility of VA, VA is proposing to remove the six (6) definitions from § 74.1 that relate to and clarify ownership and control. Specifically VA is proposing to remove the following definitions: Day-to-day management, day-to-day operations, immediate family member, negative control, same or similar line of business, and unconditional ownership. In addition, VA proposes to remove one additional definition, *VetBiz.gov*, to account for anticipated changes to the location of the Vendor Information Pages database.

Within § 74.1, VA also proposes to create three new definitions and amend sixteen (16) others. The new definition ''applicant'' clarifies the use of the term throughout the regulation. The new definition ''application days'' is added to clarify the manner by which the time period in § 74.11(a) is computed. The definition *http://www.va.gov/osdbu* is added to identify the hosting website as VA is considering replacing *VetBiz.gov* as the host of the Vendor Information Pages database. The new definition will allow VA to transition to a new host site without requiring further amendments to 38 CFR part 74.

VA is proposing to amend the definitions Center for Veterans Enterprise, joint venture, Office of Small and Disadvantaged Business Utilization, non-veteran, participant, primary industry classification, principal place of business, service-disabled veteran, service-disabled veteran owned small business, small business concern, surviving spouse, vendor information pages, verification eligibility, veteran, veterans affairs acquisition regulation, and veteran-owned small business. For consistency, VA also proposes to remove all references to VetBiz and in various places replace the words Center for Verification and Evaluation, service-disabled veteran-owned small business, the Department of Veterans Affairs,

Vendor Information Pages, and veteran-owned small business and use in their place the respective abbreviations—CVE, SDVOSB, VA, VIP, and VOSB in titles and the body of the regulation.

VA is proposing to amend the definition of Center for Veterans Enterprise by changing the term to Center for Verification and Evaluation (CVE) to reflect the name change effectuated at 78 FR 59861, September 30, 2013. The definition of CVE would be further amended to reflect the change to the functions of this office to verification activities. The last sentence of the definition will be removed to clarify CVE's function.

VA is proposing to amend the definition joint venture to conform to the amendments to 13 CFR part 125 as it pertains to SDVOSB joint ventures. VA has also added language to clearly address the current policy by indicating that at least one venturer must be a VOSB.

VA is proposing to amend the definition of Office of Small and Disadvantaged Business Utilization to more accurately reflect the role fulfilled by this office with respect to VOSB matters.

VA is proposing to amend the definition of non-veteran to remove the reference to VetBiz, as VA is considering moving the site which hosts the Vendor Information Pages database.

VA is proposing to amend the definition of participant to emphasize CVE's role in verifying status.

VA is proposing to amend the definition of primary industry classification to make a technical change to use the acronym NAICS as it has already been defined in a parenthetical earlier in the definition.

VA is proposing to amend the definition of principal place of business to change day to day operations to daily business operations in order to match the wording in 13 CFR 125.13.

VA is proposing to amend the definition of service-disabled veteran as the current definition has led to confusion regarding the documentation necessary to establish a service-connected disability. This change would also help increase program efficiency by specifically referencing BIRLS, the system that allows CVE to quickly and accurately determine veteran status.

VA is proposing to amend the definition of service-disabled veteran-owned small business concern to align the definition with the definition for 'small business concern owned and controlled by service-disabled veterans' proposed by SBA in the amendment to 13 CFR 125.11.

VA is proposing to amend the definition of small business concern to align the definition with the definition for 'small business concern' proposed by SBA in the amendment to 13 CFR 125.11.

VA is proposing to amend the definition of surviving spouse to reorder existing language and incorporate additional requirements outlined in the NDAA. The amended definition would provide that immediately prior to death of the deceased veteran the concern must have been owned and controlled in accordance with 13 CFR part 125 and the concern was listed in VIP.

VA is proposing to amend the definition of Vendor Information Pages to replace the reference to the website *http://www.VetBiz.gov* with the website that is the successor to *VetBiz.gov* and allow for CVE to make reasonable and necessary adjustments without the need for an amendment of the regulation.

VA is proposing to remove the definition of *Vetbiz.gov* to account for anticipated changes to the location of the Vendor Information Pages database.

VA is proposing to amend the definition of verification eligibility period to reflect the current eligibility period of 3 years, which was effectuated via publication in the **Federal Register** on February 21, 2017 at 82 FR 11154. Additionally, a technical change would amend the reference to Center for Veterans Enterprise by replacing it with the abbreviation CVE. A final technical change would replace the word ''year'' with ''eligibility period'' to agree with the change in the first sentence.

VA is proposing to amend the definition of Veteran to add a reference to the Veterans Benefits Administration (VBA). This revised definition is meant to be inclusive of all persons who served on active duty and were discharged or released under conditions other than dishonorable. Historically, the program has had an issue wherein applicants who did in fact qualify as veterans under the statutory definition, did not meet the standards outlined in § 74.1. This change is not intended to create a new class of veteran, but rather to clarify that those who are eligible under the applicable statutes will be found eligible for participation in this program.

VA is proposing to amend the definition of Veterans Affairs Acquisition Regulation to remove the term U.S. Department of Veterans Affairs and replace it with the abbreviation for VA as previously defined in § 74.1.

VA is proposing to amend the definition of Veteran-owned small business, in accordance with the NDAA, to reflect that stock owned by ESOPs which in turn are owned by one or more veterans are not included in determining requisite ownership percentage, and to use the abbreviations that have been previously defined in § 74.1.

VA is proposing to amend § 74.2 by revising paragraphs (a)–(e) and adding new paragraph (g). In both 2010 and 2012, GAO published reports tasking VA with reducing potential instances of fraud, waste, and abuse. VA has found in its administration of the verification program that the use of the procedures identified in § 74.2 protects VA acquisition integrity and diminishes ongoing exposure to fraud, waste, and abuse. Therefore, for such limited situations as identified in § 74.2, and only in these limited instances, VA finds that immediate removal from public listing is warranted in order to protect the integrity of VA procurement. Accordingly, the proposed amendments to § 74.2 would serve to more comprehensively outline the circumstances under which a participant would be found ineligible for the VOSB Verification program.

VA is proposing to amend § 74.2(a) to add the clause ''submitted required supplemental documentation at *http://www.va.gov/osdbu*'' to clearly explain the key steps necessary to submit an application and obtain verification. Additionally, a technical change would be made to use the abbreviated form ''CVE'' for consistency.

VA is proposing to amend § 74.2(b) to address the impact of criminal activity on eligibility and thus better protect the government from fraud, waste, and abuse. The title would be amended to reference the System for Award Management (SAM), which has replaced the Excluded Parties List System. Additionally, the language of the first sentence would be amended to address the impact of 38 U.S.C. 8127(g)(3), which now VA authority to exclude all principals in the business concern. Accordingly, the language of § 74.2 would be amended to specify that the debarment of any individual holding an ownership and control interest in the concern will impact the concern's eligibility.

VA is proposing to amend § 74.2(c) by adding the phrase ''false statements or information'' to reference the title and provide further clarification on the eligibility requirements. The removal provision would be additionally reworded to clarify that removal is immediate. Finally, a technical change would remove the word ''the'' before CVE in the last sentence.

VA is proposing to amend § 74.2(d) by including tax liens and unresolved debts owed to various governmental entities outside of the Federal Government as financial obligations that would disqualify an applicant for inclusion in the VIP database. The title would be additionally amended to reflect this change. If after verifying the participant's eligibility, CVE discovers that the participant no longer satisfies this requirement, CVE will remove the participant from the VIP database in accordance with § 74.22. Finally, a technical change would remove the word ''VetBiz'' before verification in the last sentence.

VA is proposing to amend § 74.2(e) to clarify the consequences of SBA protest decisions and other negative findings. ''Other negative findings'' will additionally be clarified by specifically referencing status protest decisions. A technical change would remove the word ''VetBiz'' before verification throughout. The title of this section would additionally be amended to clarify this section is not limited to SBA decisions. In order to properly capture the impact of negative findings, § 74.2(e) would continue to clarify removal is immediate. The second sentence would be amended to take into account ''other negative findings''.

VA is proposing to amend § 74.2(f) to specifically reference the System for Award Management (SAM) registration. SAM is a consolidated listing of previous databases and was not in existence at the time the original regulation was created and therefore was not referenced. Registration through SAM is required by 48 CFR 4.1200 as supplemented by 48 CFR 804.1102.

VA is proposing to amend § 74.3(a) to reflect that ownership is determined in accordance with 13 CFR part 125 as the result of the amendments to Title 38 of the United States Code as set forth in the NDAA.

VA is proposing to amend § 74.3(e) to redesignate this paragraph as § 74.3(b) to account for the removal of paragraphs (a)–(d). VA is proposing to amend § 74.3(b)(1) by a technical change to replace ''application'' with ''VA Form 0877'' in order to clarify the requirement and conform language to the rest of the regulation. VA is proposing to amend § 74.3(b)(1) to add a 30-day time period for submission of a new application after a change in ownership. This change would provide CVE the ability to definitively and accurately track changes of ownership. Further, by adding a time period for a new application, the program would be better able to comply with its statutory mandate to verify that all concerns listed in the VIP Database meet the prescribed ownership and control requirements of the verification program.

VA is proposing to amend § 74.3(b)(3) by a technical change to replace ''application'' with ''VA Form 0877'' in order to clarify the requirement and conform language to the rest of the regulation.

VA is proposing to amend § 74.4(a) to state that control is determined in accordance with 13 CFR part 125 pursuant to the NDAA. Paragraphs (b)–(i) would be removed.

VA is proposing to amend § 74.5 to include joint ventures. The paragraph would additionally be reworded to clearly establish that 38 CFR part 74 does not supersede 13 CFR part 121 with respect to size determinations. VA is proposing to add paragraph (b) to specifically address eligibility of joint ventures. Subparagraphs (b)(1) and (b)(2) would be added to provide notice of applicable requirements outlined elsewhere in VA regulation.

VA is proposing to amend § 74.10 to remove reference to the physical address for CVE. Addresses or methods for submission may change over time, and this change allows CVE to make reasonable and necessary adjustments without the need for an amendment to the regulation. This section would be further amended to remove the word ''VetBiz'' before verification, and change ''located'' to ''contained'' in the last sentence for better clarity. Finally, a technical change would remove the word ''the'' before CVE in the last sentence.

VA is proposing to amend § 74.11 to redesignate paragraphs (c)–(g) to account for addition of new paragraph (c). VA is proposing to amend § 74.11(a) to accommodate a more veteran-friendly, customer service centric approach to processing applications. ''Center for Veterans Enterprise'' would be changed to ''CVE'' and ''[t]he CVE'' would be changed to ''CVE''. Additionally, VA is proposing to amend § 74.11(a) to incorporate the term 'application days' and to increase the review period to 90 application days, when practicable, to accommodate time spent between registering for verification and the time that all required documentation is received and the application is deemed complete.

VA is proposing to amend § 74.11(c) to address instances where CVE does not receive all requested documentation. VA must verify applicants prior to admission in the database. In order to comply with the statute, VA requests documentation to demonstrate eligibility. This proposed revision would notify the public that failure to adequately respond to document requests may render CVE unable to verify the eligibility of a concern and therefore may result in a denial or administrative removal.

VA is proposing to amend § 74.11(c) to be redesignated as § 74.11(d) and to make a technical change to insert a reference to the newly added paragraph (c). Additionally, the reference to paragraph (d) would be changed to paragraph (e) to account for the redesignation. VA is proposing to add the term ''totality of circumstances'' to clarify long standing CVE interpretation and procedure. References to § 74.11(b) and § 74.13(a) would be added to highlight all applicable exceptions. Finally, a last sentence would be added to clarify the longstanding policy that the applicant bears the burden of establishing VOSB status.

VA is proposing to amend § 74.11(d) to be redesignated as § 74.11(e). The first and second sentences would be amended by removing the word ''adversely.'' The third sentence would be removed as it refers to withdrawal or removal of verified status. This scenario will be addressed in § 74.21, which specifically deals with how participants can exit the VIP database. Therefore, the removal would help to eliminate redundancy and reduce the likelihood of confusion. Additionally, VA is proposing to add § 74.11(e)(1) to specifically address bankruptcy as a changed circumstance. Subparagraphs (a)–(c) would be added to outline requirements applicable to firms undergoing the bankruptcy process.

VA is proposing to amend § 74.11(e) to be redesignated as § 74.11(f).

VA is proposing to amend § 74.11(f) to be redesignated as § 74.11(g).

VA is proposing to amend § 74.11(g) to be redesignated as § 74.11(h). A second sentence would be added to increase program efficiency by requiring firms to provide updated contact information. This would allow the program to use the most efficient methods to dispatch determinations and ensure that applicants will receive determinations in a timely manner.

VA is proposing to amend § 74.12 to expand the list of required documentation in order to provide the public notice of documentation that is routinely requested by CVE. This amended list would include documents previously referenced by § 74.20(b). While the documents would still be required for examination as described in § 74.20(b), they also are initially required for the application. As the application is a concern's first exposure with the process, VA finds this list

would be more appropriately placed in this § 74.12 to notify the public of the documentary requirements. Additionally, ''electronic form'' would be changed to ''VA Form 0877'' throughout for clarity. Similarly, ''attachments'' would be changed to ''supplemental documentation'' throughout. Finally, the last two sentences would be removed for clarity.

VA is proposing to amend § 74.13 to modify the title and to remove references to the previous reconsideration process, to include removing paragraphs (b)–(d). In accordance with the NDAA, appeals of initial denials on the grounds of ownership and control will be adjudicated by SBA's Office of Hearings and Appeals (OHA) in accordance with 13 CFR part 134. Accordingly, Section 74.13 (a) would be amended to refer to the appeal process set forth in 13 CFR part 134.

VA is proposing to amend § 74.13(e) to be redesignated as § 74.13(b). VA is further proposing to modify this section to reflect the removal of the reconsideration process and to remove the phrase 'service-disabled veteran' as the term veteran is now used to refer to both veterans and service-disabled veterans throughout. VA is proposing to delete paragraphs (f) and (g) as they are no longer relevant to the process.

VA is proposing to amend § 74.14 to remove references to requests for reconsideration and to include notices of verified status cancellation and denials of appeals in the list of determinations that trigger a waiting period before a concern may submit a new verification application. Including denial of appeals takes into consideration any appeal filed with OHA that sustains the initial denial letter issued by CVE. The program has instituted several procedures through policy to assist applicants to identify and address easily correctable issues that render the applicant ineligible. Therefore, the class of notices listed in § 74.14 are issued to applicants with substantial issues in their business structure or underlying documentation that result in ineligibility.

VA is proposing to further amend § 74.14 to be redesignated as § 74.14(a). A new paragraph § 74.14(b) would be added to clarify that a finding of ineligibility during a reapplication will result in the immediate removal of the participant. VA only intends, to the extent practicable, to list as verified in the VIP database concerns which currently meet verification requirements. This proposed change would clarify current policy and serve the important purpose of assisting contracting officers in the procurement process by ensuring the database only includes concerns that are eligible for award of set aside procurements. A final technical change removes the word ''VetBiz'' before verification throughout.

VA is proposing to amend § 74.15(a) by splitting the paragraph into paragraphs (a), (b), and (c). A technical change would be made to what would be redesignated as § 74.15(a) to improve specificity. A change would be made to what would be redesignated as § 74.15(b) to require participants to inform CVE within 30 days of changes affecting eligibility, consistent with § 74.3(f)(1). A substantive change would be made to the list that would be redesignated as § 74.15(c), which would be expanded to include all situations in which the eligibility period may be shortened. VA is proposing to remove § 74.15(b) because it deals with affiliation and would therefore be addressed in § 74.5. Therefore, any shortening of the eligibility period due to an affiliation determination would result from an SBA determination. This scenario would be addressed by § 74.2(e) and is referenced appropriately at what would be designated § 74.15(c). A technical change would remove the word ''VetBiz'' before verification throughout. Finally, paragraphs (c), (d), and (e) would be redesignated as (d), (e), and (f) respectively. The redesignated § 74.15(e) will be amended to reference immediate removals pursuant to § 74.2.

VA is proposing to amend the first three sentences of § 74.20(b) for simplicity and clarification. In the first sentence, the phrase, ''or parts of the program examination'' would be removed. In the second sentence, ''location'' would be changed to ''location(s)''. In the third sentence, the word ''[e]xaminers'' is changed to ''CVE''. As the proposed revisions to § 74.12 would fully address the required documentation necessary for verification the complete list would be removed from § 74.20 in order to avoid redundancy and confusion. A final technical change removes the word ''VetBiz'' before verification throughout.

VA is proposing to amend § 74.21 to reorder for clarity and to conform with changes made to other sections of this Part. VA is proposing to amend § 74.21(a) by a technical change to remove reference to the '' 'verified' status button'' in order to reflect the current graphical user interface of the VIP database. Additionally, ''Vendor Information Pages'' would be changed to ''VIP.'' VA is proposing to amend § 74.21(b) by changing ''Vendor Information Pages'' to ''VIP.'' VA is proposing to amend § 74.21(c) by referencing the immediate removal provisions established by and clarified in § 74.2. VA is proposing to amend § 74.21(c) and associated subparagraphs to be redesignated as § 74.21(d) and associated subparagraphs. Additionally, reference to the '' 'verified' status button'' would be removed to reflect the current graphical user interface of the database. VA is proposing to remove § 74.21(c)(5) as involuntary exclusions would now be addressed in § 74.2. VA is proposing to amend § 74.21(c)(6) to be redesignated as Section 74.21(d)(5) to account for deletion of § 74.21(c)(5). Additionally, the phrase ''or its agents'' would be added to clarify who may request documents, and the words ''a pattern of'' will be deleted to clarify the requirements necessary to remove a company for failure to provide requested information. In the past, establishing a pattern of failure has led to ineligible firms maintaining verified status for an extended period of time by failing to provide requested documentation. This change would help CVE protect the integrity of the procurement process while still providing firms notice and opportunity to be heard prior to cancellation. VA is proposing to amend § 74.21(c)(7) to be redesignated as § 74.21(d)(6) to account for deletion of § 74.21(c)(5). VA is proposing to remove § 74.21(c)(8) as the action addressed by that provision would now be addressed in § 74.2. VA is proposing to amend § 74.21(c)(10) to be redesignated as § 74.21(d)(7). The term ''application'' would be removed as VA Form 0877 reflects current program requirements. The phrase '60 days' would be changed to '30 days' to conform with revised § 74.3(f)(1) of this part. VA is proposing to add § 74.21(d)(8) to notify the public that failure to report changed circumstances within 30 days is in and of itself good cause to initiate cancellation proceedings. VA is proposing to amend § 74.21(d) to be redesignated as § 74.21(e).

VA is proposing to amend § 74.22(a) to begin the relevant 30-day time period on the date on which CVE sends notice of proposed cancellation of verified status. This change would provide the agency the ability to definitively and accurately track the cancellation proceedings. Additionally, this change would provide the agency the ability to control the regulatory time period and consistently apply the subsequent provisions of the paragraph. VA is proposing to amend § 74.22(e) to implement the new appeals procedure to OHA prescribed in the NDAA.

VA is proposing to amend § 74.25 to replace ''the Department'' with ''VA''.

VA is proposing to amend § 74.26 to reflect the amended title of § 74.12.

VA is proposing to amend § 74.27 to reword the first sentence to specify that all documents submitted to the program, not only those used to complete applications, will be stored electronically. Additionally, the ''Vendor Information Pages'' would be changed to ''CVE'' in order to clearly denote who will be in possession of the documents and responsible for their retention. The location reference would be removed due to the electronic nature of the records to be maintained by the program. The second sentence would be revised to indicate that any owner information provided will be compared to any available records. Finally, references to records management procedures to be followed and procedures governing data breaches would be added.

VA is proposing to amend § 74.28 to replace 'Department of Veterans Affairs' and 'Center for Veterans Enterprises' VA and CVE respectively.

VA is proposing to amend § 74.29 to refer to VA's records management procedures, which would govern, absent a timely written request from the Government Accountability Office.

Effect of Rulemaking

The Code of Federal Regulations, as proposed to be revised by this rulemaking, would represent the exclusive legal authority on this subject. No contrary rules or procedures would be authorized. All VA guidance would be read to conform with the rule finally adopted if possible or, if not possible, such guidance would be superseded.

Paperwork Reduction Act

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

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. Small entities include small businesses, small not-for-profit organizations, and small governmental jurisdictions. Section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities.

This rule making has an average cost to the small business of $803, and it would apply only to applying for verified status in the Vendor Information Pages (VIP) database. The proposed regulation would merely seek to clarify and streamline the existing rule and would add no additional burdens or restrictions on applicants or participants with regard to VA's VOSB Verification Program. The overall impact of the proposed rule would be of benefit to small businesses owned by veterans or service-disabled veterans.

The overall impact of the proposed rule will not affect small businesses owned and controlled by veterans and service-disabled veterans. The proposed rule removes ownership and control from 38 CFR part 74 which will be assumed under a separate set of regulations promulgated by SBA. The proposed rule also refines and clarifies process steps and removes post examination review. Post examination review will also be assumed under a separate set of regulations.

Examination of businesses seeking verification as veteran-owned small businesses or service-disabled veteran owned small businesses seeking VA set aside contract opportunities is through the MyVA examination model. The MyVA examination model revises the verification process by assigning dedicated case analysts and providing applicants with additional access to VA staffers during verification.

From December 2016 through February 2017, 352 small businesses that completed the MyVA process and received determination letters participated in a follow-up survey detailing their costs and the attribution of the costs. Seventy-three (73) percent of participating businesses had either $0 costs or responded not applicable; 14 percent estimated costs between $1 and $1,000; 3 percent responded with a cost estimate between $1,001 and $2,000; 3 percent responded with a cost estimate between $2,001 and $3,000; 2 percent responded with a cost estimate between $3,001 and $4,000; 2 percent responded with a cost estimate between $4,001 and $5,000; and 4 percent responded with a cost estimate over $5,000. The average cost of all businesses providing survey responses was $803 per business. The largest cost categories were employee costs, attorney costs, travel/printing, consultants, and accountants. As of the end of April 2017, there were 10,088 verified companies in VA's database and 3,254 companies with applications in process. On this basis, the Secretary certifies that the adoption of this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act. Therefore, under 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of §§ 603 and 604.

Executive Orders 12866 and 13563

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

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866.

Unfunded Mandates

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

Catalog of Federal Domestic Assistance

This proposed rule would affect the verification guidelines of veteran-owned small businesses, for which there is no Catalog of Federal Domestic Assistance program number.

List of Subjects in 38 CFR Part 74

Administrative practice and procedure; Definitions; Appeals; Eligibility requirements; Ownership requirements; Control requirements; Affiliation; Application guidelines; Request for reconsideration; Reapplication; Eligibility term; Verification examination; Procedures for cancellation; Records management.

Signing Authority

The Secretary of Veterans Affairs, or designee, approved this document and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs. Gina S. Farrisee, Deputy Chief of Staff, Department of Veterans Affairs, approved this document on October 13, 2017, for publication.

Dated: October 13, 2017.

Jeffrey Martin,

Office Program Manager, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

For the reasons set forth in the preamble, we propose to amend 38 CFR part 74 as follows:

PART 74—VETERANS SMALL BUSINESS REGULATIONS

■ 1. The authority citation for Part 74 continues to read as follows:

Authority: 38 U.S.C. 501 and 513, unless otherwise noted.

■ 2. Revise § 74.1 to read as follows:

§ 74.1 What definitions are important for Vendor Information Pages (VIP) Verification Program?

For the purpose of part 74, the following definitions apply.

Applicant means a firm applying for inclusion in the VIP database.

Application days means the time period from when a veteran registers for verification to the time of a determination, excluding any days in which CVE is waiting for the firm to submit information or documentation necessary for the office to continue processing the application.

Center for Verification and Evaluation (CVE) is an office within the U.S. Department of Veterans Affairs (VA) and is a subdivision of VA's Office of Small and Disadvantaged Business Utilization. CVE receives and reviews all applications for eligibility under this part and maintains the VIP database. CVE assists VA contracting offices to identify veteran-owned small businesses and communicates with the Small Business Administration (SBA) with regard to small business status.

Days are calendar days unless otherwise specified. In computing any period of time described in part 74, the day from which the period begins to run is not counted, and when the last day of the period is a Saturday, Sunday, or Federal holiday, the period extends to the next day that is not a Saturday, Sunday, or Federal holiday. Similarly, in circumstances where CVE is closed for all or part of the last day, the period extends to the next day on which the agency is open.

Eligible individual means a veteran, service-disabled veteran, or surviving spouse, as defined in this section.

Joint venture is an association of two or more business concerns for which purpose they combine their efforts, property, money, skill, or knowledge in accordance with 13 CFR part 125. A joint venture must be comprised of at least one veteran-owned small business. For VA contracts, a joint venture must be in the form of a separate legal entity.

Non-veteran means any individual who does not claim veteran status, or upon whose status an applicant or participant does not rely in qualifying for the VIP Verification Program participation.

Office of Small and Disadvantaged Business Utilization (OSDBU) is the office within VA that establishes and monitors small business program goals at the prime and subcontract levels. OSDBU works with VA Acquisitions to ensure the creation and expansion of small businesses opportunities by promoting the use of set-aside contracting vehicles within VA procurement. OSDBU connects and enables veterans to gain access to these Federal procurement opportunities. The Executive Director, OSDBU, is the VA liaison with the SBA. Information copies of correspondence sent to the SBA seeking a certificate of competency determination must be concurrently provided to the Director, OSDBU. Before appealing a certificate of competency, the Head of Contracting Activity must seek concurrence from the Director, OSDBU.

Participant means a veteran-owned small business concern which CVE has verified and deemed eligible to participate in VA's veteran-owned small business program.

Primary industry classification means the six-digit North American Industry Classification System (NAICS) code designation which best describes the primary business activity of the participant. The NAICS code designations are described in the NAICS Manual published by the U.S. Office of Management and Budget.

Principal place of business means the business location where the individuals who manage the concern's daily business operations spend most working hours and where top management's current business records are kept. If the office from which management is directed and where the current business records are kept are in different locations, CVE will determine the principal place of business for program purposes.

Service-disabled veteran is a veteran who possesses a service-connected disability rating between 0 and 100 percent. For the purposes of VA's veteran-owned small business program, the service-connected disability can be established by either registration in the Beneficiary Identification and Records Locator Subsystem (BIRLS) maintained by the Veterans Benefits Administration (VBA), a disability rating letter issued by VA, or a disability determination from the Department of Defense.

Service-disabled veteran-owned small business concern (SDVOSB) means any of the following:

(1) A small business concern—

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock (not including any stock owned by an ESOP) of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran;

(2) A small business concern—

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans with a disability that is rated by the Secretary of Veterans Affairs as a permanent and total disability who are unable to manage the daily business operations of such concern; or

(ii) In the case of a publicly owned business, not less than 51 percent of the stock (not including any stock owned by an ESOP) of which is owned by one or more such veterans.

Small business concern (SBC) means a concern that satisfies the definition of concern in FAR 19.001 and, with its affiliates, meets the size standard for its

primary industry, pursuant to part 121 of chapter 13.

Surviving spouse is any individual identified as such by VBA and listed in its database of veterans and family members in accordance with 101(3) of title 38, United States Code. For a concern whose eligibility for the VIP database is based on the ownership of a surviving spouse, the concern must have been owned and controlled in accordance with 13 CFR part 125 immediately prior to the death of the deceased veteran; and

(1) The service-disabled veteran's death causes the concern to be owned by less than 51 percent by one or more service-disabled veteran(s);

(2) The surviving spouse of such deceased veteran acquires such veteran's ownership in the concern;

(3) The deceased veteran had a service-connected disability rated as 100 percent disabling under the laws administered by the Secretary of Veterans Affairs or such died as a result of a service-connected disability; and

(4) Immediately prior to the death of such, and, to the extent applicable, during the earlier of the periods described in paragraphs (i) through (iii) of this definition, the concern was included in VIP:

(i) The date on which the surviving spouse remarries;

(ii) The date on which the surviving spouse relinquishes an ownership interest in the small business concern; or

(iii) The date that is 10 years after the date of the death of the veteran.

(iv) The date on which the business concern is no longer small under Federal small business size standards.

Note to Definition of Surviving Spouse: For program eligibility purposes, the surviving spouse has the same rights and entitlements of the service-disabled veteran who transferred ownership upon his or her death.

VA is the U.S. Department of Veterans Affairs.

Vendor Information Pages (VIP) is a database of businesses eligible to participate in VA's Veteran-owned Small Business Program. The online database may be accessed at no charge via the internet at *https://www.va.gov/osdbu.*

Verification eligibility period is a 3-year period that begins on the date CVE issues its approval letter establishing verified status. The participant must submit a new application for each eligibility period to continue eligibility.

Veteran has the meaning given the term in section 101(2) of title 38, United States Code, as interpreted through Title 38 of the CFR. In addition, any person having a determination of veteran status from VBA, and who was discharged or released under conditions other than dishonorable will be deemed to be a veteran for the purposes of this program.

Veteran-owned small business concern (VOSB) is a small business concern that is not less than 51 percent owned by one or more veterans, or in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans (not including any stock owned by an ESOP of which is owned by one or more veterans); the management and daily business operations of which are controlled by one or more veterans and qualifies as ''small'' for Federal business size standard purposes. All service-disabled veteran-owned small business concerns (SDVOSB) are also, by definition, veteran-owned small business concerns. When used in these guidelines, the term ''VOSB'' includes SDVOSB.

Veterans Affairs Acquisition Regulation (VAAR) is the set of rules that specifically govern requirements exclusive to VA prime and subcontracting actions. The VAAR is chapter 8 of title 48, Code of Federal Regulations, and supplements the Federal Acquisition Regulation (FAR), which contains guidance applicable to most Federal agencies.

■ 3. Revise § 74.2 to read as follows:

§ 74.2 What are the eligibility requirements a concern must meet for the VIP Verification Program?

(a) *Ownership and control.* A small business concern must be unconditionally owned and controlled by one or more eligible veterans, service-disabled veterans or surviving spouses, have completed the online VIP database forms, submitted required supplemental documentation at *http://www.va.gov/osdbu,* and have been examined by VA's CVE. Such businesses appear in the VIP database as ''verified''.

(b) *Good character and exclusions in System for Award Management (SAM).* Individuals having an ownership or control interest in verified businesses must have good character. Debarred or suspended concerns or concerns owned or controlled by debarred or suspended persons are ineligible for VIP Verification. Concerns owned or controlled by a person(s) who is currently incarcerated, or on parole or probation (pursuant to a pre-trial diversion or following conviction for a felony or any crime involving business integrity) are ineligible for VIP Verification. Concerns owned or controlled by a person(s) who is formally convicted of a crime set forth in 48 CFR 9.406–2(b)(3) are ineligible for VIP Verification during the pendency of any subsequent legal proceedings. If, after verifying a participant's eligibility, the person(s) controlling the participant is found to lack good character, CVE will immediately remove the participant from the VIP database, notwithstanding the provisions of § 74.22 of this part.

(c) *False statements.* If, during the processing of an application, CVE determines, by a preponderance of the evidence standard, that an applicant has knowingly submitted false information, regardless of whether correct information would cause CVE to deny the application, and regardless of whether correct information was given to CVE in accompanying documents, CVE will deny the application. If, after verifying the participant's eligibility, CVE discovers that false statements or information have been submitted by a firm, CVE will remove the participant from the VIP database immediately, notwithstanding the provisions of § 74.22 of this part. Whenever CVE determines that the applicant submitted false information, the matter will be referred to the VA Office of Inspector General for review. In addition, CVE will request that debarment proceedings be initiated by the Department.

(d) *Financial obligations.* Neither an applicant firm nor any of its eligible individuals that fails to pay significant financial obligations, including unresolved tax liens and defaults on Federal loans or State or other government assisted financing, owed to the federal government, the District of Columbia or any state, district, or territorial government of the United States, is eligible for VIP Verification. If after verifying the participant's eligibility CVE discovers that the participant no longer satisfies this requirement, CVE will remove the participant from the VIP database in accordance with § 74.22 of this part.

(e) *Protest decisions or other negative findings.* Any firm verified in the VIP database that is found to be ineligible by a SDVOSB/VOSB status protest decision will be immediately removed from the VIP database, notwithstanding the provisions of § 74.22 of this part. Any firm verified in the VIP database that is found to be ineligible due to a U.S. Small Business Administration (SBA) protest decision or other negative finding may be immediately removed from the VIP database, notwithstanding the provisions of § 74.22 of this part. Until such time as CVE receives official notification that the firm has proven that it has successfully overcome the

grounds for the determination, that the decision is overturned on appeal, or the firm applies for and receives verified status from CVE, the firm will not be eligible to participate in the 38 U.S.C. 8127 program.

(f) *System for Award Management (SAM) registration.* All applicants for VIP Verification must be registered in SAM at *http://www.sam.gov,* or its successor prior to application submission.

■ 4. Revise § 74.3 to read as follows:

§ 74.3 Who does CVE consider to own a veteran-owned small business?

(a) Ownership is determined in accordance with 13 CFR part 125. However, where 13 CFR part 125 is limited to SDVOSBs, CVE applies the same ownership criteria to firms seeking verified VOSB status.

(b) *Change of ownership.* (1) A participant may remain eligible after a change in its ownership or business structure, so long as one or more veterans own and control it after the change. The participant must file an updated VA Form 0877 and supporting documentation identifying the new veteran owners or the new business interest within 30 days of the change.

(2) Any participant that is performing contracts and desires to substitute one veteran owner for another shall submit a proposed novation agreement and supporting documentation in accordance with FAR subpart 42.12 to the contracting officer prior to the substitution or change of ownership for approval.

(3) Where the transfer results from the death or incapacity due to a serious, long-term illness or injury of an eligible principal, prior approval is not required, but the concern must file an updated VA Form 0877 with CVE within 60 days of the change. Existing contracts may be performed to the end of the instant term. However, no options may be exercised.

(4) Continued eligibility of the participant with new ownership requires that CVE verify that all eligibility requirements are met by the concern and the new owners.

■ 5. Revise § 74.4 to read as follows:

§ 74.4 Who does CVE consider to control a veteran-owned small business?

Control is determined in accordance with 13 CFR part 125. However, where 13 CFR part 125 is limited to SDVOSBs, CVE applies the same control criteria to firms seeking verified VOSB status.

(Authority: 38 U.S.C. 501, 513 and 8127)

■ 6. Revise § 74.5 to read as follows:

§ 74.5 How does CVE determine affiliation?

(a) CVE does not determine affiliation. Affiliation is determined by the SBA in accordance with 13 CFR part 121.

(b) Joint ventures may apply for inclusion in the VIP Verification Program. To be eligible for inclusion in the VIP Verification Program, a joint venture must demonstrate that:

(1) The underlying VOSB upon which eligibility is based is verified in accordance with this part;

(2) The joint venture agreement complies with the requirements set forth in 13 CFR part 125 for SDVOSBs. However, while 13 CFR part 125 is limited to SDVOSBs, CVE will apply the same requirements to joint venture firms seeking verified VOSB status.

■ 7. Revise § 74.10 to read as follows:

§ 74.10 Where must an application be filed?

An application for VIP Verification status must be electronically filed in the Vendor Information Pages database located on the CVE's web portal, *http://www.va.gov/osdbu.* Guidelines and forms are located on the Web portal. Upon receipt of the applicant's electronic submission, an acknowledgment message will be dispatched to the concern containing estimated processing time and other information. Address information for CVE is also located on the web portal.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0675.)

■ 8. Revise § 74.11 to read as follows:

§ 74.11 How does CVE process applications for VIP Verification Program?

(a) The Director, CVE, is authorized to approve or deny applications for VIP Verification. CVE will receive, review, and examine all VIP Verification applications. Once an applicant registers, CVE will contact the applicant within 30 days to initiate the process. If CVE is unsuccessful in its attempts to contact the applicant, the application will be administratively removed. If CVE is successful in initiating contact with the applicant, CVE will advise the applicant of required documents and the timeline for submission. If the applicant would be unable to provide conforming documentation, the applicant will be given the option to withdraw its application. CVE will process an application for VIP Verification status within 90 application days, when practicable, of receipt of a registration. Incomplete application packages will not be processed.

(b) CVE, in its sole discretion, may request clarification of information relating to eligibility at any time in the eligibility determination process. CVE will take into account any clarifications made by an applicant in response to a request for such by CVE.

(c) CVE, in its sole discretion, may request additional documentation at any time in the eligibility determination process. Failure to adequately respond to the documentation request shall constitute grounds for a denial or administrative removal.

(d) An applicant's eligibility will be based on the totality of circumstances existing on the date of application, except where clarification is made pursuant to paragraph (b) of this section, additional documentation is submitted pursuant to paragraph (c) of this section, as provided in paragraph (e) of this section or in the case of amended documentation submitted pursuant to section 74.13(a) of this part. The applicant bears the burden to establish its status as a VOSB.

(e) Changed circumstances for an applicant occurring subsequent to its application and which affect eligibility will be considered and may constitute grounds for denial of the application. The applicant must inform CVE of any changed circumstances that could affect its eligibility for the program (*i.e.,* ownership or control changes) during its application review.

(1) *Bankruptcy.* Bankruptcy is a change in circumstance requiring additional protection for the agency. Should a VOSB enter into bankruptcy the participant must:

(i) Inform CVE of the filing event within 30 days;

(ii) Specify to CVE whether the concern has filed Chapter 7, 11, or 13 under U.S. Bankruptcy code; and

(iii) Any participant that is performing contracts must assure performance to the contracting officer(s) prior to any reorganization or change if necessary including such contracts in the debtor's estate and reorganization plan in the bankruptcy.

(f) The decision of the Director, CVE, to approve or deny an application will be in writing. A decision to deny verification status will state the specific reasons for denial and will inform the applicant of any appeal rights.

(g) If the Director, CVE, approves the application, the date of the approval letter is the date of participant verification for purposes of determining the participant's verification eligibility term.

(h) The decision may be sent by mail, commercial carrier, facsimile transmission, or other electronic means.

It is the responsibility of the applicant to ensure all contact information is current in the applicant's profile.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0675.)

■ 9. Revise § 74.12 to read as follows:

§ 74.12 What must a concern submit to apply for VIP Verification Program?

Each VIP Verification applicant must submit VA Form 0877 and supplemental documentation as CVE requires. All electronic forms are available on the VIP database web pages. From the time the applicant dispatches the VA Form 0877, the applicant must also retain on file, at the principal place of business, a complete copy of all supplemental documentation required by, and provided to, CVE for use in verification examinations. The documentation to be submitted to CVE includes, but is not limited to: Articles of Incorporation/Organization; corporate by-laws or operating agreements; shareholder agreements; voting records and voting agreements; trust agreements; franchise agreements, organizational, annual, and board/member meeting records; stock ledgers and certificates; State-issued Certificates of Good Standing; contract, lease and loan agreements; payroll records; bank account signature cards; financial statements; Federal personal and business tax returns for up to 3 years; and licenses.

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0675.)

■ 10. Amend § 74.13 by revising paragraphs (a) and (b) to read as follows:

§ 74.13 Can an applicant appeal CVE's initial decision to deny an application?

(a) An applicant may appeal CVE's decision to deny an application by filing an appeal with the United States Small Business Administration (SBA) Office of Hearings and Appeals (OHA) after the applicant receives the denial in accordance with 13 CFR part 134. The filing party bears the risk that the delivery method chosen will not result in timely receipt by OHA.

(b) A denial decision that is based on the failure to meet any veteran eligibility criteria is not subject to appeal and is the final decision of CVE.

* * * * *

■ 11. Revise § 74.14 to read as follows:

§ 74.14 Can an applicant or participant reapply for admission to the VIP Verification Program?

(a) Once an application, an appeal of a denial of an application, or an appeal of a verified status cancellation has been denied, or a verified status cancellation which was not appealed has been issued, the applicant or participant shall be required to wait for a period of 6 months before a new application will be processed by CVE.

(b) Participants may reapply prior to the termination of their eligibility period. If a participant is found to be ineligible, the participant will forfeit any time remaining on their eligibility period and will be immediately removed from the VIP Verification database. An applicant removed pursuant to this section may appeal the decision to OHA in accordance with section 74.13 of this part. The date of a new determination letter verifying an applicant will be the beginning of the next 3-year eligibility period.

■ 12. Revise § 74.15 to read as follows:

§ 74.15 What length of time may a business participate in VIP Verification Program?

(a) A participant receives an eligibility term of 3 years from the date of CVE's approval letter establishing verified status.

(b) The participant must maintain its eligibility during its tenure and must inform CVE of any changes that would affect its eligibility within 30 days.

(c) The eligibility term may be shortened by removal pursuant to § 74.2 of this part, application pursuant to § 74.14(b) of this part, voluntary withdrawal by the participant pursuant to § 74.21 of this part, or cancellation pursuant to § 74.22 of this part.

(d) CVE may initiate a verification examination whenever it receives credible information concerning a participant's eligibility as a VOSB. Upon its completion of the examination, CVE will issue a written decision regarding the continued eligibility status of the questioned participant.

(e) If CVE finds that the participant does not qualify as a VOSB, the procedures at § 74.22 of this part will apply, except as provided in § 74.2 of this part.

(f) If CVE finds that the participant continues to qualify as a VOSB, the original eligibility period remains in effect.

■ 13. Revise § 74.20 to read as follows:

§ 74.20 What is a verification examination and what will CVE examine?

(a) *General.* A verification examination is an investigation by CVE officials, which verifies the accuracy of any statement or information provided as part of the VIP Verification application process. Thus, examiners may verify that the concern currently meets the eligibility requirements, and that it met such requirements at the time of its application or its most recent size recertification. An examination may be conducted on a random, unannounced basis, or upon receipt of specific and credible information alleging that a participant no longer meets eligibility requirements.

(b) *Scope of examination.* CVE may conduct the examination at one or all of the participant's offices or work sites. CVE will determine the location(s) of the examination. CVE may review any information related to the concern's eligibility requirements including, but not limited to, documentation related to the legal structure, ownership, and control. Examiners may review any or all of the organizing documents, financial documents, and publicly available information as well as any information identified in § 74.12 of this part.

■ 14. Revise § 74.21 to read as follows:

§ 74.21 What are the ways a business may exit VIP Verification Program status?

A participant may:

(a) Voluntarily cancel its status by submitting a written request to CVE requesting that the concern be removed from public listing in the VIP database; or

(b) Delete its record entirely from the VIP database; or

(c) CVE may remove a participant immediately pursuant to § 74.2; or

(d) CVE may remove a participant from public listing in the VIP database for good cause upon formal notice to the participant in accordance with § 74.22. Examples of good cause include, but are not limited to, the following:

(1) Submission of false information in the participant's VIP Verification application.

(2) Failure by the participant to maintain its eligibility for program participation.

(3) Failure by the participant for any reason, including the death of an individual upon whom eligibility was based, to maintain ownership, management, and control by veterans, service-disabled veterans, or surviving spouses.

(4) Failure by the concern to disclose to CVE the extent to which non-veteran persons or firms participate in the management of the participant.

(5) Failure to make required submissions or responses to CVE or its agents, including a failure to make

available financial statements, requested tax returns, reports, information requested by CVE or VA's Office of Inspector General, or other requested information or data within 30 days of the date of request.

(6) Cessation of the participant's business operations.

(7) Failure by the concern to provide an updated VA Form 0877 within 30 days of any change in ownership, except as provided in paragraph 74.3(f)(3) of this part.

(8) Failure to inform CVE of any such changed circumstances, as outlined in paragraphs (c) and (d) of this section.

(9) Failure by the concern to obtain and keep current any and all required permits, licenses, and charters, including suspension or revocation of any professional license required to operate the business.

(e) The examples of good cause listed in paragraph (c) of this section are intended to be illustrative only. Other grounds for canceling a participant's verified status include any other cause of so serious or compelling a nature that it affects the present responsibility of the participant.

■ 15. Amend § 74.22 by revising paragraphs (a) and (e) to read as follows:

§ 74.22 What are the procedures for cancellation?

(a) *General.* When CVE believes that a participant's verified status should be cancelled prior to the expiration of its eligibility term, CVE will notify the participant in writing. The Notice of Proposed Cancellation Letter will set forth the specific facts and reasons for CVE's findings and will notify the participant that it has 30 days from the date CVE sent the notice to submit a written response to CVE explaining why the proposed ground(s) should not justify cancellation.

* * * * *

(e) *Appeals.* A participant may file an appeal with OHA concerning the Notice of Verified Status Cancellation decision in accordance with 13 CFR part 134. The decision on the appeal shall be final.

■ 16. Revise § 74.25 to read as follows:

§ 74.25 What types of personally identifiable information will VA collect?

In order to establish owner eligibility, VA will collect individual names and social security numbers for veterans, service-disabled veterans, and surviving spouses who represent themselves as having ownership interests in a specific business seeking to obtain verified status.

■ 17. Revise § 74.26 to read as follows:

§ 74.26 What types of business information will VA collect?

VA will examine a variety of business records. See § 74.12, ''What must a concern submit to apply for VIP Verification Program?''

■ 18. Revise § 74.27 to read as follows:

§ 74.27 How will VA store information?

VA stores records provided to CVE fully electronically on the VA's secure servers. CVE personnel will compare information provided concerning owners against any available records. Any records collected in association with the VIP verification program will be stored and fully secured in accordance with all VA records management procedures. Any data breaches will be addressed in accordance with the VA information security program.

(Authority: 38 U.S.C. 501 and 8127)

■ 19. Revise § 74.28 to read as follows:

§ 74.28 Who may examine records?

Personnel from VA, CVE, and its agents, including personnel from the SBA, may examine records to ascertain the ownership and control of the applicant or participant.

(Authority: 38 U.S.C. 5, 13, and 8127)

■ 20. Revise section 74.29 to read as follows:

§ 74.29 When will VA dispose of records?

The records, including those pertaining to businesses not determined to be eligible for the program, will be kept intact and in good condition and retained in accordance with VA records management procedures following a program examination or the date of the last Notice of Verified Status Approval letter. Longer retention will not be required unless a written request is received from the Government Accountability Office not later than 30 days prior to the end of the retention period.

[FR Doc. 2017–27715 Filed 1–9–18; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2017–0255; FRL–9972–79–Region 9]

Air Plan Approval; Arizona; Stationary Sources; New Source Review; Ammonia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is supplementing its prior proposed approval of regulatory revisions to the Arizona Department of Environmental Quality (ADEQ) portion of the applicable Clean Air Act (CAA or Act) state implementation plan (SIP) for the State of Arizona. This supplemental proposal is primarily intended to make corrections to ADEQ's SIP-approved rules for the issuance of CAA New Source Review (NSR) permits for stationary sources, with a focus on preconstruction permit requirements under the Act for major stationary sources and major modifications of such sources. It proposes conditional approval of ADEQ's NSR submittal specifically with respect to the CAA requirements related to ammonia as a precursor to $PM_{2.5}$ under the NA–NSR program requirements in CAA section 189(e). We are seeking comment on our proposed action and plan to follow with a final action.

DATES: Any comments must arrive by February 9, 2018.

ADDRESSES: Submit comments, identified by Docket ID No. EPA–R09–OAR–2017–0255, at *https://www.regulations.gov,* or via email to *R9airpermits@epa.gov*. For comments submitted at *Regulations.gov,* follow the online instructions for submitting comments. Once submitted, comments cannot be removed or edited from *Regulations.gov*. For either manner of submission, the EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.* on the web, cloud, or other file sharing system). For additional submission methods, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section. For the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Lisa Beckham, EPA Region 9, (415) 972–3811, *beckham.lisa@epa.gov*.

SUPPLEMENTARY INFORMATION:

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

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Definitions

For this notice, we are giving meaning to certain words or initials as follows:

(i) The words or initials *Act* or *CAA* mean or refer to the Clean Air Act, unless the context indicates otherwise.

(ii) The initials *ADEQ* mean or refer to the Arizona Department of Environmental Quality.

(iii) The initials *CFR* mean or refer to Code of Federal Regulations.

(iv) The words *EPA, we, us* or *our* mean or refer to the United States Environmental Protection Agency.

(v) The initials *FIP* mean or refer to Federal Implementation Plan.

(vi) The initials *NAAQS* mean or refer to National Ambient Air Quality Standards.

(vii) The initials *NA–NSR* mean or refer to Nonattainment New Source Review.

(viii) The initials NO_X mean nitrogen oxides.

(ix) The initials *NSR* mean or refer to New Source Review.

(x) The initials $PM_{2.5}$ mean or refer to particulate matter with an aerodynamic diameter of less than or equal to 2.5 micrometers (fine particulate matter).

(xi) The initials *PSD* mean or refer to Prevention of Significant Deterioration.

(xii) The initials *SIP* mean or refer to State Implementation Plan.

(xiii) The words *State* or *Arizona* mean the State of Arizona, unless the context indicates otherwise.

(xiv) The initials SO_2 mean sulfur dioxide.

(xv) The initials *TSD* mean or refer to a technical support document.

(xvi) The initials *VOC* means volatile organic compounds.

I. The State's Submittals

A. Which rules did the State submit?

On April 28, 2017, ADEQ submitted regulatory revisions for the ADEQ portion of the Arizona SIP to the EPA. This SIP revision submittal, which is the subject of this supplemental proposal and is referred to herein as the ''April 2017 NSR submittal,'' contains revisions to ADEQ's rules governing preconstruction review and related permitting program requirements. These rule revisions are intended to correct deficiencies in ADEQ's SIP-approved NSR program related to the requirements under both part C (prevention of significant deterioration or PSD) and part D (nonattainment new source review or NA–NSR) of title I of the Act, which apply to major stationary sources and major modifications of such sources. The preconstruction review and permitting programs are often collectively referred to as New Source Review or NSR. On June 1, 2017, we proposed approval of these revisions into the Arizona SIP. These revisions are necessary to correct several deficiencies we identified in a 2015 rule action to update ADEQ's SIP-approved NSR program as well as certain deficiencies with ADEQ's NSR program that were the focus of a 2016 EPA rule action related to $PM_{2.5}$ precursors under the NA–NSR program requirements in CAA section 189(e) (referred to hereinafter as our ''2016 $PM_{2.5}$ precursor action''). See 82 FR 25213 (June 1, 2017); see also 80 FR 67319 (Nov. 2, 2015) and 81 FR 40525 (June 22, 2016). For a detailed description of the rules in the April 2017 NSR submittal, please refer to Section I.A of our June 1, 2017 proposed rule (82 FR 25214).

B. Are there previous versions of the rules in the Arizona SIP?

As part of our June 1, 2017 proposed action on the April 2017 NSR submittal, we identified a number of rules in the Arizona SIP that would be superseded or removed from the Arizona SIP if the action were finalized as proposed; these rules would generally be replaced by the ADEQ rules proposed for approval. Please refer to Section I.B of our June 1, 2017 proposed rule for a detailed list of these rules (82 FR 25215). This supplemental proposal action does not modify the particular ADEQ rules that we are proposing to approve into, or remove from, the Arizona SIP in our action on the April 2017 NSR submittal.

C. What is the purpose of the EPA's supplemental proposal?

The purpose of this supplemental proposal is to (1) present our evaluation of ADEQ's April 2017 NSR submittal as it relates to ammonia as a precursor to $PM_{2.5}$ under the nonattainment NSR (NA–NSR) program requirements at CAA section 189(e) and EPA's implementing regulations; (2) discuss our proposed conditional approval action related to this issue, including the basis for this action; and (3) provide notice of and seek public comment on our proposed action.

II. The EPA's Evaluation

A. How is the EPA evaluating the State's rules?

Section II.A of our June 1, 2017 proposed rule discusses our evaluation criteria for the April 2017 NSR submittal in detail. See 82 FR 25215. Generally, the EPA has reviewed the provisions in the April 2017 NSR submittal for compliance with the CAA's general requirements for SIPs in CAA section 110(a)(2), the EPA's regulations for stationary source permitting programs in 40 CFR part 51, subpart I, and the CAA requirements for SIP revisions in CAA section 110(l) and 193.

For this supplemental proposal, our review focuses on one issue addressed in our 2016 $PM_{2.5}$ precursor action (81 FR 40525), which finalized a limited disapproval action for ADEQ's NA–NSR program specifically based on our finding that ADEQ's program did not fully address fine particulate matter ($PM_{2.5}$) precursors as required by section 189(e) of the Act for the Nogales and West Central Pinal $PM_{2.5}$ nonattainment areas. This action triggered an obligation on the EPA to promulgate a Federal Implementation Plan (FIP) to address this deficiency unless the State of Arizona corrects the deficiency, and the EPA approves the related plan revisions, within two years of the final action. In addition, to avoid sanctions under section 179 of the Act, ADEQ has 18 months from the July 22, 2016 effective date of our 2016 $PM_{2.5}$ precursor action to correct the deficiency as it relates to part D of title I of the Act.

B. Do the rules meet the evaluation criteria?

In this action, we are supplementing our prior proposal only as it relates to specific deficiencies with ADEQ's NA–NSR rules identified in our 2016 $PM_{2.5}$ precursor action concerning ammonia as a precursor to $PM_{2.5}$. As part of our review of the April 2017 NSR submittal culminating in our June 1, 2017 proposed rule, we considered whether the ADEQ rule revisions in the April 2017 NSR submittal met the applicable requirements under section 189(e) of the Act and the associated regulatory provisions for $PM_{2.5}$ for the Nogales and West Central Pinal $PM_{2.5}$ nonattainment areas that were identified as deficiencies in our 2016 $PM_{2.5}$ precursor action.

These deficiencies were related to our finding that ADEQ's NSR program did not contain rules regulating volatile organic compounds (VOCs) or ammonia as $PM_{2.5}$ precursors under the NA–NSR program as required by CAA section 189(e), nor did the ADEQ NSR SIP submittal under consideration at that time include a showing that the regulation of VOCs and ammonia was not necessary under section 189(e) of the Act. See 81 FR 40526.

As discussed in the May 2017 Technical Support Document (TSD) supporting our June 1, 2017 proposed rule action on the April 2017 NSR submittal, on August 24, 2016, the EPA finalized regulatory requirements for SIPs related to the 2012 $PM_{2.5}$ National Ambient Air Quality Standards (NAAQS), which became effective on October 24, 2016 ($PM_{2.5}$ Implementation Rule). 81 FR 58010. The $PM_{2.5}$ Implementation Rule includes provisions that address the permitting requirements for $PM_{2.5}$ precursors for major stationary sources in $PM_{2.5}$ nonattainment areas under section 189(e) of the Act. The EPA's NA–NSR regulations as amended by the $PM_{2.5}$ Implementation Rule provide that $PM_{2.5}$ precursors in $PM_{2.5}$ nonattainment areas include nitrogen oxides (NO_X), VOCs, sulfur dioxide (SO_2) and ammonia. See 40 CFR 51.165(a)(1)(xxxvii)(C)(*2*). Our NA–NSR regulations further provide that SIPs must require that the control requirements of 40 CFR 51.165 applicable to major stationary sources and major modifications of $PM_{2.5}$ also apply to major stationary sources and major modifications of $PM_{2.5}$ precursors in a $PM_{2.5}$ nonattainment area, except that a reviewing authority may exempt new major stationary sources and major modifications of a particular precursor from the requirements of 40 CFR 51.165 for $PM_{2.5}$ if the NA–NSR precursor demonstration submitted to and approved by the EPA Administrator shows that such sources do not contribute significantly to $PM_{2.5}$ levels that exceed the standard in the area. See 40 CFR 51.165(a)(13).

With respect to the April 2017 NSR submittal, in our evaluation that culminated in our June 1, 2017 proposed approval action, we found that ADEQ had submitted an updated NA–NSR program that included the permitting requirements for $PM_{2.5}$ precursors necessary to satisfy the requirements of CAA section 189(e) and the $PM_{2.5}$ Implementation Rule, except for a particular requirement pertaining to ammonia as a precursor to $PM_{2.5}$. See 80 FR at 25219; May 2017 TSD at 21–22. Specifically, the NA–NSR regulations relating to $PM_{2.5}$ precursors require that, for the purposes of applying the requirements of 40 CFR 51.165(a)(13) to modifications at existing major stationary sources of ammonia located in a $PM_{2.5}$ nonattainment area, if the SIP requires that the control requirements of 40 CFR 51.165 apply to major stationary sources and major modifications of ammonia as a regulated NSR pollutant (as a $PM_{2.5}$ precursor), the plan shall also define ''significant'' for ammonia for that area, subject to the approval of the EPA Administrator. See 40 CFR 51.165(a)(1)(x)(F). We found that while ADEQ's updated NA–NSR program, as reflected in the April 2017 NSR submittal, includes ammonia as a precursor to $PM_{2.5}$ in $PM_{2.5}$ nonattainment areas (at R18–2–101(124)(a)(iv) in the definition of the term ''regulated NSR pollutant''), the rules in the April 2017 NSR submittal do not define the term ''significant'' for purposes of applying the requirements of 40 CFR 51.165(a)(13) to modifications at existing major stationary sources of ammonia located in a $PM_{2.5}$ nonattainment area, as required by 40 CFR 51.165(a)(1)(x)(F). See May 2017 TSD at 21–22. We noted in our June 1, 2017 proposal that ADEQ intended to address this deficiency in a separate SIP submittal. See 82 FR 25219.

To address this remaining deficiency, in a letter dated December 6, 2017, ADEQ committed to adopt revisions to provisions in R18–2–101 and/or make other specific demonstrations consistent with 40 CFR 51.165(a)(1)(x)(F) and/or 40 CFR 51.165(a)(13) to satisfy the requirements of section 189(e) and the $PM_{2.5}$ Implementation Rule governing ammonia as a precursor to $PM_{2.5}$ under the NA–NSR program. See Letter from Timothy S. Franquist, Director, Air Quality Division, ADEQ to Alexis Strauss, Acting Regional Administrator, EPA Region 9, dated Dec. 6, 2017. ADEQ committed in this letter to take certain specific actions, including the submittal of the required rule and/or demonstration to the EPA by March 31, 2019, or within one year from the date on which the EPA takes final action on the April 2017 NSR submittal, whichever is earlier. Accordingly, pursuant to section 110(k)(4) of the Act, the EPA is proposing a conditional approval of ADEQ's NA–NSR program solely as it pertains to section 189(e) of the Act and the associated regulatory requirements for ammonia as a $PM_{2.5}$ precursor. We are proposing to conditionally approve the April 2017 NSR submittal with respect to this issue because ADEQ's 2017 NSR submittal largely includes the requirements for ammonia as a $PM_{2.5}$ precursor required under section 189(e) of the Act and the associated regulatory requirements, and ADEQ's December 6, 2017 commitment letter provides adequate assurance that the one deficiency concerning ammonia as a $PM_{2.5}$ precursor will be addressed in a timely manner, consistent with CAA section 110(k)(4).[1] We conclude that if ADEQ submits the rule revisions and/or demonstrations that it has committed to submit by the deadline that it has committed to meet, then this deficiency will be cured. However, if ADEQ fails to submit these revisions and/or demonstrations within the required timeframe, the conditional approval will automatically become a disapproval for the specific issue of whether ADEQ's NA–NSR program meets the requirements of section 189(e) of the Act with respect to ammonia as a $PM_{2.5}$ precursor, and the EPA will issue a finding of disapproval. The EPA is not required to propose the finding of disapproval.

C. Do the rules meet the evaluation criteria under Sections 110(l) and 193 of the Clean Air Act?

Please see Section II.G of our June 1, 2017 proposed rule that discusses our determination that the April 2017 NSR submittal meets the evaluation criteria under Sections 110(l) and 193 of the Act and that we can approve the April 2017 NSR submittal under Sections 110(l) and 193 of the Act. See 82 FR 25220. This supplemental proposal does not change our prior determinations in this regard with respect to the April 2017 NSR submittal.

III. Public Comment and Proposed Action

In conclusion, we have determined that the April 2017 NSR submittal, in conjunction with the commitment made by ADEQ in its December 6, 2017 commitment letter, adequately addresses the remaining deficiency related to section 189(e) of the Act and the associated regulatory requirements

[1] We also note that it is our understanding that there are currently no major stationary sources of ammonia under ADEQ's jurisdiction, nor are there any NSR permit applications currently under review by ADEQ for a proposed major stationary source of ammonia. While ADEQ's NA–NSR program currently does not define the level that is considered ''significant'' for ammonia as a precursor to $PM_{2.5}$, the federal NA–NSR regulations at 40 CFR 51.165(a)(1)(x)(F) require this definition to potentially apply only to major sources of ammonia that may undertake modifications. Because there are no existing or currently proposed major sources of ammonia under ADEQ's jurisdiction, there are no sources that could potentially trigger the application of any such ''significant'' threshold for ammonia in the near future in the $PM_{2.5}$ nonattainment areas under ADEQ's jurisdiction.

for ammonia as a precursor to $PM_{2.5}$ in $PM_{2.5}$ nonattainment areas. Accordingly, as authorized by section 110(k)(4) of the Act, the EPA proposes to conditionally approve the NA–NSR component of ADEQ's April 2017 NSR submittal solely with respect to ammonia as a $PM_{2.5}$ precursor. While we cannot grant full approval of the submittal at this time with respect to this issue, ADEQ has satisfactorily committed to address this deficiency by providing the EPA with a SIP submittal by March 31, 2019, or within one year from the date on which the EPA takes final action on the April 2017 NSR submittal, whichever is earlier.

As noted previously, on June 1, 2017, we proposed full approval of all other aspects of ADEQ's April 2017 NSR submittal, including but not limited to revisions to ADEQ's NA–NSR program and the regulation of $PM_{2.5}$ precursors other than ammonia in accordance with section 189(e) of the Act. Today's action does not modify the findings we made in that proposed action, and through this supplemental proposal, we are not reopening or otherwise seeking public comment on any other issues or findings in that June 1, 2017 proposed action.

We will accept comments from the public on this supplemental proposal until February 9, 2018.

IV. Incorporation by Reference

This action supplements our prior proposed rule where the EPA has proposed to include in a final EPA rule regulatory text that includes incorporation by reference. This action does not propose additional material for incorporation by reference.

V. Statutory and Executive Order Reviews

Under the CAA, the EPA Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Act. 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 3, 2017) regulatory action because SIP approvals are exempted under Executive Order 12866;
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- Does not provide the EPA with the discretionary authority to address, 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 the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

List of Subjects in 40 CFR Part 52

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

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

Dated: December 20, 2017.

Alexis Strauss,

Acting Regional Administrator, Region IX.

[FR Doc. 2018–00036 Filed 1–9–18; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[WT Docket No. 17–79; FCC 17–165]

Comment Sought on Draft Program Comment for the FCC's Review of Collocations on Certain Towers Constructed Without Documentation of Section 106 Review

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (FCC or Commission) seeks comment on a draft Program Comment that would exclude from historic preservation review the collocation of wireless communications facilities on towers that either did not complete such review or cannot be documented to have completed such review.

DATES: Comments are due on February 9, 2018; reply comments are due on February 26, 2018.

ADDRESSES: You may submit comments, identified by WT Docket No. 17–79, by any of the following methods:

- *Federal Communications Commission's website*: *http://apps.fcc.gov/ecfs//*. Follow the instructions for submitting comments.
- *People with Disabilities*: Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 888–835–5322.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: For further information on this proceeding, contact Daniel J. Margolis, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau, at *daniel.margolis@fcc.gov* or (202) 418–1377.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document, FCC 17–165, adopted and released on December 14, 2017. The full text of this document is available for

public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW, Room CY–A257, Washington, DC 20554. The complete text of this document will also be available via ECFS at *https://www.fcc.gov/document/fcc-seeks-comment-plan-ease-collocations-twilight-towers-0*. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an Email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

1. In this document, the Commission takes another step towards promoting the deployment of wireless infrastructure. In particular, the Commission sets out a definitive solution for so-called ''Twilight Towers,'' which, if adopted, would create a new exclusion from routine historic preservation review under section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108, and its implementing regulations, 36 CFR part 800. This action would open up potentially thousands of existing towers for collocations without the need for either the collocation or the underlying tower to complete an individual historic review, thus ensuring that these towers are generally treated the same as older towers that are already excluded from the historic review process. Facilitating collocations on these towers will make additional infrastructure available for wireless deployments, reduce the need for new towers, and decrease the need for new construction. After more than a decade of debate over the best approach for Twilight Towers, the Commission welcomes the chance to advance this concrete path forward.

2. Twilight Towers are towers whose construction commenced between March 16, 2001, and March 7, 2005, that either did not complete section 106 review or cannot be documented to have completed such review. Sections 1.1307(a)(4) and 1.1320(a) [1] of the Commission's rules, 47 CFR 1.1307(a)(4), 1.1320(a), direct licensees and applicants, when determining whether a proposed action may affect historic properties, to follow the procedures in the rules of the Advisory Council on Historic Preservation (ACHP) or an applicable program alternative, including the *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (2001 Collocation NPA), 47 CFR part 1, app. B, and the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* (2005 Wireless Facilities NPA), 47 CFR part 1, app. C. Under section III of the 2001 Collocation NPA, collocations on towers whose construction commenced on or before March 16, 2001, are generally excluded from routine historic preservation review, regardless of whether the underlying tower has undergone section 106 review. *See* 47 CFR part 1, app. B, section III. By contrast, section IV of the 2001 Collocation NPA provides that collocations on towers whose construction commenced on or after March 16, 2001, are excluded from historic preservation review only if the Section 106 review process for the underlying tower and any associated environmental reviews has been completed. *See* 47 CFR part 1, app. B, section IV. The 2005 Wireless Facilities NPA, which became effective on March 7, 2005, establishes detailed procedures for reviewing the effects of communications towers on historic properties. 47 CFR part 1, app. C.

3. As indicated above, there are a large number of towers that were built between the adoption of the 2001 Collocation NPA and the effective date of the 2005 Wireless Facilities NPA that either did not complete section 106 review or for which documentation of section 106 review is unavailable. Although during this time the Commission's environmental rules, 47 CFR 1.1307(a)(4), required licensees and applicants to evaluate whether proposed facilities may affect historic properties, the text of the rule did not at that time require parties to perform this evaluation by following the ACHP's rules or any other particular process. Thus, some in the industry have argued that, prior to the 2005 Wireless Facilities NPA, it was unclear whether the Commission's rules required consultation with the relevant State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO), Tribal engagement, or any other procedures, and that this uncertainty was the reason why many towers built during this period did not go through the clearance process. Because the successful completion of the section 106 process is a predicate to the exclusion from review of collocations on towers completed after March 16, 2001, licensees cannot collocate on these Twilight Towers unless either each collocation completes section 106 review or the underlying tower goes through an individual post-construction review process.

4. By this document, the Commission finally identifies a path forward for these Twilight Towers. In particular, the Commission seeks public comment on the attached draft Program Comment addressing the historic preservation review requirements for collocating communications equipment on Twilight Towers. If adopted by the ACHP, the draft Program Comment would establish procedures for permitting collocations on Twilight Towers.

5. The ACHP's rules contain general procedures for considering effects on historic properties, but they also provide a means of establishing customized or streamlined alternative review procedures called ''program alternatives.'' *See* 36 CFR 800.14. Where the ACHP determines that a defined program or activity has minimal potential to affect or adversely affect historic properties, a program alternative may reduce the scope of or entirely eliminate the review process. One type of program alternative is the Program Comment. *See* 36 CFR 800.14(e).

6. The Commission states that, given the record, a Program Comment is a suitable vehicle for specifying how Twilight Towers can be appropriately made available to facilitate broadband deployment. Therefore, the Commission seeks comment on the attached draft consistent with the ACHP's process for developing and issuing a Program Comment. After considering input from all interested parties, the Commission will revise the draft Program Comment as appropriate, summarize the comments for the ACHP pursuant to 36 CFR 800.14(e)(1) and (f)(2), and formally request that the ACHP issue the Program Comment. Section 800.14(e)(5) of the ACHP's rules, 36 CFR 800.14(e)(5), specifies that it will then decide whether to issue the Program Comment within 45 days, and the Commission will publish notice of any Program Comment that the ACHP provides in the **Federal Register**.

[1] The Commission promulgated 47 CFR 1.1320 in an order released on November 17, 2017, and published in the **Federal Register** on December 14, 2017. *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment,* Report and Order, FCC 17–153, WT Docket No. 17–79; *see also* 82 FR 58749, December 14, 2017. The rule will take effect on January 16, 2018.

7. This draft Program Comment is informed by comments received in response to the Notice of Proposed Rulemaking in this proceeding, *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment,* 32 FCC Rcd 3330 (2017) (*Wireless Infrastructure NPRM*); see also Proposed rule, 82 FR 21761, May 10, 2017, as well as several years of engagement with affected parties, including Tribal Nations, Native Hawaiian Organizations (NHOs), SHPOs, and industry, by conducting government-to-government consultation with Tribal Nations, holding face-to-face meetings, sponsoring webinars and workshops, participating in conferences, and distributing written materials. In addition, since the release of the *Wireless Infrastructure NPRM,* the Commission has met with Tribal representatives numerous times with a focus on issues related to section 106 review, including meetings with the Chairman and commissioners, as well as conference calls and meetings between staff and SHPOs, Tribal representatives, and others.

8. Commenters on the *Wireless Infrastructure NPRM* generally concur that the Commission should take affirmative steps to develop a regime governing the circumstances and procedures under which collocations will be permitted on Twilight Towers. In general, industry commenters assert that the Commission should grandfather, exempt, or exclude these towers from any historic preservation review, arguing that the towers are unlikely to have adverse effects on historic properties that have not been detected, that current ambiguities in the process are preventing widespread collocations, that there was no clear process for historic preservation review of proposed towers prior to 2005, and that many of the towers are no longer in the possession of their original owners. Other commenters, including SHPOs and Tribal Nations and their associations, advocate requiring a review process and mitigation of adverse effects before collocations on these towers can be permitted, contending that failure to perform section 106 review for these towers should not be forgiven retroactively, that collocations on existing towers can increase any adverse effects of the towers, that removal should be considered for towers with particularly egregious adverse effects, and that collocations that involve any ground disturbance must be subject to section 106 review before the Commission can allow collocations. The Commission seeks comment on the extent to which the draft Program Comment, as described below, effectively addresses these concerns.

9. In the *Wireless Infrastructure NPRM,* the Commission stated that it does not anticipate taking any enforcement action or imposing any penalties based on good faith deployment during the Twilight Tower period. The Commission states that, in light of the additional comments it has received on this issue, and its recognition that the Commission did not provide specific guidance regarding the procedures for conducting historic preservation review, the Commission now makes clear that it will not take enforcement action relating to the construction of Twilight Towers based on the failure to follow any particular method of considering historic preservation issues or otherwise based on the good faith deployment of Twilight Towers. To the extent the owner of any Twilight Tower is shown to have intentionally adversely affected a historic property with intent to avoid the requirements of section 106, section 110(k) of the NHPA would continue to apply. *See* 54 U.S.C. 306113.

10. As established in the *Wireless Infrastructure NPRM,* this is a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules, but with a limited modification in light of the Commission's trust relationship with Tribal Nations and NHOs. *Ex parte* presentations involving elected and appointed leaders and duly appointed representatives of federally-recognized Tribal Nations and NHOs are exempt from the disclosure requirements in permit-but-disclose proceedings, as well as the prohibitions during the Sunshine Agenda period. Nevertheless, Tribal Nations and NHOs, like other interested parties, should file comments, reply comments, and *ex parte* presentations in the record in order to put facts and arguments before the Commission in a manner such that they may be relied upon in the decision-making process.

11. The Commission notes that some commenters urge the Commission to hold additional meetings with Tribal Nations regarding Twilight Towers before moving forward. The Commission welcomes additional meetings with Tribal Nations, Native Hawaiian Organizations, SHPOs, and industry during this comment period. The commission notes that it received *ex parte* comments filed between the public release of the draft text of this document on November 22, 2017, and its adoption by the Commission on December 14, 2017. To the extent that they have not been addressed here, these comments will be considered along with any comments filed in response to this document.

12. The following is the text of the Draft Program Comment:

Draft Program Comment for the Federal Communications Commission's Review of Collocations on Certain Towers Constructed Without Documentation of Section 106 Review

This Program Comment was issued by the Advisory Council on Historic Preservation (Advisory Council) on [date to be inserted later], pursuant to 36 CFR 800.14(e), and went into effect on that date. It provides the Federal Communications Commission (FCC or Commission) with an alternative way to comply with its responsibilities under section 106 of the National Historic Preservation Act (NHPA), 54 U.S.C. 306108, and its implementing regulations, 36 CFR part 800 (section 106), as supplemented by two nationwide programmatic agreements. In particular, this Program Comment excludes from section 106 review the collocation of wireless communications facilities on ''Twilight Towers'' (*i.e.,* certain communications towers for which construction commenced after March 16, 2001, and before March 7, 2005), provided that these collocations satisfy the conditions specified below.

I. Background

To fulfill its obligations under the NHPA, the FCC imposes certain compliance requirements on its applicants and licensees, but the ultimate responsibility for compliance with the NHPA remains with the FCC. In particular, section 1.1320 of the FCC's rules (47 CFR 1.1320) directs licensees and applicants, when determining whether a proposed action may affect historic properties, to comply with the Advisory Council's rules, 36 CFR part 800, or an applicable program alternative, including the *Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (Collocation NPA), 47 CFR part 1, app. B, and the *Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* (Wireless Facilities NPA), 47 CFR part 1, app. C. These programmatic agreements, which were executed pursuant to section 800.14(b) of the Advisory Council's rules, substitute for the procedures that Federal agencies ordinarily must follow in performing their historic preservation reviews. *See* 36 CFR 800.14(b)(2).

Section III of the Collocation NPA, adopted and effective on March 16,

2001,[2] provides that collocations on towers [3] constructed on or before the effective date of that agreement are excluded from routine historic preservation review regardless of whether the underlying tower has undergone section 106 review provided that they satisfy the specified conditions. *See* 47 CFR part 1, app. B, section III. By contrast, section IV of the Collocation NPA provides that collocations on towers whose construction commenced after March 16, 2001, are excluded from historic preservation review only if the proposed collocation meets specified conditions and the section 106 review process for the underlying tower and any associated environmental reviews has been completed. *See* 47 CFR part 1, app. B, section IV. Through the Wireless Facilities NPA, which was incorporated into the FCC's rules effective on March 7, 2005, the FCC adopted and codified for the first time detailed procedures for reviewing the effects on historic properties of communications towers and those collocations that are subject to review. *See* 47 CFR part 1, app. C.

Prior to the adoption of the Wireless Facilities NPA, the FCC's rules did not require its licensees and applicants to follow the ACHP's rules or any other specified process when evaluating whether their proposed facilities might affect historic properties as mandated under section 106. Accordingly, a large number of towers constructed during the period between the effective dates of the two NPAs—that is, those for which construction began after March 16, 2001, and before March 7, 2005—do not have documentation demonstrating compliance with the section 106 review process (an issue exacerbated by the limitations of State Historic Preservation Officers' (SHPOs') record-keeping as well as subsequent changes in tower ownership). These towers are referred to as ''Twilight Towers.'' And because collocation on towers whose construction began after the effective date of the Collocation NPA is excluded from section 106 review only if the tower was itself subject to review, licensees or applicants cannot currently collocate on these Twilight Towers unless each collocation completes a separate section 106 review or the underlying tower completes an individual post-construction review process.

To develop a Program Comment, the rules of the Advisory Council require Federal agencies to arrange for public participation appropriate to the subject matter and the scope of the category of covered undertakings and in accordance with the standards set forth in the Advisory Council's rules. *See* 36 CFR 800.14(e)(2). Over the past several years, the FCC has engaged with Tribal Nations, Native Hawaiian Organizations (NHOs), SHPOs, and industry, by holding many face-to-face meetings, sponsoring webinars and workshops, participating in conferences, and distributing written materials. In 2014, FCC staff began consultations with relevant parties to discuss possible solutions to make Twilight Towers broadly available for collocations in a manner consistent with the requirements of and policies underlying the NHPA. In October 2015, the FCC circulated a discussion document to SHPOs, Tribal Nations, NHOs and industry associations, and in January 2016, the FCC facilitated a summit in Isleta Pueblo, New Mexico, devoted to discussion of Twilight Towers. Industry, Tribal, and SHPO representatives participated in this meeting. Following the meeting, the FCC sought written comments from the summit participants. In August 2016, the FCC circulated to industry associations, SHPOs, and Tribal/NHO contacts a discussion draft term sheet developed as a result of those consultations. Follow up calls with Tribal and SHPO representatives and other interested parties, including the Advisory Council staff, were held throughout 2016.

Further, in the Wireless Infrastructure NPRM, adopted in April 2017, the FCC sought public comment on how to resolve remaining section 106 issues associated with collocation on Twilight Towers, and it received numerous comments on these issues. *See Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Deployment,* 32 FCC Rcd 3330, 3358–3361, paras. 78–86 (2017) (*Wireless Infrastructure NPRM*); see also Proposed Rule, 82 FR 21761, May 10, 2017. Finally, the FCC facilitated consultations with Tribal representatives on the Rosebud Sioux Reservation on June 8, 2017; at the annual meeting of the National Conference of American Indians on June 14, 2017; on the Navajo Reservation on August 22, 2017; and in Washington, DC on October 4, 2017. FCC staff have also continued to meet in person and by phone with SHPOs and Tribal representatives since release of the Wireless Infrastructure NPRM.

II. Need for Program Comment To Address Twilight Towers

This Program Comment adopts an exclusion under section 106 for certain collocations on Twilight Towers. This exclusion is warranted due to a number of unique factors associated with towers whose construction commenced during the period from March 17, 2001 through March 6, 2005, including: (1) The limited reliability of section 106 review documentation from that time period; (2) the lack of specificity in the FCC's rules regarding section 106 review at the time the Twilight Towers were constructed; (3) the limited likelihood that section 106 review could identify adverse effects from these towers that are not yet known after 12 years or more; and (4) the significant public interest in making these towers readily available for collocation.

Although during the time between the Collocation NPA and the Wireless Facilities NPA the FCC's environmental rules required licensees and applicants to evaluate whether proposed facilities may affect historic properties, the rules did not then state that parties must perform this evaluation by following the Advisory Council's rules or any other specific process. Thus, prior to the effective date of the Wireless Facilities NPA, it was unclear whether the FCC's rules required consultation with the relevant SHPO and/or Tribal Historic Preservation Officer (THPO), engagement with Tribal Nations to identify historic properties off Tribal land (including government-to-government consultation), or any other particular procedures, and this lack of clarity may explain why many towers built during this period apparently did not obtain required clearance.

Routine section 106 review of Twilight Towers is likely to provide little benefit in preserving historic properties. Twilight Towers have been in place for 12 to 16 years. In the vast majority of cases, no adverse effects from these towers have been brought to the FCC's attention. While the lack of objections filed with the FCC does not guarantee that *none* of the Twilight Towers have caused, or continue to cause, adverse effects on historic properties, such cases are likely few given the passage of time and absence of objections. In addition, any effects on historic properties that may have occurred during construction may be difficult to demonstrate so many years after the fact.

Further, an exclusion for collocations on Twilight Towers under the

[2] The Collocation NPA was amended in 2016 to establish further exclusions from review for small antennas. *See Wireless Telecommunications Bureau Announces Execution of First Amendment to the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas,* Public Notice, 31 FCC Rcd 4617 (WTB 2016).

[3] The Collocation Agreement defines ''tower'' as ''any structure built for the sole or primary purpose of supporting FCC-licensed antennas and their associated facilities.'' Collocation NPA, section I.E.

conditions specified below is in the public interest. The exclusion will rapidly make available thousands of existing towers [4] to support wireless broadband deployment, including the FirstNet public safety broadband network,[5] without causing adverse impacts. Importantly, facilitating collocations on existing towers will reduce the need for new towers, thereby avoiding the impact of new tower construction on the environment and on locations with historical and cultural significance.

A Program Comment is necessary to facilitate collocation on Twilight Towers. While the Wireless Facilities NPA contemplates a process for review of proposed collocations on towers that were built without required review, review of each collocation only satisfies the section 106 requirement for that collocation; it does not clear the tower for future collocations. Given the large number of Twilight Towers and potential collocations that could be installed on those towers, the existing review process imposes burdens on all participants that, in the context of the other considerations discussed herein, are not commensurate with its historic preservation benefits.

Accordingly, an approach different from the standard section 106 review process is warranted to make Twilight Towers readily available for collocations. Given the significant public benefits to be realized by making these facilities available for collocation, together with the other considerations discussed above, requiring each licensee or applicant to review each tower individually before collocating is not an effective or efficient means for the FCC to comply with its obligations under section 106. This Program Comment is responsive to the unusual set of factors surrounding the use of these Twilight Towers for the limited purpose of collocation.

[4] The members of two major industry associations have collectively reported owning 4,298 towers that could be classified as Twilight Towers. Letter from Brian Josef, Assistant Vice President, Regulatory Affairs, CTIA—The Wireless Association, and D. Zachary Champ, Assistant Vice President, Regulatory Affairs, PCIA—The Wireless Infrastructure Association, to Chad Breckinridge Associate Chief, WTB, FCC (dated June 4, 2015). There may be more Twilight Towers owned by entities that are not members of these associations or that did not participate in their survey.

[5] *See* 47 U.S.C. 1426(c)(3) (providing that ''the First Responder Network Authority shall enter into agreements to utilize, to the maximum extent economically desirable, existing (A) commercial or other communications infrastructure; and (B) Federal, state, tribal, or local infrastructure'').

III. Exemption From Duplicate Review of Effects of Collocations by Other Federal Agencies

Other Federal agencies are not required to comply with section 106 with regard to the effects of collocations on Twilight Towers that are excluded from review under this Program Comment. When other Federal agencies have broader undertakings that include collocations on Twilight Towers, they must, however, comply with section 106 in accordance with the process set forth at 36 CFR 800.3 through 800.7, or 800.8(c), or another applicable program alternative under 36 CFR 800.14 for aspects of the undertaking not involving the collocations.

IV. Exclusion for Twilight Towers

In August 2000, the Advisory Council established a Telecommunications Working Group to provide a forum for the FCC, industry representatives, SHPOs, THPOs, other Tribal representatives, and the Advisory Council to discuss improved coordination of section 106 compliance regarding wireless communications facilities affecting historic properties. The Advisory Council and the Working Group developed the Collocation NPA, which recognized that the effects on historic properties of collocations on buildings, towers, and other structures are likely to be minimal and not adverse provided that certain premises and procedures are taken into consideration, including limitations on the extent of new construction and excavation. Further, the Collocation NPA stated that its terms should be ''interpreted and implemented wherever possible in ways that encourage collocation.'' Consistent with that directive, this Program Comment serves to resolve a long standing impediment to collocation on Twilight Towers within the broader protective framework established by the Collocation NPA.

We intend the exclusion here to mirror the exclusion in the Collocation NPA that applies to collocations on towers for which construction commenced on or before March 16, 2001. And so, pursuant to the exclusion adopted here, an antenna may be mounted on an existing tower for which construction commenced between March 16, 2001, and March 7, 2005, without such collocation being reviewed through the section 106 process set forth in the Wireless Facilities NPA, unless:

1. The mounting of the proposed antenna on the tower would increase the existing height of the tower by more than 10%, or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to avoid interference with existing antennas; or

2. The mounting of the proposed antenna would involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter; or

3. The mounting of the proposed antenna would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet or more than the width of the tower structure at the level of the appurtenance, whichever is greater, except that the mounting of the proposed antenna may exceed the size limits set forth in this paragraph if necessary to shelter the antenna from inclement weather or to connect the antenna to the tower via cable; or

4. The mounting of the proposed antenna would involve excavation outside the current tower site, defined as the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site; or

5. The tower has been determined by the FCC to have an adverse effect on one or more historic properties, where such effect has not been avoided or mitigated through a conditional no adverse effect determination, a Memorandum of Agreement, a programmatic agreement, or a finding of compliance with section 106 and the Wireless Facilities NPA; or

6. The tower is the subject of a pending environmental review or related proceeding before the FCC involving compliance with section 106 of the NHPA; or

7. The collocation licensee or the owner of the tower has received written or electronic notification that the FCC is in receipt of a complaint from a member of the public, a Tribal Nation or NHO, a SHPO, or the Advisory Council that the collocation has an adverse effect on one or more historic properties. Any such complaint must be in writing and supported by substantial evidence describing how the effect from the collocation is adverse to the attributes that qualify any affected historic property for eligibility or potential eligibility for the National Register.

In the event that a proposed collocation on a Twilight Tower does not meet the conditions specified above

for this exclusion, the collocation must undergo historic preservation review as required by the rules of the Advisory Council as revised or supplemented by the Wireless Facilities NPA and the Collocation NPA. As provided in the Wireless Facilities NPA, such review is limited to effects from the collocation and shall not include consideration of effects on historic properties from the underlying tower.

V. Additional Provisions Relating to Tribal Nations

This Program Comment does not apply on Tribal lands unless the relevant Tribal Nation has provided the FCC with a written notice agreeing to its application on Tribal lands.

A Tribal Nation may request direct government-to-government consultation with the FCC at any time with respect to a Twilight Tower or any collocation thereon. The FCC will respond to any such request in a manner consistent with its responsibility toward Tribal Nations. When indicated by the circumstances, and if the request is in writing and supported by substantial evidence as described in paragraph IV.7., the FCC shall treat a request for consultation as a complaint against the proposed collocation and shall notify the tower owner accordingly.

A Tribal Nation may provide confidential supporting evidence or other relevant information relating to a historic property of religious or cultural significance. The FCC shall protect all confidential information consistent with section IV.I of the Wireless Facilities NPA.

VI. Administrative Provisions

A. *Definitions.* Unless otherwise defined in this Program Comment, the terms used here shall have the meanings ascribed to them under 36 CFR part 800 as modified or supplemented by the Collocation NPA or Wireless Facilities NPA.

B. *Duration.* This Program Comment shall remain in force unless terminated or otherwise superseded by a comprehensive Programmatic Agreement or the Advisory Council provides written notice of its intention to withdraw the Program Comment pursuant to section VI.B.1, below, or the FCC provides written notice of its intention not to continue to utilize this Program Comment pursuant to section VI.B.2, below.

1. If the Advisory Council determines that the consideration of historic properties is not being carried out in a manner consistent with section 106, the Advisory Council may withdraw this Program Comment after consulting with the FCC, the National Conference on State Historic Preservation Officers, and the National Association of Tribal Historic Preservation Officers, and thereafter providing them with written notice of the withdrawal.

2. In the event the FCC determines that this Program Comment is not operating as intended, or is no longer necessary, the FCC, after consultation with the parties identified in section VI.B.1 above, shall send written notice to the Advisory Council of its intent to withdraw.

C. *Periodic Meetings.* Throughout the duration of this Program Comment, the Advisory Council and the FCC shall meet annually on or about the anniversary of the effective date of this Program Comment. The FCC and the Advisory Council will discuss the effectiveness of this Program Comment, including any issues related to improper implementation, and will discuss any potential amendments that would improve its effectiveness.

Complaints Regarding Implementation of This Program Comment. Members of the public may refer any complaints regarding the implementation of this Program Comment to the FCC. The FCC will handle those complaints consistent with section XI of the Wireless Facilities NPA.

13. Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the internet by accessing the ECFS: *http://apps.fcc.gov/ecfs/*.
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW, Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, Annapolis, MD 20701.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW, Washington, DC 20554.

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

14. This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2018–00292 Filed 1–9–18; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

[Docket No. FMCSA–2017–0372]

Hours of Service of Drivers: Application for Exemption; Towing and Recovery Association of America, Inc. (TRAA)

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that the Towing and Recovery Association of America, Inc. (TRAA) has requested an exemption from the requirement that a motor carrier install and require each of its drivers to use an electronic logging device (ELD) to record the driver's

hours-of-service (HOS) TRAA has requested a 5-year exemption for all operators of commercial motor vehicles (CMVs) owned or leased to providers of motor vehicle towing, recovery and roadside repair services while providing such services. TRAA states that towing industry operations represent a unique and vital segment of the overall transportation industry in America that warrants exemption from the ELD regulations, and the failure to grant this exemption will cause confusion and create an overly complex regulatory framework which will pose an undue burden on towers and their customers without any measurable benefit to public safety. TRAA believes that granting this exemption will have a positive impact on highway safety by assuring that towing operators can still respond to service requests in the most expeditious and effective manner possible. FMCSA requests public comment on TRAA's application for exemption.

DATES: Comments must be received on or before February 9, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2017–0372 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Thomas Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials.

Submitting Comments

If you submit a comment, please include the docket number for this notice (FMCSA–2017–0372), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2017–0372'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party, and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period and may grant or not grant this application based on your comments.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

TRAA is the national towing association representing more than 35,000 towing companies in all 50 states. The entire industry is comprised of approximately 210,000 commercial motor vehicles (CMVs) and 350,000 commercial drivers operated by the over 35,000 companies. According to TRAA, the vast majority of towing industry companies are small, family-owned operations serving rural America.

Tow truck operators often work close to their terminals, usually operating within the scope of the short-haul exemption [49 CFR Section 395.1(e)(1)] thereby documenting hours-of-service (HOS) compliance with time card records kept at their dispatch office. Occasionally, and often without prior knowledge, these tow operators will be called upon to provide services that will require them to complete a record of duty status (RODS).

TRAA states that few towing companies will be able to utilize the exemption to the ELD mandate found in 49 CFR Section 395.8(iii)(a)(1) as it relates to completion of a RODS eight or fewer days in any 30-day period. Typically, only a few drivers at any one towing company are currently required

to complete a RODS and usually most of the drivers lack the required class of license to substitute for these select few drivers, meaning the workload that requires operation outside of the local exemption cannot be equalized or shared among the entire driver pool at any one company as could be done at a traditional motor carrier. Thus, one or two drivers will often be designated to conduct these longer, interstate trips that require RODS.

TRAA asserts that the addition of the ELD rule creates confusing and burdensome scenarios by overlapping and conflicting regulations placed on towing industry operators. The nature of the towing industry has drivers switching between intrastate and interstate regulations multiple times throughout the day, sometimes as often as between each call. Additionally, drivers employed in the towing industry often switch between commercial and non-commercial motor vehicles throughout their shift. TRAA believes that to mandate an electronic means of documenting HOS for only a small part of each towers daily operations creates an undue burden.

Moreover, an exemption from the ELD mandate helps promote the same safety goals inherent in the already existing exemption in 49 CFR Section 390.23(a)(3). This provision exempts towers who are responding to calls from law enforcement from the requirement to keep RODS. The same need to respond quickly to a highway emergency that requires the exemption in Section 390.23(a)(3) exists when a service call comes from a stranded motorist rather than law enforcement. The drivers of these vehicles sitting roadside are at the same risk as those addressed by law enforcement. The current ELD proposal will impact the ability of tow companies to respond to these owners' requests and still be compliant with the regulatory requirements.

TRAA states that, as a practical matter, towers will be required to install and maintain ELDs in all of their equipment, even seldom used spare equipment. It is common practice in the towing industry to maintain spare equipment in a state of readiness, as do other first responder agencies to insure complete readiness for any incident. Due to the complex nature of this and the overlapping scenarios where an ELD may be required, most towers will install, pay service for and utilize costly ELDs even when not required to do so by the regulations to avoid harsh penalties such as out of service orders and expensive fines. TRAA firmly believes it is appropriate to exempt towers from the ELD regulation, and without an exemption from the ELD regulation towers' responsiveness to their customers and the motoring public would be severely reduced, and costs for towing services would increase commeasurably. This will place an unfair burden on the motoring public at large that has not been accounted for in the cost benefit analysis for this regulation.

According to TRAA, towing industry operations represent a unique and vital segment of the overall transportation industry in America that warrants exemption from the ELD regulation. The failure to grant this exemption will cause confusion and create an overly complex regulatory framework which will pose an undue burden on towers and their customers without any measurable benefit to public safety.

IV. Method To Ensure an Equivalent or Greater Level of Safety

According to TRAA, granting this exemption will have no negative impact on public safety or compliance with the HOS regulations by the towing industry companies given that most operate under the short haul or local provisions found in 49 CFR 395.1(e)(1) for drivers of vehicles requiring a commercial driver's license (CDL), and 49 CFR 395.1(e)(2) for drivers of CMVs not requiring a CDL. Instead, the exception will apply only to the small percentage of tow drivers who operate outside these exceptions on longer, interstate trips. The towing industry will maintain a level of safety equal to, or greater than would be achieved while using ELDs by fully complying with the current HOS regulations and not having undue interruption to their current scheduling and staffing methods that have served the industry well in the past.

A copy of TRAA's application for exemption is available for review in the docket for this notice.

Issued on: December 29, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–00247 Filed 1–9–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 395

[Docket No. FMCSA–2017–0373]

Hours of Service of Drivers: Application for Exemption; STC, Inc.

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of application for exemption; request for comments.

SUMMARY: FMCSA announces that the STC, Inc (STC) has requested an exemption from the requirement that motor carriers and their drivers of commercial motor vehicles (CMVs) use an electronic logging device (ELD) to record driver hours-of-service (HOS). STC is a motor carrier that uses up to 75 CMVs to transport propane fuel and anhydrous ammonia. It states that because STC's CMV operations are seasonal and dependent on the weather, the ELD requirement creates an undue financial burden on its business. STC states that its operations under the exemption would achieve a level of safety equivalent to, or greater than, the level that would be achieved absent the proposed exemption. FMCSA requests public comment on STC's application for exemption.

DATES: Comments must be received on or before February 9, 2018.

ADDRESSES: You may submit comments identified by Federal Docket Management System (FDMS) Number FMCSA–2017–0373 by any of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* See the *Public Participation and Request for Comments* section below for further information.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 1–202–493–2251.
- Each submission must include the Agency name and the docket number for this notice. Note that DOT posts all comments received without change to *www.regulations.gov,* including any personal information included in a comment. Please see the *Privacy Act* heading below.

Docket: For access to the docket to read background documents or

comments, go to *www.regulations.gov* at any time or visit Room W12–140 on the ground level of the West Building, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., ET, Monday through Friday, except Federal holidays. The on-line FDMS is available 24 hours each day, 365 days each year.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

FOR FURTHER INFORMATION CONTACT: For information concerning this notice, contact Mr. Tom Yager, Chief, FMCSA Driver and Carrier Operations Division; Office of Carrier, Driver and Vehicle Safety Standards; Telephone: 614–942–6477. Email: *MCPSD@dot.gov.* If you have questions on viewing or submitting material to the docket, contact Docket Services, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

I. Public Participation and Request for Comments

FMCSA encourages you to participate by submitting comments and related materials. If you submit a comment, please include the docket number for this notice (FMCSA–2017–0373), indicate the specific section of this document to which the comment applies, and provide a reason for suggestions or recommendations. You may submit your comments and material online or by fax, mail, or hand delivery, but please use only one of these means. FMCSA recommends that you include your name and a mailing address, an email address, or a phone number in the body of your document so the Agency can contact you if it has questions regarding your submission.

To submit your comments online, go to *www.regulations.gov* and put the docket number, ''FMCSA–2017–0373'' in the ''Keyword'' box, and click ''Search.'' When the new screen appears, click on ''Comment Now!'' button and type your comment into the text box in the following screen. Choose whether you are submitting your comment as an individual or on behalf of a third party and then submit. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the facility, please enclose a stamped, self-addressed postcard or envelope. FMCSA will consider all comments and material received during the comment period.

II. Legal Basis

FMCSA has authority under 49 U.S.C. 31136(e) and 31315 to grant exemptions from certain parts of the Federal Motor Carrier Safety Regulations (FMCSRs). FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted. The Agency must also provide an opportunity for public comment on the request.

The Agency reviews safety analyses and public comments submitted, and determines whether granting the exemption would likely achieve a level of safety equivalent to, or greater than, the level that would be achieved by the current regulation (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reasons for denying or granting the application and, if granted, the name of the person or class of persons receiving the exemption, and the regulatory provision from which the exemption is granted. The notice must also specify the effective period and explain the terms and conditions of the exemption. The exemption may be renewed (49 CFR 381.300(b)).

III. Request for Exemption

The hours of service (HOS) rules (49 CFR part 395) prescribe the duty-time limits and rest requirements for interstate drivers of commercial motor vehicles (CMVs). The rules also require most drivers of CMVs in interstate commerce to use electronic logging devices (ELDs)—not handwritten logbooks—to document their HOS duty status (49 CFR 395.8(a)(1)(i)).

STC is a motor carrier that uses up to 75 CMVs to transport propane fuel and anhydrous ammonia. It has applied for exemption because purchasing ELDs after two years of reduced revenue places an undue financial burden on the company. It further states that installing ELDs in all its CMVs is burdensome because it does not operate year-round, and because its operations are dependent on the weather. It states that it cannot afford to outfit CMVs with ELDs if they are only going to sit idle.

STC asserts that its drivers will continue to employ paper logs if the exemption is granted, and that this would achieve a level of safety equivalent to the level of safety that would be achieved if an ELD was used for recording the duty status of its drivers. A copy of STC's application for exemption is available for review in the docket for this notice.

Issued on: December 29, 2017.

Larry W. Minor,

Associate Administrator for Policy.

[FR Doc. 2018–00248 Filed 1–9–18; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R4–ES–2017–0082; FXES11130900000C2–178–FF09E42000]

RIN 1018–BB76

Endangered and Threatened Wildlife and Plants; Removal of the Monito Gecko (Sphaerodactylus micropithecus) From the Federal List of Endangered and Threatened Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; availability of draft post-delisting monitoring plan.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to remove the Monito gecko (*Sphaerodactylus micropithecus*) from the Federal List of Endangered and Threatened Wildlife due to recovery. This determination is based on a thorough review of the best available scientific and commercial information, which indicates that this species has recovered, and the threats to this species have been eliminated or reduced to the point that the species no longer meets the definition of an endangered species or a threatened species under the Endangered Species Act of 1973, as amended. We seek information, data, and comments from the public regarding this proposal to delist the Monito gecko, and on the draft post-delisting monitoring plan.

DATES: To allow us adequate time to consider your comments on this proposed rule, we must receive your comments on or before March 12, 2018. We must receive requests for public hearings in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT**, by February 26, 2018.

ADDRESSES: You may submit comments on this proposed rule and draft post-delisting monitoring plan by one of the following methods:

- *Electronically:* Go to the Federal eRulemaking Portal: *http://*

www.regulations.gov. In the Search box, enter the Docket Number for this proposed rule, which is FWS–R4–ES–2017–0082. You may submit a comment by clicking on ''Comment now!'' Please ensure that you have found the correct rulemaking before submitting your comment.

• *By hard copy:* By U.S. mail or hand-delivery: Public Comments Processing, Attn: Docket No. FWS–R4–ES–2017–0082; U.S. Fish and Wildlife Service Headquarters, MS BPHC, 5275 Leesburg Pike, Falls Church, VA 22041–3803.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see Public Comments below for more information).

Document availability: A copy of the draft post-delisting monitoring plan can be viewed at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2017–0082, or at the Caribbean Ecological Services Field Office website at *https://www.fws.gov/caribbean/es*.

FOR FURTHER INFORMATION CONTACT: Edwin Muñiz, Field Supervisor, U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, Road 301, Km. 5.1, Boquerón, Puerto Rico 00622; P.O. Box 491, Boquerón, Puerto Rico 00622; or by telephone (787) 851–7297 or by facsimile (787) 851–7441. If you use a telecommunications device for the deaf (TDD), please call the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of Regulatory Action

The purpose of this proposed action is to remove the Monito gecko from the Federal List of Endangered and Threatened Wildlife in title 50 of the Code of Federal Regulations (50 CFR 17.11(h)) based on its recovery.

Basis for Action

We may delist a species if the best scientific and commercial data indicate the species is neither a threatened species nor an endangered species for one or more of the following reasons: (1) The species is extinct; (2) the species has recovered; or (3) the original data used at the time the species was classified were in error (50 CFR 424.11). Here, we have determined that the species may be delisted based on recovery. A species may be delisted based on recovery only if the best scientific and commercial data indicate that it is no longer threatened or endangered.

• Rat predation, the threat suspected to be the main cause of an apparent population decline for the Monito gecko (factor C), was eliminated by August 1999 when the last rat eradication campaign was completed by the Puerto Rico Department of Natural and Environmental Resources (PRDNER). From August 1999 to May 2016, no rats or other potential exotic predators have been detected on Monito Island.

• The species' apparent small population size (factor E), noted as a threat at the time of listing, may have been an artifact of bias as surveys were conducted under conditions when the species was not easily detectable. The Monito gecko is currently considered abundant and widely distributed on Monito Island.

• The Monito gecko and its habitat have been and will continue to be protected under Commonwealth laws and regulations (factor D). These existing regulatory mechanisms are adequate to protect the Monito gecko now and in the future.

• There is no indication that other potential remaining threats such as natural predation significantly affect the gecko's survival. There are no known potential climate change effects (*i.e.,* sea level rise) (factor E) that negatively affect the Monito gecko.

Public Comments

We intend that any final action resulting from this proposed rule will be as accurate and effective as possible. Therefore, we request data, comments, and new information from other concerned governmental agencies, the scientific community, industry, or other interested parties concerning this proposed rule. The comments that will be most useful and likely to influence our decisions are those that are supported by data or peer-reviewed studies and those that include citations to, and analyses of, applicable laws and regulations. Please make your comments as specific as possible and explain the basis for them. In addition, please include sufficient information with your comments to allow us to authenticate any scientific or commercial data you reference or provide. In particular, we seek comments concerning the following:

(1) Information concerning the biology and ecology of the Monito gecko;

(2) Relevant data concerning any threats (or lack thereof) to the Monito gecko particularly any data on the possible effects of climate change to this reptile as it relates to its habitat type, the extent of State protection and management that would be provided to this reptile as a delisted species, and evidence of illegal disembarking from boats onto the island or other illegal activities on Monito Island that may affect the species;

(3) Current or planned activities within the geographic range of the Monito gecko that may impact or benefit the species; and

(4) The draft post-delisting monitoring plan and the methods and approach detailed in it.

Please note that submissions merely stating support for or opposition to the action under consideration without providing supporting information, although they will be noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that a determination as to whether any species is a threatened or endangered species must be made ''solely on the basis of the best scientific and commercial data available.''

In issuing a final determination on this proposed action, we will take into consideration all comments and any additional information we receive. Such information may lead to a final rule that differs from this proposal. All comments and recommendations, including names and addresses, will become part of the administrative record.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in **ADDRESSES**. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time.

If you submit information via *http://www.regulations.gov,* your entire comment—including any personal identifying information—will be posted on the website. 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. Please note that comments posted to this website are not immediately viewable. When you submit a comment, the system receives it immediately. However, the comment will not be publically viewable until we post it, which might not occur until several days after submission.

Similarly, if you mail or hand-deliver a hardcopy comment that includes personal identifying information, you may request at the top of your document that we withhold this information from public review, but we cannot guarantee that we will be able to do so. To ensure that the electronic docket for this rulemaking is complete and all

comments we receive are publicly available, we will post all hardcopy submissions on *http://www.regulations.gov.*

Comments and materials we receive, as well as supporting documentation used in preparing this proposed rule will be available for public inspection in two ways:

(1) You can view them on *http://www.regulations.gov.* In the Search Documents box, enter FWS–R4–ES–2017–0082, which is the docket number for this rulemaking. Then, in the Search panel on the left side of the screen, select the type of documents you want to view under the Document Type heading.

(2) You can make an appointment, during normal business hours, to view the comments and materials in person at the U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Public Hearing

Section 4(b)(5)(E) of the Act provides for one or more public hearings on this proposal, if requested. We must receive requests for public hearings, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT** by the date shown in the **DATES** section of this document. We will schedule at least one public hearing on this proposal, if any are requested, and announce the dates, times, and locations, as well as how to obtain reasonable accommodations, in the **Federal Register** at least 15 days before any hearing.

Previous Federal Actions

On October 15, 1982, we published a final rule in the **Federal Register** (47 FR 46090) listing the Monito gecko as an endangered species and designating the entire island of Monito as critical habitat. The final rule identified the following threats to the Monito gecko: Extremely small population size coupled with suspected predation by rats. On March 27, 1986, we published the Monito Gecko Recovery Plan (USFWS 1986, 18 pp.). The 5-year review, which was completed on August 8, 2016 (USFWS 2016, 25 pp.), recommended delisting the species due to recovery.

For additional details on previous Federal actions, see discussion under the Recovery section below. Also see *http://www.fws.gov/endangered/species/us-species.html* for the species profile for this reptile.

Species Information

Biology and Life History

The Monito gecko, *Sphaerodactylus micropithecus,* (Schwartz 1977, entire) is a small lizard (approximately 36 millimeters (1.42 inches) snout-vent length) with an overall pale tan body and dark-brown mottling on the dorsal surface. It is closely related to the *Sphaerodactylus macrolepis* complex of the Puerto Rican Bank, but variation in dorsal pattern and scale counts confirm the distinctiveness of the species; probably resulting from a single invasion to Monito Island and its subsequent isolation (Schwartz 1977, p. 990, Dodd and Ortiz 1984, p. 768).

Little is known about the biology of this species, including its diet, reproduction, or potential predators. A study of the diet of other more common *Sphaerodactylus* species in Puerto Rico found a diverse content of small invertebrates, such as mites, springtails, and spiders (Thomas and Gaa Kessler 1996, pp. 347–362). Out of the 18 individuals counted by Dodd and Ortiz (1983, p. 120), they found juveniles and gravid females suggesting that the species is reproducing. Dodd and Ortiz (1983, p. 121) suspected reproduction occurs from at least March through November as suggested by the egg found by Campbell in May 1974, by the gravid females found by Dodd and Ortiz (1982, p. 121) on August 1982, and the fact that Monito gecko eggs take 2 to 3 months to hatch (Rivero 1998, p. 89). During a plot survey on May 2016, two gravid females and several juveniles were found (USFWS 2016, p. 13). Potential natural predators of the Monito gecko may include the other native lizard *Anolis monensis* and/or the skink (*Spondilurus monitae*).

Distribution and Habitat

The Monito gecko is restricted to Monito Island, an isolated island located in the Mona Passage, about 68 km (42.3 mi) west of the island of Puerto Rico, 60 km (37.3 mi) east of Hispaniola and about 5 km (3.1 mi) northwest of Mona Island (USFWS 1986, p. 2). Monito Island is a flat plateau surrounded by vertical cliffs rising about 66 m (217 ft) with no beach, and considered the most inaccessible island within the Puerto Rican archipelago (García et al. 2002, p. 116). With an approximate area of 40 acres (c.a. 16 hectares) (Woodbury et al. 1977, p. 1), Monito Island is part of the Mona Island Reserve, managed for conservation by the PRDNER (no date, p. 2). The remoteness and difficulty of access to Monito Island make studying the Monito gecko difficult (Dodd 1985, p. 2).

The only life zone present on Monito Island is subtropical dry forest (Ewel and Whitmore 1973, p. 10). In this life zone, the Monito gecko has been found in areas characterized by loose rock sheets or small piles of rocks, exposed to the sun, and with little or no vegetation cover. Vegetation may or may not be associated with these areas. On Monito Island, such areas include small groves of *Guapira discolor* (barrehorno), *Pithecellobium unguis-cati* (escambrón colorado), or *Capparis flexuosa* (palo de burro) where some leaf litter is present; areas with loose rocks on the ground; or rock sheets that provide shady refuges, and numerous regions where large pieces of metal (remnant ordnance) lay on the ground (Ortiz 1982, p. 2). Being a small, ground-dwelling lizard, the Monito gecko, like other members of its genus, is usually found under rocks, logs, leaf litter (and trash) (Rivero 1998, p. 89).

Population Size and Trends

When the species' Recovery Plan was completed in 1986, only two island-wide surveys had been completed (Dodd and Ortiz 1983, entire; Hammerson 1984, entire), with the higher count from Dodd and Ortiz (1983, p. 120) reporting a total of 18 geckos during a 2-day survey. During both of these surveys all geckos were found during the day and under rocks. Subsequent surveys of variable length and area covered detected from 0 to 13 geckos during the day as well (PRDNER 1993, pp. 3–4; USFWS 2016, p. 9).

These previous attempts to survey for the Monito gecko are considered underestimates, because the surveys were done during the day when the species is more difficult to detect: It seems to be less active and mostly hiding under rocks, debris, crevices, or other substrates. Although geckos in the *Sphaerodactylinae* group are considered mostly diurnal or crepuscular (Rivero, p. 89; Pianka and Vitt 2003, p. 185), we suspect that the Monito gecko is more active at night and thus easier to detect during night surveys. This nocturnal behavior was confirmed during a May 2014 rapid assessment and a May 2016 systematic survey. During the May 2014 rapid assessment, at least one gecko was seen during each of the three nights of the trip; some encounters were opportunistic and others occurred while actively searching for the species (USFWS 2016, p. 9). In fact, no geckos were seen during daylight hours. Geckos were seen on exposed substrates and not hidden under rocks or litter, although some were seen within leaf litter mixed

with rocks under a *Ficus citrifolia* tree. Geckos were observed escaping into the cracks and solution holes of the limestone rock.

The May 2016 systematic gecko survey involved setting up of 40 random plots on Monito Island (USFWS 2016, p. 10). Each plot was 20 m × 20 m (400 m^2), so that the survey covered a total of 16,000 m^2 or approximately 11 percent of Monito Island. Four two-person teams visited 10 plots each. Each observer surveyed each plot independently. All sites were surveyed at least twice, and all took place during the night. A total of 84 geckos was observed during 96 surveys among the 40 plots, most on exposed rock. Only 8 out of the 84 counted were found under a rock or other substrate; all others were out during the night. Only two geckos were opportunistically found during the day while observers were turning rocks and dry logs.

Gecko occupancy and abundance was estimated using a standard mathematical population model accounting for the abundance and detection bias that allow individuals to go unseen during surveys (Island Conservation (IC) 2016, p. 5). Occupancy of the geckos on Monito Island was determined to be 27.8 percent (11.3–68.6 percent). The estimated number of geckos per plot from the best fit model was 73.3 geckos (Range: 1–101). The abundance model indicates a total of 1,112 geckos present within the surveyed plots (95 percent confidence interval: 362–2,281). Extrapolated across the entire island, Monito Island hosts approximately 7,661 geckos (50 percent confidence interval: 5,344–10,590).

Recovery and Recovery Plan Implementation

Section 4(f) of the Act directs us to develop and implement recovery plans for the conservation and survival of threatened and endangered species unless we determine that such a plan will not promote the conservation of the species. Recovery plans are not regulatory documents and are instead intended to establish goals for long-term conservation of a listed species, define criteria that are designed to indicate when the threats facing a species have been removed or reduced to such an extent that the species may no longer need the protections of the Act, and provide guidance to our Federal, State, and other governmental and nongovernmental partners on methods to minimize threats to listed species. There are many paths to accomplishing recovery of a species, and recovery may be achieved without all recovery criteria being fully met. For example, one or more criteria may have been exceeded while other criteria may not have been accomplished or become obsolete, yet the Service may judge that, overall, the threats have been minimized sufficiently, and the species is robust enough, to reclassify the species from endangered to threatened or perhaps delist the species. In other cases, recovery opportunities may have been recognized that were not known at the time the Recovery Plan was finalized. These opportunities may be used instead of methods identified in the Recovery Plan.

Likewise, information on the species may subsequently become available that was not known at the time the Recovery Plan was finalized. The new information may change the extent that criteria need to be met for recognizing recovery of the species. Recovery of species is a dynamic process requiring adaptive management that may, or may not, fully follow the guidance provided in a Recovery Plan.

The following discussion provides a brief review of recovery planning and implementation for the Monito gecko, as well as an analysis of the recovery criteria and goals as they relate to evaluating the status of the taxon.

The Monito Gecko Recovery Plan (Plan) was approved on March 27, 1986 (USFWS 1986, entire). The objective of the Plan was to conduct a systematic status survey and ecological study of the species, and to reevaluate the species' status and formulate a quantitative recovery level and specific recovery actions (USFWS 1986, p. 7). This Plan is considered outdated and does not contain recovery criteria that could lead to delisting the Monito gecko. However, the Plan does provide recovery objectives that, when accomplished, would aid in developing such criteria. No quantitative recovery level was defined due to the lack of data on historical population levels, population trends, and apparent historical population size. The objectives were accomplished as follows:

Recovery Actions

The Plan identifies five primary recovery actions:

(1) Determine the status of the present population;

(2) Conduct basic ecological studies;

(3) Determine extent, if any, of predation and competition by rats and other native lizards (see Factor C);

(4) Update the Plan; and

(5) Continue protection of the present population.

The following discussion provides specific details for each of these actions.

Recovery Action 1: Determine the Status of the Species

From 1982 to 1993, several Monito gecko surveys were conducted (USFWS 2016, p. 9). However, some of these surveys were either done before the Plan was completed (USFWS 1986) or did not provide enough information to answer the population objectives of the Plan, and current information (see Population Size and Trends above) suggests that surveys underestimated the number of geckos. Data from the 2014 rapid assessment and the 2016 systematic plot survey show that, overall, the Monito gecko is abundant across the whole island and numbers in the thousands, indicating a large healthy population, as specified in the Species Information section above.

Recovery Action 2: Conduct Basic Ecological Studies

Besides the population survey efforts, no basic ecological studies have been conducted for the Monito gecko. The Service believes that conducting ecological studies, as described in the Plan (USFWS 1986, pp. 7–8), is not crucial to further assess the species' listing status. There is no indication that ecological factors such as habitat preferences (species occurs throughout the island) and fluctuations in reproductive biology or activity patterns (both unknown), are critical for the species' listing status. The adjustment of surveys from diurnal to nocturnal was a key ecological (behavior) trait for researchers to consider in order to obtain reliable data and provide optimal population information. We will further discuss any possible needs of ecological evaluations in relation to post-delisting monitoring with our partners, but we will likely not need detailed research on the gecko's ecology based on the status of threats in its native habitat on Monito Island.

Recovery Action 3: Determine the Extent, if Any, of Predation and Competition by Rats and Native Reptiles

At the time of listing, the presence of rats on Monito Island was identified as the main threat to the Monito gecko. This threat was suspected to be the main cause of an apparent population decline for the Monito gecko, since rats are predaceous and are known to feed on both lizards and lizard eggs (Dodd and Ortiz 1983, 120; Case and Bolger 1991, pp. 273–278). However, the net effect, if any, of the potential rat predation on the geckos is debatable. For example, in comments quoted in the final listing rule (47 FR 46091, October 15, 1982), Dr. H. Campbell indicated

that the scarcity of the Monito geckos was an artifact of the intense predation by black rats (*Rattus rattus*), while Dr. A. Schwartz expressed doubts that rats could have any effect on the gecko or its eggs. Dodd and Ortíz (1983, p. 121) also explained that during their surveys, predator pressure on the gecko could not be proven and that more studies were needed to determine if rats or other predators do affect the Monito gecko. The potential effect of rats on two other relatively common small geckos (*Sphaerodactylus monensis* and *Sphaerodactylus levinsi*) on nearby Mona and Desecheo Islands (respectively) is also unknown. Nevertheless, there is ample evidence that the Monito gecko would fare better without rats (Case and Bolger 1991, entire; Towns et al. 2006, entire; Jones et al. 2016, entire; Thibault et al. 2017, entire).

In October 1992, the PRDNER began a black rat eradication and survey project on Monito Island to benefit native and endemic species on that Island (García et al. 2002, p. 116). The eradication campaign continued in March 1993 with poisoning (rodenticide) and snap traps to assess changes in the rat population. A second eradication campaign started in October 1998, with three eradication events at 4-month intervals, and again using, in addition to snap traps, chew blocks (*i.e.,* soft wood pieces soaked in canola oil) as a monitoring tool.

García et al. (2002, pp. 117–118) evaluated the status of the rat population seven times during the first campaign and five times during the second campaign. Since the completion of the second eradication campaign (August 1999), no rats have been detected on Monito Island. García et al. (2002, p. 118) concluded that in order to be certain that eradication had been achieved, it was essential to continue an appropriate rat monitoring program on the island, and recommended using chew blocks. However, no systematic rat monitoring has been implemented on the island since September 1999. Nonetheless, during a seabird blood sampling trip in August 2000, Anderson and Steeves (2000, p. 1) reported not seeing any rats on Monito Island, as did subsequent PRDNER bird survey trips in 2003.

On May 2014, the Service organized an expedition to Monito Island with the PRDNER in order to confirm the eradication of black rats from the island, and to evaluate the status of and threats to the Monito gecko. The Service and the PRDNER placed 27 snap traps and 70 chew blocks distributed along transects covering 870 meters in length (USFWS 2016, p. 7). In addition, some food items (*i.e.,* watermelon, left-over canned food) were intentionally left exposed and available for rats. No signs of rats were detected on these available sources during this 4-day/3-night trip. During surveys conducted in May 2016, the Service and the PRDNER also placed 80 chew blocks, two within each gecko sampling plot (USFWS 2016, p. 10). No rats were seen or detected with the chew blocks during this 5-day/4-night trip. This is a marked contrast from when the species was listed in 1982, when rats were observed island-wide at all times during a 2-day expedition (47 FR 46090, October 15, 1982).

In short, although it cannot be ascertained when the last rat died, the Service believes Monito Island has been rat free since August–September 1999. Thus, the main threat to the species has not been present for at least the past 18 years.

Other lizards (*i.e., Anolis monensis* and *Spondilurus monitae,* formerly *Mabuya mabouya sloani*) that naturally occur on the Island may also prey on the Monito gecko. These other species are considered diurnal (active during the day), while the Monito gecko is considered nocturnal (active during the night). Determining the extent of these potential predator-prey interactions would be challenging. However, this should no longer be necessary, as the species has persisted despite potential predatory threats.

Recovery Action 4: Update Recovery Plan

Because of the information on threats and recovery progress that is provided in the Monito gecko 5-year review (USFWS 2016) and this proposed rule, we believe the Monito gecko no longer meets the definition of an endangered or threatened species. Therefore, a formal update of the 1986 Plan is not needed.

Recovery Action 5: Continue Protection of the Present Population

Monito Island has been protected by the PRDNER as a nature reserve since 1986 (PRDNER, no date, p. 2). There are no permanent residents on Monito Island and access is allowed only under special permits issued by the PRDNER, which also maintains a ranger detachment and biologist on nearby Mona Island. Monito Island is also visited by illegal immigrants. The frequency of these events varies from year to year, and illegal immigrants are evacuated fairly quickly by the U.S. Coast Guard. Furthermore, the impacts of these visitations seem to be minimal (see discussion below).

Summary of Factors Affecting the Species

Section 4 of the Act and its implementing regulations (50 CFR part 424) set forth the procedures for listing, reclassifying, or removing species from the Federal List of Endangered and Threatened Species. ''Species'' is defined by the Act as including any species or subspecies of fish or wildlife or plants, and any distinct vertebrate population segment of fish or wildlife that interbreeds when mature (16 U.S.C. 1532(16)). Once the species is determined, we then evaluate whether that species may be an endangered species or a threatened species because of any of one or a combination of the five factors described in section 4(a)(1) of the Act:

(A) The present or threatened destruction, modification, or curtailment of its habitat or range;

(B) Overutilization for commercial, recreational, scientific, or educational purposes;

(C) Disease or predation;

(D) The inadequacy of existing regulatory mechanisms; or

(E) Other natural or manmade factors affecting its continued existence.

We must consider these same five factors in reclassifying or delisting a species. In other words, for species that are already listed as endangered or threatened, the analysis for a delisting due to recovery must include an evaluation of the threats that existed at the time of listing, the threats currently facing the species, and the threats that are reasonably likely to affect the species in the foreseeable future following the delisting or downlisting and the removal of the Act's protections.

The following discussion examines the factors that were believed to affect the Monito gecko at the time of its listing, are currently affecting it, or are likely to affect the Monito gecko within the foreseeable future.

Factor A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

At the time of listing (47 FR 46090, October 15, 1982), the destruction, modification, or curtailment of its habitat (Factor A from the Act) was not considered a threat to the Monito gecko. In 1940, the U.S. Government acquired Monito Island, and the entire island was used by the Air Corps/U.S. Air Force as a high-level radar bombing and gunnery range (Parsons Corp. 2010, pp. 2–5). In 1961, Monito Island was declared surplus and was returned to the Commonwealth of Puerto Rico in September 1965 (Parsons Corp. 2010,

pp. 2–5). Monito Island is managed by the PRDNER for conservation as part of the Mona Island Reserve (PRDNER, no date, p. 2). The final listing rule indicated that there were no plans to continue to use Monito Island for bombing practices at the time, and any major alteration of the island could be detrimental to the continued survival of the Monito gecko. In fact, the large amount of scattered debris on Monito Island suggests significant historical habitat modification from bombing activities (USFWS 1986, p. 5).

A Monito Island site inspection was conducted in August 2009 (Parsons Corp. 2010, entire). A qualitative reconnaissance and munitions constituents sampling was performed to confirm the range location and to evaluate the potential presence of munitions and explosives of concern (Parsons Corp. 2010, p. ES–1). Although unexploded ordnance (UXO) and munitions debris was found on Monito Island, immediate munitions removal actions were not warranted.

The potential for future UXO detonation activities may have an effect on the Monito gecko and its critical habitat. Since Monito Island is a natural reserve, all activities must be coordinated with the PRDNER. The Service has been conducting informal consultations with the U.S. Army Corps of Engineers in order to develop species-specific standard operating procedures (SOPs) for the Monito gecko and other federally listed species that occur on Monito Island. These site-specific SOPs would be considered the appropriate conservation measures required to avoid and minimize potential adverse effects on the species or its critical habitat. Based on the current consultation, the magnitude of threat of these future U.S. Army Corps of Engineers actions on the Monito gecko is considered minimal and non-imminent.

Monito Island receives illegal immigrants usually from the western islands of Cuba and Hispaniola while trying to enter U.S. territory. The PRDNER has stated that illegal immigrants sometimes light fires on Monito Island in order to be detected and rescued. This information was documented during the May 2016 trip, where two recent fire pits were found, along with a small pile of firewood cuttings, on the south-southeast side of the island on exposed rock with no vegetation in the immediate vicinity. The presence of fire pits on Monito Island had not been documented in the past. At least for the two fire pits found in May 2016, their placement and construction demonstrates these were controlled fires and their intention was not of criminal nature. Although there is no information available on the frequency and damage these fires may be causing, based on what was documented in May 2016, the potential effects of such fires may also be considered minimal. To date, there is no indication that any potential fires have spread throughout the Island.

Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

The final listing rule (47 FR 46091, October 15, 1982) mentioned that because of the rarity of the Monito gecko, removal of specimens could be detrimental. At present, we are not aware of any individuals taken after listing for commercial, recreational, scientific, or educational purposes (Factor B from the Act). The remoteness and difficult access of Monito Island limits any collecting efforts. In addition, access is only allowed under special permits issued by the PRDNER, mostly for research, security, or management purposes. Furthermore, the Monito gecko's apparent rarity may have been an artifact of sampling bias, because surveys from 1982 to 1993 were done during daylight hours when the species is mostly hiding and the species has a low detection probability (see Species Information section).

Factor C. Disease or Predation

The final listing rule (47 FR 46091, October 15, 1982) indicates that the presence of large numbers of introduced black rats was thought to be the major factor in the precarious state of the Monito gecko because, although predation by black rats on this species has not been confirmed, rats are predaceous and are known to feed on both lizards and lizard eggs (Dodd and Ortiz 1983, p. 120; Case and Bolger 1991, pp. 273–278) (Factor C from the Act). Thus, predation by rats was considered a possible cause of population decline for the Monito gecko (USFWS 1986, p. 5). As previously explained under the Recovery Action 3 section of this proposed rule, Monito Island has been rat free since August–September 1999. Thus, the main threat to the species has not been present for at least the past 18 years.

Although Monito Island is currently rat free, there is still the possibility that rats could reach the island again. Rats may be transferred from Mona Island by floating debris or more likely by human means. In addition to illegal immigrants, as discussed above, there is limited evidence of public use of Monito Island for recreational or unknown purposes. Although it is logistically difficult to disembark on the island and prohibited because of unexploded ordinances from the previous military activities, these disembarking events could increase the chance of invasion and establishment of rats or other exotics species. However, this possibility is considered very low. The rat eradication campaign was completed in 1999, and 18 years later, no rats have been found.

Ortiz (1982, p. 7) included the endemic Monito skink *Spondilurus monitae* (formerly *Mabuya mabouya sloani*) as a potential predator of the Monito gecko (Factor C from the Act). Other species of *Mabuya* feed primarily on small invertebrates, but the diversity of prey types in stomach contents, including small vertebrates, indicates that some skink species (such as *M. bistriata*) most likely feed on any moving animal of the appropriate size (Vitt and Blackburn 1991, p. 920). Rivero (1998, p. 106) states that *M. mabouya* live in places where *Sphaerodactylus* abound, and it is probable that geckos constitute an important food item for this skink. In fact, during the 2016 trip, biologists observed one adult skink active at night within the same exposed rock habitat used by the Monito gecko (*i.e.,* exposed karst rock with lots of crevices and holes). It is also highly probable that another native lizard, *Anolis monensis,* will prey on the Monito gecko as well, except that *Anolis* are considered diurnal. The Monito gecko's trait of tail autotomy (tail loss) is certainly an effective predator defense mechanism (Pianka and Vitt 2003, p. 76). During our May 2014 site visit, 2 out of the 8 geckos captured for measurements were missing the tips of their tails, and during May 2016, only 5 geckos out of the 84 seen had missing tail parts. Although difficult to determine, this suggests natural predation pressure from the two other native lizard species mentioned above is low.

Factor D. The Inadequacy of Existing Regulatory Mechanisms

When the Monito gecko was listed (1982), the species did not have any other statutory or regulatory protections. Currently, in addition to the Act, territorial laws and regulations protect the Monito gecko (Factor D from the Act). In 1999, the Commonwealth of Puerto Rico enacted Law No. 241–1999, known as the New Wildlife Law of Puerto Rico (*Nueva Ley de Vida Silvestre de Puerto Rico*). The purpose of this law is to protect, conserve, and enhance both native and migratory wildlife species; declare property of Puerto Rico all wildlife species within its jurisdiction; provide provisions to

issue permits; regulate hunting activities; and regulate exotic species, among other actions. In 2004, the PRDNER approved Regulation 6766—to regulate the management of threatened and endangered species in Puerto Rico (*Reglamento 6766—Reglamento para Regir el Manejo de las Especies Vulnerables y en Peligro de Extinción en el Estado Libre Asociado de Puerto Rico*), including the Monito gecko, which was listed as endangered. Article 2.06 of this regulation prohibits collecting, cutting, removing, among other activities, listed animals within the jurisdiction of Puerto Rico. There is no evidence that either the law or the regulation is not being adequately implemented.

Additionally, the PRDNER has managed Monito Island as a natural reserve since 1986, protecting its wildlife and vegetation. Monito Island is managed for conservation because it harbors one of the largest seabird nesting colonies in the Caribbean, in addition to other endemic and federally listed species like the Higo chumbo cactus (*Harrisia portoricensis*) and the yellow-shouldered blackbird (*Agelaius xanthomus*). There are no human permanent residents on the island, and public access is prohibited. The best available information indicates that Monito Island will remain permanently protected as a nature reserve and managed for conservation.

Factor E. Other Natural or Manmade Factors Affecting Its Continued Existence

In listing the Monito gecko, we considered as a factor the species' extremely small population size (47 FR 46090, October 15, 1982) (Factor E from the Act). As previously explained in the Species Information and Recovery sections of this proposed rule, the Monito gecko is a small and cryptic species and difficult to detect, especially during the day. However, all of the historical surveys documented (USFWS 2016, p. 9) were done during daylight hours, when the species is apparently less active, safely hiding from diurnal native reptile predators, and/or exhibiting behavioral adaptations to avoid the hot temperatures within its xeric dry forest environment. As discussed above (see Population Size and Trends), these and other biases cause us to question the validity of these historical surveys. In contrast, as also discussed above (see Population Size and Trends), the best available population estimate for the species, completed during the May 2016 systematic plot survey, shows that the Monito gecko is widely distributed throughout Monito Island and gecko abundance appears to number in the thousands, indicating a large well-represented population (IC 2016, pp. 5–6). Our post-delisting monitoring will demonstrate the continued recovery of this species. In general, lizard populations remain fairly stable and are influenced by predation and amount of resources available, and predation and competition usually result in populations existing below their carrying capacity (Pianka and Vitt 2003, p. 64). Based on the May 2014 and 2016 observations and results, there is no indication that limited resources are acting on the population to warrant listing under the Act.

Potential sea level rise (Factor A from the Act) as a result of climate change is not a threat to this species or its habitat, because the Monito gecko is found only on Monito Island, which is 66 m (217 ft) above sea level and has no beach areas. The current rate of sea level rise in the Caribbean is 10 cm (3.9 inches) per century, with more specific sea level rise estimates for Puerto Rico ranging from 0.07 to 0.57 meters (m) (0.20 to 1.87 feet) above current sea level by the year 2060 and between 0.14 to 1.70 m (0.40 to 5.59 feet) by the year 2110 (Puerto Rico Climate Change Council 2013, p. 64). Hurricanes, such as the recent Hurricanes Irma and Maria are not considered a threat to the Monito gecko in part because the island is 66 m above sea level (Factor E from the Act). The vegetation on the island is short and therefore hurricane impacts are expected to be minimal. Additionally, the Monito gecko is under rocks most of the time. We have no information indicating rising temperatures will impact the gecko directly or indirectly.

Proposed Determination of Species Status

Under section 4(a)(1) of the Act, we determine whether a species is an endangered species or threatened species because of any one or a combination of the following: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or (E) Other natural or manmade factors affecting its continued existence.

The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range'' and a threatened species as any species ''which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.'' On July 1, 2014, we published a final policy interpreting the phrase ''significant portion of its range'' (SPR) (79 FR 37578). In our policy, we interpret the phrase ''significant portion of its range'' in the Act's definitions of ''endangered species'' and ''threatened species'' to provide an independent basis for listing a species in its entirety; thus there are two situations (or factual bases) under which a species would qualify for listing: A species may be in danger of extinction or likely to become so in the foreseeable future throughout all of its range; or a species may be in danger of extinction or likely to become so throughout a significant portion of its range. If a species is in danger of extinction throughout an SPR, it, the species, is an ''endangered species.'' The same analysis applies to ''threatened species.''

The SPR policy is applied to all status determinations, including analyses for the purposes of making listing, delisting, and reclassification determinations. The procedure for analyzing whether any portion is an SPR is similar, regardless of the type of status determination we are making. The first step in our assessment of the status of a species is to determine its status throughout all of its range. Depending on the status throughout all of its range, we will subsequently examine whether it is necessary to determine its status throughout a significant portion of its range. If we determine that the species is in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range, we list the species as an endangered (or threatened) species and no SPR analysis will be required. The same factors apply whether we are analyzing the species' status throughout all of its range or throughout a significant portion of its range.

Monito Gecko—Determination of Status Throughout All of Its Range

As required by section 4(a)(1) of the Act, we conducted a review of the status of this species and assessed the five factors to evaluate whether it is in danger of extinction currently or likely to become so in the foreseeable future throughout all of its range. We conducted a review of the status of Monito gecko and assessed the five factors to evaluate whether Monito gecko is in danger of extinction, or likely to become so in the foreseeable future, throughout all of its range. In considering delisting the Monito gecko, we evaluated the range of this reptile to determine if any areas could be

considered a significant portion of its range. The Monito gecko is endemic to Monito Island, a small island (approx. 40 acres; 16.2 hectares) off the west coast of Puerto Rico, and it has not been introduced elsewhere. There are no landscape barriers within Monito Island that might be of biological or conservation importance. The most recent survey found that the species occurs across most of the Island. Hence, the basic ecological components required for the species to complete its life cycle are considered present throughout Monito Island. We found that, Monito gecko populations are persistent with an estimate of approximately 7,661 geckos (50 percent confidence interval: 5,344–10,590). During our analysis, we found that impacts believed to be threats at the time of listing (primarily predation by rats, factor C) are either not as significant as originally anticipated or have been eliminated or reduced since listing, and we do not expect any of these conditions to substantially change post-delisting and into the foreseeable future, nor do we expect climate change to affect this species. We conclude that the previously recognized impacts to the Monito gecko no longer are a threat to the species, such that the species is no longer in danger of extinction throughout all of its range now or in the foreseeable future. In order to make this conclusion, we analyzed the five threat factors used in making Endangered Species Act listing (and delisting) decisions. This analysis indicates that the Monito gecko is not in danger of extinction throughout all of its range, nor is it likely to become so in the foreseeable future.

Monito Gecko—Determination of Status Throughout a Significant Portion of Its Range

Consistent with our interpretation that there are two independent bases for listing species as described above, after examining the species' status throughout all of its range, we now examine whether it is necessary to determine its status throughout a significant portion of its range. Per our final SPR policy, we must give operational effect to both the ''throughout all of its range'' language and the SPR phrase in the definitions of ''endangered species'' and ''threatened species.'' Because we determined that Monito gecko is not in danger of extinction or likely to become so in the foreseeable future throughout all of its range, we will consider whether there are any significant portions of its range in which the species is in danger of extinction or likely to become so.

We evaluated the range of the Monito gecko to determine if any area may be significant. The Monito gecko is endemic to Monito Island where they are under formal protection and management in the State owned nature reserve and the only life zone present on Monito Island is subtropical dry forest (Ewel and Whitmore 1973, p. 10). In this life zone, the Monito gecko has been found in areas characterized by loose rock sheets or small piles of rocks, exposed to the sun, and with little or no vegetation cover. These areas include small groves where some leaf litter is present; areas with loose rocks on the ground; or rock sheets that provide shady refuges, and numerous regions where large pieces of metal (remnant ordnance) lay on the ground. Because its range is limited to Monito Island and the only life zone present on Monito Island is subtropical dry forest, we find that the species is comprised of a single, contiguous population and there are no logical biological divisions delineating portions of the range. For this reason, we did not identify any portions that may be significant because of natural or biological divisions indicating biological or conservation importance.

We also examined whether any threats are geographically concentrated in some way that would indicate the species may be in danger of extinction, or likely to become so, in a particular area. We conclude that none of them are concentrated in any particular area of the species' range; all factors act uniformly throughout its range. The factors affecting the Monito gecko occur at similarly low levels throughout its range and would affect all individuals of the population. Because the species acts as a single population, no portion is likely to have a different status or be differently affected by threats than any other portion or than that of the species throughout all of its range. Therefore, no threats or their effects are sufficiently concentrated to indicate the species may be in danger of extinction, or likely to become so in any area of the species' range. We did not identify any portions where the species may be in danger of extinction or likely to become so in the foreseeable future. Therefore, no portions warrant a detailed SPR analysis because there cannot be any portion, including a significant portion, of the species' range where the species is in danger of extinction or likely to become so in the foreseeable future. For these reasons, we conclude that the species is not in danger of extinction, or likely to become so, throughout a significant portion of its range.

Conclusion and Determination

The Monito gecko has demonstrated the ability to adapt to changing environmental conditions over time from both anthropogenic and natural disturbances. And although there is no genetic information available for the Monito gecko, there are no indications of a decreased fitness or that a lack of representation is causing species mortality or limiting the species' ability to adapt. Although the Monito gecko population is considered to have low redundancy (*i.e.,* one population endemic to Monito Island), no immediate risk of extirpation was identified and no other populations outside of Monito Island are needed for its recovery. In addition, the fact that the species was found throughout the Island and gecko abundance is in the thousands, indicates a large well-represented population with demonstrated abilities to recover and adapt from disturbances.

Because the Monito gecko population is considered self-sustaining, contains a relatively large number of individuals, and has demonstrated high resilience and viability, we expect this population to persist into the future. The species is considered abundant within its habitat, which consists of adequate area and quality to maintain survival and reproduction in spite of disturbances. Thus, the Monito gecko appears to have highly resilient population attributes (*e.g.,* habitat generalist, potential high adult survival rate) that allow at least some degree of disturbance within a harsh xeric environment.

We have carefully assessed the best scientific and commercial information available regarding the threats faced by the Monito gecko in developing this proposed rule. The Service finds that the present or threatened destruction, modification, or curtailment of its habitat (factor A) is not a threat to the continued existence of the Monito gecko, and we do not expect it to be a threat in the future. We also conclude that overutilization (factor B) and disease (factor C) are not a threat to the Monito gecko. Natural predation by other native lizards may occur, but this activity is considered a low-magnitude threat because the Monito gecko has persisted despite potential predation and there is no indication that the magnitude of an undetermined natural predation pressure significantly affects the gecko's survival. No rats have been detected on Monito Island since August 1999. Therefore, we conclude that predation (factor C) is not a threat to the Monito gecko.

The species' apparent small population size (factor E), noted at the time of listing, may have been an artifact of bias as surveys were conducted under conditions when the species was not easily detectable. There are no known potential climate change effects (*i.e.,* sea level rise or changes in air temperature) (factor A) that negatively affect the Monito gecko. No other natural or manmade factors are considered threats (factor E). The Monito gecko and its habitat have been and will continue to be protected under Commonwealth laws and regulations (factor D), and these existing regulatory mechanisms are adequate to protect the Monito gecko now and in the future. The information indicates that this species is no longer at immediate risk of extinction, nor is it likely to experience reemergence of threats and associated population declines in the future. Based on the analysis above and after considering the best available scientific and commercial information, we conclude that the Monito gecko does not currently meet the Act's definition of an endangered or threatened species throughout its range.

Effects of This Proposed Rule

If this proposed rule is finalized, it would revise 50 CFR 17.11(h) to remove the Monito gecko from the Federal List of Endangered and Threatened Wildlife. If this proposed rule is finalized, the prohibitions and conservation measures provided by the Act would no longer apply to the Monito gecko. Federal agencies would no longer be required to consult with us under section 7 of the Act to ensure that any action authorized, funded, or carried out by them is not likely to jeopardize the gecko's continued existence. The prohibitions under section 9(a)(1) of the Act would no longer make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce, or take, possess, sell, deliver, carry, transport, or ship Monito geckos. Finally, this rule would also remove the Federal regulations related to the Monito gecko listing: The critical habitat designation at 50 CFR 17.95(c).

Post-Delisting Monitoring

Section 4(g)(1) of the Act requires us to implement a system in cooperation with the States to monitor effectively for not less than 5 years the status of all species that are delisted due to recovery. Post-delisting monitoring (PDM) refers to activities undertaken to verify that a species delisted due to recovery remains secure from the risk of extinction after the protections of the Act no longer apply. The primary goal of PDM is to ensure that the species' status does not deteriorate, and if a decline is detected, to take measures to halt the decline so that proposing it as threatened or endangered is not again needed. If at any time during the PDM period, data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing. At the conclusion of the PDM period, we will review all available information to determine if re-listing, the continuation of monitoring, or the termination of monitoring is appropriate.

Section 4(g) of the Act explicitly requires cooperation with the States (which includes Territories such as Puerto Rico) in development and implementation of PDM programs. However, we remain responsible for compliance with section 4(g) and, therefore, must remain actively engaged in all phases of PDM. We also seek active participation of other entities that are expected to assume responsibilities for the species' conservation after delisting. In April 2017, the PRDNER and the Service agreed to be cooperators in the PDM for the Monito gecko.

We have prepared a Draft PDM Plan for the Monito gecko (USFWS 2017). The plan is designed to detect significant declines in the Monito gecko with reasonable certainty and precision, and detect possible new or reoccurring threats (*i.e.,* presence of rats). The plan:

(1) Summarizes the species' status at the time of delisting;

(2) Defines thresholds or triggers for potential monitoring outcomes and conclusions;

(3) Lays out frequency and duration of monitoring;

(4) Articulates monitoring methods including sampling considerations;

(5) Outlines data compilation and reporting procedures and responsibilities; and

(6) Proposes a PDM implementation schedule including timing and responsible parties.

Concurrent with this proposed delisting rule, we announce the draft PDM plan's availability for public review. The plan can be viewed in its entirety at *http://www.fws.gov/caribbean/es* or at *http://www.regulations.gov* under Docket No. FWS–R4–ES–2017–0082. Copies can also be obtained from the U.S. Fish and Wildlife Service, Caribbean Ecological Services Field Office, Boquerón, Puerto Rico (see **FOR FURTHER INFORMATION CONTACT**). We seek information, data, and comments from the public regarding the Monito gecko and the PDM strategy. We are also seeking peer review of this draft PDM plan concurrently with this comment period. We anticipate finalizing this plan, considering all public and peer review comments, prior to making a final determination on the proposed delisting rule.

Peer Review

In accordance with our policy published in the **Federal Register** on July 1, 1994 (59 FR 34270), and the Office of Management and Budget's Final Information Quality Bulletin for Peer Review, dated December 16, 2004, we will solicit the expert opinions of at least five appropriate and independent specialists regarding the science in this proposed rule and the draft PDM plan. The purpose of such review is to ensure that we base our decisions on scientifically sound data, assumptions, and analyses. We will send peer reviewers copies of this proposed rule and the draft PDM plan immediately following publication of the proposed rule in the **Federal Register**. We will invite peer reviewers to comment, during the public comment period, on the specific assumptions and conclusions regarding the proposed delisting rule and draft PDM plan. We will summarize the opinions of these reviewers in the final decision documents, and we will consider their input and any additional information we receive as part of our process of making a final decision on this proposal and the draft PDM plan. Such communication may lead to a final decision that differs from this proposal.

Clarity of This Proposed Rule

We are required by Executive Orders 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

(a) Be logically organized;

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

(c) Use clear language rather than jargon;

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

(e) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rule, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

Required Determinations

National Environmental Policy Act

We have determined that we do not need to prepare an Environmental Assessment or Environmental Impact Statement, as defined in the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. We have determined that no tribal lands are affected by this proposal.

References Cited

A complete list of references cited is available on *http://www.regulations.gov* under Docket Number FWS–R4–ES–2017–0082.

Author

The primary author of this document is Jan P. Zegarra, Caribbean Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245; unless otherwise noted.

§ 17.11 [Amended]

■ 2. Amend § 17.11(h) by removing the entry ''Gecko, Monito'' under '' *Reptiles*'' from the List of Endangered and Threatened Wildlife.

§ 17.95 [Amended]

■ 3. Amend § 17.95(c) by removing the entry for the ''Monito gecko (*Sphaerodactylus micropithecus*)''.

Dated: December 1, 2017.

James W. Kurth,

Deputy Director, U.S. Fish and Wildlife Service, Exercising the Authority of the Director, U.S. Fish and Wildlife Service.

[FR Doc. 2018–00207 Filed 1–9–18; 8:45 am]

BILLING CODE 433–15–P

Notices

Federal Register
Vol. 83, No. 7
Wednesday, January 10, 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

Food Safety and Inspection Service

[Docket Number FSIS–2017–0054]

2018 Rate Changes for the Basetime, Overtime, Holiday, and Laboratory Services Rates

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice.

SUMMARY: The Food Safety and Inspection Service (FSIS) is announcing the 2018 rates it will charge meat and poultry establishments, egg products plants, and importers and exporters for providing voluntary, overtime, and holiday inspection and identification, certification, and laboratory services. The 2018 basetime, overtime, holiday, and laboratory services rates will be applied on the first FSIS pay period approximately 30 days after the publication of this notice, which begins on January 21, 2018.

DATES: FSIS will charge the rates announced in this notice beginning January 21, 2018.

FOR FURTHER INFORMATION CONTACT: For further information contact Michael Toner, Director, Budget Division, Office of Management, FSIS, U.S. Department of Agriculture, Room 2159, South Building, 1400 Independence Avenue SW, Washington, DC 20250–3700; Telephone: (202) 690–8398, Fax: (202) 690–4155.

SUPPLEMENTARY INFORMATION:

Background

On April 12, 2011, FSIS published a final rule amending its regulations to establish formulas for calculating the rates it charges meat and poultry establishments, egg products plants, and importers and exporters for providing voluntary, overtime, and holiday inspection and identification, certification, and laboratory services (76 FR 20220).

In the final rule, FSIS stated that it would use the formulas to calculate the annual rates, publish the rates in **Federal Register** notices prior to the start of each calendar year, and apply the rates on the first FSIS pay period at the beginning of the calendar year. This notice provides the 2018 rates, which will be applied starting on January 21, 2018.

2018 Rates and Calculations

The following table lists the 2018 Rates per hour, per employee, by type of service:

Service	2018 Rate (estimates rounded to reflect billable quarters)
Basetime	$57.52
Overtime	72.24
Holiday	86.88
Laboratory	73.20

The regulations state that FSIS will calculate the rates using formulas that include the Office of Field Operations (OFO) and Office of International Affairs (OIA) inspection program personnel's previous fiscal year's regular direct pay and regular hours (9 CFR 391.2, 391.3, 391.4, 590.126, 590.128, 592.510, 592.520, and 592.530). In 2013, an Agency reorganization eliminated the OIA program office and transferred all of its inspection program personnel to OFO. Therefore, inspection program personnel's pay and hours are identified in the calculations as ''OFO inspection program personnel's'' pay and hours.

FSIS determined the 2018 rates using the following calculations:

Basetime Rate = The quotient of dividing the Office of Field Operations (OFO) inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus the quotient multiplied by the calendar year's percentage of cost of living increase, plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2018 basetime rate per hour per program employee is:

[FY 2017 OFO Regular Direct Pay divided by the previous fiscal year's Regular Hours ($482,251,621/16,745,333)] = $28.80 + ($28.80 * 1.9% (calendar year 2018 Cost of Living Increase)) = $29.35 + $10.07 (benefits rate) + $1.51 (travel and operating rate) + $16.61 (overhead rate) + $0.00 (bad debt allowance rate) = $57.54 (rounded to $57.52).[1]

Overtime Rate = The quotient of dividing the Office of Field Operations (OFO) inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus that quotient multiplied by the calendar year's percentage of cost of living increase, multiplied by 1.5 (for overtime), plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2018 overtime rate per hour per program employee is:

[FY 2017 OFO Regular Direct Pay divided by previous fiscal year's Regular Hours ($482,251,621/16,745,333)] = $28.80 + ($28.80 * 1.9% (calendar year 2018 Cost of Living Increase)) = $29.35 * 1.5 = $44.03 + $10.07 (benefits rate) + $1.51 (travel and operating rate) + $16.61 (overhead rate) + $0.00 (bad debt allowance rate) = $72.22 (rounded to $72.24).[2]

Holiday Rate = The quotient of dividing the OFO inspection program personnel's previous fiscal year's regular direct pay by the previous fiscal year's regular hours, plus that quotient multiplied by the calendar year's percentage of cost of living increase, multiplied by 2 (for holiday pay), plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2018 holiday rate per hour per program employee calculation is:

[FY 2017 OFO Regular Direct Pay divided by Regular Hours ($482,251,621/16,745,333)] = $28.80 + ($28.80 * 1.9% (calendar year 2018 Cost of Living Increase)) = $29.35 * 2.0 = $58.70 + $10.07 (benefits rate) + $1.51 (travel and operating rate) + $16.61 (overhead

[1] FSIS can bill basetime, overtime and holiday rates on the quarter hour. Accordingly, the 2018 overtime and holiday rates were rounded down so that rates can be equally divided by four—to two decimal places.

[2] Ibid.

rate) + $0.00 (bad debt allowance rate) = $86.90 (rounded to $86.88).[3]

Laboratory Services Rate = The quotient of dividing the Office of Public Health Science (OPHS) previous fiscal year's regular direct pay by the OPHS previous fiscal year's regular hours, plus the quotient multiplied by the calendar year's percentage cost of living increase, plus the benefits rate, plus the travel and operating rate, plus the overhead rate, plus the allowance for bad debt rate.

The calculation for the 2018 laboratory services rate per hour per program employee is:

[FY 2017 OPHS Regular Direct Pay/OPHS Regular hours ($24,212,593/548,265)] = $44.16 + ($44.16 * 1.9% (calendar year 2018 Cost of Living Increase)) = $45.00 + $10.07 (benefits rate) + $1.51 (travel and operating rate) + $16.61 (overhead rate) + $0.00 (bad debt allowance rate) = $73.19 (rounded to $73.20).[4]

Calculations for the Benefits, Travel and Operating, Overhead, and Allowance for Bad Debt Rates

These rates are components of the basetime, overtime, holiday, and laboratory services rates formulas.

Benefits Rate: The quotient of dividing the previous fiscal year's direct benefits costs by the previous fiscal year's total hours (regular, overtime, and holiday), plus that quotient multiplied by the calendar year's percentage cost of living increase. Some examples of direct benefits are health insurance, retirement, life insurance, and Thrift Savings Plan basic and matching contributions.

The calculation for the 2018 benefits rate per hour per program employee is:

[FY 2017 Direct Benefits/(Total Regular hours + Total Overtime hours + Total Holiday hours) ($196,498,002/19,876,608)] = $9.89 + ($9.89 * 1.9% (calendar year 2018 Cost of Living Increase) = $10.07.

Travel and Operating Rate: The quotient of dividing the previous fiscal year's total direct travel and operating costs by the previous fiscal year's total hours (regular, overtime, and holiday), plus that quotient multiplied by the calendar year's percentage of inflation.

The calculation for the 2018 travel and operating rate per hour per program employee is:

[FY 2017 Total Direct Travel and Operating Costs/(Total Regular hours + Total Overtime hours + Total Holiday hours) ($29,685,824/19,876,608)] = $1.49 + ($1.49 * 1.0% (2018 Inflation) = $1.51.

Overhead Rate: The quotient of dividing the previous fiscal year's indirect costs plus the previous fiscal year's information technology (IT) costs in the Public Health Data Communication Infrastructure System Fund plus the previous fiscal year's Office of Management Program cost in the Reimbursable and Voluntary Funds plus the provision for the operating balance less any Greenbook costs (*i.e.,* costs of USDA support services prorated to the service component for which fees are charged) that are not related to food inspection by the previous fiscal year's total hours (regular, overtime, and holiday) worked across all funds, plus the quotient multiplied by the calendar year's percentage of inflation.

The calculation for the 2018 overhead rate per hour per program employee is:

[FY 2017 Total Overhead/(Total Regular hours + Total Overtime hours + Total Holiday hours) or ($326,888,606/19,876,608)] = $16.45 + ($16.45 * 1.0% (2018 Inflation) = $16.45.

Allowance for Bad Debt Rate = Previous fiscal year's total allowance for bad debt (for example, debt owed that is not paid in full by plants and establishments that declare bankruptcy) divided by previous fiscal year's total hours (regular, overtime, and holiday) worked.

The 2018 calculation for bad debt rate per hour per program employee is:

[FY 2017 Total Bad Debt/(Total Regular hours + Total Overtime hours + Total Holiday hours) = ($49,980/19,876,608)] = $0.00.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, FSIS will announce this **Federal Register** publication online through the FSIS web page located at: *http://www.fsis.usda.gov/federal-register.*

FSIS also will make copies of this publication available through the FSIS Constituent Update, which is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, and other types of information that could affect or would be of interest to our constituents and stakeholders. The Update is available on the FSIS web page. Through the web page, FSIS is able to provide information to a much broader, more diverse audience. In addition, FSIS offers an email subscription service which provides automatic and customized access to selected food safety news and information. This service is available at: *http://www.fsis.usda.gov/subscribe.* Options range from recalls to export information, regulations, directives, and notices. Customers can add or delete subscriptions themselves, and have the option to password protect their accounts.

USDA Non-Discrimination Statement

No agency, officer, or employee of the USDA shall, on the grounds of race, color, national origin, religion, sex, gender identity, sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, or political beliefs, exclude from participation in, deny the benefits of, or subject to discrimination any person in the United States under any program or activity conducted by the USDA.

How To File a Complaint of Discrimination

To file a complaint of discrimination, complete the USDA Program Discrimination Complaint Form, which may be accessed online at *http://www.ocio.usda.gov/sites/default/files/docs/2012/Complain_combined_6_8_12.pdf,* or write a letter signed by you or your authorized representative.

Send your completed complaint form or letter to USDA by mail, fax, or email:

Mail: U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue SW, Washington, DC 20250–9410.

Fax: (202) 690–7442.

Email: program.intake@usda.gov.

Persons with disabilities who require alternative means for communication (Braille, large print, audiotape, etc.), should contact USDA's TARGET Center at (202) 720–2600 (voice and TDD).

Done at Washington, DC, on: January 5, 2018.

Paul Kiecker,

Acting Administrator.

[FR Doc. 2018–00283 Filed 1–9–18; 8:45 am]

BILLING CODE 3410–DM–P

[3] Ibid.

[4] Ibid.

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–980]

Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, From the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review, and Rescission of Review, in Part; 2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of crystalline silicon photovoltaic cells, whether or not assembled into modules (solar cells) from the People's Republic of China (China). The period of review (POR) is January 1, 2015, through December 31, 2015.

DATES: Applicable January 10, 2018.

FOR FURTHER INFORMATION CONTACT: Gene H. Calvert, 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) 482–3586.

SUPPLEMENTARY INFORMATION:

Background

On December 7, 2012, Commerce issued a countervailing duty (CVD) order on solar cells from China.[1] Several interested parties requested that Commerce conduct an administrative review of the CVD order, and on February 13, 2017, Commerce published in the **Federal Register** a notice of initiation of an administrative review of the *Order* for 54 producers/exporters for the POR.[2]

Scope of the Order

The merchandise subject to the *Order* is crystalline silicon photovoltaic cells, and modules, laminates, and panels, consisting of crystalline silicon photovoltaic cells, whether or not partially or fully assembled into other products, including, but not limited to, modules, laminates, panels, and building integrated materials. For a complete description of the scope of this administrative review, *see* the Preliminary Decision Memorandum.[3]

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), the Secretary will rescind an administrative review, in whole or in part, if the parties that requested a review withdraw the request within 90 days of the date of publication of the notice of initiation of the requested review. This review was initiated on February 13, 2017. Between January 30, 2017, and May 15, 2017, we received timely withdrawals of the requests for review, for which no other parties requested a review, for the following companies: Yingli Green Energy Holding Company Limited; [4] BYD (Shangluo) Industrial Co., Ltd., and Shanghai BYD Co., Ltd.[5] Therefore, because there are no remaining requests to review these three companies, in accordance with 19 CFR 351.213(d)(1), and consistent with our practice, we are rescinding this review with respect to the three aforementioned companies.

Methodology

Commerce is conducting this administrative review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily find that there is a subsidy, (*i.e.,* a financial contribution from an authority that gives rise to a benefit to the recipient) and that the subsidy is specific.[6] In making this preliminary determination, Commerce relied, in part, on facts otherwise available, with the application of adverse inferences.[7] For further information, see ''Use of Facts Otherwise Available and Application of Adverse Inferences'' in the accompanying Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is provided at Appendix I 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 *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 Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed Preliminary Decision Memorandum and the electronic version of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of Review

As a result of this review, we preliminarily determine the countervailable subsidy rates to be:

Company	Subsidy rate (percent)
Canadian Solar Inc. and its Cross-Owned Affiliates [8]	13.72
Changzhou Trina Solar Energy Co., Ltd. and its Cross-Owned Affiliates [9] [10]	10.93
Non-Selected Companies Under Review	12.64

Preliminary Rate for Non-Selected Companies Under Review

The statute and Commerce's regulations do not directly address the

[1] *See Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China: Countervailing Duty Order,* 77 FR 73017 (December 7, 2012) (*Order*).

[2] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 10457 (February 13, 2017) (*Initiation Notice*).

[3] *See* Memorandum, ''Decision Memorandum for Preliminary Results of the Countervailing Duty Administrative Review of Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules, from the People's Republic of China; 2015,'' (Preliminary Decision Memorandum), dated concurrently with, and hereby adopted by, this notice.

[4] *See* Letter from the petitioner, ''Certain Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Partial Withdrawal Request for Administrative Review,'' dated January 30, 2017; and Letter from Yingli, ''Countervailing Duty Order on Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules: Yingli's Withdrawal of Request for Administrative Review,'' dated May 15, 2017.

[5] *See* Letter from the petitioner, ''Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled into Modules, from the People's Republic of China: Withdrawal of Administrative Review Request,'' dated (May 15, 2017), and Letter from Shanghai BYD, ''Crystalline Silicon Photovoltaic Cells, Whether Or Not Assembled Into Modules, from the People's Republic of China: Withdrawal Notice of Shanghai BYD and Shangluo BYD,'' dated May 15, 2017.

[6] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[7] *See* section 776(a) of the Act.

[8] Cross-owned affiliates are: Canadian Solar Inc.; Canadian Solar Manufacturing (Luoyang) Inc.; Canadian Solar Manufacturing (Changshu) Inc.; CSI Cells Co., Ltd.; CSI Solar Power (China) Inc.; CSI Solartronics (Changshu) Co., Ltd.; CSI Solar Technologies Inc.; CSI Solar Manufacture Inc. (name was changed to CSI New Energy Holding Co., Ltd. in July 2015); CSI–GCL Solar Manufacturing (Yancheng) Co., Ltd.; Changshu Tegu New Materials Technology Co., Ltd.; Changshu Tlian Co., Ltd.; and Suzhou Sanysolar Materials Technology Co., Ltd. *See* Preliminary Decision Memorandum.

[9] Cross-owned affiliates are: Changzhou Trina Solar Energy Co., Ltd.; Trina Solar (Changzhou) Science and Technology Co., Ltd.; Yancheng Trina Solar Energy Technology Co., Ltd.; Changzhou Trina Solar Yabang Energy Co., Ltd.; Hubei Trina Solar Energy Co., Ltd.; Turpan Trina Solar Energy Co., Ltd.; and Changzhou Trina PV Ribbon Materials Co., Ltd. *See* Preliminary Decision Memorandum.

Continued

establishment of rates to be applied to companies not selected for individual examination where Commerce limits its examination in an administrative review pursuant to section 777A(e)(2) of the Act. However, Commerce normally determines the rates for non-selected companies in reviews in a manner that is consistent with section 705(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation. Section 705(c)(5)(A)(i) of the Act instructs Commerce, as a general rule, to calculate an all others rate using the weighted average of the subsidy weights established for the producers/exporters individually examined, excluding any zero, *de minimis,* or rates based entirely on facts available. For the companies for which a review was requested that were not selected as mandatory company respondents, and for which we did not receive a timely request for withdrawal of review, and for which we are not finding to be cross-owned with the mandatory company respondents, we based the subsidy rate on a weighted-average of the subsidy rates calculated for the two mandatory respondents, Canadian Solar Inc. and Changzhou Trina Solar Energy Co., Ltd, using their publicly-ranged sales data for exports of subject merchandise to the United States during the POR. A list of these non-selected companies can be found in Appendix II of notice.

Disclosure and Public Comment

Commerce will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.[11] Interested parties may submit written comments (case briefs) at a date to be determined by Commerce and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[12] Rebuttal briefs must be limited to issues raised in the case briefs.[13] Commerce will notify interested parties when it has determined a deadline for case briefs. Parties who submit case or rebuttal briefs are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[14]

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, using Enforcement and Compliance's ACCESS system.[15] Hearing requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing, which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined.[16] Parties should confirm by telephone the date, time, and location of the hearing. Issues addressed at the hearing will be limited to those raised in the briefs.[17] All briefs and hearing requests must be filed electronically and received successfully in their entirety through ACCESS by 5:00 p.m. Eastern Time by their respective deadlines.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

Assessment Rates and Cash Deposit Requirement

In accordance with 19 CFR 351.221(b)(4)(i), we assigned a subsidy rate for each producer/exporter subject to this administrative review. Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of review. For companies for which this review is rescinded, Commerce will instruct 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 withdrawal from warehouse, for consumption, during the period January 1, 2015, through December 31, 2015, 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.

Pursuant to section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties, in the amounts shown above for each of the respective companies shown above, on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits at the most-recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

These preliminary results of review are issued and published in accordance with sections 751(a)(l) and 777(i)(l) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: January 2, 2018.

P. Lee Smith,

Deputy Assistant Secretary for Policy and Negotiations.

Appendix I—List of Topics Discussed in the Preliminary Decision Memorandum

Appendix II—Non-Selected Companies Under Review

1. Baoding Jiasheng Photovoltaic Technology Co., Ltd.
2. Baoding Tianwei Yingli New Energy Resources Co., Ltd.
3. Beijing Tianneng Yingli New Energy Resources Co., Ltd.
4. Canadian Solar International, Ltd.
5. Chint Solar (Zhejiang) Co., Ltd.
6. Dongguan Sunworth Solar Energy Co., Ltd.
7. ERA Solar Co., Ltd.
8. ET Solar Energy Limited
9. ET Solar Industry Limited
10. Hainan Yingli New Energy Resources Co., Ltd.
11. Hangzhou Sunny Energy Science and Technology Co., Ltd.
12. Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.
13. Hengdian Group DMEGC Magnetics Co., Ltd.

[10] *See* Appendix II of this notice for a list of all companies that remain under review but were not selected for individual examination, and to whom we have preliminarily assigned the non-selected company rate.

[11] *See* 19 CFR 351.224(b).

[12] *See* 19 CFR 351.309(c)(l)(ii) and 351.309(d)(l). Interested parties will be notified through ACCESS regarding the deadline for submitting case briefs.

[13] *See* 19 CFR 351.309(d)(2).

[14] *See* 19 CFR 351.309(c)(2) and (d)(2).

[15] *See* 19 CFR 351.310(c).

[16] *See* 19 CFR 351.310.

[17] *See* 19 CFR 351.310(c).

14. Hengshui Yingli New Energy Resources Co., Ltd.
15. Shanghai JA Solar Technology Co., Ltd.
16. JA Solar Technology Yangzhou Co., Ltd.
17. Jiangsu High Hope Int'l Group
18. Jiawei Solarchina Co., Ltd.
19. Jiawei Solarchina (Shenzhen) Co., Ltd.
20. JingAo Solar Co., Ltd.
21. Jinko Solar Co., Ltd.
22. Jinko Solar Import and Export Co., Ltd.
23. Jinko Solar International Limited
24. Jinko Solar (U.S.) Inc.
25. Lightway Green New Energy Co., Ltd.
26. Lixian Yingli New Energy Resources Co., Ltd.
27. Luoyang Suntech Power Co., Ltd.
28. Ningbo Qixin Solar Electrical Appliance Co., Ltd.
29. Risen Energy Co., Ltd.
30. Shanghai JA Solar Technology Co., Ltd.
31. Shenzhen Glory Industries Co., Ltd.
32. Shenzhen Topray Solar Co., Ltd.
33. Sumec Hardware & Tools Co. Ltd.
34. Systemes Versilis, Inc.
35. Taizhou BD Trade Co., Ltd.
36. tenKsolar (Shanghai) Co., Ltd.
37. Tianjin Yingli New Energy Resources Co., Ltd.
38. Toenergy Technology Hangzhou Co., Ltd.
39. Wuxi Suntech Power Co., Ltd.
40. Yingli Energy (China) Co., Ltd.
41. Yingli Green Energy Holding Company Limited
42. Zhejiang Era Solar Technology Co., Ltd.
43. Zhejiang Jinko Solar Co., Ltd.
44. Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company

[FR Doc. 2018–00103 Filed 1–9–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–489–823]

Welded Line Pipe From the Republic of Turkey: Preliminary Results of Countervailing Duty Administrative Review; 2015

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) is conducting an administrative review of the countervailing duty (CVD) order on welded line pipe from the Republic of Turkey (Turkey) for the period of review March 20, 2015, through December 31, 2015. Interested parties are invited to comment on these preliminary results.

DATES: Applicable January 10, 2018.

FOR FURTHER INFORMATION CONTACT: E. Whitley Herndon, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: 202–482–6274.

SUPPLEMENTARY INFORMATION:

Background

On February 13, 2017, Commerce published a notice of initiation of an administrative review of the countervailing duty order on pipe and tube from Turkey.[1] On August 22, 2017, Commerce extended the deadline for the preliminary results to January 2, 2018.[2] For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as an Appendix 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 *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 Preliminary Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Scope of the Order

The merchandise covered by the order is welded line pipe, which is carbon and alloy steel pipe of a kind used for oil or gas pipelines, not more than 24 inches in nominal outside diameter. For a complete description of the scope of the order, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.,* a government financial contribution that gives rise to a benefit to the recipient, and that the subsidy is specific.[4] For a full description of the methodology underlying our conclusions, *see* the accompanying Preliminary Decision Memorandum.

Preliminary Results of Review

Commerce determines that the following preliminary net subsidy rates exist for the period March 20, 2015, through December 31, 2015:

Company	Net subsidy rate (percent)
Borusan Istikbal Ticaret and Borusan Mannesmann Boru Sanayi ve Ticaret A.S.[5]	0.78 *ad valorem.*

Assessment Rates

In accordance with 19 CFR 351.221(b)(4)(i), we assigned a subsidy rate for each producer/exporter subject to this administrative review. Upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Rates

Pursuant to section 751(a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts indicated for the company listed above with regard to shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

Commerce will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of

[1] *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 82 FR 10457 (February 13, 2017).

[2] *See* Memorandum, ''Welded Line Pipe from the Republic of Turkey: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review,'' dated August 22, 2017.

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Results of Countervailing Duty Administrative Review: Welded Line Pipe from Turkey; 2015,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and, section 771(5A) of the Act regarding specificity.

[5] For the Borusan Companies, we initiated on the following: Borusan Istikbal Ticaret (Istikbal) and Borusan Mannesmann Boru Sanayi ve Ticaret A.S. (BMB). As explained in the Preliminary Decision Memorandum, we found Istikbal and BMB to be cross-owned under Borusan Holding, A.S. For these preliminary results, we find all three companies to be cross-owned, though only BMB received countervailable subsidies in this review period.

publication of these preliminary results.[6] Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within five days after the time limit for filing case briefs.[7] Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[8] All briefs must be filed electronically using ACCESS.

Interested parties who wish to request a hearing must do so within 30 days of publication of these preliminary results by submitting a written request to the Assistant Secretary for Enforcement and Compliance using Enforcement and Compliance's ACCESS system.[9] Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, at a time and location to be determined.[10] Issues addressed at the hearing will be limited to those raised in the briefs.[11]

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after issuance of these preliminary results.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: January 2, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

[FR Doc. 2018–00262 Filed 1–9–18; 8:45 am]

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[6] *See* 19 CFR 351.224(b).

[7] *See* 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1).

[8] *See* 19 CFR 351.309(c)(2) and 351.309(d)(2).

[9] *See* 19 CFR 351.310(c).

[10] *See* 19 CFR 351.310.

[11] *See* 19 CFR 351.310(c).

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review, and Rescission of New Shipper Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On June 29, 2017, the Department of Commerce (Commerce) published the preliminary results of the 29th administrative and new shipper reviews of the antidumping duty order on tapered roller bearings and parts thereof, finished and unfinished (TRBs), from the People's Republic of China (China). The period of review (POR) is June 1, 2015, through May 31, 2016. After analyzing the comments received, we have made changes to the final results of the administrative review. We are also rescinding the new shipper review (NSR). The final weighted-average dumping margins for the reviewed firms in the administrative review are listed below in the section entitled ''Final Results of the Review.''

DATES: Applicable January 10, 2018.

FOR FURTHER INFORMATION CONTACT: Andrew Medley or Whitley Herndon, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4987 or (202) 482–6274, respectively.

Background

These final results of administrative review cover three exporters of the subject merchandise, GSP Automotive Group Wenzhou Co. Ltd. (GSP), Hangzhou Yonggu Auto-Parts Co., Ltd. (Hangzhou Yonggu), and Zhejiang CTL Auto Parts Manufacturing Incorporated Co., Ltd. (CTL), as well as three additional companies, Zhejiang Zhaofeng Mechanical & Electronic Co., Ltd. (Zhaofeng), Yantai CMC Bearing Company Limited (Yantai CMC), and Zhejiang Zhengda Bearing Co., Ltd. (Zhengda), which do not qualify for separate rates. With respect to these later companies, we are treating them as part of the China-wide entity. The NSR covers Zhejiang Jingli Bearing Technology Co. Ltd. (Zhejiang Jingli).

On July 6, 2017, Commerce published the *Preliminary Results*.[1] In the *Preliminary Results,* we found that Zhejiang Jingli's sale to the United States was not *bona fide,* as required by section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act). Therefore, we indicated that we intended to rescind the NSR.

In August 2017, we received case briefs from the petitioner, Zhaofeng, and Yantai CMC, and in September 2017, we received rebuttal briefs from the petitioner and Zhaofeng. In October 2017, Commerce extended the deadline for the final results by 60 days to January 2, 2018.[2] Commerce conducted this review in accordance with section 751 of the Act.

Scope of the Order [3]

The merchandise covered by the order includes tapered roller bearings and parts thereof. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 8482.20.00, 8482.91.00.50, 8482.99.15, 8482.99.45, 8483.20.40, 8483.20.80, 8483.30.80, 8483.90.20, 8483.90.30, 8483.90.80, 8708.70.6060, 8708.99.2300, 8708.99.4850, 8708.99.6890, 8708.99.8115, and 8708.99.8180. The HTSUS subheadings are provided for convenience and customs purposes only; the written description of the scope of the order is dispositive.[4]

[1] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Preliminary Results and Preliminary Rescission of New Shipper Review; 2015–2016,* 82 FR 31301 (July 6, 2017) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[2] *See* Memorandum, ''Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, from the People's Republic of China: Extension of Deadline for the Final Results of Antidumping Duty Administrative, and New Shipper Review,'' dated October 16, 2017.

[3] *See Notice of Antidumping Duty Order; Tapered Roller Bearings and Parts Thereof, Finished or Unfinished, From the People's Republic of China,* 52 FR 22667 (June 15, 1987) (*Order*).

[4] For a complete description of the scope of the order, *see* Memorandum, ''Issues and Decision Memorandum for the Antidumping Duty Administrative Review and Rescission of New Shipper Review: Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China; 2015–2016,'' dated

Separate Rates

In the *Preliminary Results,* we found that evidence provided by CTL, GSP, Hangzhou Yonggu, and Zhaofeng supported finding an absence of both *de jure* and *de facto* government control, and, therefore, we preliminarily granted a separate rate to each of these companies.[5] We received no information since the issuance of the *Preliminary Results* that provides a basis for reconsidering these determinations with respect to CTL, GSP, and Hangzhou Yonggu. Therefore, for the final results, we continue to find that CTL, GSP, and Hangzhou Yonggu are eligible for separate rates.

With respect to Zhaofeng, however, based upon information obtained from Customs and Border Protection (CBP), we have determined that Zhaofeng's submitted information is unreliable in its entirety. Thus, we find that this information cannot serve as a basis for reaching a determination in this review. As a result, we find that Zhaofeng was unable to support its separate rates claim, and we find Zhaofeng to be a part of the China-wide entity. For further discussion, *see* Comment 1 of the accompanying Issues and Decision Memorandum.

Further, with respect to Yantai CMC and Zhengda, we determined in the *Preliminary Results* that these companies failed to demonstrate an absence of *de facto* government control, and, thus, Commerce did not grant Yantai CMC and Zhengda a separate rate. For these final results, we continue to find, based on record evidence, that Yantai CMC and Zhengda failed to demonstrate an absence of *de facto* government control. Accordingly, we are not granting Yantai CMC and Zhengda a separate rate. For further discussion of this issue with respect to Yantai CMC, *see* Comments 3 through 5 of the accompanying Issues and Decision Memorandum.

Weighted-Average Dumping Margin for the Non-Examined, Separate-Rate Companies

For these final results, we have not calculated any individual rates or assigned a rate based on facts available. Therefore, consistent with our recent practice,[6] we determine to assign to the non-individually examined separate rate companies the rate assigned to the separate rate companies in the most recently-completed administrative review of the order, which is zero.[7]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the Issues and Decision Memorandum. A list of the issues which parties raised and to which we respond in the Issues and Decision Memo is attached to this notice as an Appendix. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov,* and it is available to all parties in the Central Records Unit, Room B8024 of the main Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://trade.gov/enforcement.* The signed Issues and Decision Memorandum and the electronic version of the Issues and Decision Memorandum are identical in content.

Changes Since the Preliminary Results

Based on our analysis of the comments received, we have determined that Zhaofeng is not eligible for a separate rate.

Rescission of New Shipper Review

No party commented on the new shipper review for these final results. As explained in the *Preliminary Results,* Commerce finds that Zhejiang Jingli's sale is non-*bona fide*.[8] Because the non-*bona fide* sale was the only reported sale of subject merchandise during the POR, and, thus, there are no reviewable transactions, Commerce is rescinding the NSR.

Period of Review

The POR is June 1, 2015, through May 31, 2016.

Final Results of the Administrative Review

Because Yantai CMC, Zhaofeng, and Zhengda did not demonstrate that they are entitled to a separate rate, Commerce finds Yantai CMC, Zhaofeng, and Zhengda to be part of the China-wide entity. No party requested a review of the China-wide entity. Therefore, we did not conduct a review of the China-wide entity and the entity's rate is not subject to change.[9] The rate previously established for the China-wide entity is 92.84 percent.

Additionally, we are assigning the following weighted-average dumping margins to the firms listed below for the period June 1, 2015, through May 31, 2016:

Exporters	Weighted-average dumping margin (percent)
GSP Automotive Group Wenzhou Co. Ltd *	0.00
Hangzhou Yonggu Auto-Parts Co., Ltd *	0.00
Zhejiang CTL Auto Parts Manufacturing Incorporated Co., Ltd *	0.00

* This company demonstrated eligibility for a separate rate in this administrative review.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act, and 19 CFR 351.212(b)(1), Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise, where applicable, in accordance with the final results of this review. Commerce intends to issue assessment instructions to CBP 15 days after the date of publication of these final results of review.

Pursuant to the *Final Modification for Reviews,*[10] because the above-listed respondents' weighted-average dumping margins are zero, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.[11]

For Yantai CMC, Zhaofeng, and Zhengda, because Commerce determined that these companies did

concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[5] *See Preliminary Results,* 82 FR at 31302–03 and Preliminary Decision Memorandum at 10–11.

[6] *See, e.g., Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,* 81 FR 62717 (September 12, 2016), and accompanying Preliminary Decision Memorandum at 10–11, unchanged in *Certain Frozen Warmwater Shrimp from the Socialist Republic of Vietnam: Final Results of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 11431 (February 23, 2017).

[7] *See, Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review, and Rescission of New Shipper Review; 2014–2015,* 82 FR 4844 (January 17, 2017).

[8] *See Preliminary Results,* 82 FR at 31302.

[9] *See Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity (NME) in NME Antidumping Duty Proceedings,* 78 FR 65963, 65970 (November 4, 2013).

[10] *See Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012) (*Final Modification for Reviews*).

[11] *Id.,* 77 FR at 8102.

not qualify for a separate rate, we will instruct CBP to assess dumping duties on the companies' entries of subject merchandise at the rate of 92.84 percent.

For Zhejiang Jingli, because Commerce rescinded the NSR, we will instruct CBP to assess dumping duties on the company's entries of subject merchandise at the rate China-wide rate of 92.84 percent.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided for by section 751(a)(2)(C) of the Act: (1) For the exporters listed above, the cash deposit rate will be equal to the weighted-average dumping margin established in the final results of this review (except, if the rate is *de minimis,* then a cash deposit rate of zero will be established for that company); (2) for previously investigated or reviewed China and non-China exporters not listed above that currently have a separate rate, the cash deposit rate will continue to be the exporter-specific rate published for the most recently completed segment of this proceeding where the exporter received that separate rate; (3) for all China exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be the rate for the China-wide entity, 92.84 percent; and (4) for all non-China exporters of subject merchandise which have not received their own separate rate, the cash deposit rate will be the rate applicable to the China exporter that supplied that non-China exporter.

These deposit requirements, when imposed, shall remain in effect until further notice.

Notifications to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notifications to Interested Parties

This notice serves as the only 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 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.

We are issuing and publishing these results of review in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: January 2, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2018–00242 Filed 1–9–18; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–489–816]

Certain Oil Country Tubular Goods From Turkey: Final Results of Antidumping Duty Administrative Review; 2015–2016

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: On September 7, 2017, the Department of Commerce (Commerce) published the preliminary results of the administrative review of antidumping duty order on certain oil country tubular goods (OCTG) from Turkey. Based on our analysis of the comments received, we find that subject merchandise has been sold at less than normal value.

DATES: Applicable January 10, 2018.

FOR FURTHER INFORMATION CONTACT: Hermes Pinilla or Minoo Hatten, 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 or (202) 482–1690, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 2017, we published the *Preliminary Results* of the administrative review.[1] The period of review (POR) for the administrative review is September 1, 2015, through August 31, 2016. We invited interested parties to comment on the *Preliminary Results* and received case and rebuttal briefs from interested parties.[2] Commerce conducted this review with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order

The merchandise covered by the order is certain Oil Country Tubular Goods (OCTG). The merchandise subject to the order is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7304.29.10.10, 7304.29.10.20, 7304.29.10.30, 7304.29.10.40, 7304.29.10.50, 7304.29.10.60, 7304.29.10.80, 7304.29.20.10, 7304.29.20.20, 7304.29.20.30, 7304.29.20.40, 7304.29.20.50, 7304.29.20.60, 7304.29.20.80, 7304.29.31.10, 7304.29.31.20, 7304.29.31.30, 7304.29.31.40, 7304.29.31.50, 7304.29.31.60, 7304.29.31.80, 7304.29.41.10, 7304.29.41.20, 7304.29.41.30, 7304.29.41.40, 7304.29.41.50, 7304.29.41.60, 7304.29.41.80, 7304.29.50.15, 7304.29.50.30, 7304.29.50.45, 7304.29.50.60, 7304.29.50.75, 7304.29.61.15, 7304.29.61.30, 7304.29.61.45, 7304.29.61.60, 7304.29.61.75, 7305.20.20.00, 7305.20.40.00, 7305.20.60.00, 7305.20.80.00, 7306.29.10.30, 7306.29.10.90, 7306.29.20.00, 7306.29.31.00, 7306.29.41.00, 7306.29.60.10, 7306.29.60.50, 7306.29.81.10, and 7306.29.81.50.

The merchandise subject to the order may also enter under the following HTSUS item numbers: 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.39.00.36, 7304.39.00.40,

[1] *See Certain Oil Country Tubular Goods from Turkey: Preliminary Results of Antidumping Duty Administrative Review; 2015–2016,* 82 FR 42285 (September 7, 2017) (*Preliminary Results*).

[2] *See* Petitioners' Case Brief, ''Re: Certain Oil Country Tubular Goods from Turkey: Case Brief,'' dated October 10, 2017 (the petitioners' case brief); and Toscelik's Rebuttal Brief, ''Re: Oil Country Tubular Goods from Turkey; Toscelik rebuttal brief,'' submitted on October 16, 2017 (Toscelik's rebuttal brief). Note that Toscelik's rebuttal brief was timely filed but dated incorrectly with an August 9, 2016, date.

7304.39.00.44, 7304.39.00.48, 7304.39.00.52, 7304.39.00.56, 7304.39.00.62, 7304.39.00.68, 7304.39.00.72, 7304.39.00.76, 7304.39.00.80, 7304.59.60.00, 7304.59.80.15, 7304.59.80.20, 7304.59.80.25, 7304.59.80.30, 7304.59.80.35, 7304.59.80.40, 7304.59.80.45, 7304.59.80.50, 7304.59.80.55, 7304.59.80.60, 7304.59.80.65, 7304.59.80.70, 7304.59.80.80, 7305.31.40.00, 7305.31.60.90, 7306.30.50.55, 7306.30.50.90, 7306.50.50.50, and 7306.50.50.70.

While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive.[3]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this review are addressed in the Issues and Decision Memorandum.[4] The Issues and Decision Memorandum is a public document and is made available to the public *via* Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov* and 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 on the Enforcement and Compliance website at *http://enforcement.trade.gov/frn/*. A list of the topics discussed in the Issues and Decision Memorandum is attached as an Appendix to this notice.

Changes Since the Preliminary Results

Based on comments received from interested parties and further review of the record, Commerce capped the duty-drawback adjustment added to U.S. price.[5] This revision changed the weighted-average dumping margin results for Tosçelik Profil ve Sac Endüstrisi A.Ş. (Toscelik), the sole company subject to this review.

Final Results of the Administrative Review

For the final results of the administrative review, we determine that the following percentage weighted-average dumping margin exists for the period September 1, 2015, through August 31, 2016:

Producer/exporter	Weighted-average margin (percent)
Toscelik Profil ve Sac Endustrisi A.S	9.13

Assessment

Pursuant to section 751(a)(2)(A) of the Act and 19 CFR 351.212(b)(1), Commerce will determine, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review. For Toscelik, we calculated importer-specific assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for each importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1).[6]

For entries of subject merchandise during the POR produced by Toscelik for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate un-reviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction. We intend to issue instructions to CBP 15 days after publication of the final results of this review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the notice of final results of the administrative review for all shipments of OCTG from Turkey entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Toscelik will be 9.13 percent, the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by producers or exporters not covered in this administrative review but covered in a prior completed segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this administrative review, a prior review, or the original investigation, but the producer has been covered in a prior complete segment of this proceeding, the cash deposit rate will be the rate established for the most recent period for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 35.86 percent, the all-others rate established in the original less-than-fair-value investigation.[7] These cash deposit requirements, when imposed, shall remain in effect until further notice.

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 the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification Regarding Administrative Protective Orders

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of 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.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213(h).

Dated: January 4, 2018.

Christian Marsh,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Issues and Decision Memorandum

[3] A full description of the scope of the order is contained in the ''Issues and Decision Memorandum for the Final Results of Antidumping Duty Administrative Review of Certain Oil Country Tubular Goods from Turkey,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

[4] *See* Issues and Decision Memorandum.

[5] *Id.* at Comment: Duty Drawback.

[6] In these final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[7] *See Certain Oil Country Tubular Goods from the Republic of Turkey: Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances, in Part,* 79 FR 41971 (July 18, 2014).

V. Recommendation

[FR Doc. 2018–00263 Filed 1–9–18; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

National Summer Teacher Institute

ACTION: Revision of a currently approved collection.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on a proposed extension of an existing information collection.

DATES: Written comments must be submitted on or before March 12, 2018.

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

- *Email: InformationCollection@uspto.gov.* Include ''0651–0077 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov.*
- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Joyce Ward, Under Secretary of Commerce for Intellectual Property, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8424; or by email to *Joyce.Ward@uspto.gov* with ''0651–0077 comment'' in the subject line. Additional information about this collection is also available at *http://www.reginfo.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Since 2014, the USPTO has sponsored a program entitled ''National Summer Teacher Institute''. This program accepts applicants for a summer teaching workshop. Interested individuals are required to submit an application requesting to participate in the program. In the application, applicants are required to certify that they are educators with at least 3 years' experience; identify STEM-related fields they have taught in the last year; identify STEM related fields they plan to teach in the upcoming year; and acknowledge their commitment to incorporate the learnings from the Summer Teacher Institute into their curriculum, where applicable, and cooperate with sharing lessons and outcomes with teachers and PTO.

The USPTO seeks committed educators in science fields who will learn about innovative strategies to help increase student learning and achievement in these fields together with elements of invention and IP. Outside scientists and inventors will among the presenters and workshop leads. Educators will also participate in field trips (*i.e.* to NASA) and have opportunities for networking with other educators and invited experts. The USPTO may various host webinars in conjunction with the Summer Institute. USPTO plans to conduct surveys of both the Institute and the webinars in order to gain useful feedback from program participants.

II. Method of Collection

Applications and corresponding surveys will be submitted electronically through the *www.uspto.gov/education* website.

III. Data

OMB Number: 0651–0077.

Form Numbers: NSTI 1–3.

Type of Review: Revision of a Previously Existing Information Collection.

Affected Public: Businesses or other for-profits; not-for-profit institutions.

Estimated Number of Respondents: 900 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 5 (0.08 hours) to 30 minutes (0.5 hours) to submit the information in this collection, including the time to gather the necessary information, prepare the appropriate form or document, and submit the completed request to the USPTO.

Estimated Total Annual Respondent Burden Hours: 291.67 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $8,613.02. The USPTO expects that secondary school teachers will complete the applications and surveys. The professional hourly rate for secondary school teachers is $29.53, based upon the May 2016 Occupational Labor Statistics Report for secondary school teachers (25–2031). Using this hourly rate, the USPTO estimates that the total respondent cost burden for this collection is $8,613.02 per year.

Item number	Estimated time for response (hours) (a)	Estimated annual responses (b)	Estimated annual burden hours (a) × (b)/60 = (c)	Rate ($/hr) (d)	Total cost (c) × (d) = (e)
1. Summer Teacher Institute Application (NSTI 1)	0.50	500	250	$29.53	$7,382.50
2. Summer Teacher Institute Participant Survey (NSTI 2)	0.17	100	16.67	29.53	492.27
3. Summer Teacher Institute Webinar Survey (NSTI 3)	0.08	300	25	29.53	738.25
Total		900	291.67		$8,613.02

Estimated Total Annual (Non-hour) Respondent Cost Burden: $0. There are no capital start-up, maintenance, postage, or recordkeeping costs. All applications and surveys will be received electronically.

IV. Request for Comments

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, *e.g.,* the use of automated collection techniques or other forms of information technology.

Marcie Lovett,

Records and Information Governance Division Director, OCTO, United States Patent and Trademark Office.

[FR Doc. 2018–00265 Filed 1–9–18; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

[Docket No.: PTO–P–2017–0052]

Extension of the Extended Missing Parts Pilot Program

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice.

SUMMARY: The United States Patent and Trademark Office (USPTO) implemented a pilot program (Extended Missing Parts Pilot Program) in which an applicant, under certain conditions, can request a 12-month time period to pay the search fee, the examination fee, any excess claim fees, and the surcharge (for the late submission of the search fee and the examination fee) in a nonprovisional application. The Extended Missing Parts Pilot Program benefits applicants by providing additional time to determine if patent protection should be sought—at a relatively low cost—and by permitting applicants to focus efforts on commercialization during this period. The Extended Missing Parts Pilot Program benefits the USPTO and the public by adding publications to the body of prior art, and by removing from the USPTO's workload those nonprovisional applications for which applicants later decide not to pursue examination. The USPTO is extending the Extended Missing Parts Pilot Program until January 2, 2019, to allow the USPTO to continue its evaluation of the pilot program. The requirements of the program have not changed.

DATES: *Duration:* The Extended Missing Parts Pilot Program will run through January 2, 2019. Therefore, any certification and request to participate in the Extended Missing Parts Pilot Program must be filed on or before January 2, 2019. In addition, any certification and request to participate in the Extended Missing Parts Pilot Program filed between January 2, 2018, and the publication date of this notice will be considered timely. The USPTO intends to make a decision before January 2, 2019, on whether the Extended Missing Parts Pilot Program offers sufficient benefits to the patent community for it to be made permanent or whether the USPTO should permit the program to expire.

FOR FURTHER INFORMATION CONTACT: Eugenia A. Jones, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272–7727, or Erin M. Harriman, Senior Legal Advisor, Office of Patent Legal Administration, Office of the Deputy Commissioner for Patent Examination Policy, by telephone at (571) 272–7747.

Inquiries regarding this notice may be directed to the Office of Patent Legal Administration, by telephone at (571) 272–7701, or by electronic mail at *PatentPractice@uspto.gov.* Alternatively, mail may be addressed to: Mail Stop Comments—Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313–1450, marked to the attention of Eugenia A. Jones.

SUPPLEMENTARY INFORMATION: On December 8, 2010, after considering written comments from the public, the USPTO changed the missing parts examination procedures in certain nonprovisional applications by implementing a pilot program (*i.e.,* Extended Missing Parts Pilot Program). *See Pilot Program for Extended Time Period To Reply to a Notice to File Missing Parts of Nonprovisional Application,* 75 FR 76401 (Dec. 8, 2010), 1362 *Off. Gaz. Pat. Office* 44 (Jan. 4, 2011). Over the course of the pilot program, the USPTO provided extensions of the Extended Missing Parts Pilot Program through notices published in the **Federal Register**. The most recent notice extended the program until January 2, 2018. *See Extension of Extended Missing Parts Pilot Program,* 81 FR 93669 (Dec. 21, 2016), 1434 *Off. Gaz. Pat. Office* 187 (Jan. 17, 2017).

The requirements of the program, which have not been modified, are reiterated below. Applicants are strongly advised to review the pilot program requirements before making a request to participate in the Extended Missing Parts Pilot Program. *See Pilot Program for Extended Time Period To Reply to a Notice to File Missing Parts of Nonprovisional Application,* 75 FR 76401 (Dec. 8, 2010), 1362 *Off. Gaz. Pat. Office* 44 (Jan. 4, 2011). The USPTO cautions all applicants that, in order to claim the benefit of a prior provisional application, the statute requires a nonprovisional application filed under 35 U.S.C. 111(a) to be filed within 12 months after the date on which the corresponding provisional application was filed. *See* 35 U.S.C. 119(e). It is essential that applicants understand that the Extended Missing Parts Pilot Program cannot and does not change this statutory requirement. Title II of the Patent Law Treaties Implementation Act of 2012 (PLTIA) amended the provisions of title 35, United States Code, including 35 U.S.C. 119(e), to implement the Patent Law Treaty (PLT). *See* Public Law 112–211, §§ 20–203, 126 Stat. 1527, 1533–37 (2012). In the rulemaking to implement the PLT and title II of the PLTIA, the USPTO provided that an applicant may file a petition under 37 CFR 1.78(b) to restore the benefit of a provisional application filed up to fourteen months earlier. *See Changes To Implement the Patent Law Treaty,* 78 FR 62367, 62368–69 (Oct. 21, 2013) (final rule). Any petition to restore the benefit of a provisional application must include the benefit claim, the petition fee, and a statement that the delay in filing the subsequent application was unintentional. This change was effective on December 18, 2013, and applies to any application filed before, on, or after December 18, 2013. However, if a nonprovisional application is filed outside the 12-month period from the date on which the corresponding provisional application was filed, the nonprovisional application is not eligible for participation in the Extended Missing Parts Pilot Program, even though the applicant may be able to restore the benefit of the provisional application by submitting a petition under 37 CFR 1.78(b).

I. *Requirements:* In order for an applicant to be provided a 12-month (non-extendable) time period to pay the search and examination fees and any required excess claims fees in response to a Notice to File Missing Parts of Nonprovisional Application under the Extended Missing Parts Pilot Program, the applicant must satisfy the following conditions: (1) The applicant must submit a certification and request to participate in the Extended Missing Parts Pilot Program with the nonprovisional application on filing, preferably by using Form PTO/AIA/421,

titled ''Certification and Request for Extended Missing Parts Pilot Program''; (2) the application must be an original (*i.e.,* not a Reissue) nonprovisional utility or plant application filed under 35 U.S.C. 111(a) within the duration of the pilot program; (3) the nonprovisional application must directly claim the benefit under 35 U.S.C. 119(e) and 37 CFR 1.78 of a prior provisional application filed within the previous 12 months, and the specific reference to the provisional application must be in an application data sheet under 37 CFR 1.76 (*see* 37 CFR 1.78(a)(3)); and (4) the applicant must not have filed a nonpublication request.

As required for all nonprovisional applications, the applicant will need to satisfy filing date requirements and publication requirements. In the rulemaking to implement the PLT and title II of the PLTIA, the USPTO provided that an application (other than an application for a design patent) filed on or after December 18, 2013, is not required to include a claim (as prescribed by 35 U.S.C. 112) to be entitled to a filing date. *See Changes To Implement the Patent Law Treaty,* 78 FR 62367, 62638 (Oct. 21, 2013) (final rule). This change was effective on December 18, 2013, and applies to any application filed under 35 U.S.C. 111 on or after December 18, 2013. However, if an application is filed without any claims, the Office of Patent Application Processing will issue a notice giving the applicant a two-month (extendable) time period within which to submit at least one claim in order to avoid abandonment (*see* 37 CFR 1.53(f)). The Extended Missing Parts Pilot Program does not change this time period. In accordance with 35 U.S.C. 122(b), the USPTO will publish the application promptly after the expiration of 18 months from the earliest filing date for which benefit is sought. Therefore, the nonprovisional application should also be in condition for publication as provided in 37 CFR 1.211(c). The following are required in order for the nonprovisional application to be in condition for publication: (1) The basic filing fee; (2) the executed inventor's oath or declaration in compliance with 37 CFR 1.63 or an application data sheet containing the information specified in 37 CFR 1.63(b); (3) a specification in compliance with 37 CFR 1.52; (4) an abstract in compliance with 37 CFR 1.72(b); (5) drawings in compliance with 37 CFR 1.84 (if applicable); (6) any application size fee required under 37 CFR 1.16(s); (7) any English translation required by 37 CFR 1.52(d); and (8) a sequence listing in compliance with 37 CFR 1.821–1.825 (if applicable). The USPTO also requires any compact disc requirements to be satisfied and an English translation of the provisional application to be filed in the provisional application if the provisional application was filed in a non-English language and a translation has not yet been filed. If the requirements for publication are not met, the applicant will need to satisfy the publication requirements within a two-month extendable time period.

As noted above, applicants should use Form PTO/AIA/421 to request participation in the Extended Missing Parts Pilot Program. For utility patent applications, the applicant may file the application and the certification and request electronically using the USPTO electronic filing system, EFS-Web, and selecting the document description of ''Certification and Request for Missing Parts Pilot'' for the certification and request on the EFS-Web screen. Form PTO/AIA/421 is available on the USPTO website at *http://www.uspto.gov/sites/default/files/forms/aia0421.pdf.* Information regarding EFS-Web is available on the USPTO website at *http://www.uspto.gov/patents-application-process/applying-online/about-efs-web.*

The utility application including the certification and request to participate in the pilot program may also be hand-carried to the USPTO or filed by mail, for example, by Priority Mail Express® in accordance with 37 CFR 1.10. However, applicants are advised that, effective November 15, 2011, as provided in the Leahy-Smith America Invents Act, a new additional fee of $400.00 for a non-small entity ($200.00 for a small entity) is due for any nonprovisional utility patent application that is not filed by EFS-Web. *See* Public Law 112–29, 10(h), 125 Stat. 283, 319 (2011). This non-electronic filing fee is due on filing of the utility application or within the two-month (extendable) time period to reply to the Notice to File Missing Parts of Nonprovisional Application. Applicants will not be given the 12-month time period to pay the non-electronic filing fee. Therefore, utility applicants are strongly encouraged to file their utility applications via EFS-Web to avoid this additional fee.

For plant patent applications, the applicant must file the application, including the certification and request to participate in the pilot program, by mail or hand-carry to the USPTO since plant patent applications cannot be filed electronically using EFS-Web. *See Legal Framework for Electronic Filing System—Web (EFS-Web),* 74 FR 55200 (Oct. 27, 2009), 1348 *Off. Gaz. Pat. Office* 394 (Nov. 24, 2009).

II. *Processing of Requests:* If the applicant satisfies the requirements (discussed above) on filing of the nonprovisional application and the application is in condition for publication, the USPTO will send the applicant a Notice to File Missing Parts of Nonprovisional Application that sets a 12-month (non-extendable) time period to submit the search fee, the examination fee, any excess claims fees (under 37 CFR 1.16(h)–(j)), and the surcharge under 37 CFR 1.16(f) (for the late submission of the search fee and examination fee). The 12-month time period will run from the mailing date, or notification date for e-Office Action participants, of the Notice to File Missing Parts. For information on the e-Office Action program, *see Electronic Office Action,* 1343 *Off. Gaz. Pat. Office* 45 (June 2, 2009), and *http://www.uspto.gov/patents-application-process/checking-application-status/e-office-action-program.* After an applicant files a timely reply to the Notice to File Missing Parts within the 12-month time period and the nonprovisional application is completed, the nonprovisional application will be placed in the examination queue based on the actual filing date of the nonprovisional application.

For a detailed discussion regarding treatment of applications that are not in condition for publication, processing of improper requests to participate in the program, and treatment of authorizations to charge fees, *see Pilot Program for Extended Time Period To Reply to a Notice to File Missing Parts of Nonprovisional Application,* 75 FR 76401, 76403–04 (Dec. 8, 2010), 1362 *Off. Gaz. Pat. Office* 44, 47–49 (Jan. 4, 2011).

III. *Important Reminders:* Applicants are reminded that the disclosure of an invention in a provisional application should be as complete as possible because the claimed subject matter in the later-filed nonprovisional application must have support in the provisional application in order for the applicant to obtain the benefit of the filing date of the provisional application.

Furthermore, the nonprovisional application as originally filed must have a complete disclosure that complies with 35 U.S.C. 112(a) and is sufficient to support the claims submitted on filing and any claims submitted later during prosecution. New matter cannot be added to an application after the filing date of the application. *See* 35 U.S.C. 132(a). In the rulemaking to

implement the PLT and title II of the PLTIA, the USPTO provided that, in order to be accorded a filing date, a nonprovisional application (other than an application for a design patent) must include a specification with or without claims. *See Changes To Implement the Patent Law Treaty,* 78 FR 62367, 62369 (Oct. 21, 2013) (final rule). This change was effective on December 18, 2013, and applies to any application filed under 35 U.S.C. 111 on or after December 18, 2013. Although a claim is not required in a nonprovisional application (other than an application for a design patent) for filing date purposes *and* the applicant may file an amendment adding additional claims (as prescribed by 35 U.S.C. 112) and drawings (as prescribed by 35 U.S.C. 113) later during prosecution, the applicant should consider the benefits of submitting a complete set of claims and any necessary drawings on filing of the nonprovisional application. This would reduce the likelihood that any claims and/or drawings added later during prosecution might be found to contain new matter. Also, if a patent is granted and the patentee is successful in litigation against an infringer, provisional rights to a reasonable royalty under 35 U.S.C. 154(d) may be available only if the claims that are published in the patent application publication are substantially identical to the patented claims that are infringed, assuming timely actual notice is provided. Thus, the importance of the claims that are included in the patent application publication should not be overlooked.

Applicants are also advised that the extended missing parts period does not affect the 12-month priority period provided by the Paris Convention for the Protection of Industrial Property (Paris Convention). Accordingly, in most cases, any foreign filings must still be made within 12 months of the filing date of the provisional application if the applicant wishes to rely on the provisional application in the foreign-filed application or if protection is desired in a country requiring filing within 12 months of the earliest application for which rights are left outstanding in order to be entitled to priority.

For additional reminders, *see Pilot Program for Extended Time Period To Reply to a Notice to File Missing Parts of Nonprovisional Application,* 75 FR 76401, 76405 (Dec. 8, 2010), 1362 *Off. Gaz. Pat. Office* 44, 50 (Jan. 4, 2011).

Dated: January 5, 2018.

Joseph D. Matal,

Associate Solicitor, performing the functions and duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

[FR Doc. 2018–00270 Filed 1–9–18; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Fastener Quality Act Insignia Recordal Process

ACTION: Proposed extension of an existing information collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), as required by the Paperwork Reduction Act of 1995, invites comments on a proposed extension of an existing information collection: 0651–0028 (Fastener Quality Act Insignia Recordal Act).

DATES: Written comments must be submitted on or before March 12, 2018.

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

- *Email: InformationCollection@upsto.gov*. Include ''0651–0028 comment'' in the subject line of the message.
- *Federal Rulemaking Portal: http://www.regulations.gov*.
- *Mail:* Marcie Lovett, Records and Information Governance Division Director, Office of the Chief Technology Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Catherine Cain, Attorney Advisor, Office of the Commissioner for Trademarks, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–8946; or by email to *Catherine.Cain@uspto.gov* with ''0651–0028 comment'' in the subject line. Additional information about this collection is also available at *http://www.reginfor.gov* under ''Information Collection Review.''

SUPPLEMENTARY INFORMATION:

I. Abstract

Under Section 5 of the Fastener Quality Act (FQA) of 1999, 15 U.S.C. 5401 *et seq.,* certain industrial fasteners must bear an insignia identifying the manufacturer. It is also mandatory for manufacturers of fasteners covered by the FQA to submit an application to the USPTO for recordal of the insignia on the Fastener Insignia Register.

The procedures for the recordal of fastener insignia under the FQA are set forth in 15 CFR 280.300 *et seq.* The purpose of requiring both the insignia and the recordation is to ensure that certain fasteners can be traced to their manufacturers and to protect against the sale of mismarked, misrepresented, or counterfeit fasteners.

The insignia may be sourced from an existing trademark registered at USPTO, from a trademark that is proposed in an application to obtain a registration currently before the USPTO, or from a unique alphanumeric designation issued upon request from the USPTO. After a manufacturer submits a complete application for recordal, the USPTO issues a Certificate of Recordal. These certificates remain active for five years. Applications to renew the certificates must be filed within six months of the expiration date or, upon payment of an additional surcharge, within six months following the expiration date.

If a recorded alphanumeric designation is assigned by the manufacturer to a new owner, the designation becomes ''inactive'' and the new owner must submit an application to reactivate the designation within six months of the date of assignment. If the recordal is based on a trademark application or registration and the registration is assigned to a new owner, the recordal becomes ''inactive'' and cannot be reassigned. Instead, the new owner of the trademark application or registration must apply for a new recordal. Manufacturers who record insignia must notify the USPTO of any changes of address.

This information collection includes one form, the Application for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act (PTO–1611), which provides manufacturers with a convenient way to submit a request for the recordal of a fastener insignia or to renew or reactivate an existing Certificate of Renewal.

The public uses this information collection to comply with the insignia recordal provisions of the FQA. The USPTO uses the information in this collection to record or renew insignias under the FQA and to maintain the Fastener Insignia Register, which is open for public inspection and is updated quarterly. The public may download the Fastener Insignia Register from the USPTO website.

III. Method of Collection

By mail, facsimile, hand delivery, or electronic submission to the USPTO.

III. Data

OMB Number: 0651–0028.

IC Instruments and Forms: PTO–1611.

Type of Review: Revision of a Previously Existing Information Collection.

Affected Public: Businesses or other for-profits.

Estimated Number of Respondents: 96 responses per year.

Estimated Time per Response: The USPTO estimates that it will take the public approximately 20 minutes (0.33 hours) to gather the necessary information, prepare the form, and submit the request for recordal or renewal of a fastener insignia to the USPTO.

Estimated Total Annual Respondent Burden Hours: 32 hours.

Estimated Total Annual Respondent (Hourly) Cost Burden: $4,640.00. The USPTO estimates that a paraprofessional will complete these applications. The professional hourly rate for a paraprofessional is $145. The rate is established by estimates in the 2016 Report on the Economic Survey, published by the Committee on Economics of Legal Practice of the American Intellectual Property Law Association.

IC No.	Item	Estimated time for responses (hours) (a)	Estimated annual responses (b)	Estimated annual burden cost (c) (a) × (b)	Rate (d)	Estimated annual hourly cost ($) (e) (c) × (d)
1	Applications for Recordal of Insignia or Renewal/Reactivation of Recordal Under the Fastener Quality Act.	0.33	96	32	$145.00	$4,640.00
Totals	.....	.....	96	32	.....	4,640.00

Estimate Total Annual Non-hour Respondent Cost Burden: $2,121.96. There are no capital start-up, recordkeeping, or maintenance costs associated with this information collection. However, this collection does have annual (non-hour) costs in the form of filing fees and postage costs.

Customers may incur postage costs when submitting some of the items covered by this collection to the USPTO by mail. The USPTO expects that approximately 98% of the response in this collection will be submitted electronically. Of the remaining 2%, will be submitted by mail for a total of 2 mailed submissions. The average cost for a first-class, 1-ounce large envelope is $0.98. Therefore, the USPTO estimates that the postage costs for the mailed submissions in this collection will total $1.96.

There are two filing fees associated with this collection, which total $2,120.00. These fees are detailed in the table below.

IC No.	Items	Responses	Filing fee	Filing fee costs
1a	Filing an application for recordal of insignia or renewal/reactivation of recordal.	96	$20.00	$1,920.00
1b	Surcharge for filing six months after the expiration date—Filing an application for recordal of insignia or renewal/reactivation of recordal.	10	20.00	200.00
Totals	.....	106	.....	2,120.00

Therefore, the USPTO estimates that the total annual (non-hour) cost burden for this collection in the form of filing fees ($2,120.00) and postage costs ($1.96) is $2,121.96 per year.

IV. Request for Comments

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection. They also will become a matter of public record.

Comments are invited on:

(a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

(b) The accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(d) Ways to minimize the burden of the collection of information on respondents, *e.g.,* the use of automated collection techniques or other forms of information technology.

Marcie Lovett,

Records and Information Governance Division Director, OCTO, United States Patent and Trademark Office.

[FR Doc. 2018–00264 Filed 1–9–18; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF ENERGY

Fusion Energy Sciences Advisory Committee (FESAC); Meeting

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Fusion Energy Sciences Advisory Committee (FESAC). The Federal Advisory Committee Act requires that public notice of these meetings be announced in the **Federal Register**.

DATES:

February 1, 2018—8:30 a.m. to 5:00 p.m.
February 2, 2018—8:30 a.m. to 12:00 noon.

ADDRESSES: Gaithersburg Marriott Washingtonian Center, 9751

Washingtonian Boulevard, Gaithersburg, MD 20878.

FOR FURTHER INFORMATION CONTACT: Dr. Samuel J. Barish, Acting Designated Federal Officer, Office of Fusion Energy Sciences (FES); U.S. Department of Energy; Office of Science; 1000 Independence Avenue SW, Washington, DC 20585; Telephone: (301) 903–2917.

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: 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 fusion energy sciences program.

Tentative Agenda Items:

- DOE/SC Perspective
- FES Perspective
- Approval of the FESAC Report on Transformative Enabling Capabilities
- New Business
- New Charge on the Committee of Visitors
- Update on the National Academies Study of U.S. Burning Plasma Research
- Public Comment
- Adjourn

Note: Remote attendance of the FESAC meeting will be possible via Zoom. Instructions will be posted on the FESAC website *(http://science.energy.gov/fes/fesac/meetings/)* prior to the meeting and can also be obtained by contacting Dr. Barish by email at: *sam.barish@science.doe.gov* or by phone at (301) 903–2917.

Public Participation: The 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 an oral statement regarding any of the items on the agenda, you should contact Dr. Barish at 301–903–1233 (fax) or *sam.barish@science.doe.gov* (email). Reasonable provision will be made to include the scheduled oral statements during the Public Comments time on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available for public review and copying within 30 days on the Fusion Energy Sciences Advisory Committee website—*http://science.energy.gov/fes/fesac/*.

Issued at Washington, DC, on January 4, 2018.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–00246 Filed 1–9–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Savannah River Site

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Savannah River Site. The Federal Advisory Committee Act requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Monday, January 22, 2018, 1:00 p.m.–5:00 p.m.; Tuesday, January 23, 2018; 9:00 a.m.–4:00 p.m.

ADDRESSES: Beach House Hotel, 1 South Forest Beach Drive, Hilton Head, SC 29928.

FOR FURTHER INFORMATION CONTACT: Susan Clizbe, Office of External Affairs, Department of Energy, Savannah River Operations Office, P.O. Box A, Aiken, SC 29802; Phone: (803) 952–8281.

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

Monday, January 22, 2018

Opening, Chair Update, and Agenda Review
Agency Updates
Break
Administrative & Outreach Committee Update
Facilities Disposition & Site Remediation Committee Update
Nuclear Materials Committee Update
Strategic & Legacy Management Committee Update
Waste Management Committee Update
Draft Recommendation Discussion
Public Comments
Recess

Tuesday, January 23, 2018

Reconvene
Agenda Review
Presentations:
- Savannah River Ecology Laboratory
- Status of Liquid Waste Operations

Lunch Break
Presentations:
- Status of Nuclear Materials Operations
- Integrated Priority List

Break
Topics for Consideration:
- Facilities Disposition & Site Remediation
- Nuclear Materials
- Strategic & Legacy Management
- Waste Management

Public Comments
Voting:
- Committee Chair Election
- Close Recommendation
- Draft Recommendation

Adjourn

Public Participation: The EM SSAB, Savannah River Site, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Susan Clizbe at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Susan Clizbe's office at the address or telephone listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Susan Clizbe at the address or phone number listed above. Minutes will also be available at the following website: *http://cab.srs.gov/srs-cab.html.*

Issued at Washington, DC, on December 27, 2017.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2018–00277 Filed 1–9–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

U.S. Energy Information Administration

Agency Information Collection Extension With Changes

AGENCY: U.S. Energy Information Administration (EIA), U.S. Department of Energy (DOE).

ACTION: Notice.

SUMMARY: EIA has submitted an information collection request to the Office of Management and Budget (OMB) for extension under the

provisions of the Paperwork Reduction Act of 1995. The information collection requests a three-year extension of its Form OE–417 *Electric Emergency Incident and Disturbance Report,* OMB Control Number 1901–0288. The form collects information on electric emergency incidents and disturbances for DOE's use in fulfilling its overall national security and National Response Framework and other energy management responsibilities.

DATES: Comments regarding this information collection must be received on or before February 9, 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, please advise the DOE Desk Officer at OMB of your intention to make a submission as soon as possible. The Desk Officer may be telephoned at 202–395–1254.

ADDRESSES: Written comments should be sent to the *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 Matthew Tarduogno, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, *Fax:* 202–586–2623, *Email: OE417@hq.doe.gov*.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions should be directed to Matthew Tarduogno, U.S. Department of Energy, 1000 Independence Avenue SW, Washington, DC 20585, phone: 202–586–2892, or email it to *matthew.tardugono@hq.doe.gov.* Form OE–417 and its instructions are available on the internet at *https://www.oe.netl.doe.gov/oe417.aspx.*

SUPPLEMENTARY INFORMATION: This information collection request contains:

(1) *OMB No.* 1901–0288;

(2) *Information Collection Request Title:* Electric Emergency Incident and Disturbance Report.

(3) *Type of Request:* Three-year extension with changes;

(4) *Purpose:* The U.S Department of Energy uses Form OE–417, *Emergency Incident and Disturbance Report,* to monitor emergencies and incidents that affect U.S. electric power systems, including events such as the power outages caused by hurricanes Harvey, Irma, Nate and Maria during the 2017 Hurricane Season. The information gathered allows DOE to conduct post-incident reviews examining significant interruptions, or potential interruptions, of electric power or threats to the national electric system. Form OE–417 enables DOE to meet the Department's national security responsibilities and requirements as the lead agency for Emergency Support Function (ESF) #12—Energy under the National Response Framework and the Sector-Specific Agency for energy under Presidential Policy Directive (PPD) 21 and PPD 41. The information may also be shared with other non-regulatory federal agencies assisting in emergency response and recovery operations, or investigating the causes of an incident or disturbance to the national electric system. Public summaries are posted to the Form OE–417 website on a monthly basis to keep the public informed.

(4a) Changes to Information Collection:

1. The main change to Form OE–417 is to incorporate questions that are or will be included in the North American Electric Reliability Corporation (NERC) EOP–004 Reliability Standard Event Reporting Form. With the changes to Form OE–417 if a respondent elects to have the form submitted to NERC, the entity does not need to file an EOP–004 Event Reporting Form. Form OE–417 will now collect the same information as EOP–004. By incorporating the same information, and aligning language across these two forms, entities will only be required to submit Form OE–417. This will reduce the reporting burden for the electric power industry. Additional changes to Form OE–417 clarify and improve the flow of questions.

2. The instructions include a note that ''NERC has determined that, for U.S. NERC reporting entities, the revised Form OE–417 meets NERC's submittal requirements'' (*i.e.* Form EOP–004).

3. Reintroduced Email submissions; however, online submissions will remain the preferred method. Rewording of descriptions describing the criteria and timing for when a report should be filed.

4. Named the three categories of submission: Emergency Alert; Normal Report; System Report to provide better clarity and easy reference under ''Criteria for Filing''.

5. Aligned alert criteria 5 and 6 with EOP–004 Reliability Standard terminology

6. Under ''Criteria for Filing'' section: 12 new data elements are added to collect the additional information that NERC collects or will collect on under the EOP–004 Reliability Standard. The additional questions are in a new category of submission called ''System Report'' and include:

- Damage or destruction of a Facility within its Reliability Coordinator Area, Balancing Authority Area or Transmission Operator Area that results in action(s) to avoid a Bulk Electric System Emergency;
- Damage or destruction of its Facility that results from actual or suspected intentional human action;
- Physical threat to its Facility excluding weather or natural disaster related threats, which has the potential to degrade the normal operation of the Facility. Or suspicious device or activity at its Facility;
- Physical threat to its Bulk Electric System control center, excluding weather or natural disaster related threats, which has the potential to degrade the normal operation of the control center. OR suspicious device or activity at its Bulk Electric System control center;
- Bulk Electric System Emergency resulting in voltage deviation on a Facility; a voltage deviation of equal to or greater than 10% of nominal voltage sustained for greater than or equal to 15 continuous minutes;
- Uncontrolled loss of 200 Megawatts or more of firm system loads for 15 minutes or more from a single incident for entities with previous year's peak demand less than or equal to 3,000 Megawatts;
- Total generation loss, within one minute of: greater than or equal to 2,000 Megawatts in the Eastern or Western Interconnection or greater than or equal to 1,400 Megawatts in the ERCOT Interconnection;
- Complete loss of off-site power (LOOP) affecting a nuclear generating station per the Nuclear Plant Interface Requirements;
- Unexpected Transmission loss within its area, contrary to design, of three or more Bulk Electric System Facilities caused by a common disturbance (excluding successful automatic reclosing);
- Unplanned evacuation from its Bulk Electric System control center facility for 30 continuous minutes or more;
- Complete loss of Interpersonal Communication and Alternative Interpersonal Communication capability affecting its staffed Bulk Electric System control center for 30 continuous minutes or more;
- Complete loss of monitoring or control capability at its staffed Bulk Electric System control center for 30 continuous minutes or more.

7. Line numbers 1 through 20 were relabeled as letters A through T to prevent confusion between line numbers and alert criteria.

8. An Alert status category ''system report,'' was added which shall be filed by the later of 24 hours after the recognition of the incident OR by the end of the next business day. This change aligns with the EOP–004 Reliability Standard. 4:00 p.m. local time will be definition for the end of the business day.

9. The Electric Emergency Incident and Disturbance Report section, lines J, K, L were reorganized into ''Cause, Impact, and Action Taken'' for clarity and ease of use and additional items were added to align with NERC's EOP–004 Reliability Standard.

10. The burden per response for completing Form OE–417 is reduced from 2.16 hours to 1.8 hours based on findings from the results from cognitive research conducted by the U.S. Energy Information Administration.

11. The form and instructions were updated to specify maintaining the continuity of the ''Bulk Electric System'' versus ''the electric power system'' in the ''Criteria for Filing'' section Line 8. This change is based on a comment provided during the 60-day comment period.

12. The words ''lines 13–17'' were replaced with ''lines M–Q'' under the ''Response Due'' section, to match updated line labels on the form. This change is based on a comment provided during the 60-day comment period.

13. A section was added to allow respondents to select whether the information provided in the Form is submitted to the North American Electric Reliability Corporation (NERC) and/or the Electricity Information Sharing and Analysis Center (E–ISAC).

14. EIA amended its data protection policy for information reported on Schedule 2 of Form OE–417. Currently this information is protected from public release to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. 552, the DOE regulations, 10 CFR 1004.11 implementing FOIA, and the Trade Secrets Act, 18 U.S.C. 1905. EIA will use the Critical Energy Infrastructure Information (CEII) regulations as set forth by the Federal Energy Regulatory Commission (FERC) to implement the requirements of the Fixing America's Surface Transportation (FAST) Act, Pub. L. 114–94, pursuant to section 215A(d) of the Federal Power Act, as amended, to protect information reported on Schedule 2 in addition to continuing to apply FOIA exemptions and using the Trade Secrets Act. This change strengthens DOE's ability to protect information reported on Schedule 2 of Form OE–417 and provides additional authority for DOE to withhold company identifiable information from public release.

15. The new data protection provision for Form OE–417 is as follows:

- The information reported on Schedule 1 will be considered ''public information'' and may be publicly released in company or individually identifiable form.
- Information reported on Schedule 2 of Form OE–417 will not be disclosed to the public to the extent that it satisfies the criteria for exemption under the Freedom of Information Act (FOIA), 5 U.S.C. 552, the DOE regulations, 10 CFR 1004.11, implementing the FOIA, the Trade Secrets Act, 18 U.S.C. 1905 and Critical Energy Infrastructure Information regulations as defined by the Federal Energy Regulatory Commission pursuant to section 215A(d) of the Federal Power Act, as amended.

In accordance with the Federal Energy Administration Act, DOE provides company-specific protected data to other Federal agencies when requested for official use. The information reported on this form may also be made available, upon request, to another component of DOE; to any Committee of Congress, the U.S. Government Accountability Office, or other Federal agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order. The information may be used for any non-statistical purposes such as administrative, regulatory, law enforcement, or adjudicatory purposes.

(5) *Annual Estimated Number of Respondents:* 2,395.

(6) *Annual Estimated Number of Total Responses:* 300.

(7) *Annual Estimated Number of Burden Hours:* 5,315.

(8) *Annual Estimated Reporting and Recordkeeping Cost Burden:* $391,503.

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.* In addition, 15 U.S.C. 772(b); 764(a); 764(b); and 790a, of the Federal Energy Administration Act of 1974 (FEA Act), Pub. L. 93–275, as well as the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2601, Pub. L. 93–275.)

Issued in Washington, DC, on January 3, 2018.

L. Devon Streit,

Deputy Assistant Secretary, Infrastructure Security and Energy Restoration, Office of Electricity Delivery & Energy Reliability, U. S. Department of Energy.

[FR Doc. 2018–00258 Filed 1–9–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

U.S. Energy Information Administration

Agency Information Collection Extension With Changes

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 of its ''Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery'' under OMB Control No. 1905–0210. This generic clearance enables EIA to collect customer and stakeholder feedback in an efficient, timely manner, in accordance with our commitment to ensure that our programs are effective, meet our customers' needs, and receive feedback on improving service delivery to the public.

DATES: EIA must receive all comments on this proposed information collection no later than February 9, 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 may be submitted to: 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 Jacob Bournazian, U.S. Energy Information Administration, 1000 Independence Avenue SW, EI–21, Washington, DC 20585, Email *jacob.bournazian@eia.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument and instructions, send your request to Jacob Bournazian, U.S. Energy Information Administration, 1000 Independence Avenue SW, Washington, DC 20585, phone: 202–586–5562, or email it to *jacob.bournazian@eia.gov.*

SUPPLEMENTARY INFORMATION: This information collection request contains

(1) *OMB Number:* 1905–0210.

(2) *Information Collection Request Title:* Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

(3) *Type of Request: Renewal with changes; Purpose:* The proposed information collection activity provides

a means to collect qualitative customer and stakeholder feedback in an efficient, timely manner, in accordance with the Administration's commitment to improving service delivery. Qualitative feedback means data that provide useful insights on perceptions and opinions, but are not statistical surveys that yield quantitative results that can be generalized to the population of study. This feedback provides insights into customer or stakeholder perceptions, experiences and expectations. It also provides an early warning of issues with service, or focuses attention on areas where communication, training or changes in operations might improve the accuracy of data reported on survey instruments or the delivery of products or services. These collections will allow for ongoing, collaborative and actionable communications between the agency and its customers and stakeholders. It will also allow feedback to contribute directly to the improvement of program management. Feedback collected under this generic clearance provides useful information, but it does not yield data that can be generalized to the overall population. This type of generic clearance for qualitative information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance. Such data uses require more rigorous designs that address: the target population to which generalizations will be made, the sampling frame, the sample design (including stratification and clustering), the precision requirements or power calculations that justify the proposed sample size, the expected response rate, methods for assessing potential non-response bias, the protocols for data collection, and any testing procedures that were or will be undertaken prior to fielding the study. Depending on the degree of influence the results are likely to have, such collections may still be eligible for submission for other generic mechanisms that are designed to yield quantitative results.

(4) *Annual Estimated Number of Respondents:* 80,600.

(5) *Annual Estimated Number of Responses:* 80,600.

(6) *Annual Estimated Number of Burden Hours:* 8,463.

Comments submitted in response to this notice may be made available to the public through relevant websites. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment; your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

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 Office of Management and Budget control number.

Statutory Authority: Executive Order (E.O.) 13571, Streamlining Service Delivery and Improving Customer Service.

Issued in Washington, DC, on January 3, 2018.

Nanda Srinivasan,

Director, Office of Survey Development and Statistical Integration, U.S. Energy Information Administration.

[FR Doc. 2018–00260 Filed 1–9–18; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–35–000]

Tennessee Gas Pipeline Company, L.L.C.; Notice of Application

Take notice that on December 20, 2017 Tennessee Gas Pipeline Company, L.L.C. (Tennessee), 1001 Louisiana Street, Houston, Texas 77002, filed in Docket No. CP18–35–000, an application pursuant to section 3 of the Natural Gas Act (NGA), to amend its authorization under NGA section 3 and Presidential Permit to allow it to increase the design capacity of its Pemex Border Crossing Facilities located at the International Boundary between the United States and Mexico in Hidalgo County, Texas from 185 million cubic feet per day (MMcf/d) to 468 MMcf/d. Tennessee proposes no construction or modification to its previously-approved facilities, all as more fully set forth in the application which is on file with the Commission and open to 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 Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions regarding this application should be directed to Ben J. Carranza, Director, Regulatory, Tennessee Gas Pipeline Company, L.L.C., 1001 Louisiana Street, Houston, Texas 77002, by phone at (713) 420–5535 or by email at *ben_carranza@kindermorgan.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 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 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 below listed comment date, 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 five 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 commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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 original and five 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 January 24, 2018.

Dated: January 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00273 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application

	Docket Nos.
Questar Southern Trails Pipeline Company	CP18–39–000
Navajo Tribal Utility Authority	CP18–40–000

Take notice that on December 22, 2017, Questar Southern Trails Pipeline Company (QST), 333 South State Street, Salt Lake City, Utah 84111, filed an application, in Docket No. CP18–39–000, pursuant to section 7(b) of the Natural Gas Act (NGA) seeking authority to abandon: (i) Its certificate of public convenience and necessity, (ii) its Part 284 blanket certificate, and (iii) its blanket certificate issued under Part 157, Subpart F of the Commission's regulations. QST also requests authority to abandon, part by sale and part in-place, all of its certificated facilities dedicated to providing jurisdictional transportation service including approximately 488 miles of natural gas pipeline and related facilities located in California, Arizona, Utah, and New Mexico.

Also, take notice that on December 22, 2017, the Navajo Tribal Utility Authority (NTUA), P.O. Box 170, Fort Defiance, Arizona 86504, filed an application, in docket No. CP18–40–000, pursuant to Section 7(f) of the NGA and Part 157 of the Commission's regulations, requesting: (i) A service area determination within which NTUA may, without further Commission authorization, enlarge or expand its natural gas distribution facilities and (ii) a waiver of all reporting, accounting, and other rules and regulations normally applicable to natural gas companies.

QST states that it cannot economically justify continued operation of its system. Therefore, QST entered into an agreement with NTUA to sell those portions of the QST Facilities that are useful for natural gas distribution service to NTUA. NTUA will utilize those acquired facilities to provide its own service replacing the service historically provided to it by QST. The remaining facilities not sold to the NTUA will be abandoned in-place.

Specifically, QST proposes to abandon by sale to NTUA approximately 268 miles of its interstate pipeline, three compressor stations, and related facilities in San Juan County, New Mexico and Apache and Coconino Counties, Arizona.

QST proposes to abandon in-place all the QST Facilities not being transferred to the NTUA, consisting of approximately 220 miles of 16-inch-diameter pipeline, and related facilities, extending from Coconino County, Arizona to the terminus of the certificated pipeline in San Bernardino County, California. QST will maintain all the facilities abandoned in-place in anticipation of a future sale or repurpose, all as more fully set forth in the applications which are on file with the Commission and open to public inspection. The filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding the CP18–39–000 application should be directed to L. Bradley Burton, Director-Regulatory, Certificates & Tariffs, Dominion Energy Questar Corp., 333 South State Street, P.O. Box 45360, Salt Lake City, Utah 84145–0360, by telephone at (801) 324–2459, or by email to *brad.burton@dominionenergy.com.*

Any questions regarding the CP18–40–000 application should be directed to Jeffrey K. Janicke, McCarter & English, LLP, 1015 15th Street NW, 12th Floor, Washington, DC 20005, by telephone at (202) 735–3403; or by email to *jjanicke@mccarter.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 these proceedings; 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 EA for this proposal. The filing of the EA in the Commission's public record for these proceedings 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 EA.

There are two ways to become involved in the Commission's review of these projects. 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 five 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 these projects. 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 five 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 January 24, 2018.

Dated: January 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00275 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP18–316–000.

Applicants: Columbia Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Facilities Policy to be effective 2/2/2018.

Filed Date: 1/3/18.

Accession Number: 20180103–5043.

Comments Due: 5 p.m. ET 1/16/18.

Docket Numbers: RP18–317–000.

Applicants: Guardian Pipeline, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate PAL Agreement—Koch Energy Serv. LLC to be effective 1/3/2018.

Filed Date: 1/3/18.

Accession Number: 20180103–5150.

Comments Due: 5 p.m. ET 1/16/18.

Docket Numbers: RP18–318–000.

Applicants: Alliance Pipeline L.P.

Description: § 4(d) Rate Filing: Correct Contracted Quantity to be effective 11/1/2017.

Filed Date: 1/3/18.

Accession Number: 20180103–5159.

Comments Due: 5 p.m. ET 1/16/18.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 4, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–00279 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–41–000]

Columbia Gas Transmission, LLC; Notice of Request Under Blanket Authorization

Take notice that on December 27, 2017, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Houston, Texas 77002–2700, filed a prior notice application pursuant to sections 157.205, 157.208, and 157.216 of the Federal Energy Regulatory Commission's (Commission) regulations under the Natural Gas Act (NGA), and Columbia's blanket certificate issued in Docket No. CP83–76–000. Columbia requests authorization to relocate and/or retire certain existing segments of Lines 65, 135, 1360, 1758, and 1759 to accommodate a Pennsylvania Turnpike Commission highway relocation project. The relocation and retirement activities will take place in Allegheny and Washington Counties, Pennsylvania, all as more fully set forth in the application, which is open to the public for 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Linda Farquhar, Manager, Project Determinations & Regulatory Administration, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 700, Houston, Texas, 77002–2700 or by phone (832) 320–6685 or fax (832) 320–6685 or by email *linda_farquhar@transcanada.com.*

Any person or the Commission's staff may, within 60 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the regulations under the NGA (18 CFR 157.205), a protest to the request. If no protest is filed within the time allowed therefore, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the allowed time for filing a protest, the instant request

shall be treated as an application for authorization pursuant to section 7 of the NGA.

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.

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 commenter 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.

Dated: January 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00276 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–36–000]

Tennessee Gas Pipeline Company, L.L.C.; Notice of Application

Take notice that on December 20, 2017 Tennessee Gas Pipeline Company, L.L.C. (Tennessee), 1001 Louisiana Street, Houston, Texas 77002, filed in Docket No. CP18–35–000, an application pursuant to section 3 of the Natural Gas Act (NGA), to amend its authorization under NGA section 3 and Presidential Permit to allow it to increase the design capacity of its Rio Bravo Border Crossing Facilities located at the International Boundary between the United States and Mexico in Hidalgo County, Texas from 320 million cubic feet per day (MMcf/d) to 420 MMcf/d. Tennessee proposes no construction or modification to its previously-approved facilities, all as more fully set forth in the application which is on file with the Commission and open to 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 Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or TTY, contact (202) 502–8659.

Any questions regarding this application should be directed to Ben J. Carranza, Director, Regulatory, Tennessee Gas Pipeline Company, L.L.C., 1001 Louisiana Street, Houston, Texas 77002, by phone at (713) 420–5535 or by email at *ben_carranza@kindermorgan.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 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 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 below listed comment date, 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 five 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 commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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 original and five 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 January 24, 2018.

Dated: January 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00274 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER18–594–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 3371 KAMO Electric and GRDA Interconnection Agreement to be effective 1/1/2018.

Filed Date: 1/3/18.

Accession Number: 20180103–5141.

Comments Due: 5 p.m. ET 1/24/18.

Docket Numbers: ER18–595–000.

Applicants: Aurora Generation, LLC, Rockford Power, LLC, Rockford Power II, LLC.

Description: Request for Limited Waiver of Aurora Generation, LLC, et al.

Filed Date: 1/3/18.

Accession Number: 20180103–5189.

Comments Due: 5 p.m. ET 1/17/18.

Docket Numbers: ER18–596–000.

Applicants: Springdale Energy, LLC, Helix Ironwood, LLC.

Description: Request for Limited Waiver of Springdale Energy, LLC and Helix Ironwood, LLC.

Filed Date: 1/3/18.

Accession Number: 20180103–5192.

Comments Due: 5 p.m. ET 1/17/18.

Take notice that the Commission received the following qualifying facility filings:

Docket Numbers: QF18–454–000.

Applicants: Otsego Paper Inc.

Description: Form 556 of Otsego Paper Inc. under QF18–454.

Filed Date: 1/3/18.

Accession Number: 20180103–5179.

Comments Due: None Applicable.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 4, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–00278 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER18–552–000]

Clean Energy Future-Lordstown, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding Clean Energy Future-Lordstown, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is January 24, 2018.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

The filings in the above-referenced proceeding are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: January 4, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–00280 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP18–34–000]

Tallgrass Interstate Gas Transmission, LLC; Notice of Application

Take notice that on December 20, 2017, Tallgrass Interstate Gas Transmission, LLC (Tallgrass), 370 Van Gordon Street, Lakewood, Colorado 80228, filed in Docket No. CP18–34–000, an application pursuant to sections 7(b) and 7(c) of the Natural Gas Act and Part 157 of the Commission's regulations, for a certificate of public convenience and necessity to decrease the maximum certificated capacity authorized for Cheyenne Market Center (CMC) Service at its Huntsman Storage Facility located in Cheyenne County, Nebraska. Specifically, Tallgrass

proposes to abandon and convert 1,629,000 Dekatherms (Dth) of CMC Service to 762,373 Dth of No-Notice Service. Tallgrass states that the requested authorization is required in order to properly align Tallgrass' certificated storage levels with the demand for firm storage services expressed by Tallgrass' shippers. Further, Tallgrass also state that the quality of service being provided to its customers will not be affected, all as more fully set forth in the application, which is on file with the Commission and open to 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, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll-free, (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application should be directed to Skip George, Manager Regulatory, Tallgrass Interstate Gas Transmission, LLC, 370 Van Gordon Street, Lakewood, Colorado 80228 or phone (303) 763–3251.

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 commentors 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 commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors 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.

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: January 24, 2018.

Dated: January 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00272 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP17–101–000]

Transcontinental Gas Pipe Line Company, LLC; Notice of Schedule for Environmental Review of the Northeast Supply Enhancement Project

On March 27, 2017, Transcontinental Gas Pipe Line Company, LLC (Transco) filed an application in Docket No. CP17–101–000 requesting a Certificate of Public Convenience and Necessity pursuant to Section 7(c) of the Natural Gas Act to construct, operate, and maintain certain natural gas pipeline facilities. The proposed project is known as the Northeast Supply Enhancement Project (NESE Project or Project) and would provide 400,000 dekatherms per day of firm transportation service to the New York City area.

On April 6, 2017, the Federal Energy Regulatory Commission (FERC or Commission) issued its Notice of Application for the Project. Among other things, that notice alerted other agencies issuing federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on the request for a federal authorization within 90 days of the date of issuance of the Commission staff's final Environmental Impact Statement (EIS) for the NESE Project. This instant notice identifies the FERC staff's planned schedule for completion of the final EIS for the Project, which is based on an issuance of the draft EIS in March 2018.

Schedule for Environmental Review

Issuance of Notice of Availability of the final EIS—September 17, 2018
90-day Federal Authorization Decision Deadline—December 16, 2018

This schedule is predicated on Transco demonstrating a feasible and timely method for addressing general conformity, such that the final General Conformity Determination can be issued with the final EIS. If a schedule change becomes necessary for the final EIS, an

additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

Project Description

The NESE Project consists of 10.2 miles of 42-inch-diameter pipeline loop [1] in Lancaster County, Pennsylvania (the Quarryville Loop); 3.4 miles of 26-inch-diameter pipeline loop in Middlesex County, New Jersey (the Madison Loop); 23.5 miles of 26-inch-diameter pipeline loop in Middlesex and Monmouth Counties, New Jersey, and Queens and Richmond Counties, New York (the Raritan Bay Loop [2]); modification of existing Compressor Station 200 in Chester County, Pennsylvania; construction of new Compressor Station 206 in Somerset County, New Jersey; and appurtenant facilities.

Background

On August 24, 2016, the Commission issued a *Notice of Intent to Prepare an Environmental Impact Statement for the Planned Northeast Supply Enhancement Project, Request for Comments on Environmental Issues, and Notice of Public Scoping Sessions* (NOI). The NOI was issued during the pre-filing review of the Project in Docket No. PF16–5 and was sent to federal, state, and local government agencies; elected officials; affected landowners; environmental and public interest groups; Native American tribes and regional organizations; commentors and other interested parties; and local libraries and newspapers. The majority of environmental issues raised during scoping were related to proposed Compressor Station 206, including air quality and noise impacts; impacts on nearby residences, schools, and churches; socioeconomic impacts, including environmental justice; safety; and impacts related to activities at the nearby existing Trap Rock Quarry. Other major issues raised during scoping related to the Project include purpose and need; surface water and groundwater impacts; impacts on wildlife and aquatic resources; traffic; and alternatives.

The U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers, and the City of New York are cooperating agencies in the preparation of the EIS.

[1] A loop is a segment of pipe that is installed adjacent to an existing pipeline and connected to it at both ends. A loop generally allows more gas to move through the system.

[2] Except for 0.2 mile of pipe in onshore Middlesex County, New Jersey, the Raritan Bay Loop would occur in offshore New Jersey waters (6.0 miles) and offshore New York waters (17.3 miles).

Additional Information

In order to receive notification of the issuance of the EIS and to keep track of all formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. Go to *www.ferc.gov/docs-filing/esubscription.asp.*

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208–FERC or on the FERC website (*www.ferc.gov*). Using the eLibrary link, select General Search from the eLibrary menu, enter the selected date range and Docket Number excluding the last three digits (*i.e.,* CP17–101), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208–3676, TTY (202) 502–8659, or at *FERCOnlineSupport@ferc.gov.* The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: January 3, 2018.

Kimberly D. Bose,

Secretary.

[FR Doc. 2018–00271 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2685–029]

New York Power Authority; Notice of Application Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2685–029.

c. *Date filed:* April 27, 2017.

d. *Applicant:* New York Power Authority (NYPA).

e. *Name of Project:* Blenheim-Gilboa Pumped Storage Project.

f. *Location:* The existing project is located on Schoharie Creek, in the Towns of Blenheim and Gilboa in Schoharie County, New York. The project does not affect federal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Robert Daly, Licensing Manager, New York Power Authority 123 Main Street, White Plains, New York 10601. Telephone: (914) 681–6564, Email: *Rob.Daly@nypa.gov*.

i. *FERC Contact:* Andy Bernick at (202) 502–8660, and email *andrew.bernick@ferc.gov*.

j. Deadline for filing comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions 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–2685–029.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor 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.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. The existing Blenheim-Gilboa Project consists of the following: (1) A 2.25-mile-long, 30-foot-wide earth and rock fill embankment dike with a maximum height of 110 feet, constructed at Brown Mountain and forming the 399-acre Upper Reservoir (operating at the maximum and extreme minimum elevations of 2,003 feet and 1,955 feet National Geodetic Vertical Datum of 1929 [NGVD 29], respectively)

with 15,085 acre-feet of usable storage and dead storage of 3,706 acre-feet below elevation 1,955 feet NGVD 29; (2) a 655-foot-long emergency spillway with a 25-foot-wide asphaltic concrete crest at elevation 2,005 feet NGVD 29 and a capacity of 10,200 cubic feet per second (cfs); (3) an intake system that includes: (i) A 125-foot-wide hexagonal-shaped intake cover with trash racks with a clear spacing of 5.25 inches; (ii) a 1,042-foot-long, 28-foot-diameter, concrete-lined vertical shaft in the bottom of the Upper Reservoir; (iii) a 906-foot-long horizontal, concrete-lined rock tunnel; and (iv) a 460-foot-long concrete-lined manifold that distributes flow to four 12-foot-diameter steel-lined penstocks, each with a maximum length of about 1,960 feet, to four pump-turbines located at the powerhouse; (4) a 526-foot-long, 172-foot-wide, and 132-foot-high multi-level powerhouse located along the east bank of the Lower Reservoir at the base of Brown Mountain, containing four reversible pump turbines that each produce approximately 290 megawatts (MW) in generation mode, and have a total maximum discharge of 12,800 cfs during generation and 10,200 cfs during pumping; (5) a bottom trash rack with a clear spacing of 5.625 inches, and four upper trash racks with a clear spacing of 5.25 inches; (6) an 1,800-foot-long central core, rock-filled lower dam with a maximum height of 100 feet that impounds Schoharie Creek to form the 413-acre Lower Reservoir (operating at the maximum and minimum elevations of 900 feet and 860 feet NGVD 29, respectively) with 12,422 acre-feet of usable storage and dead storage of 3,745 acre-feet below 860 feet NGVD 29; (7) three 38-foot-wide by 45.5-foot-high Taintor gates at the left end of the lower dam; (8) a 425-foot-long, 134-foot-wide concrete spillway structure with a crest elevation of 855 feet NGVD 29; (9) a 238-foot-long, 68.5-foot-deep concrete stilling basin; (10) a low level outlet with four discharge valves of 4, 6, 8, and 10 inches for release of 5 to 25 cfs, and two 36-inch-diameter Howell-Bunger valves to release a combined flow of 25 to 700 cfs; (11) a switchyard on the eastern bank of Schoharie Creek adjacent to the powerhouse; and (12) appurtenant facilities.

During operation, the Blenheim-Gilboa Project's pump-turbines may be turned on or off several times throughout the day, but the project typically generates electricity during the day when consumer demand is high and other power resources are more expensive. Pumping usually occurs at night and on weekends when there is excess electricity in the system available for use. According to a July 30, 1975, settlement agreement, NYPA releases a minimum flow of 10 cubic feet per second (cfs) during low-flow periods when 1,500 acre-feet of water is in storage, and 7 cfs when less than 1,500 acre-feet is in storage. For the period 2007 through 2016, the project's average annual generation was about 374,854 megawatt-hours (MWh) and average annual energy consumption from pumping was about 540,217 MWh.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's website 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, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title COMMENTS, REPLY COMMENTS, RECOMMENDATIONS, PRELIMINARY TERMS AND CONDITIONS, or PRELIMINARY FISHWAY PRESCRIPTIONS; (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 submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

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, contact FERC Online Support.

n. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

o. Procedural Schedule

The application will be processed according to the following revised Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of recommendations, preliminary terms and conditions, and preliminary fishway prescriptions	March 5, 2018.
Reply comments due	April 19, 2018.
Commission Issues Draft EA	September 1, 2018.
Comments on Draft EA	October 1, 2018.
Modified terms and conditions due	November 30, 2018.
Commission issues Final EA	February 28, 2019.

p. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: January 4, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–00281 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14850–000]

Covington Mountain Hydro, LLC.; Notice of Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On July 3, 2017, the Covington Mountain Hydro, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of the Bison Peak Pumped Storage Project (Bison Peak Project or project) to be located in the Tehachapi Mountains south of Tehachapi, Kern County, California. The sole purpose of a preliminary permit, if issued, is to grant the permit holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed project would be a closed-loop pumped storage project with an upper reservoir and the applicant has proposed three alternatives for the placement of a lower reservoir, termed South, Law, and Horsethief. Water for the initial fill of either of the alternatives would be obtained from local water agency infrastructure via a route that would be identified during studies.

A 35-foot ring dam and a perimeter of 4,900 feet would form the project's upper reservoir. The upper reservoir would have a total storage capacity of 1,300 acre-feet and a surface area of 20 acres at an elevation of 7,890 feet mean sea level (msl). The upper reservoir would be connected to one of the three proposed lower reservoir alternatives as described below.

The South lower reservoir alternative would consist of the following: (1) The upper reservoir; (2) a 19-acre lower reservoir at 4,920 feet msl created by a dam with a crest height of 160 feet, crest length of 610 feet, and a storage capacity of 1,300 acre-feet; (3) a 9.1-foot diameter, 9,700-foot-long penstock from the upper reservoir that bifurcates creating an additional 6.5-foot diameter, 700-foot-long penstock; (4) an underground powerhouse with three 120-megawatt (MW) reversible pump-turbines and a surface powerhouse with a single 120-MW Pelton turbine; (5) an intake/tailrace facility; and (6) appurtenant facilities. The estimated annual generation of the South lower reservoir alternative would be about 1,051 gigawatt-hours.

The Law lower reservoir alternative would consist of the following: (1) The upper reservoir; (2) a 19-acre lower reservoir at 5,370 feet msl created by a dam with a crest height of 145 feet, crest length of 750 feet, and a storage capacity of 1,300 acre-feet; (3) a 9.5-foot diameter, 9,900-foot-long penstock from the upper reservoir that bifurcates creating an additional 6.7-foot diameter, 1,300-foot-long penstock; (4) an underground powerhouse with three 110-MW reversible pump-turbines and a surface powerhouse with a single 110-MW Pelton turbine; (5) an intake/tailrace facility; and (6) appurtenant facilities. The estimated annual generation of the Law lower reservoir alternative would be about 963 gigawatt-hours.

The Horsethief lower reservoir alternative would consist of the following: (1) The upper reservoir; (2) a 18-acre lower reservoir at 5,940 feet msl created by a dam with a crest height of 150 feet, crest length of 750 feet, and a storage capacity of 1,300 acre-feet; (3) a 9.5-foot-diameter, 9,000-foot-long penstock from the upper reservoir; (4) a mostly underground powerhouse with two 180-MW reversible pump-turbines; (5) an intake/tailrace facility; and (6) appurtenant facilities. The estimated annual generation of the Horsethief lower reservoir alternative would be about 788.4 gigawatt-hours.

All alternatives would include a 220-kilovolt transmission line with a length of 10 to 12 miles.

Applicant Contact: Matthew Shapiro, Covington Mountain Hydro, LLC., 1210 West Franklin St., #2, Boise, ID 83702; phone: (208) 246–9925.

FERC Contact: Jim Fargo; phone: (202) 502–6095.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications 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: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. The first page of any filing should include docket number P–14850–000.

More information about this project, including a copy of the application, can be viewed or printed on the eLibrary link of Commission's website at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14850) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: January 4, 2018.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2018–00282 Filed 1–9–18; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9972–88–ORD]

Environmental Laboratory Advisory Board Meeting Dates and Agenda

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of teleconference and face-to-face meetings.

The Environmental Protection Agency's (EPA) Environmental Laboratory Advisory Board (ELAB) holds teleconference meetings the third Wednesday of each month at 1:00 p.m. ET and two face-to-face meetings each calendar year. For 2018, teleconference only meetings will be February 21; March 21; April 18; May 16; June 20; July 18; September 19; October 17; November 21; and December 19 to discuss the ideas and views presented at the previous ELAB meetings, as well as new business. Items to be discussed by ELAB over these coming meetings include: (1) Issues in continuing the expansion of national environmental

accreditation; (2) ELAB support to the Agency on issues relating to measurement and monitoring for all programs; and (3) follow-up on some of ELAB's past recommendations and issues. In addition to these teleconferences, ELAB will be hosting their two face-to-face meetings with teleconference line also available on January 22, 2018 at the Hyatt Regency in Albuquerque, NM at 1:00 p.m. (MT) (due to unforeseen administrative circumstances, EPA is announcing this meeting with less than 15 calendar days' notice) and on August 6, 2018 at the Hyatt Regency in New Orleans, LA at 1:00 p.m. (CT). Written comments on laboratory accreditation issues and/or environmental monitoring or measurement issues are encouraged and should be sent to Ms. Lara P. Phelps, Designated Federal Official, US EPA (E243–05), 109 T. W. Alexander Drive, Research Triangle Park, NC 27709 or emailed to *phelps.lara@epa.gov.* Members of the public are invited to listen to the teleconference calls, and time permitting, will be allowed to comment on issues discussed during this and previous ELAB meetings. Those persons interested in participating in ELAB teleconference meetings should call Lara P. Phelps at (919) 541–5544 to obtain teleconference information. For information on access or services for individuals with disabilities, please contact Lara P. Phelps at the number above, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: December 28, 2017.

Jennifer Orme-Zavaleta,

Science Advisor, Office of the Science Advisor.

[FR Doc. 2018–00284 Filed 1–9–18; 8:45 am]

BILLING CODE 6560–50–P

FARM CREDIT ADMINISTRATION

Sunshine Act Meeting; Farm Credit Administration Board

AGENCY: Farm Credit Administration.

ACTION: Notice, regular meeting.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act, of the regular meeting of the Farm Credit Administration Board (Board).

DATES: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on January 11, 2018, from 9:00 a.m. until such time as the Board concludes its business.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090. Submit attendance requests via email to *VisitorRequest@FCA.gov.* See **SUPPLEMENTARY INFORMATION** for further information about attendance requests.

FOR FURTHER INFORMATION CONTACT: Dale L. Aultman, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056, *aultmand@fca.gov.*

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available) and parts will be closed to the public. Please send an email to *VisitorRequest@FCA.gov* at least 24 hours before the meeting. In your email include: Name, postal address, entity you are representing (if applicable), and telephone number. You will receive an email confirmation from us. Please be prepared to show a photo identification when you arrive. If you need assistance for accessibility reasons, or if you have any questions, contact Dale L. Aultman, Secretary to the Farm Credit Administration Board, at (703) 883–4009. The matters to be considered at the meeting are:

Open Session

A. Approval of Minutes

- December 14, 2017

B. Report

- Auditor's Report on FCA FY 2017/2016 Financial Statements

Closed Session *

- Executive Meeting With Auditors

Dated: January 8, 2018.

Dale L. Aultman,

Secretary, Farm Credit Administration Board.

[FR Doc. 2018–00337 Filed 1–8–18; 11:15 am]

BILLING CODE 6705–01–P

FEDERAL COMMUNICATIONS COMMISSION

[DA 17–1227]

Media Bureau Freezes the Filing of Minor Change Applications for LPTV/Translator Stations

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces a freeze on the filing of minor change applications by low power television and TV translator stations.

DATES: This filing limitation became effective on December 20, 2017.

FOR FURTHER INFORMATION CONTACT: Shaun Maher, Video Division, Media Bureau, Federal Communications Commission, *Shaun.Maher@fcc.gov,* (202) 418–2324.

SUPPLEMENTARY INFORMATION: Effective immediately, the Media Bureau announces a freeze on the filing of applications for minor change applications for low power television (LPTV) and TV translator stations. The incentive auction is being conducted pursuant to Title VI of the Middle Class Tax Relief and Job Creation Act of 2012. It includes a ''reverse auction'' and reorganization or ''repacking'' of the broadcast television bands in order to free up a portion of the ultra-high frequency band for new flexible uses. The facilities of LPTV and TV translator stations are not protected during repacking. ''Operating'' LPTV and TV translator stations displaced by repacking will be permitted to file displacement applications in a special window to be opened following the completion of the auction. ''Operating'' stations are defined as those that have licensed their authorized construction permit facilities or have an application for a license to cover on file with the Commission on the release date of the incentive auction Closing and Channel Reassignment Public Notice.

To facilitate the special window for displaced LPTV and TV translator stations and to protect the opportunity for LPTV and TV translator stations displaced by the repacking of the television bands to obtain a new channel in the special window from the limited number of channels likely to be available for application after repacking, the Media Bureau deems it appropriate to freeze the acceptance of minor change applications at this time. The Media Bureau will continue to process pending minor change applications. Following completion of the special window for displaced LPTV/translator stations, the Media Bureau will announce when it will again begin accepting minor change applications.

The Media Bureau will consider, on a case-by-case basis, requests for waiver of the filing limitation imposed by this Public Notice when a minor change application is necessary or otherwise in the public interest for technical or other reasons to maintain quality service to the public. As with any request for waiver of our rules, such a request will be granted only on a showing of good cause and when grant of the waiver will serve the public interest.

* Session Closed-Exempt pursuant to 5 U.S.C. 552b(c)(2).

The decision to impose this freeze is procedural in nature, and therefore is not subject to the notice and comment and effective date requirements of the Administrative Procedure Act, 5 U.S.C. 553(b)(A), (d). Moreover, the Media Bureau finds that there is good cause for not delaying the effect of these procedures until 30 days after publication in the **Federal Register**. Such a delay would be impractical, unnecessary, and contrary to the public interest because it would undercut the purposes of the freeze.

This action is taken by the Chief, Media Bureau pursuant to authority delegated by 47 CFR 0.283 of the Commission's rules.

Federal Communications Commission.

Barbara Kreisman,

Chief, Video Division, Media Bureau.

[FR Doc. 2018–00286 Filed 1–9–18; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed

The Commission hereby gives notice of the filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments on the agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within twelve days of the date this notice appears in the **Federal Register**. A copy of the agreement is available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)-523–5793 or *tradeanalysis@fmc.gov.*

Agreement No.: 201200–001.

Title: Houston Marine Terminal Operators/Freight Handlers Agreement.

Parties: Ceres Gulf Inc.; Cooper/Ports America LLC; and SSA Gulf, Inc.

Filing Party: Shareen Larmond; West Gulf Maritime Association; 1717 Turning Basin Drive, Suite 200; Houston, Texas 77029.

Synopsis: The amendment updates the membership of the Agreement and makes other administrative changes.

By Order of the Federal Maritime Commission.

Dated: January 5, 2018.

Rachel E. Dickon,

Assistant Secretary.

[FR Doc. 2018–00289 Filed 1–9–18; 8:45 am]

BILLING CODE 6731–AA–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[CDC–2013–0015; Docket Number NIOSH 237–A]

National Framework for Personal Protective Equipment Conformity Assessment—Infrastructure

AGENCY: National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice of availability.

SUMMARY: NIOSH announces the availability of the following publication: National Framework for Personal Protective Equipment Conformity Assessment—Infrastructure.

DATES: The technical report was published on November 17, 2017.

ADDRESSES: This document may be obtained at the following link: *https://www.cdc.gov/niosh/docs/2018-102/default.html.*

FOR FURTHER INFORMATION CONTACT: Maryann M. D'Alessandro, NIOSH, National Personal Protective Technology Laboratory, 626 Cochrans Mill Road, Building 20, Pittsburgh, PA 15236, email address: *bpj5@cdc.gov,* (412) 386–6111 (not a toll free number).

SUPPLEMENTARY INFORMATION: In May 2011, NIOSH published a notice in the **Federal Register** [76 FR 28791] requesting comments on the recommendations issued by the Institute of Medicine in a report they electronically published in November 2010, titled, ''Certifying Personal Protective Technologies.'' In August 2013, NIOSH published a notice in the **Federal Register** [78 FR 49524] requesting comments on the draft NIOSH response to the Institute of Medicine recommendations, and announcing a public meeting which was held on September 17, 2013. In response to a request, NIOSH extended the public comment period to December 2, 2013. All comments received were reviewed and addressed where appropriate.

John Howard,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.

[FR Doc. 2018–00252 Filed 1–9–18; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2011–N–0085]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Guidance for Industry: Cooperative Manufacturing Arrangements for Licensed Biologics

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, we, or Agency) 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 February 9, 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 0910–0629. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Guidance for Industry: Cooperative Manufacturing Arrangements for Licensed Biologics

OMB Control Number 0910–0629—Extension

This information collection supports the Agency guidance document entitled, ''Guidance for Industry: Cooperative Manufacturing for Licensed Biologics'' (available at: *https://www.fda.gov/downloads/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/General/ucm069908.pdf*). The guidance

document provides information concerning cooperative manufacturing arrangements applicable to biological products subject to licensure under section 351 of the Public Health Service Act (42 U.S.C. 262). The guidance addresses several types of manufacturing arrangements (*i.e.,* short supply arrangements, divided manufacturing arrangements, shared manufacturing arrangements, and contract manufacturing arrangements) and describes certain reporting and recordkeeping responsibilities associated with these arrangements, including the following: (1) Notification of all important proposed changes to production and facilities; (2) notification of results of tests and investigations regarding or possibly impacting the product; (3) notification of products manufactured in a contract facility; and (4) standard operating procedures.

1. Notification of All Important Proposed Changes to Production and Facilities

Each licensed manufacturer in a divided manufacturing arrangement or shared manufacturing arrangement must notify the appropriate FDA Center regarding proposed changes in the manufacture, testing, or specifications of its product, in accordance with § 601.12 (21 CFR 601.12). In the guidance, we recommend that each licensed manufacturer that proposes such a change should also inform other participating licensed manufacturer(s) of the proposed change.

For contract manufacturing arrangements, we recommend that the contract manufacturer should share with the license manufacturer all important proposed changes to production and facilities (including introduction of new products or at inspection). The license holder is responsible for reporting these changes to FDA (§ 601.12).

2. Notification of Results of Tests and Investigations Regarding or Possibly Impacting the Product

In the guidance, we recommend the following for contract manufacturing arrangements:

- The contract manufacturer should fully inform the license manufacturer of the results of all tests and investigations regarding or possibly having an impact on the product; and
- The license manufacturer should obtain assurance from the contractor that any FDA list of inspectional observations will be shared with the license manufacturer to allow evaluation of its impact on the purity, potency, and safety of the license manufacturer's product.

3. Notification of Products Manufactured in a Contract Facility

In the guidance, we recommend for contract manufacturing arrangements that a license manufacturer cross reference a contract manufacturing facility's master files only in circumstances involving certain proprietary information of the contract manufacturer, such as a list of all products manufactured in a contract facility. In this situation, the license manufacturer should be kept informed of the types or categories of all products manufactured in the contract facility.

4. Standard Operating Procedures

In the guidance, we remind the license manufacturer that the license manufacturer assumes responsibility for compliance with the applicable product and establishment standards (21 CFR 600.3(t)). Therefore, if the license manufacturer enters into an agreement with a contract manufacturing facility, the license manufacturer must ensure that the facility complies with the applicable standards. An agreement between a license manufacturer and a contract manufacturing facility normally includes procedures to regularly assess the contract manufacturing facility's compliance. These procedures may include, but are not limited to, review of records and manufacturing deviations and defects, and periodic audits.

For shared manufacturing arrangements, each manufacturer must submit a separate biologics license application describing the manufacturing facilities and operations applicable to the preparation of that manufacturer's biological substance or product (§ 601.2(a)). In the guidance, we state that we expect the manufacturer that prepares, or is responsible for the preparation of, the product in final form for commercial distribution to assume primary responsibility for providing data demonstrating the safety, purity, and potency of the final product. We also state that we expect the licensed finished product manufacturer to be primarily responsible for any postapproval obligations, such as postmarketing clinical trials, additional product stability studies, complaint handling, recalls, postmarket reporting of the dissemination of advertising and promotional labeling materials as required under § 601.12(f)(4), and adverse experience reporting. We recommend that the final product manufacturer establish a procedure with the other participating manufacturer(s) to obtain information in these areas.

Description of Respondents: Respondents to the information collection are participating licensed manufacturers, final product manufacturers, and contract manufacturers associated with cooperative manufacturing arrangements subject to the associated regulations discussed in the guidance.

In the **Federal Register** of August 7, 2017 (82 FR 36797), FDA published a 60-day notice requesting public comment on the proposed collection of information. We received no comments.

Burden Estimate: We believe that the information collection provisions in the guidance do not create a new burden for respondents. We believe the reporting and recordkeeping provisions are part of usual and customary business practices. Licensed manufacturers would have contractual agreements with participating licensed manufacturers, final product manufacturers, and contract manufacturers, as applicable for the type of cooperative manufacturing arrangement, to address all these information collection provisions.

The guidance also refers to previously approved collections of information found in FDA regulations at parts 201, 207, 211, 600, 601, 606, 607, 610, 660, 801, 803, 807, 809, and 820 (21 CFR parts 201, 207, 211, 600, 601, 606, 607, 610, 660, 801, 803, 807, 809, and 820). The collections of information in parts 606 and 610 have been approved under OMB control numbers 0910–0116, 0910–0458, and 0910–0206; part 600 has been approved under OMB control numbers 0910–0308 and 0910–0458; parts 601 and 660 have been approved under OMB control number 0910–0338; part 803 has been approved under OMB control number 0910–0437; part 211 has been approved under OMB control number 0910–0139; part 820 has been approved under OMB control number 0910–0073; parts 207, 607, and 807 have been approved under OMB control numbers 0910–0045, 0910–0052, and 0910–0625; and parts 201, 801, and 809 have been approved under OMB control numbers 0910–0537, 0910–0572, and 0910–0485.

Dated: January 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00238 Filed 1–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2017–N–6827]

Advisory Committee; Vaccines and Related Biological Products Advisory Committee, Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of advisory committee.

SUMMARY: The Food and Drug Administration (FDA) is announcing the renewal of the Vaccines and Related Biological Products Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Vaccines and Related Biological Products Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until December 31, 2019.

DATES: Authority for the Vaccines and Related Biological Products Advisory Committee will expire on December 31, 2019, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: Serina Hunter-Thomas, Division of Scientific Advisors and Consultants, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 71, Rm. 6338, Silver Spring, MD 20993–0002, 240–402–5771, *serina.hunter-thomas@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services pursuant to 45 CFR part 11 and by the General Services Administration, FDA is announcing the renewal of the Vaccines and Related Biological Products Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective vaccines and related biological products for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates data concerning the safety, effectiveness, and appropriate use of vaccines and related biological products which are intended for use in the prevention, treatment, or diagnosis of human diseases, and, as required, any other products for which FDA has regulatory responsibility. The Committee also considers the quality and relevance of FDA's research program, which provides scientific support for the regulation of these products and makes appropriate recommendations to the Commissioner.

The Committee shall consist of a core of 15 voting members, including the Chairperson (the Chair). Members and the Chair are selected by the Commissioner or designee from among authorities knowledgeable in the fields of immunology, molecular biology, rDNA, virology, bacteriology, epidemiology or biostatistics, vaccine policy, vaccine safety science, federal immunization activities, vaccine development including translational and clinical evaluation programs, allergy, preventive medicine, infectious diseases, pediatrics, microbiology, and biochemistry. Members will be invited to serve for overlapping terms of up to 4 years. Almost all non-Federal members of this committee serve as Special Government Employees. Ex Officio voting members one each from the Department of Health and Human Services, the Centers for Disease Control and Prevention, and the National Institutes of Health may be included. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting member who is identified with industry interests. There may also be an alternate industry representative.

The Commissioner or designee shall have the authority to select members of other scientific and technical FDA advisory committees (normally not to exceed 10 members) to serve temporarily as voting members and to designate consultants to serve temporarily as voting members when: (1) Expertise is required that is not available among current voting standing members of the Committee (when additional voting members are added to the Committee to provide needed expertise, a quorum will be based on the combined total of regular and added members) or (2) to comprise a quorum when, because of unforeseen circumstances, a quorum is or will be lacking. Because of the size of the Committee and the variety in the types of issues that it will consider, FDA may, in connection with a particular committee meeting, specify a quorum that is less than a majority of the current voting members. The Agency's regulations (21 CFR 14.22(d)) authorize a committee charter to specify quorum requirements.

If functioning as a medical device panel, a non-voting representative of consumer interests and a non-voting representative of industry interests will be included in addition to the voting members.

Further information regarding the most recent charter and other information can be found at: *https://www.fda.gov/AdvisoryCommittees/CommitteesMeetingMaterials/BloodVaccinesandOtherBiologics/VaccinesandRelatedBiologicalProductsAdvisoryCommittee/ucm129571.htm* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100. This document is issued under the Federal Advisory Committee Act (5 U.S.C. app.). For general information related to FDA advisory committees, please check *https://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: January 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00239 Filed 1–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2008–N–0312]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Extralabel Drug Use in Animals

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA 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 February 9, 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 0910–0325. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Ila S. Mizrachi, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–7726, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Extralabel Drug Use in Animals—21 CFR Part 530

OMB Control Number 0910–0325—Extension

The Animal Medicinal Drug Use Clarification Act of 1994 (Pub. L. 103–396) allows a veterinarian to prescribe the extralabel use of approved new animal drugs. Also, it permits FDA, if it finds that there is a reasonable probability that the extralabel use of an animal drug may present a risk to the public health, to establish a safe level for a residue from the extralabel use of the drug, and to require the development of an analytical method for the detection of residues above that established safe level (21 CFR 530.22(b)). Although, to date, we have not established a safe level for a residue from the extralabel use of any new animal drug and, therefore, have not required the development of analytical methodology, we believe that there may be instances when analytical methodology will be required. We are, therefore, estimating the reporting burden based on two methods being required annually. The requirement to establish an analytical method may be fulfilled by any interested person. We believe that the sponsor of the drug will be willing to develop the method in most cases. Alternatively, FDA, the sponsor, and perhaps a third party may cooperatively arrange for method development. The respondents may be sponsors of new animal drugs, State, or Federal and/or State Agencies, academia, or individuals.

In the **Federal Register** of June 26, 2017 (82 FR 28858), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

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	Total hours
530.22(b), Submission(s) of Analytical Method	2	1	2	4,160	8,320

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimate has not changed, and remains the same.

Dated: January 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00237 Filed 1–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA 2017–N–4951]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Medical Devices; Humanitarian Use Devices

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 February 9, 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 0910–0332. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *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.

Medical Devices; Humanitarian Use Devices—21 CFR Part 814

OMB Control Number 0910–0332—Extension

This collection of information implements the humanitarian use devices (HUDs) provision of section 520(m) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360j(m)) and part 814, subpart H (21 CFR part 814, subpart H). Under section 520(m) of the FD&C Act, FDA is authorized to exempt an HUD from the effectiveness requirements of sections 514 and 515 of the FD&C Act (21 U.S.C. 360d and 360e) provided that the device: (1) Is designed to treat or diagnose a disease or condition that affects no more than 8,000 individuals in the United States; (2) would not be available to a person with a disease or condition unless an exemption is granted and there is no comparable device other than another HUD approved under this exemption that is available to treat or diagnose such disease or condition; and (3) will not expose patients to an unreasonable or significant risk of illness or injury and the probable benefit to health from the use of the device outweighs the risk of injury or illness from its use, taking into

account the probable risks and benefits of currently available devices or alternative forms of treatment.

Respondents may submit a humanitarian device exemption (HDE) application seeking exemption from the effectiveness requirements of sections 514 and 515 of the FD&C Act as authorized by section 520(m)(2). The information collected will assist FDA in making determinations on the following: (1) Whether to grant HUD designation of a medical device; (2) whether to exempt an HUD from the effectiveness requirements under sections 514 and 515 of the FD&C Act, provided that the device meets requirements set forth under section 520(m) of the FD&C Act; and (3) whether to grant marketing approval(s) for the HUD. Failure to collect this information would prevent FDA from making a determination on the factors listed previously in this document. Further, the collected information would also enable FDA to determine whether the holder of an HUD is in compliance with the HUD provisions under section 520(m) of the FD&C Act.

In the **Federal Register** of October 16, 2017 (82 FR 48096), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity/21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Request for HUD designation—814.102	19	1	19	40	760
HDE Application—814.104	3	1	3	320	960
HDE Amendments and resubmitted HDEs—814.106	6	5	30	50	1,500
HDE Supplements—814.108	110	1	110	80	8,800
Notification of withdrawal of an HDE—814.116(e)(3)	1	1	1	1	1
Notification of withdrawal of Institutional Review Board approval—814.124(b)	1	1	1	2	2
Periodic reports—814.126(b)(1)	35	1	35	120	4,200
Total					16,223

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity/21 CFR section	Number of recordkeepers	Number of records per recordkeeping	Total annual records	Average burden per recordkeeping	Total hours
HDE Records—814.126(b)(2)	247	1	247	2	494

[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]

Activity/21 CFR section	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Notification of emergency use—814.124(a)	22	1	22	1	22

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The number of respondents in tables 1, 2, and 3 of this document are an average based on data for the previous 3 years, *i.e.,* fiscal years 2014 through 2016. The number of annual reports submitted under § 814.126(b)(1) in table 1 reflects 35 respondents with approved HUD applications. Under § 814.126(b)(2) in table 2, the estimated number of recordkeepers is 247.

The number of respondents has been adjusted to reflect updated respondent data. This has resulted in an overall decrease of 2,971 hours to the total estimated annual reporting burden. There have been no program changes and the estimated Average Burden per Response has not changed for any of the information collections since the last OMB approval.

Dated: January 4, 2018.

Leslie Kux,

Associate Commissioner for Policy.

[FR Doc. 2018–00241 Filed 1–9–18; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request Information Collection Request Title: Office for the Advancement of Telehealth Outcome Measures, OMB No. 0915–0311—Revision

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than March 12, 2018.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Lisa Wright-Solomon, the HRSA Information Collection Clearance Officer, at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Office for the Advancement of Telehealth Outcome Measures, OMB No. 0915–0311—Revision.

Abstract: In order to help carry out its mission, the Office for the Advancement of Telehealth (OAT) created a set of performance measures that grantees can use to evaluate the effectiveness of their services programs and monitor their progress through the use of performance reporting data.

Need and Proposed Use of the Information: As required by the Government Performance and Review Act of 1993 (GPRA), all federal agencies must develop strategic plans describing their overall goal and objectives. OAT has worked with its grantees to develop performance measures used to evaluate and monitor the progress of the grantees. Grantee goals are to improve access to needed services, reduce rural practitioner isolation, improve health system productivity and efficiency, and improve patient outcomes.

In each of these categories, specific indicators were designed to be reported through a performance monitoring website. New measures are being added to the Telehealth Network Grant Program and all measures speak to OAT's progress toward meeting the goals, specifically telehealth services delivered through rural schools.

Likely Respondents: Telehealth Network Grantees.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. 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. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Performance Improvement Measurement System (PIMS) ..	21	1	21	7	147
Total	21	.....	21	.....	147

HRSA specifically requests comments on: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Amy McNulty,

Acting Director, Division of the Executive Secretariat.

[FR Doc. 2018–00253 Filed 1–9–18; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Environmental Health Sciences; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Environmental Health Sciences Council.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Environmental Health Sciences Council.

Date: February 12–13, 2018.

Closed: February 12, 2018, 8:30 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Open: February 12, 2018, 10:30 a.m. to 4:45 p.m.

Agenda: Discussion of program and issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Open: February 13, 2018, 8:30 a.m. to 10:30 a.m.

Agenda: Discussion of program and issues.

Place: Nat. Inst. of Environmental Health Sciences, Building 101, Rodbell Auditorium, 111 T. W. Alexander Drive, Research Triangle Park, NC 27709.

Contact Person: Gwen W Collman, Ph.D., Interim Director, Division of Extramural Research & Training National Institutes of Health, Nat. Inst. of Environmental Health Sciences, 615 Davis Dr., KEY615/3112, Research Triangle Park, NC 27709 (919) 541–4980, *collman@niehs.nih.gov*.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.niehs.nih.gov/dert/c-agenda.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.115, Biometry and Risk Estimation—Health Risks from Environmental Exposures; 93.142, NIEHS Hazardous Waste Worker Health and Safety Training; 93.143, NIEHS Superfund Hazardous Substances—Basic Research and Education; 93.894, Resources and Manpower Development in the Environmental Health Sciences; 93.113, Biological Response to Environmental Health Hazards; 93.114, Applied Toxicological Research and Testing, National Institutes of Health, HHS)

Dated: January 4, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00220 Filed 1–9–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; ''Induction of mucosal immune responses for parenterally delivered vaccines''.

Date: February 5, 2018.

Time: 12:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Eleazar Cohen, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3G62A, National Institute of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5081, *ecohen@niaid.nih.gov*.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; (PHS 2018–1) Small Business Innovation Research (SBIR) Program Contract Solicitation (Topic 53) (N01).

Date: February 6, 2018.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institutes of Health, 5601 Fishers Lane, Rockville, MD 20892 (Telephone Conference Call).

Contact Person: Vasundhara Varthakavi, DVM, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, Room 3E70, National Institutes of Health, NIAID, 5601 Fishers Lane, MSC 9823, Bethesda, MD 20892–9823, (240) 669–5020, *varthakaviv@niaid.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: January 4, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00217 Filed 1–9–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the National Advisory Council on Drug Abuse.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Advisory Council on Drug Abuse.

Date: February 6, 2018.

Closed: 9:00 a.m. to 10:15 a.m.

Agenda: To review and evaluate grant applications and/or proposals.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Open: 10:30 a.m. to 4:30 p.m.

Agenda: This portion of the meeting will be open to the public for announcements and reports of administrative, legislative, and program developments in the drug abuse field.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852.

Contact Person: Susan R.B. Weiss, Ph.D., Director, Division of Extramural Research, Office of the Director, National Institute on Drug Abuse, NIH, DHHS, 6001 Executive Boulevard, NSC, Room 5274, MSC 9591, Rockville, MD 20892, 301–443–6487, *sweiss@nida.nih.gov*.

Any member of the public interested in presenting oral comments to the committee may notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to five minutes. Both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the committee by forwarding their statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Information is also available on the Institute's/Center's home page: *www.drugabuse.gov/NACDA/*

NACDAHome.html, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 4, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00218 Filed 1–9–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, NIH Pathway to Independence Award (K99/R00).

Date: February 14, 2018.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Susan O. McGuire, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Blvd., Room 4245, Rockville, MD 20852, (301) 827–5817, *mcguireso@mail.nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel, Pharmacogenomics of Anti-retroviral Therapy in People Who Inject Drugs (R01).

Date: February 15, 2018.

Time: 11:00 a.m. to 1:15 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).

Contact Person: Hiromi Ono, Ph.D., Scientific Review Officer, Office of Extramural Policy and Review, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 4238, MSC 9550, Bethesda, MD 20892, 301–827–5820, *hiromi.ono@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.: 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: January 4, 2018.

Natasha M. Copeland,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2018–00219 Filed 1–9–18; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Immigration and Customs Enforcement

[OMB Control Number 1653–0038]

Agency Information Collection Activities: Comment Request; Extension, With Changes, of an Information Collection

AGENCY: U.S. Immigration and Customs Enforcement, Department of Homeland Security.

ACTION: 30-day notice.

The Department of Homeland Security (DHS), U.S. Immigration and Customs Enforcement (USICE) is submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on September 18, 2017, Vol. 82 FR 43565, allowing for a 60-day public comment period. USICE did not receive any comment relating to the 60-day notice. The purpose of this notice is to allow an additional 30 days for public comments.

The burden estimates have been revised since the 60-day notice to better reflect the number of potential respondents to the collection. Written comments and/or suggestions regarding the items contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB Desk Officer for U.S. Immigration and Customs Enforcement, Department of Homeland Security and sent via electronic mail to *dhsdeskofficer@omb.eop.gov.* All submissions received must include the agency name and the OMB Control Number 1653–0038.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension, With Changes, of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Student and Exchange Visitor Information System (SEVIS).

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Forms I–17 and I–20; U.S. Immigration and Customs Enforcement.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary Non-profit institutions and individuals or households. SEVIS is an internet-based data-entry, collection and reporting system. It collects information on SEVP-certified schools via the Form I–17, ''Petition for Approval of School for Attendance by Nonimmigrant Student,'' and collects information on the F and M nonimmigrant students that the SEVP-certified schools admit into their programs of study via the Forms I–20s: ''Certificate of Eligibility for Nonimmigrant (F–1) Student Status—For Academic and Language Students'' and ''Certificate of Eligibility for Nonimmigrant (M–1) Student Status—For Vocational Students''.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:*

Number of respondents	Form name/form number	Average burden per response (in hours)
37,780	Petition for Approval of School for Attendance by Nonimmigrant Student/Initial, Updates and Maintenance of SEVP Certification—ICE Form I–17.	22.083
37,780	Certificate of Eligibility for Nonimmigrant—ICE Forms I–20 (F–1/M–1 Students/Initial and Updates.	0.645
37,780	Certificate of Eligibility for Nonimmigrant—ICE Forms I–20 (F–2/M–2 Dependents	0.099
37,780	Optional Practical Training	0.166

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,555,637 annual burden hours.

Dated: January 4, 2018.

Scott Elmore,

PRA Clearance Officer, Office of the Chief Information Officer, U.S. Immigration and Customs Enforcement, Department of Homeland Security.

[FR Doc. 2018–00224 Filed 1–9–18; 8:45 am]

BILLING CODE 9111–28–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0099]

Agency Information Collection Activities; Revision of a Currently Approved Collection: Application for T Nonimmigrant Status; Application for Immediate Family Member of T–1 Recipient; and Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, Form I–914 and Supplements A and B

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: 60-day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration (USCIS) invites the general public and other Federal agencies to comment upon this proposed revision of a currently approved collection of information. In accordance with the Paperwork Reduction Act (PRA) of 1995, the information collection notice is published in the **Federal Register** to obtain comments regarding the nature of the information collection, the categories of respondents, the estimated burden (*i.e.* the time, effort, and resources used by the respondents to respond), the estimated cost to the respondent, and the actual information collection instruments.

DATES: Comments are encouraged and will be accepted for 60 days until March 12, 2018.

ADDRESSES: All submissions received must include the OMB Control Number 1615–0099 in the body of the letter, the agency name and Docket ID USCIS–2006–0059. To avoid duplicate submissions, please use only *one* of the following methods to submit comments:

(1) *Online.* Submit comments via the Federal eRulemaking Portal website at *http://www.regulations.gov* under e-Docket ID number USCIS–2006–0059;

(2) *Mail.* Submit written comments to DHS, USCIS, Office of Policy and Strategy, Chief, Regulatory Coordination Division, 20 Massachusetts Avenue NW, Washington, DC 20529–2140.

FOR FURTHER INFORMATION CONTACT: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, Samantha Deshommes, Chief, 20 Massachusetts Avenue NW, Washington, DC 20529–2140, telephone number 202–272–8377 (This is not a toll-free number. Comments are not accepted via telephone message). Please note contact information provided here is solely for questions regarding this notice. It is not for individual case status inquiries. Applicants seeking information about the status of their individual cases can check Case Status Online, available at the USCIS website at *http://www.uscis.gov,* or call the USCIS National Customer Service Center at 800–375–5283 (TTY 800–767–1833).

SUPPLEMENTARY INFORMATION: On December 19, 2016, the Department of Homeland Security (DHS) published an interim final rule (2016 interim rule) amending its regulations governing the requirements and procedures for victims of human trafficking seeking T nonimmigrant status. *Classification for Victims of Severe Forms of Trafficking in Persons; Eligibility for ''T'' Nonimmigrant Status,* 81 FR 92266 (Dec. 19, 2016). The 2016 interim rule amended the regulations to conform with legislation enacted after the initial regulations were published and the T nonimmigrant status program was established in 2002. When DHS published the 2016 interim rule DHS made changes to the Application for T Nonimmigrant Status, Form I–914; Application for Family Member of T–1 Recipient, Form I–914 Supplement A; Declaration of Law Enforcement Office for Victim of Trafficking in Persons, Form I–914, Supplement B; and the associated form instructions. Commenters on the interim rule suggested specific revisions to the forms. DHS is now proposing additional changes to the forms and requesting comments from the public on the changes. DHS will respond to comments and recommendations for each form or supplement provided in response to the 2016 interim rule and this notice and explain any changes it is making when it publishes the final rule adopting the 2016 interim rule.

Comments

You may access the information collection instrument with instructions, or additional information by visiting the Federal eRulemaking Portal site at: *http://www.regulations.gov* and enter USCIS–2006–0059 in the search box. Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. DHS may withhold information provided in comments from public viewing that it determines may impact the privacy of an individual or is offensive. For additional information, please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for T Nonimmigrant Status; Application for Immediate Family Member of T–1 Recipient; and Declaration of Law Enforcement Officer for Victim of Trafficking in Persons, Form I–914 and Supplements A and B.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* Form I–914 and Supplements A and B USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Individuals or households. Form I–914 permits victims of severe forms of trafficking and their immediate family members to demonstrate that they qualify for temporary nonimmigrant status pursuant to the Victims of Trafficking and Violence Protection Act of 2000 (VTVPA), and to receive temporary immigration benefits.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Form I–914, 931 responses at 2 hours and 20 minutes (2.33 hours) per response; Supplement A, 940 responses at 1 hour and 10 minutes (1.17 hours) per response; Supplement B—Law Enforcement Officer, 250 responses at 3 hours and 30 minutes (3.50 hours) per response; Supplement B—Law Enforcement Officer, 250 responses at 15 minutes (.25 hours) per response. Biometric processing 1,621 respondents requiring Biometric Processing at an estimated 1 hour and 10 minutes (1.17 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual hour burden associated with this collection is 6,104 hours.

(7) *An estimate of the total public burden (in cost) associated with the collection:* The estimated annual cost burden associated with this collection of information is $1,870,850.

Dated: January 4, 2018.

Samantha Deshommes,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2018–00215 Filed 1–9–18; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5997–N–83]

30-Day Notice of Proposed Information Collection: Jobs Plus Pilot Program

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Notice.

SUMMARY: HUD submitted the proposed information collection requirement described below to the Office of Management and Budget (OMB) for review, in accordance with the Paperwork Reduction Act. The purpose of this notice is to allow for 30 days of public comment.

DATES: *Comments Due Date:* February 9, 2018.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax:202–395–5806, Email: *OIRA Submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, QMAC, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Colette.Pollard@hud.gov,* or telephone 202–402–3400. This is not a toll-free number. Person with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on October 11, 2017 at 82 FR 47240.

A. Overview of Information Collection

Title of Information Collection: Jobs Plus Pilot Program.

OMB Approval Number: 2577–0281.

Type of Request: Reinstatement, with change, of a previously approved collection.

Form Number: SF–424, SF–LLL, HUD–2880, HUD–2993, HUD–50144, HUD 96011.

Description of the Need for the Information and Proposed Use: The Jobs Plus Pilot Program Information Collection represents a revision to an existing information request. The OMB approval number for this collection is 2577–0281. The information provided by the eligible applicants will be reviewed and evaluated by HUD. The information to be collected by HUD will be used to preliminarily rate applications, to determine eligibility for the Jobs Plus Grant Competition and to establish grant amounts. The Jobs Plus Pilot Grant Competition Application will be used to determine eligibility and funding for recipients. Respondents of this information collection will be public housing agencies. Although OMB approved Forms are used for information collection, applicants will provide quantitative and qualitative data as well as narrative information for evaluation.

Information collection	Number of respondents	Responses per year	Total annual responses	Estimated burden hours per response	Total hours	Hourly cost	Annual cost
Grant Applications							
SF–424 Application for Federal Assistance (2501–0017)	75	1	75	0.75	56.25	$42	$2,365

Information collection	Number of respondents	Responses per year	Total annual responses	Estimated burden hours per response	Total hours	Hourly cost	Annual cost
SF–LLL—Lobbying (0348–0046)	75	1	75	0.17	12.75	42	536
HUD–2880 Applicant Disclosure (2510–0011)	75	1	75	0.17	12.75	42	536
HUD–2991 Certification of Consistency with Consolidated Plan (2506–0112)	75	1	75	0.25	18.75	42	788
HUD–2993 Acknowledgement of Application Receipt (2577–0259)	75	1	75	0.5	37.5	42	1,577
Map of Proposed Site	75	1	75	0.25	18.75	42	788
Signed MOU between PHA and WIB	75	1	75	2	150	42	6,308
Match/Leverage Commitment Letters	75	1	75	14	1,050	42	44,153
Rating Factor 1—Capacity	75	1	75	10	750	42	31,538
Rating Factor 2—Need	75	1	75	8	600	42	25,230
Rating Factor 3—Soundness of Approach	75	1	75	12	900	42	37,845
Applicant's Detailed Program Budget	75	1	75	3.2	240	42	10,092
Form HUD–50144—Summary Jobs Plus Budget	75	1	75	2	150	42	6,308
Narrative to Program Budget	75	1	75	4	300	42	12,615
Rating Factor 4—Match/Leveraging Table	75	1	75	2	150	42	6,308
Rating Factor 5—Bonus Points Documentation (HUD–2995)	75	1	75	0.5	37.5	42	1,577
Sub-Total Application Submission w/Narratives	75	1	75	59.79	4,484.25	42	188,562.71
Post Award Submissions							
Code of Conduct (if not on HUD website, if recently updated, if not previously submitted)	36	1	36	1	36	42	1,514
Sub-Total—Post-Award	36	1	36	1	36	42	1,513.80
Grant Management							
Quarterly Performance Reports	36	4	144	8	1,152	42	48,442
Annual Performance Reports	36	4	144	6	864	42	36,331
Workplan Submission	36	1	36	10	360	42	15,138
Federal Financial Report (Form SF–425)	36	1	36	2	72	42	3,028
Final Financial Status Report (Form SF–269–A)	36	1	36	4	144	42	6,055
Sub-Total—Grant Management	36	1	36	24	2,592	42	108,993.60
Program Monitoring							
Monitoring and Reporting	36	1	36	10	10	42	421
Sub-Total—Monitoring	36	1	36	10	360	42	15,138.00
Grand Totals					7,472	42	314,208

Note: The estimated hourly cost, applied when the burden cost relates to a PHA, is an estimated median hourly salary of a PHA Project Manager or other professional/managerial staff preparing grant applications.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond: Including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

HUD encourages interested parties to submit comment in response to these questions.

Authority: Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35.

Dated: December 19, 2017.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2018–00216 Filed 1–9–18; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83550000, 189R5065C6, RX.59389832.1009676]

Quarterly Status Report of Water Service, Repayment, and Other Water-Related Contract Actions

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of contract actions.

SUMMARY: Notice is hereby given of contractual actions that have been proposed to the Bureau of Reclamation (Reclamation) and are new, discontinued, or completed since the last publication of this notice. This notice is one of a variety of means used to inform the public about proposed contractual actions for capital recovery and management of project resources and facilities consistent with the Reclamation Project Act of 1939, as amended and supplemented. Additional announcements of individual contract actions may be published in the **Federal Register** and in newspapers of general circulation in the areas determined by Reclamation to be affected by the proposed action.

ADDRESSES: The identity of the approving officer and other information pertaining to a specific contract proposal may be obtained by calling or

writing the appropriate regional office at the address and telephone number given for each region in the **SUPPLEMENTARY INFORMATION** section of this notice.

FOR FURTHER INFORMATION CONTACT: Michelle Kelly, Reclamation Law Administration Division, Bureau of Reclamation, P.O. Box 25007, Denver, Colorado 80225–0007; telephone 303–445–2888.

SUPPLEMENTARY INFORMATION: Consistent with section 9(f) of the Reclamation Project Act of 1939, as amended and supplemented, and the rules and regulations published in 52 FR 11954, April 13, 1987 (43 CFR 426.22), Reclamation will publish notice of proposed or amendatory contract actions for any contract for the delivery of project water for authorized uses in newspapers of general circulation in the affected area at least 60 days prior to contract execution. Announcements may be in the form of news releases, legal notices, official letters, memorandums, or other forms of written material. Meetings, workshops, and/or hearings may also be used, as appropriate, to provide local publicity. The public participation procedures do not apply to proposed contracts for the sale of surplus or interim irrigation water for a term of 1 year or less. Either of the contracting parties may invite the public to observe contract proceedings. All public participation procedures will be coordinated with those involved in complying with the National Environmental Policy Act. Pursuant to the ''Final Revised Public Participation Procedures'' for water resource-related contract negotiations, published in 47 FR 7763, February 22, 1982, a tabulation is provided of all proposed contractual actions in each of the five Reclamation regions. When contract negotiations are completed, and prior to execution, each proposed contract form must be approved by the Secretary of the Interior, or pursuant to delegated or redelegated authority, the Commissioner of Reclamation or one of the regional directors. In some instances, congressional review and approval of a report, water rate, or other terms and conditions of the contract may be involved.

Public participation in and receipt of comments on contract proposals will be facilitated by adherence to the following procedures:

1. Only persons authorized to act on behalf of the contracting entities may negotiate the terms and conditions of a specific contract proposal.

2. Advance notice of meetings or hearings will be furnished to those parties that have made a timely written request for such notice to the appropriate regional or project office of Reclamation.

3. Written correspondence regarding proposed contracts may be made available to the general public pursuant to the terms and procedures of the Freedom of Information Act, as amended.

4. Written comments on a proposed contract or contract action must be submitted to the appropriate regional officials at the locations and within the time limits set forth in the advance public notices.

5. All written comments received and testimony presented at any public hearings will be reviewed and summarized by the appropriate regional office for use by the contract approving authority.

6. Copies of specific proposed contracts may be obtained from the appropriate regional director or his or her designated public contact as they become available for review and comment.

7. In the event modifications are made in the form of a proposed contract, the appropriate regional director shall determine whether republication of the notice and/or extension of the comment period is necessary.

Factors considered in making such a determination shall include, but are not limited to, (i) the significance of the modification, and (ii) the degree of public interest which has been expressed over the course of the negotiations. At a minimum, the regional director will furnish revised contracts to all parties who requested the contract in response to the initial public notice.

Definitions of Abbreviations Used in the Reports

ARRA American Recovery and Reinvestment Act of 2009
BCP Boulder Canyon Project
Reclamation Bureau of Reclamation
CAP Central Arizona Project
CUP Central Utah Project
CVP Central Valley Project
CRSP Colorado River Storage Project
FR Federal Register
IDD Irrigation and Drainage District
ID Irrigation District
M&I Municipal and Industrial
O&M Operation and Maintenance
OM&R Operation, Maintenance, and Replacement
P-SMBP Pick-Sloan Missouri Basin Program
PPR Present Perfected Right
RRA Reclamation Reform Act of 1982
SOD Safety of Dams
SRPA Small Reclamation Projects Act of 1956
USACE U.S. Army Corps of Engineers
WD Water District

Pacific Northwest Region: Bureau of Reclamation, 1150 North Curtis Road, Suite 100, Boise, Idaho 83706–1234, telephone 208–378–5344.

The Pacific Northwest Region has no updates for this quarter.

Mid-Pacific Region: Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825–1898, telephone 916–978–5250.

New contract action:

50. *Del Puerto WD, CVP, California:* Negotiation of a multi-year wheeling agreement with the State of California, Department of Water Resources to provide for the conveyance and delivery of CVP water through the State of California's water project facilities to Del Puerto Water District via a state water project contractor.

Lower Colorado Region: Bureau of Reclamation, P.O. Box 61470 (Nevada Highway and Park Street), Boulder City, Nevada 89006–1470, telephone 702–293–8192.

New contract action:

23. *Imperial ID, Lower Colorado Water Supply Project, California:* Amend the agreement between Reclamation and Imperial ID to extend the term for the funding of design, construction, and installation of power facilities for the Lower Colorado Water Supply Project.

Completed contract actions:

15. *Imperial ID, BCP, California:* Approve an assignment of 155 cubic feet per second of capacity in the All-American Canal and all obligations associated therewith to the District from the City of San Diego. Contract executed May 24, 2017.

16. *Valencia Water Company and the City of Buckeye, CAP, Arizona:* Execute a proposed assignment to the City of Buckeye of Valencia Water Company's 43 acre-foot annual CAP M&I water entitlement. This proposed action will increase the City of Buckeye's final 2034 entitlement to 68 acre-feet per annum and will eliminate Valencia Water Company's entitlement. Contract executed April 13, 2017.

18. *San Carlos Apache Tribe and the Town of Gilbert, CAP, Arizona:* Execute amendment No. 6 to a CAP water lease to extend the term of the lease in order for the San Carlos Apache Tribe to lease 29,341 acre-feet of its CAP water to the Town of Gilbert during calendar year 2017. Contract executed April 25, 2017.

20. *Ak-Chin Indian Community and Del Webb Corporation, CAP, Arizona:* Execute a CAP water lease in order for the Ak-Chin Indian Community to lease 1,800 acre-feet of its CAP water to the Del Webb Corporation during calendar year 2017. Contract executed April 23, 2017.

Upper Colorado Region: Bureau of Reclamation, 125 South State Street, Room 8100, Salt Lake City, Utah 84138–1102, telephone 801–524–3864.

New contract actions:

45. *Strawberry High Line Canal Company, Strawberry Valley Project; Utah:* The Strawberry High Line Canal Company has requested to allow for the carriage of non-project water held by McMullin Orchards in the High Line Canal.

46. *Mancos Water Conservancy District, Mancos Project, Colorado:* Proposed amendment to Jackson Gulch Rehabilitation Project repayment contract to provide continued funding within repayment terms that are consistent with terms of Section 9105 of Pub. L. 111–11.

Discontinued contract actions:

12. Salem Canal and Irrigation Company, Strawberry Valley Project, Utah: The United States intends to enter into an amendatory contract regarding possible lost generation of power revenues generated at the Spanish Fork Power Plant on the Strawberry Valley Project.

15. *Uintah Water Conservancy District; Flaming Gorge Unit, CRSP; Utah:* The District has requested a long-term water service contract to remove up to 5,500 acre-feet of water annually from the Green River for irrigation purposes under the authority of Section 9(e) of the Reclamation Project Act of 1939. A short-term contract may be executed until a long-term contract can be completed.

42. *Weber Basin Water Conservancy District, Weber Basin Project, Utah:* The District requires a Contributed Funds Act agreement for reimbursable costs not currently under contract.

Discontinued contract action from 2016:

(14) *South Cache Water Users Association, Hyrum Project, Utah:* The Association has requested a loan under Pub. L. 111–11 to pipe approximately 2,100 linear-feet of the Hyrum Mendon Canal.

Completed contract actions:

31. *East Wanship Irrigation Company, Weber Basin Project, Utah:* The Company has requested a supplemental O&M agreement to modify the Federal facilities below Wanship Dam to install a pipe from its current point of delivery to the end of the Primary Jurisdiction Zone. Contract executed May 24, 2017.

34. *North Fork Water Conservancy District and Ragged Mountain Water Users Association, Paonia Project, Colorado:* An existing contract for 2,000 acre-feet expired on December 31, 2016. The parties requested a 5-year contract that began when the existing contract expired. The new contract will be for up to 2,000 acre-feet of water for irrigation and M&I uses. Up to 200 acre-feet will be available for M&I uses. Contract executed April 12, 2017.

41. *Weber Basin Water Conservancy District, Weber Basin Project, Utah:* The District requires an amendment to its block notices for construction costs not currently under repayment. Contract executed July 31, 2017.

Completed contract action from 2016:

(37) *Grand Valley Water Users Association and Orchard Mesa ID, Grand Valley Project, Colorado:* A contract for repayment of extraordinary maintenance of the Grand Valley Power Plant funded pursuant to Subtitle G of Pub. L. 111–11. Contract executed September 13, 2016.

Great Plains Region: Bureau of Reclamation, P.O. Box 36900, Federal Building, 2021 4th Avenue North, Billings, Montana 59101, telephone 406–247–7752.

New contract actions:

34. *Bureau of Land Management, Fryingpan-Arkansas Project, Colorado:* Consideration of excess capacity contracting to store water in the Fryingpan-Arkansas Project.

35. *Southeastern Colorado Water Conservancy District, Fryingpan-Arkansas Project, Colorado:* Consideration of amending Contract no. 5–07–70–W0086 to create a reserve fund and convert or renew Contract no. 5–07–70–W0086.

36. *Fresno Dam, Milk River Project, Montana:* Consideration of contract(s) for repayment of SOD costs.

Discontinued contract action:

28. *Avalanche ID; Canyon Ferry Unit, P–SMBP; Montana:* Proposal to negotiate, execute, and administer a long-term water service contract to irrigate up to 11,000 acres of land with water from Canyon Ferry Reservoir.

Completed contract actions:

13. *Northern Colorado Water Conservancy District, Colorado-Big Thompson Project, Colorado:* Amend or supplement the 1938 repayment contract to include the transfer of OM&R for Carter Lake Dam Additional Outlet Works and Flatiron Power Plant Bypass facilities. Contract executed August 3, 2017.

14. *Van Amundson; Jamestown Reservoir, Garrison Diversion Unit, P–SMBP; North Dakota:* Intent to enter into an individual long-term irrigation water service contract to provide up to 285 acre-feet of water annually for a term of up to 40 years from Jamestown Reservoir, North Dakota. Contract executed April 18, 2017.

18. *Midvale ID; Riverton Unit, P–SMBP; Wyoming:* Consideration of a contract with the District for repayment of SOD costs at Bull Lake Dam. Contract executed June 20, 2017.

29. *Oxbow Ranch; Canyon Ferry Unit, P–SMBP; Montana:* Proposal to negotiate, execute, and administer a long-term water service contract for multiple purposes with water from Canyon Ferry Reservoir. Contract executed April 18, 2017.

31. *Ainsworth ID; Ainsworth Unit, P–SMBP; Montana:* Consideration of a contract with the District for repayment of SOD costs at Merritt Dam. Contract executed July 25, 2017.

Dated: October 18, 2017.

Karl Stock,

Acting Director, Policy and Administration.

[FR Doc. 2018–00250 Filed 1–9–18; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[RR83550000, 189R5065C6, RX.59389832.1009676.]

Change in Discount Rate for Water Resources Planning

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of change in discount rate.

SUMMARY: The Bureau of Reclamation is announcing the interest rate to be used by Federal agencies in the formulation and evaluation of plans for water and related land resources is 2.750 percent for fiscal year 2018.

DATES: This discount rate is to be used for the period October 1, 2017, through and including September 30, 2018.

FOR FURTHER INFORMATION CONTACT: Mr. DeShawn Woods, Bureau of Reclamation, Reclamation Law Administration Division, P.O. Box 25007, Denver, Colorado 80225; telephone 303–445–2900.

SUPPLEMENTARY INFORMATION: The Water Resources Planning Act of 1965 and the Water Resources Development Act of 1974 require an annual determination of a discount rate for Federal water resources planning. The discount rate for Federal water resources planning for fiscal year 2018 is 2.750 percent. Discounting is to be used to convert future monetary values to present values.

This rate has been computed in accordance with Section 80(a), Public Law 93–251 (88 Stat. 34), and 18 CFR 704.39, which: (1) Specify that the rate will be based upon the average yield during the preceding fiscal year on

interest-bearing marketable securities of the United States which, at the time the computation is made, have terms of 15 years or more remaining to maturity (average yield is rounded to nearest one-eighth percent); and (2) provide that the rate will not be raised or lowered more than one-quarter of 1 percent for any year. The U.S. Department of the Treasury calculated the specified average to be 2.7118 percent. This rate, rounded to the nearest one-eighth percent, is 2.750 percent, which is a change of less than the allowable one-quarter of 1 percent. Therefore, the fiscal year 2018 rate is 2.750 percent.

The rate of 2.750 percent will be used by all Federal agencies in the formulation and evaluation of water and related land resources plans for the purpose of discounting future benefits and computing costs or otherwise converting benefits and costs to a common-time basis.

Dated: October 23, 2017.

Ruth Welch,

Director, Policy and Administration.

[FR Doc. 2018–00251 Filed 1–9–18; 8:45 am]

BILLING CODE 4332–90–P

DEPARTMENT OF LABOR

Office of the Secretary

Agency Information Collection Activities; Comment Period Extension; Consumer Expenditure Surveys: Quarterly Interview and Diary

ACTION: Notice of availability; Extension of comment period.

SUMMARY: At the request of the Office of Management (OMB) and Budget, the Department of Labor (DOL) is extending the comment period for the Bureau of Labor Statistics (BLS) sponsored information collection request (ICR) revision titled, ''Consumer Expenditure Surveys: Quarterly Interview and Diary.'' The ICR is under OMB review and approval for use in accordance with the Paperwork Reduction Act (PRA) of 1995.

DATES: The OMB will consider all written comments that agency receives on or before January 17, 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 by contacting Michel Smyth by telephone at 202–693–4129, TTY 202–693–8064, (these are not toll-free numbers) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–BLS, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503; by Fax: 202–395–5806 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* 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 sending an email to *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: This ICR seeks approval under the PRA for revisions to the Consumer Expenditure Surveys: Quarterly Interview and Diary. The BLS uses the Consumer Expenditure Surveys to gather information on expenditures, income, and other related subjects. The data is updated periodically in the national Consumer Price Index. In addition, the data is used by a variety of researchers in academia, government agencies, and the private sector. The data is collected from a national probability sample of households designed to represent the total civilian non-institutional population. This revision request includes the addition of a veterans question, outlet questions, and a study of the worksheet. The Census Authorizing Statute and BLS Authorizing Statute authorize this information collection. *See* 13 U.S.C. 8b and 29 U.S.C. 2.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1220–0050. The current approval is scheduled to expire on June 30, 2019; however, the DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. New requirements would only take effect upon OMB approval. For additional substantive information about this ICR, see the related notices published in the **Federal Register** on August 8, 2017, 82 FR 37115, and December 1, 2017, 82 FR 56966.

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 seven (7) days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1220–0050. The OMB is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Agency: DOL–BLS.

Title of Collection: Consumer Expenditure Surveys: Quarterly Interview and Diary.

OMB Control Number: 1220–0050.

Affected Public: Individuals or Households.

Total Estimated Number of Respondents: 11,765.

Total Estimated Number of Responses: 51,420.

Total Estimated Annual Time Burden: 51,484 hours.

Total Estimated Annual Other Costs Burden: $0.

Authority: 44 U.S.C. 3507(a)(1)(D).

Dated: January 4, 2018.

Michel Smyth,

Departmental Clearance Officer.

[FR Doc. 2018–00236 Filed 1–9–18; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

30-Day Notice for the ''Acknowledgment of Rights-Holder for Literature: Translation Projects Applications''

AGENCY: National Endowment for the Arts.

ACTION: Notice of submission for OMB review; comment request.

SUMMARY: The National Endowment for the Arts (NEA) has submitted the following public information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995: ''*Acknowledgment of Rights-Holder for Literature: Translation Projects Applications*.'' Copies of this ICR, with applicable supporting documentation, may be obtained by visiting *www.Reginfo.gov.*

DATES: Comments should be sent to OMB's Office of Information and Regulatory Affairs within thirty days of this publication in the **Federal Register**.

ADDRESSES: Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the National Endowment for the Arts, Office of Management and Budget, Room 10235, Washington, DC 20503 (202/395–4718).

FOR FURTHER INFORMATION CONTACT: Jillian Miller, Director of Guidelines and Panel Operations, National Endowment for the Arts, at *millerj@arts.gov* or 202/682–5504.

SUPPLEMENTARY INFORMATION: The NEA's Literature: Translation Projects program gives grants to translators of previously written works which may be protected by copyright. The NEA typically requires that these applicants obtain from the publisher the affirmative ''right to translate'' the work (or, in cases that do not apply to this request that the work be in the public domain). Some publishers, due to industry standard practices, have refused to provide applicants with the ''right to translate'' but do not object to the work being translated. In order to ensure that these otherwise qualified applicants are eligible, the NEA proposes to use this form in which a non-applicant rights-holder affirmatively acknowledges and approves of the applicant's project.

Title of Collection: Acknowledgement of Rights-Holder for Literature: Translation Projects Applications.

Type of Review: Regular.

Affected Public: Individuals.

Total Estimated Number of Respondents Across All Three Years: 300.

Total Estimated Number of Annual Respondents: 100.

Estimated Time per Respondent: 1 hour.

Total Annual Burden Hours: 100.

Total Annualized Capital/Startup Costs: 0.

Total Annual Costs (Operating/Maintaining Systems or Purchasing Services): 0.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. The OMB is particularly interested in comments which: (1.) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2.) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (3.) Enhance the quality, utility and clarity of the information to be collected; (4.) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses; and (5.) Estimate the 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.

Dated: January 5, 2018.

Jillian Miller,

Director, Office of Guidelines and Panel Operations, Administrative Services, National Endowment for the Arts.

[FR Doc. 2018–00257 Filed 1–9–18; 8:45 am]

BILLING CODE 7537–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2017–0235]

Licensing Support Network Advisory Review Panel: Revised Meeting Notice

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of meeting; revised; request for comments.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) will convene a meeting of the Licensing Support Network Advisory Review Panel (LSNARP) on February 27–28, 2018, at the NRC's Headquarters Offices in Room 01C3, Three White Flint North Building, 11601 Landsdown Street, Rockville, Maryland 20852. The NRC has revised the meeting date from January 30–31 to February 27–28, 2018, to allow more time to evaluate options for the potential reconstitution or replacement of the Licensing Support Network (LSN).

The meeting is being held to carry out the NRC's responsibilities under the U.S. Court of Appeals for the District of Columbia Circuit's decision in the case *In re Aiken County,* 645 F.3d 428 (D.C. Cir. 2011), and the Commission's July 31, 2017, direction in the Staff Requirements Memorandum associated with COMSECY–17–0019 that a next step in the Yucca Mountain licensing process is for the NRC to initiate information-gathering activities regarding reinstituting or replacing the LSN. The LSN, which was used to make documentary material associated with the Yucca Mountain adjudicatory proceeding available to hearing participants and the public, was decommissioned when the adjudication was suspended in 2011. The information being collected will assist the Commission in making efficient, informed decisions concerning appropriate means for reconstituting the LSN's functionality if the currently-suspended Yucca Mountain adjudication were to re-commence in the future.

The meeting will be open to the public pursuant to the Federal Advisory Committee Act (FACA) (Pub. L. 94–463, 86 Stat. 770–776) and will be conducted

as a virtual meeting with representatives of LSNARP member organizations utilizing the capabilities of GoToMeeting® and the general public having access via GoToWebinar®. Representatives of LSNARP member organizations and the public may also attend in person at the location indicated above.

DATES: The NRC requests that by February 13, 2018, any LSNARP member wishing to propose an option for a reconstitution or replacement of the LSN, that has a significantly different technical basis from those discussed in the December 2017 NRC-prepared options paper (Agencywide Documents Access and Management System (ADAMS) Accession No. ML17347B671): (1) Provide information describing that option including, if practicable, any estimates regarding implementation time and costs; and (2) indicate whether the member wants to make a presentation at the meeting regarding that option and how much time would be needed for that presentation. Additionally, by February 13, 2018, LSNARP members are invited to provide written comments regarding any of the options set forth in the December 2017 NRC-prepared paper describing options for a reconstituted or replacement LSN.

ADDRESSES: You may submit written comments by Email to the LSNARP Chairman at: *LSNARP@nrc.gov.*

Agenda: The meeting will be held from 10:00 a.m. to 6:30 p.m. EST on Tuesday, February 27, 2018, and 10:00 a.m. to 5:00 p.m. EST on Wednesday, February 28, 2018. If attending the meeting in person, please plan your arrival to allow additional time (*e.g.,* 15 to 30 minutes) for security screening. The preliminary agenda is listed below. Additional details regarding timing of presentations and changes to the agenda may be obtained through the contacts listed below and will be announced prior to the meeting.

The primary focus of the meeting will be on the options available for reconstituting the LSN's functionality. The NRC has prepared a paper describing the options to be examined and discussed at the meeting with the objective of soliciting the views of the LSNARP member organizations on the best path forward for reconstituting the LSN or developing a suitable replacement system if the Yucca Mountain licensing adjudication is resumed in the future. Additionally, at the conclusion of the February 27 meeting session, the NRC will provide an orientation session regarding the ADAMS LSN Library, which currently houses the documentary material previously accessible via the LSN and provides the technical basis for one of the options to be discussed at the meeting.

	EST/PST
February 27, 2018	
Security Check-in for Onsite Attendees	9:30 a.m./6:30 a.m.
Introduction and Overview	10:00 a.m./7:00 a.m.
Meeting Process/Ground Rules	
Status of Adjudicatory Proceeding	
Status of E-Filing/Electronic Hearing Docket and	
New Exhibit Submission Process	
Break	
History of the LSN	
Introduction of LSN Reconstitution/Replacement Options and New Functional Requirements	
Lunch	
Option 1, Traditional Discovery	
Member Comment and Discussion	
Public Comments	
Break	
Option 2, NRC ADAMS LSN Library	
Member Comment and Discussion	
Public Comments	
Wrap-up/Adjourn	
Break	
ADAMS LSN Library Orientation	(Approx. 1 Hour)
END OF DAY 1	6:30 p.m./3:30 p.m.
February 28, 2018	
Security Check-in for Onsite Attendees	9:30 a.m./6:30 a.m.
Introduction and Overview	10:00 a.m./7:00 a.m.
Meeting Process/Ground Rules	
Option 3, Move to the Cloud	
Break	
LSNARP Member Comment and Discussion	
Public Comments	
Lunch	
Option 4, Rebuild the Original LSN	
LSNARP Member Comment and Discussion	
Public Comments	
Break	
Member Discussion Regarding Recommendations on Options	
Wrap Up/Next Steps	
Adjourn	5:00 p.m./2:00 p.m.
END OF DAY 2	

The agenda is subject to change.

Public Participation: Members of the public attending the meeting in person or virtually utilizing GoToWebinar or an audio-only telephone connection may provide oral comments to the LSNARP during the meeting or submit written comments during and after the meeting. Instructions for attending the meeting

and providing comments virtually via GoToWebinar or an audio-only connection are outlined below and the process for providing comments will be explained during the LSNARP meeting.

Instructions for Virtual Attendance at the February 27–28, 2018, LSNARP Meeting by Members of the Public via GoToWebinar

LogMeIn, Inc.'s GoToWebinar will be the primary method for virtual (*i.e.,* remote) attendance by members of the public (*i.e.,* anyone other than a designated primary/secondary representative of an LSNARP member organization) [1] to view and participate in, when appropriate, the February 27–28, 2018, LSNARP meeting. Additionally, audio-only attendance will be offered to members of the public via a toll-free telephone connection.

Instructions for Viewing via GoToWebinar

Registration is required to view the meeting using GoToWebinar. To register, members of the public should access the following link at least several days before the meeting: *https://attendee.gotowebinar.com/register/4882474129139440898.* Once registered for the meeting at this link, a member of the public will receive a confirmation email that will contain the link and other connection information to be used to view the meeting.

A member of the public viewing the LSNARP meeting via GoToWebinar will be able to hear speaker presentations and any discussion with/among LSNARP member organization representatives through his/her computer/tablet speakers or telephone, but will not be able to talk to the presenters or LSNARP member representatives directly, as that audio connection will be muted until instances during the meeting when public comments/questions are requested.

When afforded an opportunity to comment and/or ask written questions, a member of the public connected via GoToWebinar and using (1) headphones or a microphone/speakers; or (2) the GoToWebinar-provided toll telephone connection will be able to employ the ''Raise Your Hand'' feature that will allow meeting organizers to recognize him/her by unmuting his/her audio so that the comment/question can be provided orally to all those attending the meeting in person and remotely. Alternatively, a member of the public viewing the meeting via GoToWebinar can submit a written comment/question using the GoToWebinar ''Questions'' feature, which permits text messages to be sent to meeting organizers who, in turn, will forward comments/questions for appropriate consideration during the meeting.

Members of the public with questions regarding the use of GoToWebinar should visit the GoToWebinar customer support page at *https://support.logmeininc.com/gotowebinar.* It is also recommended that members of the public run a computer system check (available on the GoToWebinar customer support page) prior to the LSNARP meeting.

Instructions for Audio-Only Remote Attendance

A member of the public wishing to participate via audio-only (both to listen and, when appropriate, to talk) can do so using the following toll-free telephone number and access code: (888) 395–2501/4652554. The telephone connection of a member of the public using this toll-free number to attend the LSNARP meeting will be muted until an opportunity for public comments/questions is afforded during the meeting. During the meeting, instructions will be given on how a member of the public attending via an audio-only connection can make a comment/ask a question.

SUPPLEMENTARY INFORMATION: The LSN was an internet-based electronic discovery database developed to aid the NRC in complying with the schedule for the decision on the construction authorization for the high-level waste repository contained in Section 114(d) of the Nuclear Waste Policy Act of 1982, as amended. In 1998, the NRC Rules of Practice in title 10 of the *Code of Federal Regulations* (10 CFR) part 2, subpart J, were modified to provide for the creation and operation of the internet-based LSN as the technological solution for the submission and management of documentary material relating to the licensing of a geologic repository for the disposal of high-level radioactive waste (63 FR 71729). Pursuant to 10 CFR 2.1011(d), the agency authorized the creation of the LSNARP, a FACA advisory committee chartered to provide advice to the NRC on, among other things, fundamental issues relating to LSN design, operation, maintenance, and compliance monitoring. In 2011, the original LSN was decommissioned, with the documentary material contained therein preserved by the NRC and currently residing in the ADAMS LSN Library, *https://www.nrc.gov/reading-rm/lsn/index.html.*

FOR FURTHER INFORMATION CONTACT: Mr. Russell Chazell, Office of the Secretary, U.S. Nuclear Regulatory Commission, Mail Stop O–16B33, Washington, DC 20555–0001; telephone 301–415–7469; email *Russell.Chazell@nrc.gov* or *LSNARP@nrc.gov.*

Dated at Rockville, Maryland, this 4th day of January, 2018.

For the Nuclear Regulatory Commission.

Annette L. Vietti-Cook,

Secretary of the Commission.

[FR Doc. 2018–00226 Filed 1–9–18; 8:45 am]

BILLING CODE 7590–01–P

[1] LSNARP member organization representatives have been contacted separately and provided information on how to make video/audio connections if they wish to attend the LSNARP meeting virtually rather than in person.

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7003; NRC–2018–0002]

American Centrifuge Lead Cascade Facility; American Centrifuge Operating, LLC

AGENCY: Nuclear Regulatory Commission.

ACTION: Exemption; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) issued an exemption in response to an August 22, 2017, request from the American Centrifuge Operating, LLC (ACO) for a one-time exemption from the requirement to conduct a biennial Emergency Preparedness (EP) onsite exercise. The ACO requested to postpone conducting the exercise from calendar year (CY) 2017, to the third quarter of CY 2018.

ADDRESSES: Please refer to Docket ID NRC–2018–0002 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2018–0002. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *http://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''ADAMS Public Documents'' and then select ''*Begin Web-based ADAMS*

Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.

• *NRC's PDR:* You may examine and purchase copies of public documents at the NRC's PDR, Room O1–F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

FOR FURTHER INFORMATION CONTACT: Yawar H. Faraz, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7220, email: *Yawar.Faraz@nrc.gov.*

SUPPLEMENTARY INFORMATION: The following sections include text from the exemption issued to ACO.

I. Background

The ACO is the holder of License No. SNM–7003, which authorizes it to possess source, byproduct, and special nuclear material at the American Centrifuge Lead Cascade Facility (LCF). Until February 2016, ACO operated the LCF at a Department of Energy (DOE) site in Piketon, Ohio. Since March 2016, ACO has been in the process of decommissioning the LCF. The site includes other facilities that are currently operating, shutdown or undergoing decommissioning.

II. Request/Action

Section 70.22(i)(3)(xii) of title 10 of the *Code of Federal Regulations* (10 CFR), requires emergency plans submitted under 10 CFR 70.22(i)(1)(ii) to include provisions for conducting an emergency preparedness (EP) onsite exercise every 2 years. In accordance with 10 CFR 70.22(i)(3)(xii), ACO's Emergency Plan, requires that plant personnel conduct biennial EP onsite exercises. The last EP onsite exercise conducted at the LCF site was held in June 2015. By letter dated August 22, 2017 (ADAMS Accession No. ML17244A210), ACO requested that the NRC approves a one-time exemption allowing ACO to postpone the EP onsite exercise from CY 2017, to the third quarter of CY 2018.

III. Discussion

Section 70.22(i)(3)(xii) requires ACO to conduct biennial EP onsite exercises to test their response to simulated emergencies. The ACO is required to invite offsite response organizations to participate in the biennial EP onsite exercises. However, participation of offsite response organizations in biennial EP onsite exercises, although recommended, is not required. Exercises must use accident scenarios postulated as most probable for the specific site and the scenarios shall not be known to most exercise participants. Following the exercise, ACO is required to critique the exercise using individuals not having direct implementation responsibility for the emergency plan. Critiques of exercises must evaluate the appropriateness of the plan, emergency procedures, facilities, equipment, training of personnel, and overall effectiveness of the response. Deficiencies found by the critiques must be corrected. By letter dated, August 22, 2017, ACO requested postponing the date of this exercise from CY 2017 to the third quarter of CY 2018, and stated that the proposed exemption would not decrease the margin of safety at the LCF.

Pursuant to 10 CFR 70.17(a), the Commission may, upon application of any interested person or upon its own initiative, grant such exemptions from the requirements of 10 CFR part 70 as it determines are authorized by law and will not endanger life or property of the common defense and security and are otherwise in the public interest.

Authorized by Law

The licensee has stated that the exemption request to postpone conducting the EP onsite exercise in CY 2017, to the third quarter of CY 2018, would allow for an orderly and safe transition into the X–1020 Emergency Operations Center (EOC) and Joint Information Center (JIC), which are being renovated with new upgraded equipment. After the renovations have been completed, the licensee stated that performance testing and acceptance will be performed prior to return of EOC personnel. The EOC and JIC Cadre teams will receive training on the new equipment and software programs followed by EOC Cadre members completing a series of drills on the new systems. According to the licensee, these renovation and training activities will not be completed until the second quarter of CY 2018.

As a result, ACO is requesting an exemption from the requirements of 10 CFR 70.22(i)(3)(xii) to postpone the EP onsite exercise from CY 2017, to the third quarter of CY 2018. Section 70.17 allows the NRC to grant exemptions from the requirements of 10 CFR part 70. Granting the licensee's proposed exemption is not otherwise inconsistent with NRC regulations or other applicable laws. As explained below, the proposed exemption will not endanger life or property, or the common defense and security, and is otherwise in the public interest. Therefore, the exemption is authorized by law.

Will Not Endanger Life or Property or the Common Defense and Security

On March 2, 2016, ACO notified the NRC, in accordance with 10 CFR 70.38(d)(2), of its parent company Centrus Energy Corporation's decision to permanently cease operation at the LCF and terminate the NRC's Special Nuclear Materials License (SNM–7003) for the LCF following decontamination and decommissioning activities. ACO has removed all uranium hexafluoride (UF6) and LCF equipment and piping from the site. As such, the licensee has stated that any significant radiological or chemical accident hazards that may have existed during LCF operations have now been removed.

The NRC staff has determined that granting the exemption would not impact the effectiveness of the emergency response capabilities of the ACO facility. The last EP onsite exercise was conducted in June 2015, and there were no issues identified which required immediate corrective action. The NRC reviewed inspections conducted during the period from October 1 through December 31, 2016, did not identify a decrease in the effectiveness of ACO's emergency response capability. Further, since this last exercise was conducted, ACO notified the NRC of its intent to cease operations and the significant radiological and chemical accident hazards have since been removed from the site. This change to the EP exercise schedule also has no impact on security issues. Therefore, the NRC staff has determined that this exemption will not endanger life or property or the common defense and security.

Otherwise in the Public Interest

Given the aforementioned renovations occurring at the EOC and JIC, the current Emergency Management program is being operated from temporary locations. Postponing the EP onsite exercise from CY 2017, to the third quarter of CY 2018 will allow for an orderly and safe transition into the renovated facilities, after renovation and training activities are completed. Accordingly, the NRC staff has determined that this exemption is otherwise in the public interest.

IV. Environmental Considerations

The NRC staff has determined that, pursuant to 10 CFR 51.22(c)(25), the exemption request will not result in any

significant: (1) Hazards; (2) change in the types or significant increase in the amounts of any effluents that may be released offsite; (3) increase in individual or cumulative public or occupational radiation exposure; (4) construction impact; or (5) increase in the potential for or consequences from radiological accidents. The NRC staff has further determined that the requirements from which the exemption is sought involve the factors associated with 10 CFR 51.22(c)(25)(vi)(G)—scheduling requirements. Specifically, the proposed exemption postpones the EP onsite exercise from CY 2017, to the third quarter of CY 2018. Therefore, the exemption meets the eligibility criteria for exclusion set forth in 10 CFR 51.22(c)(25). Therefore, pursuant to 10 CFR 51.22(b), no environmental assessment or an environmental impact statement need be prepared in connection with the approval of this exemption request.

V. Conclusion

Accordingly, the NRC has determined that, pursuant to 10 CFR 70.17(a), the exemption is authorized by law and will not endanger life or property or the common defense and security and is otherwise in the public interest. Therefore, the NRC hereby grants ACO an exemption from the requirements of 10 CFR 70.22(i)(3)(xii), to allow ACO to postpone conducting the EP onsite exercise from CY 2017, to the third quarter of CY 2018.

The NRC staff consulted with the Ohio Department of Health and the Department of Energy Oak Ridge Office prior to issuing this exemption. Neither objected to the issuance of this exemption.

This exemption became effective upon issuance of the NRC letter dated December 29, 2017 (ADAMS Accession No. ML17354A990).

Dated at Rockville, Maryland, on January 5, 2018.

For the Nuclear Regulatory Commission.

Craig G. Erlanger,

Director, Division of Fuel Cycle Safety, Safeguards, and Environmental Review, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2018–00255 Filed 1–9–18; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon written request, copies available from: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Extension:

Form PF, SEC File No. 270–636, OMB Control No. 3235–0679

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''Paperwork Reduction Act''), the Securities and Exchange Commission (the ''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 204(b)–1 (17 CFR 275.204(b)-1) under the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*) implements sections 404 and 406 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'') by requiring private fund advisers that have at least $150 million in private fund assets under management to report certain information regarding the private funds they advise on Form PF. These advisers are the respondents to the collection of information.

Form PF is designed to facilitate the Financial Stability Oversight Council's (''FSOC'') monitoring of systemic risk in the private fund industry and to assist FSOC in determining whether and how to deploy its regulatory tools with respect to nonbank financial companies. The Commission and the Commodity Futures Trading Commission may also use information collected on Form PF in their regulatory programs, including examinations, investigations and investor protection efforts relating to private fund advisers.

Form PF divides respondents into two broad groups, Large Private Fund Advisers and smaller private fund advisers. ''Large Private Fund Advisers'' are advisers with at least $1.5 billion in assets under management attributable to hedge funds (''large hedge fund advisers''), advisers that manage ''liquidity funds'' and have at least $1 billion in combined assets under management attributable to liquidity funds and registered money market funds (''large liquidity fund advisers''), and advisers with at least $2 billion in assets under management attributable to private equity funds (''large private equity advisers''). All other respondents are considered smaller private fund advisers.

The Commission estimates that most filers of Form PF have already made their first filing, and so the burden hours applicable to those filers will reflect only ongoing burdens, and not start-up burdens. Accordingly, the Commission estimates the total annual reporting and recordkeeping burden of the collection of information for each respondent is as follows:

(a) For smaller private fund advisers making their first Form PF filing, an estimated amortized average annual burden of 23 hours for each of the first three years;

(b) For smaller private fund advisers that already make Form PF filings, an estimated amortized average annual burden of 15 hours for each of the next three years;

(c) For large hedge fund advisers making their first Form PF filing, an estimated amortized average annual burden of 610 hours for each of the first three years;

(d) For large hedge fund advisers that already make Form PF filings, an estimated amortized average annual burden of 560 hours for each of the next three years;

(e) For large liquidity fund advisers making their first Form PF filing, an estimated amortized average annual burden of 588 hours for each of the first three years;

(f) For large liquidity fund advisers that already make Form PF filings, an estimated amortized average annual burden of 280 hours for each of the next three years;

(g) For large private equity advisers making their first Form PF filing, an estimated amortized average annual burden of 67 hours for each of the first three years; and

(h) For large private equity advisers that already make Form PF filings, an estimated amortized average annual burden of 50 hours for each of the next three years.

With respect to annual internal costs, the Commission estimates the collection of information will result in 92 burden hours per year on average for each respondent. With respect to external cost burdens, the Commission estimates a range from $0 to $50,000 per adviser.

Estimates of average burden hours and costs are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the costs of Commission rules and forms. Compliance with the collection of information requirements of Form PF is mandatory for advisers that satisfy the criteria described in Instruction 1 to the Form. Responses to the collection of information will be kept confidential to the extent permitted by law. The Commission does not intend to make

public information reported on Form PF that is identifiable to any particular adviser or private fund, although the Commission may use Form PF information in an enforcement action. 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.

Written comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

Please direct your written comments to Pamela Dyson, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE, Washington, DC 20549; or send an email to: *PRA_Mailbox@sec.gov.*

Dated: January 5, 2018.

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00267 Filed 1–9–18; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–82441; File No. SR–FINRA–2017–036]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Make Technical and Other Non-Substantive Changes Within FINRA Rules

January 4, 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 December 22, 2017, Financial Industry Regulatory Authority, Inc. (''FINRA'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by FINRA. FINRA has designated the proposed rule change as constituting a ''non-controversial'' rule change under paragraph (f)(6) of Rule 19b–4 under the Act,[3] which renders the proposal effective upon receipt of this filing by the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to make technical and other non-substantive changes within FINRA rules.

The text of the proposed rule change is available on FINRA's website at *http://www.finra.org,* at the principal office of FINRA 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, FINRA 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. FINRA 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

On September 13, 2016, the SEC approved changes to FINRA Rules 2210 (Communications with the Public), 2213 (Requirements for the Use of Bond Mutual Fund Volatility Ratings), and 2214 (Requirements for the Use of Investment Analysis Tools) that, among other things, eliminated the filing requirements for investment analysis tool report templates and retail communications concerning such tools and instead requires members to provide FINRA staff with access to investment analysis tools upon request.[4] The implementation date for the changes was January 9, 2017.[5]

The proposed rule change would delete FINRA Rule 2214.03 to eliminate the requirement to re-file a written-report template or retail communication concerning an investment analysis tool, and conform the rule to changes approved in SR–FINRA–2016–018. In addition, the proposed rule change would renumber FINRA Rule 2214.04 through 2214.07 as 2214.03 through 2214.06, accordingly.

Also, the proposed rule change would make technical changes to FINRA Rule 7730 (Trade Reporting and Compliance Engine (TRACE)). On July 11, 2017, the SEC approved SR–FINRA–2017–015, which added the definition of ''End-of-Day TRACE Transaction File'' to Rule 7730 as paragraph (g)(6). On August 4, 2017, the SEC approved SR–FINRA–2017–021, which added ''TRACE Security Activity Report'' also as paragraph (g)(6). The proposed rule change would redesignate Rule 7730(g)(6) (TRACE Security Activity Report) as 7730(g)(7) to avoid duplication.[6]

Finally, the proposed rule change would update a reference in FINRA Rule 9217 (Violations Appropriate for Disposition Under Plan Pursuant to SEA Rule 19b–1(c)(2)) to reflect that FINRA Rule 7430 (Synchronization of Member Business Clocks) has been renumbered as FINRA Rule 4590 (Synchronization of Member Business Clocks) to conform with SEC approval in SR–FINRA–2016–005.[7]

FINRA has filed the proposed rule change for immediate effectiveness. The implementation date for the proposed changes to FINRA Rules 2214 and 9217 will be January 22, 2018. The implementation date for the proposed changes to FINRA Rule 7730 will be February 1, 2018, to coincide with the implementation date of earlier changes to the rule.[8]

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[9] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.19b–4(f)(6).

[4] *See* Securities Exchange Act Release No. 78823 (September 13, 2016), 81 FR 64240 (September 19, 2016) (Order Approving File No. SR–FINRA–2016–018).

[5] *See Regulatory Notice* 16–41 (October 2016).

[6] *See* Securities Exchange Act Release No. 81114 (July 11, 2017), 82 FR 32728 (July 17, 2017) (Order Approving File No. SR–FINRA–2017–015) and Securities Exchange Act Release No. 81318 (August 4, 2017), 82 FR 37484 (August 10, 2017) (Order Approving File No. SR–FINRA–2017–021).

[7] *See* Securities Exchange Act Release No. 77565 (April 8, 2016), 81 FR 22136 (April 14, 2016) (Order Approving File No. SR–FINRA–2016–005); *see also Regulatory Notice* 16–23 (July 2016).

[8] *See Regulatory Notice* 17–36 (November 2017).

[9] 15 U.S.C. 78*o*–3(b)(6).

general, to protect investors and the public interest. FINRA believes the proposed rule change will provide greater clarity to members and the public regarding FINRA's rules by deleting the re-filing requirements in Rule 2214.03 to conform to changes approved in SR–FINRA–2016–018 and by making technical updates in Rules 7730(g)(6) and 9217.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change brings clarity and consistency to FINRA rules without adding any burden on firms.

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 foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act[10] and Rule 19b–4(f)(6) thereunder.[11]

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–FINRA–2017–036 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–FINRA–2017–036. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of FINRA. 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–FINRA–2017–036, and should be submitted on or before January 31, 2018.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Eduardo A. Aleman,

Assistant Secretary.

[FR Doc. 2018–00213 Filed 1–9–18; 8:45 am]

BILLING CODE 8011–01–P

[10] 15 U.S.C. 78s(b)(3)(A).

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice: 10262]

Call for Expert Reviewers To Contribute to the U.S. Government Review of the Intergovernmental Panel on Climate Change (IPCC) Special Report on the Impacts of Global Warming of 1.5 °C Above Preindustrial Levels and Related Global Greenhouse Gas Emission Pathways in the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development and Efforts to Eradicate Poverty. (Special Report on Global Warming of 1.5 °C)

The United States Global Change Research Program *(USGCRP),* in cooperation with the Department of State, requests expert review of the second-order draft of the IPCC Special Report on Global Warming of 1.5 °C, including the first draft of its Summary for Policymakers (SPM).

The United Nations Environment Programme (UNEP) and the World Meteorological Organization (WMO) established the IPCC in 1988. As reflected in its governing documents (the IPCC's ''principles and procedures''), the role of the IPCC is to assess on a comprehensive, objective, open, and transparent basis the scientific, technical, and socio-economic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts and options for adaptation and mitigation. IPCC reports should be neutral with respect to policy, although they may need to deal objectively with scientific, technical, and socio-economic factors relevant to the application of particular policies. The principles and procedures for the IPCC and its preparation of reports can be found at: *https://www.ipcc.ch/pdf/ipcc-principles/ipcc-principles.pdf* and *http://ipcc.ch/pdf/ipcc-principles/ipcc-principles-appendix-a-final.pdf.* At the 44th Session of the Panel (Bangkok, Thailand, October 17–20, 2016), the IPCC approved the outline for the Special Report on Global Warming of 1.5C. Writing team nominations were submitted by the IPCC deadline of December 11, 2016, and author appointments made on January 23, 2017. The Table of Contents for the Special Report can be viewed here: *http://ipcc.ch/meetings/session44/l2_adopted_outline_sr15.pdf.* As reflected in the IPCC's principles and procedures, review is an essential part of the IPCC process. Since the IPCC is an intergovernmental body, review of IPCC documents involves both peer review by experts and review by governments. The

purpose of these reviews is to ensure that the Reports present a comprehensive, objective, and balanced view of the areas they cover.

All IPCC reports go through two broad reviews: a ''first-order draft'' reviewed by experts, and a ''second-order draft'' reviewed by both experts and governments. The IPCC Secretariat has informed the U.S. Department of State that the second-order draft of the Special Report on Global Warming of 1.5 °C is available for Expert and Government Review.

As part of the U.S. Government Review, starting on 8 January 2018, experts wishing to contribute to the U.S. Government review are encouraged to register via the USGCRP Review and Comment System (*https://review.globalchange.gov/*). Instructions and the report itself will be available for download. The USGCRP coordination office will compile U.S. expert comments and submit to the IPCC, on behalf of the Department of State, by the prescribed deadline. U.S. experts have the opportunity to submit properly formatted comments via the USGCRP Review and Comment System (*https://review.globalchange.gov/*) from 8 January to 8 February 2018. To be considered for inclusion in the U.S. Government submission, comments must be received by 8 February 2018.

Experts may choose to provide comments directly through the IPCC's Expert Review process, which occurs in parallel with the U.S. Government Review. Registration opened on 15 December 2017, and runs through 18 February 2018: *https://www.ipcc.ch/apps/comments/sr15/sod/register.php*

The Government and Expert Review of the IPCC Special Report on Global Warming of 1.5 °C ends February 25, 2018.

This notice will be published in the **Federal Register**.

Holly Kirking-Loomis,

Acting Director, Office of Global Change, Department of State.

[FR Doc. 2018–00291 Filed 1–9–18; 8:45 am]

BILLING CODE 4710–09–P

DEPARTMENT OF STATE

[Public Notice: 10257]

Notice of Determinations; Culturally Significant Objects Imported for Exhibition Determinations: ''The Second Buddha: Master of Time'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects to be included in the exhibition ''The Second Buddha: Master of Time,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners or custodians. I also determine that the exhibition or display of the exhibit objects at the Rubin Museum of Art, New York, New York, from on or about February 2, 2018, until on or about January 7, 2019, at the Frances Young Tang Teaching Museum and Art Gallery at Skidmore College, Saratoga Springs, New York, from on or about February 9, 2019, until on or about May 19, 2019, and at possible additional exhibitions or venues yet to be determined, is in the national interest.

FOR FURTHER INFORMATION CONTACT: Elliot Chiu in the Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, SA–5, Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), E.O. 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000 (and, as appropriate, Delegation of Authority No. 257–1 of December 11, 2015). I have ordered that Public Notice of these determinations be published in the **Federal Register**.

Alyson Grunder,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2018–00223 Filed 1–9–18; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2017–0130]

Petition for Waiver of Compliance

Under part 211 of Title 49 Code of Federal Regulations (CFR), this provides the public notice that on December 20, 2017, the Association of American Railroads (AAR), on behalf of itself and its member railroads, petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 232, *Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-of-Train Devices.* FRA assigned the petition Docket Number FRA–2017–0130.

In its petition, AAR requests a waiver of compliance from the requirement of 49 CFR 232.205(b)–*Class I brake test-initial terminal inspection,* 232.209(a)—*Class II brake tests—intermediate inspection,* 232.211(a)—*Class III brake tests-trainline continuity inspection,* and 232.217(c)—*Train brake tests conducted using yard air;* for the common element that the test or inspection must be performed if (among other requirements) the car or cars have been off-air for more than four hours. AAR requests that the four-hour off-air restrictions in these four regulations be replaced by a 24-hour off-air restriction, which would reflect substantial advancements in air brake technology since the rule was promulgated, and would harmonize United States and Canadian operations.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov* and in person at the U.S. Department of Transportation's (DOT) Docket Operations Facility, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590. The Docket Operations Facility is open from 9 a.m. to 5 p.m., Monday through Friday, except Federal Holidays.

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Avenue SE, Room W12–140, Washington, DC 20590, between 9 a.m.

and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by February 26, 2018 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Robert C. Lauby,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2018–00245 Filed 1–9–18; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Limitation on Claims Against Proposed Public Transportation Projects

AGENCY: Federal Transit Administration (FTA), DOT.

ACTION: Notice.

SUMMARY: This notice announces final environmental actions taken by the Federal Transit Administration (FTA) for a project in Seattle, Washington. The purpose of this notice is to announce publicly the environmental decisions by FTA on the subject project and to activate the limitation on any claims that may challenge this final environmental action.

DATES: By this notice, FTA is advising the public of final agency actions subject to Section 139(l) of Title 23, United States Code (U.S.C.). A claim seeking judicial review of FTA actions announced herein for the listed public transportation projects will be barred unless the claim is filed on or before June 11, 2018.

FOR FURTHER INFORMATION CONTACT: Nancy-Ellen Zusman, Assistant Chief Counsel, Office of Chief Counsel, (312) 353–2577 or Alan Tabachnick, Environmental Protection Specialist, Office of Environmental Programs, (202) 366–8541. FTA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 9:00 a.m. to 5:00 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: Notice is hereby given that FTA has taken final agency action by issuing a certain approval for the public transportation project listed below. The actions on the project, as well as the laws under which such actions were taken, are described in the documentation issued in connection with the project to comply with the National Environmental Policy Act (NEPA) and in other documents in the FTA administrative record for the project. Interested parties may contact either the project sponsor or the FTA Regional Office for more information. Contact information for FTA's Regional Offices may be found at *https://www.fta.dot.gov.*

This notice applies to all FTA decisions on the listed project as of the issuance date of this notice and all laws under which such actions were taken, including, but not limited to, NEPA [42 U.S.C. 4321–4375], Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303], Section 106 of the National Historic Preservation Act [16 U.S.C. 470f], and the Clean Air Act [42 U.S.C. 7401–7671q]. This notice does not, however, alter or extend the limitation period for challenges of project decisions subject to previous notices published in the **Federal Register**. The project and action that is the subject of this notice follow:

Project name and location: Madison Street Bus Rapid Transit Project, Seattle, Washington. *Project Sponsor:* Seattle Department of Transportation (SDOT). *Project description:* The project establishes a 2.3-mile long bus rapid transit (BRT) corridor with 10 BRT station areas with 20 directional platforms, new Transit Only Lanes (TOLs) and Business Access & Transit (BAT) lanes, pedestrian and bicycle improvements, and signal and utility upgrades. The Project will also add Transit Signal Priority (TSP) at most signalized corridor intersections between 7th Avenue and MLK Jr. Way.

Final agency actions: Determination that there is no use of Section 4(f) resources; Section 106 finding of no adverse effect dated April 13, 2017, project-level air quality conformity, and a determination of the applicability of a Documented Categorical Exclusion pursuant to 23 CFR 771.118(d) dated December 27, 2017. *Supporting documentation:* Documented Categorical Exclusion checklist and supporting materials dated December 2017.

Lucy Garliauskas,

Associate Administrator Planning and Environment.

[FR Doc. 2018–00243 Filed 1–9–18; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2017–0097; Notice 1]

General Motors, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), U.S. Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: General Motors, LLC (GM), has determined that the seat belt assemblies in certain model year (MY) 2017–2018 Chevrolet Silverado and GMC Sierra heavy duty motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 209, *Seat Belt Assemblies.* GM filed a noncompliance report dated September 14, 2017, and amended it on September 22, 2017. GM also petitioned NHTSA on October 6, 2017, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety.

DATES: The closing date for comments on the petition is February 9, 2018.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver comments by hand to U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.

• Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000, (65 FR 19477–78).

SUPPLEMENTARY INFORMATION:

I. *Overview:* GM has determined that the seat belt assemblies in certain MY 2017–2018 Chevrolet Silverado and GMC Sierra heavy duty motor vehicles do not fully comply with paragraphs S4.4(b)(5) of FMVSS No. 209, *Seat Belt Assemblies.* GM filed a noncompliance report dated September 14, 2017, and amended it on September 22, 2017, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* GM also petitioned NHTSA on October 6, 2017, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety.

This notice of receipt of GM petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Approximately 38,048 MY 2017–2018 Chevrolet Silverado and GMC Sierra heavy duty motor vehicles, manufactured between July 18, 2016, and August 7, 2017, are potentially involved.

The double cab versions of the subject vehicles are not included in this petition.

III. *Noncompliance:* GM explains that the noncompliance is that the subject vehicles were equipped with seat belt assemblies that do not conform to the upper-torso seat belt elongation requirements specified in paragraph S4.4(b)(5) of FMVSS No. 209. Specifically, the seat belt assemblies were built with load-limiting torsion bars measuring 9.5 mm on the driver side and 8.0 mm in diameter on the passenger side, instead of 12 mm as specified by GM.

IV. *Rule Text:* Paragraph S4.4(b)(5) of FMVSS No. 209 states, in pertinent part:

S4.4 *Requirements for assembly performance.*

. . .

(b) *Type 2 seat belt assembly.* Except as provided in S4.5, the components of a Type 2 seat belt assembly including webbing, straps, buckles, adjustment and attachment hardware, and retractors shall comply with the following requirements when tested by the procedure specified in S5.3(b): . . .

(5) The length of the upper torso restraint between anchorages shall not increase more than 508 mm when subjected to a force of 11,120N. . . .

V. *Summary of GM's Petition:* As background, GM stated that smaller diameter torsion bars are regularly used in retractor assemblies in full size trucks—including variants of the subject vehicles—that are subject to S5.1 of FMVSS No. 208, and thus exempt from S4.4(b)(5) of FMVSS No. 209. GM says this is because, when combined with a deploying frontal airbag, the seat belt retractors equipped with lower diameter torsion bars provide at least the same level of occupant protection in frontal crashes while optimizing belt force deflection characteristics. However, the subject vehicles were not certified to S5.1 of FMVSS No. 208 and, accordingly, were not intended to be equipped with these smaller diameter torsion bars because they were required to meet the elongation requirements of S4.4(b)(5) of FMVSS No. 209

GM described the subject noncompliance and stated its belief that the noncompliance is inconsequential as it relates to motor vehicle safety.

In support of its petition, GM submitted the following reasoning:

A. Testing data indicates that the Subject Vehicles Meet the Belted Frontal Crash Performance Testing Requirements of S5.1 of FMVSS No. 208: GM has conducted dynamic frontal crash testing on 2500 series vehicles that were substantially similar to the subject vehicles and were equipped with the same load-limiting seat belt retractors with the lower-diameter torsion bars (the ''Tested Vehicles'').[1] The tested vehicles comply with the belted frontal crash performance testing requirements under S5.1.1(a) of FMVSS No. 208.[2] In fact, the tested vehicles performed below the injury assessment reference limits specified in S5.1.1(a) even when tested at 35 mph, which subjects the vehicle to 36% more energy than at the 30 mph testing standard provided in the regulation. The tested vehicles were also rated by NHTSA with an overall 4-Star NCAP score.

GM expects that the subject vehicles will perform nearly the same as the tested vehicles in dynamic frontal crash testing, and would therefore also meet all of the belted barrier test requirements specified by S5.1.1(a) of FMVSS No. 208.

GM believes, consistent with NHTSA's past guidance,[3] that the dynamic belted frontal barrier crash testing of S5.1.1(a) of FMVSS No. 208 is a more appropriate means to evaluate occupant protection than the static seat belt elongation testing requirements of S4.4(B)(5) of FMVSS No. 209 for

[1] The subject vehicles and tested vehicles share the same frame, body structure, powertrains and under-hood crush space; instrument panel, steering column and wheel, seats, seat-belt anchorages, and general interior vehicle layout/spatial relationships; and driver and passenger frontal airbags. In similar configurations, the subject vehicles and test vehicles have similar mass.

[2] S5.1.1(a) of FMVSS No. 208 specifies the belted barrier test requirements for certain vehicles not certified to S14 of FMVSS No. 208 (*i.e.* those with a GVW >8,500 lbs. or an unloaded weight >5,500 lbs).

[3] In its 1991 rulemaking modifying FMVSS No. 209 to exclude certain dynamically tested seat belts from some of the static seat-belt testing requirements, NHTSA acknowledged that it ''has long believed it more appropriate to evaluate the occupant protection afforded by vehicles by conducting dynamic testing . . .'' versus static tests such as the elongation requirements in S4.4(b)(5) of FMVSS No. 209. Final Rule, 56 FR 15295, 15295 (April 16, 1991). Further, ''[s]ince the dynamic test measures the actual occupant protection which the belt provides during a crash, there is no apparent need to subject that belt to static testing procedures that are surrogate and less direct measures of the protection which the belt would provide to its occupant during a crash.'' Notice of Proposed Rulemaking, 55 FR 1681 (January 18, 1990) (emphasis added). NHTSA's rationale for creating these exemptions applies to the subject vehicles even though they may not all technically be ''subject to'' S5.1 of FMVSS No. 208 and therefore exempt from FMVSS No. 209's elongation requirements.

vehicles with seat belts equipped with load limiters.

B. GM believes the subject vehicles will provide no less protection to occupants in a frontal crash than vehicles equipped with seat belt retractors utilizing the 12 mm torsion bars: GM believes that replacing the retractors installed in the subject vehicles with retractors that have the larger torsion bars would not result in an added safety benefit to the occupants of these vehicles in frontal crashes. That is, the subject vehicles will provide no less occupant protection than vehicles built with the larger 12 mm diameter torsion bars that meet the elongation requirements of S4.4(b)(5) of FMVSS No. 209. Further, seat belt retractors equipped with the lower-diameter torsion bars may reduce upper torso injury potential in frontal crashes as compared to retractors with the larger-diameter torsion bars.

C. NHTSA precedent supports granting this petition: NHTSA has previously ruled that failure to comply with certain of FMVSS No. 209's static testing requirements can be inconsequential to motor vehicle safety where the manufacturer demonstrates by dynamic testing that the noncompliant seat belt assembly preforms similarly to a compliant assembly. On May 3, 2002, GM submitted an inconsequentiality petition to NHTSA relating to certain trucks and SUV's that were built with damaged and inoperative ''vehicle-sensitive'' emergency-locking retractors (ELRs), which lock the seat belts under rapid deceleration. Notwithstanding the noncompliance with FMVSS No. 209 caused by this condition, GM asserted that the failure was inconsequential to vehicle safety because the ELRs in these vehicles also had a redundant ''webbing-sensitive'' mechanism, which locks the belts when the webbing is rapidly extracted. GM presented dynamic testing data (including some data developed using the test procedures set forth in FMVSS No. 208) demonstrating that the webbing-sensitive system ''offered a level of protection nearly equivalent to that provided by a compliant ELR.''

NHTSA granted GM's petition, in part, and ruled the noncompliance in certain of the vehicles subject to the petition was inconsequential to motor vehicle safety:

> [O]n the basis of the sled test and simulation data provided by GM, the agency has concluded that GM has adequately demonstrated that the potential safety consequences of the failure of the vehicle-sensitive locking mechanisms in the ELRs in the C/K vehicles to function properly are inconsequential. While the webbing-sensitive systems in these vehicles do allow slightly increased belt payout compared to a functional vehicle-sensitive system, and lock slightly later in crash event, these differences do not appear to expose a vehicle occupant to a significantly greater risk of injury.

General Motors Corporation, Ruling on Petition for Determination of Inconsequential Noncompliance, 69 FR 19897, 19900 (April 14, 2004). In its decision, NHTSA also noted specifically that ''the dummy injury measurements did not increase significantly and were well below the maximum values permitted under FMVSS No. 208.''

Here, GM expects that the subject vehicles will provide no less protection to occupants in the designated seating positions in frontal crashes than vehicles equipped with seat belt retractors conforming to S4.4(b) of FMVSS No. 209.

D. GM is not aware of any injuries or customer complaints associated with this condition: After searching VOQ, TREAD and internal GM databases, GM is not aware of any crashes, injuries, or customer complaints associated with this condition.

E. GM has corrected the noncompliance in vehicle production and in service parts inventory: GM has corrected the noncompliance in production. Vehicles produced after August 7, 2017, have seat belt assemblies containing retractor torsion bars that meet GM's original specifications and comply with S4.4(b) of FMVSS No. 209. Retractor assemblies with this condition that were manufactured as service parts are no longer available for sale and all affected inventory has been purged. Any such seat belt assembly previously sold as service parts could only have been installed on a subject vehicle because these seat belt assemblies are not compatible with prior model year (*i.e.* 2015 or 2016) versions of the Silverado or Sierra HD due to a different type of wiring connector used.

GM concluded by expressing the belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

To view GM's petition, analyses, and test data in their entirety, you can visit *https://www.regulations.gov.* Follow the online instructions for accessing the dockets and search for the docket ID number for this petition shown in the heading of this notice.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that GM no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after GM notified them that the subject noncompliance existed.

Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8.

Jeffrey M. Giuseppe,

Associate Administrator for Enforcement.

[FR Doc. 2018–00221 Filed 1–9–18; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Action

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is removing the name of one individual whose property and interests in property have been blocked pursuant to an executive order issued on January 23, 1995, titled ''Prohibiting Transactions with Terrorists Who Threaten to Disrupt the Middle East Peace Process,'' from the list of Specially Designated Nationals and Blocked Persons (SDN List).

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date.

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 SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*www.treasury.gov/ofac*).

Notice of OFAC Action

The following person is removed from the SDN List, effective as of January 4, 2018.

Individual

1. SHAQAQI, Fathi; Secretary General of PALESTINIAN ISLAMIC JIHAD–SHIQAQI (individual) [SDT].

Dated: January 3, 2018.

Andrea Gacki,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2018–00228 Filed 1–9–18; 8:45 am]

BILLING CODE 4810–AL–P

INSTITUTE OF PEACE

Notice of Meeting

AGENCY: United States Institute of Peace.

DATE/TIME: Friday, January 19, 2018 (10:00 a.m.–1:00 p.m.).

LOCATION: 2301 Constitution Avenue NW, Washington, DC 20037.

STATUS: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

AGENDA: January 19, 2018 Board Meeting: Chairman's Report; Vice Chairman's Report; President's Report; Approval of Minutes of the One Hundred and Sixty Fourth Meeting (October 20, 2017) of the Board of Directors; Reports from USIP Board Committees; Stoplight Presentation; Non-Violent Action Report; and Burma Update.

CONTACT: William B. Taylor, Executive Vice President: *wtaylor@usip.org.*

Dated: January 5, 2018.

William B. Taylor,

Executive Vice President.

[FR Doc. 2018–00269 Filed 1–9–18; 8:45 am]

BILLING CODE 6820–AR–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0565]

Agency Information Collection Activity Under OMB Review: State Application for Interment Allowance

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 February 9, 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. 2900–0565'' 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. 2900–0565'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 2302 and 2303.

Title: State Application for Interment Allowance Under 38 U.S.C. Chapter 23 (VA Form 21P–530a).

OMB Control Number: 2900–0565.

Type of Review: Extension without change of a currently approved collection.

Abstract: VA Form 21P–530A is used to gather information that is necessary to determine whether a State is eligible for interment allowances for eligible veterans who have been buried in a State Veteran's cemetery. Without this information, VA would be unable to properly determine eligibility and pay benefits due to a State. This form solicits information necessary to determine eligibility to internment allowance benefits.

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 Vol. 82, No. 205, Wednesday, October 25, 2017, pages 49482–49483.

Affected Public: State, Local, and Tribal Governments.

Estimated Annual Burden: 1,550 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 3,100.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–00231 Filed 1–9–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0704]

Agency Information Collection Activity: DoD Referral to Integrated Disability Evaluation System (IDES)

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration, Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 12, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of

Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0704'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Public Law 104–13; 44 U.S.C. 3501–3521.

Title: DoD Referral to Integrated Disability Evaluation System (IDES) VA Form 21–0819.

OMB Control Number: 2900–0704.

Type of Review: Revision of a currently approved collection.

Abstract: VA Form 21–0819 is used to gather the necessary information to determine eligibility for active duty service members who may be eligible for DoD Disability Evaluation Board and VA compensation. Without this information, determination of entitlement would not be possible.

Affected Public: Individuals and households.

Estimated Annual Burden: 3,500 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 14,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–00233 Filed 1–9–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0688]

Agency Information Collection Activity: Department of Veterans Affairs Acquisition Regulation (VAAR), Security for Government Financing

AGENCY: The Office of Management (OM), Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Management (OM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before March 12, 2018.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Ricky Clark, Office of Acquisition and Logistics (003A2A), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420 or email to *Ricky.Clark@va.gov.* Please refer to ''OMB Control No. 2900–0688'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor at (202) 461–5870.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OM functions, including whether the information will have practical utility; (2) the accuracy of OM estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Authority: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C. 3501–3521).

Title: Department of Veterans Affairs Acquisition Regulation (VAAR) 832.202–4, Security for Government Financing.

OMB Control Number: 2900–0688.

Type of Review: Extension of a currently approved collection.

Abstract: This request for an extension is for VAAR 832.202–4, Security for Government Financing. FAR subpart 32.2 authorizes the use of certain types of Government financing on commercial item purchases. 41 U.S.C. 255(f) requires the Government to obtain adequate security for Government financing. However, FAR 32.202–4(a)(2) provides that, subject to agency regulations, the contracting officer may determine that an offeror's financial condition is adequate security. VAAR 832.202–4, Security for Government Financing, specifies the type of information that the contracting officer may obtain to determine whether or not the offeror's financial condition constitutes adequate security.

The information that is gathered under VAAR 832.202–4 will be used by the VA contracting officer to assess whether or not the contractor's overall financial condition represents adequate security to warrant paying the contractor in advance.

Affected Public: Business or other for-profit and not-for-profit institutions.

Estimated Annual Burden: VAAR 832.202–4—10 Burden Hours.

Estimated Average Burden per Respondent: VAAR 832.202–4—1 Hour.

Frequency of Response: On occasion.

Estimated Number of Respondents: VAAR 832.202–4—10.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–00235 Filed 1–9–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0590]

Agency Information Collection Activity Under OMB Review: Department of Veterans Affairs Acquisition Regulation (VAAR), Indemnification and Medical Liability Insurance; Indemnification and Medical Liability Insurance; and Report of Employment Under Commercial Activities

AGENCY: Office of Acquisition and Logistics, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Office of Acquisition and Logistics, 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 February 9, 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. 2900–0590'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Cynthia Harvey-Pryor, Enterprise Records Service (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, (202) 461–5870 or email *cynthia.harvey-pryor@va.gov.* Please refer to ''OMB Control No. 2900–0590'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 44 U.S.C. 3501–21.

Title: Department of Veterans Affairs Acquisition Regulation (VAAR) Clauses 852.237–7, Indemnification and Medical Liability Insurance; 852.228–71, Indemnification and Medical Liability Insurance; and 852.207–70, Report of Employment Under Commercial Activities.

OMB Control Number: 2900–0590.

Type of Review: Extension of a currently approved information collection.

Abstract: VAAR clause 852.237–7, Indemnification and Medical Liability Insurance, is used in lieu of Federal Acquisition Regulation (FAR) clause 52.237–7, Indemnification and Medical Liability Insurance, in solicitations and contracts for the acquisition of non-personal health care services. It requires the apparent successful bidder/offeror, upon the request of the contracting officer, prior to contract award, to furnish evidence of insurability of the offeror and/or all health-care providers who will perform under the contract. In addition, the clause requires the contractor, prior to commencement of services under the contract, to provide Certificates of Insurance or insurance policies evidencing that the firm possesses the types and amounts of insurance required by the solicitation. The information is required in order to protect VA by ensuring that the firm to which award may be made and the individuals who may provide health care services under the contract are insurable and that, following award, the contractor and its employees will continue to possess the types and amounts of insurance required by the solicitation. It helps ensure that VA will not be held liable for any negligent acts of the contractor or its employees and ensures that VA and VA beneficiaries will be protected by adequate insurance coverage.

VAAR clause 852.228–71, Indemnification and Insurance, is used in solicitations for vehicle or aircraft services. It requires the apparent successful bidder/offeror, prior to contract award, to furnish evidence that the firm possesses the types and amounts of insurance required by the solicitation. This evidence is in the form of a certificate from the firm's insurance company. The information is required to protect VA by ensuring that the firm to which award will be made possesses the types and amounts of insurance required by the solicitation. It helps ensure that VA will not be held liable for any negligent acts of the contractor and ensures that VA beneficiaries and the public are protected by adequate insurance coverage.

VAAR clause 852.207–70, Report of Employment Under Commercial Activities, is used in solicitations for commercial items and services where the work is currently being performed by VA employees and where those employees might be displaced as a result of an award to a commercial firm. The clause requires contractors awarded such contracts to provide, within 5 days of contract award, a list of employment openings, including salaries and benefits, and blank job application forms. The clause also requires the contractor, prior to the contract start date, to report: The names of adversely affected Federal employees offered employment openings; the date the offer was made; a description of the position; the date of acceptance and the effective date of employment; the date of rejection if an employee rejected an offer; the salary and benefits contained in any rejected offer; and the names of employees who applied for but were not offered employment and the reasons for withholding offers to those employees. In addition, the clause requires the contractor, during the first 90 days of contract performance, to report the names of all persons hired or terminated under the contract. The information will be used by the contracting officer to monitor and ensure compliance by the contractor with the requirements of FAR clause 52.207–3, Right of First Refusal of Employment. VA uses the information to determine whether additional contract terms and conditions are necessary to mitigate the conflict. 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.

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 82 FR 44030 on September 20, 2017.

Affected Public: Business or other for-profit and not-for-profit institutions.

Estimated Annual Burden:

a. VAAR Clause 852.237–7, Indemnification and Medical Liability Insurance—750 hours.

b. VAAR clause 852.228–71, Indemnification and Insurance—250 hours.

c. VAAR clause 852.207–70, Report of Employment Under Commercial Activities—15 hours.

Estimated Average Burden per Respondent:

a. VAAR Clause 852.237–7, Indemnification and Medical Liability Insurance—30 minutes.

b. VAAR clause 852.228–71, Indemnification and Insurance—30 minutes.

c. VAAR clause 852.207–70, Report of Employment Under Commercial Activities—30 minutes per report.

Frequency of Response:

a. VAAR Clause 852.237–7, Indemnification and Medical Liability Insurance—1 per each contract awarded.

b. VAAR clause 852.228–71, Indemnification and Insurance—1 per each contract awarded.

c. VAAR clause 852.207–70, Report of Employment Under Commercial Activities—3 reports per contract awarded.

Estimated Number of Respondents:

a. VAAR Clause 852.237–7, Indemnification and Medical Liability Insurance—1500.

b. VAAR clause 852.228–71, Indemnification and Insurance—500.

c. VAAR clause 852.207–70, Report of Employment Under Commercial Activities—10.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–00234 Filed 1–9–18; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0108]

Agency Information Collection Activity Under OMB Review: Report of Income From Property or Business

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 February 9, 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. 2900–0108'' 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. 2900–0108'' in any correspondence.

SUPPLEMENTARY INFORMATION:

Authority: 38 U.S.C. 1521, 1541, 1315.

Title: Report of Income From Property or Business, VA Form 21P–4185.

OMB Control Number: 2900–0108.

Type of Review: Extension without change of a currently approved collection.

Abstract: A claimant's eligibility to Pension or Parents' Dependency and Indemnity Compensation (DIC) is determined, in part, by the claimant's countable income. Authority is found at 38 U.S.C. 1521, 38 U.S.C. 1541, and 38 U.S.C. 1315. VA Form 21P–4185 is used to gather information that is necessary to determine a claimant's countable income received from rental property and/or operation of a business. Some expenses associated with rental property and business operation are deductible from the gross income received. Complete information about expenses and income is necessary in order to determine the net amount of income that is countable. The information is used to determine eligibility for VA benefits, and, if eligibility exists, the proper rate of payment.

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 Vol. 82, No. 205, Wednesday, October 25, 2017, page 49482.

Affected Public: Individuals and households.

Estimated Annual Burden: 3,500 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Once.

Estimated Number of Respondents: 7,000.

By direction of the Secretary.

Cynthia Harvey-Pryor,

Department Clearance Officer, Office of Quality, Privacy and Risk, Department of Veterans Affairs.

[FR Doc. 2018–00230 Filed 1–9–18; 8:45 am]

BILLING CODE 8320–01–P

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